

# United States Senate

WASHINGTON, DC 20510

June 11, 2021

The Honorable Gina Raimondo  
Secretary of Commerce  
U.S. Department of Commerce  
1401 Constitution Avenue NW  
Washington, D.C. 20230

Dear Secretary Raimondo:

We are writing regarding the Department of Commerce's ("Commerce") completed investigations under Section 232 of the Trade Expansion Act of 1962.<sup>1</sup>

Commerce initiated Section 232 investigations on auto imports in May 2018,<sup>2</sup> uranium ore and product imports in July 2018,<sup>3</sup> titanium sponges in March 2019,<sup>4</sup> transformers and their components in May 2020,<sup>5</sup> and imports of Vanadium in June 2020.<sup>6</sup> None of these reports have been made public or shared with Congress.

Federal law and longstanding federal regulation compel the entire release of these reports to Congress, and all but the sections containing business confidential information to the public. In particular, the following legal authorities compel such disclosure:

- 19 U.S.C. § 1862(d)(1): "Upon the disposition of each request, application, or motion under subsection (b), the Secretary shall submit to the Congress, and publish in the Federal Register, a report on such disposition."
- 15 C.F.R. § 705.10(c): "An Executive Summary of the Secretary's report to the President of an investigation, excluding any classified or proprietary information, shall be published in the Federal Register. Copies of the full report, excluding any classified or proprietary information, will be available for public inspection and copying . . . ."
- Consolidated Appropriations Act, 2020, Pub. L. No. 116-93, § 112, 133 Stat. 2317 (2019): "(1) publish in the Federal Register the report on the findings of the investigation into the effect on national security of imports of automobiles

---

<sup>1</sup> P.L. 87-794; 19 U.S.C. §1862.

<sup>2</sup> 83 Fed. Reg. 24, 735 (May 30, 2018), <https://www.federalregister.gov/documents/2018/05/30/2018-11708/notice-of-request-for-public-comments-and-public-hearing-on-section-232-national-security>.

<sup>3</sup> 83 Fed. Reg. 35,204 (Jul. 25, 2018), <https://www.federalregister.gov/documents/2018/07/25/2018-15891/notice-of-request-for-public-comments-on-section-232-national-security-investigation-of-imports-of>.

<sup>4</sup> 84 Fed. Reg. 8503 (Mar. 8, 2019), <https://www.federalregister.gov/documents/2019/03/08/2019-04209/notice-of-request-for-public-comments-on-section-232-national-security-investigation-of-imports-of>.

<sup>5</sup> 85 Fed. Reg. 29,926 (May 19, 2020), <https://www.federalregister.gov/documents/2020/05/19/2020-10715/notice-of-request-for-public-comments-on-section-232-national-security-investigation-of-imports-of>.

<sup>6</sup> 85 Fed. Reg. 34179 (June 3, 2020), <https://www.federalregister.gov/documents/2020/06/03/2020-11926/notice-of-request-for-public-comments-on-section-232-national-security-investigation-of-imports-of>.

and automotive parts . . . [and] (2) submit to Congress any portion of the report that contains classified information, which may be viewed only by Members of Congress and their staff with appropriate security clearances.”

The release of these reports is not only required by law, but also consistent with the administration’s own policy on transparency. President Biden’s Memorandum on Revitalizing America’s Foreign Policy and National Security Workforce, Institutions, and Partnerships states that transparency is a core principle that each executive department will implement. Specifically, the memorandum states: “In a democracy, the public deserves as much transparency as possible regarding the work of our national security institutions, consistent with legitimate needs to protect sources and methods and sensitive foreign relationships.”<sup>7</sup>

Accordingly, I ask that you provide all of these reports to the Senate Security Office—no later than close of business June 25, 2021—so Members can review the reports in their entirety, and that you publish the reports, except for business confidential information, as soon as possible.

Thank you for your attention to this matter.

Sincerely,



---

Pat Toomey  
Ranking Member  
Committee on Banking, Housing, and Urban Affairs  
United States Senate



---

Mike Crapo  
Ranking Member  
Committee on Finance  
United States Senate

---

<sup>7</sup> Memorandum on Revitalizing America’s Foreign Policy and National Security Workforce, Institutions, and Partnerships, February 4, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/04/memorandum-revitalizing-americas-foreign-policy-and-national-security-workforce-institutions-and-partnerships/>.