



UNITED STATES DEPARTMENT OF COMMERCE
Assistant Secretary for Legislative
and Intergovernmental Affairs
Washington, D.C. 20230

June 30, 2020

The Honorable Bill Pascrell, Jr.
U. S. House of Representatives
Washington, D.C. 20510

Dear Representative Pascrell:

Thank you for your March 12, 2019, letter requesting an investigation under Section 232 of the Trade Expansion Act of 1962 into “imports of carbon emissions.” The Secretary appreciates your interest in the Department’s Section 232 investigations into the effects of imports of certain articles on the national security of the United States, as well as your expressed concern for U.S. security, public health, and economic prosperity.

After careful review of your request, Secretary Ross will not initiate an investigation into “imports of carbon emissions” under Section 232. As you note in your letter, during a Section 232 investigation, the Department considers the national security impact of the imports of a given article, including specifically the impact of foreign competition on the domestic industry related to those articles. Among the other factors the Secretary is instructed to consider by the statute, and which you reference in your letter, are “domestic production needed for projected national defense requirements,” and the “serious effects resulting from the displacement of any domestic products by excessive imports.” 19 U.S.C. § 1862(d).

These factors and others referenced in the statute all relate to the retention and growth of domestic production capacity for commercial goods where that production capacity is important to national security. Accordingly, based on the criteria set forth in the statute, “imports of carbon emissions” are not amenable to an adjustment of imports permitted by Section 232.

Should you have additional questions, please contact me at (202) 482-1148.

Sincerely,

Anthony Foti
Performing the Delegated Duties of the
Assistant Secretary for Legislative
and Intergovernmental Affairs