

RON JOHNSON, WISCONSIN, CHAIRMAN

JOHN McCAIN, ARIZONA  
ROB PORTMAN, OHIO  
RAND PAUL, KENTUCKY  
JAMES LANKFORD, OKLAHOMA  
MICHAEL B. ENZI, WYOMING  
JOHN HOEVEN, NORTH DAKOTA  
STEVE DAINES, MONTANA

CLAIRE McCASKILL, MISSOURI  
THOMAS R. CARPER, DELAWARE  
HEIDI HEITKAMP, NORTH DAKOTA  
GARY C. PETERS, MICHIGAN  
MARGARET WOOD HASSAN, NEW HAMPSHIRE  
KAMALA D. HARRIS, CALIFORNIA  
DOUG JONES, ALABAMA

# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

CHRISTOPHER R. HIXON, STAFF DIRECTOR  
MARGARET E. DAUM, MINORITY STAFF DIRECTOR

August 30, 2018

The Honorable Wilbur Ross  
Secretary  
U.S. Department of Commerce  
1401 Constitution Ave., N.W.  
Washington, D.C. 20230

Dear Secretary Ross:

The Committee on Homeland Security and Governmental Affairs is continuing to conduct oversight of this Administration's trade policies, and the steel and aluminum tariff exclusion process. On August 9, 2018, Chairman Johnson wrote to you requesting information regarding the process by which businesses may apply for exclusions from the steel and aluminum tariffs.<sup>1</sup> The letter requested a response and briefing by no later than 5:00 p.m. on August 23, 2018.<sup>2</sup> To date, the Committee has not received a response from the Commerce Department.

The Commerce Department's inability to respond to congressional oversight is unacceptable. As Chairman Johnson noted in the letter, many businesses have raised concerns about the burdensome exclusion process.<sup>3</sup> The public has a right to know how the Department determines whether to approve or deny exclusion requests. Businesses that are struggling to comply with the uncertainty of the exclusion process deserve clear answers. If the Department does not produce the information by September 13, 2018, the Committee may be forced to consider use of compulsory process.

In addition to the materials Chairman Johnson requested on August 9, 2018, we respectfully request the following information:

1. Please produce all documents and communications between or among employees, agents, or contractors of the Commerce Department and employees, agents, or contractors of domestic steel and aluminum companies from September 1, 2017 to the present referring

---

<sup>1</sup> Letter from Sen. Ron Johnson, Chairman, S. Comm. on Homeland Sec. & Gov't Affairs, to Wilbur Ross, Secretary, Dep't of Commerce (Aug. 9, 2018).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*; *Examining the Effect of Tariffs on Wisconsin Businesses: Roundtable Before the S. Comm. on Homeland Sec. & Gov't Affairs*, 115th Cong. (Milwaukee, WI) (July 16, 2018); Email exchange between Wisconsin business and Senate HSGAC Maj. Comm. staff (Aug. 5, 2018) (on file with staff); Ana Swanson and Tiffany Hsu, *Companies Get First Tariff Waivers, but Many More Are Left in Limbo*, NY TIMES (June 22, 2018), <https://www.nytimes.com/2018/06/22/us/politics/trump-tariff-waivers.html>.

The Honorable Wilbur Ross

August 30, 2018

Page 2

or relating to the steel and aluminum tariffs, the tariff exclusion process, or objections to tariff exclusions.

2. Please produce all documents and communications between or among employees, agents, or contractors of the Commerce Department and employees of the Executive Office of the President from January 1, 2018 to the present referring or relating to the tariff exclusion process or objections to tariff exclusions.

If you have any questions, please ask your staff to contact Josh McLeod or Scott Wittmann with Chairman Johnson's staff at (202) 224-4751 or Sarah Garcia and Thomas Richards with Ranking Member McCaskill's staff at (202) 224-2627. Thank you for your attention to this matter.

Sincerely,



Ron Johnson  
Chairman



Claire McCaskill  
Ranking Member

cc: The Honorable Robert Lighthizer  
United States Trade Representative

Mr. Peter Navarro  
Director, National Trade Council

Enclosure