

United States Senate

WASHINGTON, DC 20510

October 23, 2025

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

Dear Secretary Lutnick:

We write to convey our significant concerns with the actions taken by the Department of Commerce to pursue national security tariffs under Section 232 of the Trade Expansion Act of 1962. While we acknowledge the potential impact that certain imports could have on the national security of the United States, the Trump Administration's unprecedented use of this statute—in both scope and frequency—is not protecting our national security, but threatening it. Trump's tariffs are putting U.S. jobs, economic competitiveness, and credibility at risk by driving up costs for American businesses and consumers, creating significant uncertainty and confusion for importers, and alienating our allies. The reliance on Section 232 to pursue tariffs on everything from cars to household appliances and kitchen cabinets stretches the limited authority delegated by Congress. Further, the Commerce Department has run an opaque, unaccountable process, making decisions behind closed doors, with no justification and with limited opportunity for the American public to weigh in on the tariffs they will have to pay.

From 1995 to 2017, the United States initiated only two investigations under Section 232, and neither resulted in the imposition of duties on the relevant imports.¹ After initiating seven investigations during his first term, Donald Trump has now, in less than 10 months, opened 12 new investigations, significantly expanded the scope of existing Section 232 tariffs on steel and aluminum, resurrected the Section 232 action on autos and auto parts, and announced that more Section 232 investigations are yet to come. With each new invocation of authority under Section 232, the Trump Administration's claims that all of these actions are necessary to protect vital U.S. national security interests become less credible. It is clear that the Trump Administration considers Section 232 yet another tool for imposing tariffs for general industrial policy, rather than a limited authority granted by Congress to address national security threats.

In addition to stretching the meaning of national security, the Administration's actions under Section 232 have demonstrated a range of pervasive procedural and substantive deficiencies:

- **Limited Public Engagement:** You have provided only limited time for public comment, depriving many interested parties of a meaningful opportunity to present information and

¹ CRS Report, Section 232 of the Trade Expansion Act of 1962 (7/16/2025), available at <https://www.congress.gov/crs-product/IF13006#:~:text=Article%20I%2C%20Section%208%20of,232.>

advice relevant to an investigation—and depriving the Commerce Department of valuable input. For the investigations this year, Commerce has provided three weeks or less for public comment, which is plainly insufficient given the scope of the investigations and the volume of information requested. Limiting the opportunity for the public to provide meaningful input prevents Commerce and the President from making fully informed decisions on whether action is needed and, if so, how to minimize the negative impact on American families and businesses. Commerce has also moved to implement new 232 tariffs—and make modifications and additions—without sufficient notice to, or input from, U.S. importers. For example, on August 19, 2025, following a period of only 14 days to comment on potential inclusions, Commerce published in the Federal Register a list of 407 types of products—ranging from condensed milk to gym equipment²—that would be subject to the 50 percent steel and aluminum 232 tariffs. At the time of publication, Commerce made the tariffs on these new products retroactive to the previous day, giving businesses no time to adjust supply chains or prepare for the added expense.

- **Lack of Transparency:** The public and interested stakeholders have also been prevented from fully engaging due to the lack of transparency that has plagued the 232 actions under this Administration. Upon completing a 232 investigation, the Secretary must submit to the President—and publish in the Federal Register—a report on the findings of the investigation and recommendations for action or inaction.³ Despite President Trump’s announcement of tariffs on copper products, wood products, pharmaceuticals, and heavy trucks, you have not published any of the reports supposedly supporting the President’s actions. In addition, anytime the President decides to impose or modify Section 232 tariffs, the President is required—within 30 days—to submit to Congress a written explanatory statement.⁴ President Trump has provided no such statements to Congress, despite imposing and/or modifying tariffs on steel, aluminum, and derivative products; autos and parts; copper and derivative products; and lumber, timber, and wood products. In other words, President Trump has unilaterally decided to tax imported goods without justifying the decision to the Americans who are paying these taxes.
- **Lack of Objectivity:** Finally, public confidence in the integrity of the 232 process has been continually undermined by statements that you, the President, and others in the Administration have made to the press. The 232 statute and regulations require Commerce to undertake certain consultations and follow specific criteria in conducting investigations.⁵ However, rather than conducting an objective assessment of whether the relevant imports threaten national security, the President and various Administration officials have often commented publicly on the outcomes of the investigations before they have concluded.

² Wall Street Journal, “Howard Lutnick Suggests Condensed Milk Is Made of Metal,” September 24, 2025, <https://www.wsj.com/opinion/howard-lutnick-suggests-condensed-milk-is-made-of-metal-l3ec1c51>.

³ 19 USC § 1862(b)(3)(A) and (B).

⁴ 19 USC § 1862(c)(2). *See also* 15 CFR § 705.10, providing that the Secretary will publish an executive summary in the Federal Register and make a full copy of the report available for public inspection at the Department of Commerce.

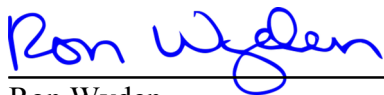
⁵ 15 CFR § 705.4.

For example, on July 8, 2025, Trump announced tariffs “at a very, very high rate, like 200 percent” would be imposed on pharmaceuticals.⁶ To date, however, it is unclear whether you have even completed that investigation. In fact, you recently stated you would be “standing by” and waiting to impose the tariffs, suggesting your strategy is to hold the threat of tariffs over companies’ heads as a way to control and coerce them to do the President’s bidding.⁷

Additionally, the Trump Administration has negotiated reprieves from 232 tariffs on pharmaceuticals and semiconductors as part of so-called trade “deals” with the UK and the EU respectively—before those tariffs have even been announced.⁸ This again suggests that the outcomes of these investigations are predetermined and that you are treating Section 232 as a means to an end for industrial policy goals rather than an objective assessment of national security threats.

The Trump Administration is using Section 232 in ways Congress never intended, going well beyond a reasonable interpretation of the statute and failing to meet basic benchmarks for transparency and accountability. The result has been skyrocketing prices on the daily essentials Americans need, coupled with confusion, complexity, and costs for manufacturers, farmers, and businesses up and down the supply chain. This project undermines the entire purpose of the 232 statute: saddling American families and businesses with ballooning tariff costs does not protect our national security—it threatens it, leaving our country poorer, weaker, and less competitive. As the branch of government with constitutional authority over trade policy, we in Congress demand greater transparency and accountability with respect to this Administration’s use of Section 232.

Sincerely,



Ron Wyden
United States Senator
Ranking Member, Committee
on Finance



Peter Welch
United States Senator

⁶ The Hill, “Trump floats 200 percent tariffs on pharmaceutical imports ‘very soon,’” July 8, 2025, <https://thehill.com/homenews/administration/5390505-trump-200-percent-tariffs-pharma-imports/>.

⁷ Politico, “Trump delaying triple-digit pharma tariffs to negotiate drug price deals,” October 10, 2025, <https://www.politico.com/news/2025/10/01/trump-delays-triple-digit-pharma-tariffs-to-negotiate-drug-price-deals-00590051>.

⁸ See, e.g., The White House, “Fact Sheet: Implementing the General Terms of the U.S.-UK Economic Prosperity Deal,” June 17, 2025, <https://www.whitehouse.gov/fact-sheets/2025/06/fact-sheet-implementing-the-general-terms-of-the-u-s-uk-economic-prosperity-deal/>.



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