

# **EXHIBIT 1**

# County of Butler

## Board of Commissioners

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*Budget & Human Services Finance Director*  
Ann M. Brown

March 9, 2020

U.S. President Donald J. Trump  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear President Trump:

As County Commissioners for Butler County, Pennsylvania, we write to respectfully implore you to take action on the request by Cleveland-Cliffs Inc. CEO Lourenco Goncalves to close the loophole in the "Section 232" steel tariffs to protect electrical steel laminations and cores. We join voices with Mr. Goncalves, AK Steel management and the members of UAW Local 3303 in making this request. The plant, formerly known as Armco Steel, was founded in Butler County in 1933 and has long been the economic force for our County. The AK Steel Butler Works, along with the AK Steel plant in Zanesville, Ohio, are the last two producers of grain-oriented electrical steel laminations and cores in the United States – actually, the last in all of North America.

Further challenging the scenario is the request by neighboring Allegheny Technologies Inc. for exemptions from the tariffs. AK Steel could supply ATI with the specialty slabs it needs, so we would encourage the administration and our local Congressional delegation to broker a deal that would help both AK Steel and ATI prosper for our entire Southwest PA region.

We would like to put the potential loss into perspective. The AK Steel plant in Butler County generates nearly \$110 million in payroll annually, the highest employee payroll of any company in Butler County, including Westinghouse Electric Company when it was at full operation generating \$70 million. The third largest annual payroll comes from the federal government at OPM in the Iron Mountain installation at approximately \$37 million.

Clearly, the loss of this plant would be devastating to the Butler County economy. Wage losses will immediately affect countless car dealers, retailers, and other service providers. Butler Health System, one of the last successful locally based health systems providing both standard and specialty healthcare services to the employees and their families would be severely impacted.

In addition to affecting 1,500 employees and their families, the loss to AK Steel suppliers – including multiple trucking companies, scrap and alloy suppliers, refractories and companies like Air Products, located next to the plant, that supply argon, oxygen, nitrogen and more – would be significant. The plant is served daily by the B&LE and BP short line railroads, making connections to the CSXT, Norfolk Southern and CN main lines. The international markets are served via truck shipments to the east coast with vessels loaded at the ports of Chesapeake and Eddystone. The plant uses **\$750,000 per month** in electricity when operating at capacity. Countless building trade contractors and union workers are in the plant daily, including the Electrical Workers, Ironworkers, Pipefitters, Carpenters, Bricklayers and more. The plant's weekly stock of safety supplies comes from a Philadelphia-based company.

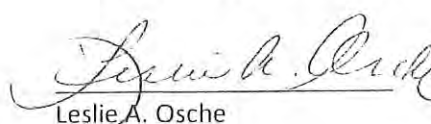
Finally, the plant generates \$236,195 in property tax that sustains the local school district and additional tens of thousands that support local municipalities in an already constrained revenue environment. AK Steel Foundation has made generous contributions to the Commonwealth's Number One Community College for the last five years, Butler County Community College, along with contributions to many other local charitable and civic organizations.

We have celebrated so many economic wins in business growth, infrastructure investments, our regional airport, education, health care and more in our County in the last several years. Butler County is one of the fastest growing counties in Pennsylvania, and the one with most new housing starts in the Commonwealth, but much of that would be lost with the closure of the AK Steel Butler Works.

We stand ready to assist AK Steel, Cleveland Cliffs, your Administration and our Congressional delegation in whatever manner you need us. Thank you for your service and your attention to this critical issue for our County and its citizens.

Sincerely,

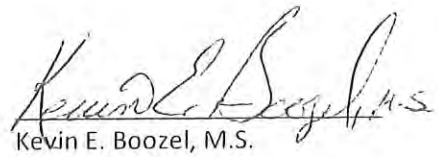
**BUTLER COUNTY BOARD OF COMMISSIONERS**



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Vice Chairman



Kevin E. Boozel, M.S.  
Secretary

BOC/mm

CC:

U.S. Secretary of Commerce Wilbur Ross  
U.S. Senator Pat Toomey  
U.S. Senator Robert P. Casey, Jr.  
U.S. Representative Mike Kelly  
U.S. Representative Glenn Thompson  
U.S. Representative Conor Lamb  
PA Governor Thomas Wolf  
PA DCED Secretary Dennis Davin  
Mr. Lourenco Goncalves, Cleveland-Cliffs CEO  
Mr. Roger Newport, AK Steel CEO  
Mr. Aaron Steinheiser, AK Steel General Manager  
Mr. Jim Panei, UAW Local 3303 President

# **EXHIBIT 2**

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

## **Transcript of Interview of Witness One**

Review No. 21-9221

May 20, 2021

1  
2 OFFICE OF CONGRESSIONAL ETHICS  
3

4  
5  
6  
7 AUDIO TRANSCRIPTION OF RECORDED INTERVIEW

8 OF

9 WITNESS 1

10 Conducted Virtually

11 Washington, DC

12 May 20, 2021

13 3:08 p.m. (Eastern Standard Time)  
14  
15  
16  
17  
18

19 Job No. 375423

20 Pages: 1-70

21 Transcribed by: Annette M. Montalvo, RDR, CRR

22 Court Reporter: Martin Onuegbu

1 APPEARANCES:

2

3 ON BEHALF OF THE OFFICE OF CONGRESSIONAL ETHICS:

4 Jeff Brown, Esq.

5 Omar Ashmawy, Esq.

6 Annie Cho

7 (appeared via video teleconference)

8

9

10

11

12

13

14 ALSO PRESENT:

15 Saul Gan, Planet Depo Zoom Technician

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1 (Proceedings commenced at 3:08 p.m., via  
2 Zoom videoconference, and the following was  
3 transcribed from an audio recording, to wit:)

4 MR. BROWN: Let's go on the record.

5 WITNESS 1,  
6 called as a witness herein by the Office of  
7 Congressional Ethics, was questioned and testified  
8 as follows:

9 QUESTIONING BY MR. BROWN:

10 Q All right. This is Jeff Brown with the  
11 Office of Congressional Ethics. With me are my  
12 colleagues Omar Ashmawy and Annie Cho. Before us is  
13 Witness 1, director of communications with  
14 Representative Kelly's office.

15 We are doing a remote video interview. It  
16 is May 20, 2021, just after 3:00 p.m. Witness 1's  
17 been given a copy of the false statements warning.  
18 And, with that, we'll get started.

19 Witness 1, thank you again for taking some  
20 time to sit down with us today and chat. What I  
21 primarily want to do here today is walk through a  
22 timeline of events. First part of that timeline I

1 want to talk about is events leading up to the  
2 May 4, 2021 announcement by the Department of  
3 Commerce of the Section 232 investigation.

4 But before we get there, I'll back up a  
5 little bit and just ask you, so when are you and  
6 folks in Representative Kelly's office first alerted  
7 to the fact that the Butler works plant, the AK  
8 Steel plant in Butler, Pennsylvania, may be shutting  
9 down, maybe laying off employees?

10 A When I found out about that is what you see  
11 in the text message here from April 28, when Troy  
12 Balderson's office reached out to me. That's when I  
13 found out about that.

14 Q Okay.

15 A So I don't know if that -- about anybody  
16 else, but that's when I was made aware of it.

17 Q And you're made aware of it through  
18 Balderson's communications director?

19 A As far as I recall, that's correct, yes.

20 Q Okay. So it's not something you are  
21 communicating with to Witness 2 or to Matt or  
22 anybody else in your office before the --

1           A   To the best of my knowledge, no. I mean, I  
2   went through all my stuff and looked, and so to the  
3   best of my knowledge, that's correct.

4           Q   Yeah, I should just -- I should have said  
5   this earlier. You know, again, I am just asking you  
6   these questions to the best of your recollection. I  
7   know sometimes it can be a little hazy and stuff.  
8   So to the best --

9           A   It's been a year, so.

10          Q   I understand. And I do appreciate it looks  
11   like you pretty carefully went back through your  
12   materials. And so that really definitely helped us  
13   piece together a timeline, which was helpful.

14          Okay. So then with respect to the  
15   initiation of a Section 232 review and the potential  
16   closure of the AK Steel plant, how big of an issue  
17   is this for Representative Kelly for the office?

18          A   It's a huge issue. I mean, this company is  
19   an incredibly important part of the Butler  
20   community. As you know from looking at the  
21   documents, it's got 1,400 jobs. There's -- you  
22   know, Butler's not a very big town, and it is

1 something that our office has been engaged in for  
2 quite some time. And so that plant shutting down  
3 would have massive implications not just for the  
4 community but also for our country's national  
5 security. I mean, AK Steel is the last producer of  
6 electrical steel in the country and so, you know,  
7 from a policy perspective, it's critical that we  
8 keep it because the electrical steel is a key  
9 component of the electric grid. And if that plant  
10 shuts down and we rely on other countries for that  
11 component of the grid, is my understanding of the  
12 issue.

13 Q How big of a deal is this to Representative  
14 Kelly himself?

15 A I mean --

16 Q Let me ask that a different way.

17 A Okay.

18 Q How involved is Representative Kelly? Is  
19 this sort of one of the most pressing issues of the  
20 day for the congressional office and for the  
21 Congressman?

22 A Yeah. It's a -- I mean, it was certainly

1 then and was throughout last year. And I don't know  
2 how much has been done on it this year, but, yeah, I  
3 mean, it's a pretty big issue for us, yeah.

4 Q And so to the extent that there are, you  
5 know, updates or, you know, you guys are getting  
6 information about -- from Commerce or from other  
7 offices, like this is something that Representative  
8 Kelly knows about or wants to know about? It is one  
9 of the more important things going on in the office  
10 at the time?

11 A Yeah. Yeah.

12 Q How about for Cleveland Cliffs and AK Steel,  
13 how big of an issue is, you know, the potential  
14 closure of these plants and the ability to secure  
15 232 tariff reliefs for the electrical steel?

16 A So I'm a little less familiar with that. I  
17 know that Cleveland Cliffs is a large company, I  
18 think. And they bought, I believe, bought AK Steel  
19 a year or longer ago.

20 I don't know exactly how important AK Steel  
21 is to Cleveland Cliff's business model. Obviously,  
22 it's a part of their business, but I don't know

1 exactly how it would affect them if it was shut  
2 down.

3 Q It looks to me like you had some  
4 interactions with Witness 5 and Witness 4, who I  
5 understand are two lobbyists with Cleveland Cliffs  
6 and AK Steel.

7 Did you get a sense from your interactions  
8 with them how important this issue was to them?

9 A I am trying to think back to -- I mean, I'm  
10 sure I was on a call or two with them and the other  
11 staffers. I mean, obviously, they were engaged in  
12 it and it was important to them. But, you know, I  
13 can't say for sure exactly how important.

14 Q Okay.

15 A Yeah.

16 Q Well, when you find out that the plant may  
17 close, sounds like April 28 is when you kind of get  
18 pulled into this, and that Cleveland Cliffs is, you  
19 know, looking for the government to intervene in  
20 order to prevent the layoffs and prevent the plant  
21 from being closed, what's the plan of attack?  
22 What's the game plan in Representative Kelly's

1 office for trying to address these issues for, you  
2 know, to assist Cleveland Cliffs and also to, you  
3 know, present any potential layoffs?

4 A So as far as the office's plan and what we  
5 would do in that situation, that would be something  
6 that our chief of staff and Witness 2 would work  
7 with Commerce and the company on. Generally  
8 speaking, I'm usually pulled in when we are about to  
9 announce something publicly.

10 Q Okay.

11 A And so, you know, Witness 2 was the one, I  
12 believe, that was dealing mostly with Cleveland  
13 Cliffs, I don't -- and probably Commerce. I don't  
14 know to what extent Matt was involved with those  
15 things, our chief of staff.

16 But, yeah, I mean, I don't think I ever had  
17 any direct communication with Commerce, and then I  
18 just had some direct communication with Cleveland  
19 Cliffs, usually on technical stuff for public  
20 statements.

21 Q Okay.

22 A So.

1           Q   When are you first alerted that the  
2   Department of Commerce is intending to initiate the  
3   Section 232 review?

4           A   So, I mean, I guess it depends on what you  
5   mean is intending to do it. In those text messages  
6   there's some back and forth about, you know, that  
7   they're potentially going to do it. And so,  
8   obviously, I learned about it during those messages.  
9   I think that was on -- when was that. Sorry. I'm  
10   going to look back at the dates here. Have the  
11   documents pulled up in front here.

12           I guess it would have been the 28th as well,  
13   right? Let me see here. I want to make sure that  
14   I'm correct in answering you.

15           Yeah. I believe that's the 28th, and, you  
16   know, you can see we go back and forth about, okay,  
17   we're hearing they're going to do it, but, you know,  
18   until they release it publicly, like, we're not, you  
19   know, certain they're going to do it. So it would  
20   have been around that time, you know.

21           Q   Okay. Well, let's -- I think it might be  
22   helpful -- again, I really appreciate it, all the



1 documents you sent and how you labeled them. It was  
2 very easy to follow. There are some documents I  
3 want to put up, ask you a couple questions on.

4 A Sure.

5 MR. BROWN: So, with that, Saul, can you do  
6 me a favor and can you put up Document 1.

7 (Document 1, text message, marked for  
8 identification and retained by Attorney Brown.)

9 Q It's always a little easier to look at and  
10 talk about them with reference to documents. But I  
11 did kind of want to get your impressions of things  
12 generally before I showed you all the documents.

13 All right. So this is the first document,  
14 Witness 1. It's a document that you sent to us.  
15 It's a text message that --

16 A Yeah.

17 Q -- you have at 2:40 p.m. on April 28, 2020,  
18 with Matt. I take it that's chief of staff, Matt  
19 Stroia?

20 A Yes, correct. Yes.

21 Q And he says, on the phone, can I call you  
22 back.

1           Just curious, what proceeds that, this text?

2       Did you call him?

3           A   I think I tried to call him, yeah.

4           Q   Okay.

5           A   I must have tried to call him, yeah.

6           Q   Okay. And you say, yeah, just got an e-mail  
7       from Balderson's CD. I take it that's the  
8       communications director?

9           A   Yes. It is, correct.

10          Q   About a statement on AK Steel plant closure  
11       announcement tomorrow. I thought that wasn't  
12       happening yet.

13           Why -- walk me through that. Why didn't you  
14       think that was happening yet?

15          A   You know, that's funny. I don't -- so I  
16       don't really recall why I said that. I mean, it is  
17       possible that there was talk about it before, but I  
18       didn't find anything about that -- about the issue  
19       before April 28 in my texts.

20           So I'm not a hundred percent sure. I know  
21       that there had been talk at -- I think there had  
22       been various points where there was talk about the

1 plant potentially shutting down because, I mean,  
2 that's why we were working on the issue.

3 So I don't -- I don't know exactly why I  
4 said that. I don't know.

5 Q Okay. Did he end up calling you back?

6 A I don't know. I don't recall. I just  
7 don't.

8 Q Let me -- let's go to Document 2.

9 MR. BROWN: Saul, if you can go to Document  
10 2.

11 (Document 2, e-mail, marked for  
12 identification and retained by Attorney Brown.)

13 Q So just to remind you, Document 1 there that  
14 we were looking at, that was a 2:40 p.m. text  
15 message with Matt?

16 A Right.

17 Q This is a 2:52 p.m. e-mail, on April 28,  
18 from Witness 2 to both you and Matt?

19 A Right.

20 Q Call back in on this number.

21 MR. BROWN: And, Saul, if you could scroll  
22 down a little bit.

1 Q She seems to be referring to --

2 MR. BROWN: Sorry, go up, Saul. Yes. Stop  
3 right there.

4 Q She seems to be referring to a dial-in that  
5 Witness 5 had provided to her and Witness 4.

6 A Right.

7 Q What can you tell me about this document,  
8 and, you know, any phone call you joined as a result  
9 of this document?

10 A Well --

11 MR. BROWN: Actually, Saul, can you give me  
12 control of this document.

13 A Would you like me to answer or are you --

14 Q Yes. Sure.

15 A Okay.

16 Q Go ahead, Witness 1.

17 A So, yeah, I was racking my brain when I saw  
18 this one. I am assuming that that call was probably  
19 about the potential closure. I don't know for sure,  
20 again, because I don't have recordings of any phone  
21 conversations, so I don't really know exactly, and  
22 it's been a year. But I would imagine that's what

1 we were talking about. But it's just been  
2 speculation.

3 Q Let me just read for you real quick. I've  
4 got a call summary provided to me by Cleveland  
5 Cliffs.

6 A Okay.

7 Q And see if it helps jog your memory a little  
8 bit.

9 A Sure.

10 Q It says, this is a phone call between  
11 Witness 4, Witness 5, and Witness 2, in which  
12 Witness 5 and Witness 4 provided notification of the  
13 Department of Commerce's intent to initiate a  
14 Section 232 investigation covering transformer,  
15 laminations and cores.

16 A Uh-huh.

17 Q Does that sound like what would have been  
18 discussed on this call?

19 A Well, I mean, if that's what the readout is,  
20 then that's what I would imagine. I don't recall  
21 being on it, but that's possible, yeah.

22 Q So what this call summary suggests is that

1     Witness 2, Witness 4, and Witness 5 are on a call  
2     together?

3             A    Okay.

4             Q    Do you remember being on a call with the  
5     three of them?

6             A    No.   I do not.

7             Q    Okay.   How do you first learn then on this  
8     day, you think, that the Commerce department intends  
9     to initiate a Section 232 review?   Do you remember  
10    ever hearing that from Witness 5 and Witness 4?

11            A    I do not remember hearing it directly from  
12    them, but when I look back through my messages, I'm  
13    guessing that the text message from Balderson's  
14    communications director saying, oh, they're going to  
15    work it out, might be the first that I learned about  
16    it.

17            Q    Okay.   And so I think you are probably  
18    referring to --

19            MR. BROWN:   Saul, can we go to Document 3.

20            A    And, again, this is just to the best of my  
21    recollection.   I am not sure exactly.

22            (Document 3, text message, marked for

1 identification and retained by Attorney Brown.)

2 Q I think Document 3 should be the text  
3 message that you're referring to.

4 A Document 3?

5 Q Yeah. Give Saul a second here.

6 MR. BROWN: Saul, can you pull up Document  
7 3. There we go.

8 A Yeah.

9 MR. BROWN: And if you can zoom out a little  
10 bit, Saul, or if you want to give me control, I can  
11 take over.

12 Q All right. Document 3 here is a text  
13 message from Erin, EC. I believe, is that Erin  
14 Collins?

15 A Correct. Yes.

16 Q Okay. And that's at 3:51 p.m. on April 28,  
17 2020.

18 First part of the text message says, hey,  
19 Witness 1, Erin Collins again. My LA called me  
20 right after we spoke. Apparently, Wilbur Ross is  
21 going to make the necessary fix.

22 The "LA" that she's referring to, do you

1 know who that is?

2 A I do not.

3 Q Does Nate Zimpher, does that sound like that  
4 is who it could be?

5 A I do not recall that name.

6 Q Okay.

7 A I don't know if I've ever interacted with  
8 that person.

9 Q Okay. You said, I think a couple, you know,  
10 minutes ago, that you don't have a lot of  
11 recollection about that, like 2:45 or 2:50  
12 conference call, Document 3 that we looked at --

13 A Yeah.

14 Q -- and, you know, your first understanding  
15 of what was going on may have happened in maybe  
16 response to -- is this the text that you were  
17 referring to?

18 A Yes. Yeah.

19 Q Walk me through this text. What do you --  
20 what do you see in that first text message?

21 A So Erin e-mailed me, from what I remember,  
22 earlier in the day, asking to do maybe a joint



1 statement, right. Because I have that e-mail in  
2 here. So she wants to talk about it. So she and I  
3 may have talked on the phone after that to kind of  
4 go through like, oh, this is what's happening, like  
5 they might be talking about shutting down the plant,  
6 letting workers know that they are laying people off  
7 the next day.

8 And then I don't know exactly where we left  
9 that, but then she texts me this and says, oh, right  
10 after we spoke, my LA says that Commerce is going to  
11 fix it or -- maybe fix it. Yeah.

12 Q What do understand that to mean? The text  
13 says, apparently Wilbur Ross is going to make the  
14 necessary fix.

15 What do you understand her to be saying  
16 there when she says makes the necessary fix?

17 A I mean, I would imagine the investigation or  
18 the -- yeah, the 232 investigation or something  
19 along those lines that convinces the company not to  
20 go ahead with layoffs.

21 Q Okay.

22 A So.

1           Q   So, in other words, Wilbur Ross is -- he's  
2 going to initiate the Section 232 review?

3           A   Potentially. I don't know if he means that  
4 or something else, but come up with a deal, I don't  
5 know exactly what that meant, but I know that we  
6 were pushing for a 232 investigation, so I assume  
7 that's what --

8           Q   Okay.

9           A   Yeah.

10          Q   So given your understanding of what the  
11 efforts were from the Kelly office, and I know  
12 several other offices, the make the necessary fix  
13 and come up with a deal, probably relates to  
14 initiation of a Section 232 review?

15          A   I would imagine so, yeah.

16          Q   Okay. Do you recall after you get this  
17 message, what do you do with it? Do you call Erin?

18          A   Honestly, I -- honestly, I do not recall  
19 what I did after that. No. I was looking through  
20 these texts, and it looks like I had texted Witness  
21 2 and -- I text Witness 2 and Matt about the  
22 exchange with Erin, I think. I'm trying to find

1       that document here.

2           Q   Yeah, you're talking about the text messages  
3       that span like April 28 through the 29th?

4           A   Yes. I'm sorry. Let me just make sure that  
5       I'm correct here. I want to find it. Why is not --  
6       well, I'm not finding it, but I believe you're  
7       correct there.

8           Q   That's okay because I actually think that's  
9       the next document I want to show you. But before I  
10      get there, I want to ask you one other question  
11      about this.

12                So the date -- the timing of this message is  
13      around -- it's just shy of 4:00 p.m. on April 28.

14                You know, if we go back and look --

15           MR. BROWN: Saul, if you can go back to  
16      Document 2, which I think you have saved up there.  
17      Yes.

18           Q   That's at 2:52, this e-mail from Witness 2  
19      is at 2:52. So we're kind of like an hour later in  
20      time.

21                It does seem to me that a conversation was  
22      had with Cleveland Cliffs about the section --

1 initiation of a Section 232 investigation. So my  
2 thought is if we go back to Document 2, Saul, that  
3 the -- you know, you probably had or the office had  
4 some idea of Wilbur Ross and what he had agreed to  
5 do with AK Steel before Erin Collins texted all  
6 this?

7 A Okay. Yeah. That must -- yeah, that sounds  
8 like that could be right then.

9 Q Okay.

10 A Yeah.

11 Q I realize it's been a year.

12 A Yeah. Forgive me. Yeah.

13 MR. BROWN: Let's go to Document 4, if you  
14 could, Saul. Thank you.

15 And then do I still have control? Great. I  
16 can control it here.

17 (Document 4, text message, marked for  
18 identification and retained by Attorney Brown.)

19 Q I think these are the text messages that you  
20 were just referring to a second ago?

21 A Yes, that's right. That's what this is.  
22 Yeah.

1           Q   Let me scroll down a little here.  So this  
2   is a April 28, 2020, text message, 3:41 p.m.  You  
3   are texting Witness 2 and Matt Stroia?

4           A   That's right.

5           Q   Let's just walk through this text.  And I've  
6   combined a couple of the text that you have sent so  
7   they are in order.  But you say, Balderson team  
8   wants to do a positive joint statement.  They are  
9   going to e-mail us within the hour.

10           What are you saying -- what's that initial  
11   text in reference to?

12           A   Geez, I think that is about, I think,  
13   that -- so the plant shutting down, I think  
14   originally Erin and I were talking about a statement  
15   that was like maybe -- we were talking about --  
16   statement and not to do that.  Gosh.  I don't --  
17   Balderson's team want to do -- I mean, I'm guessing  
18   that's -- I'm guessing that's what it is.  It feels  
19   like we have two different things going on at one  
20   time here while we're talking about two issues and  
21   so I'm just like kind of confused myself just  
22   looking back at the messages.

1           Q   It almost looks to me like Erin and your  
2           texts are lagging a little behind, maybe the  
3           knowledge that has happened in the office --

4           A   Which would make sense because Commerce  
5           people are usually the last people to know things,  
6           so.

7           Q   All right. Well, then that makes sense.

8                   Let me walk you down this text a little bit  
9           further then. You said, I get annoyed when  
10          unnecessary headaches are created, and it feels like  
11          bureaucracy and politics are getting in the way.  
12          Shouldn't be this hard to fix.

13                   Does that help jog your memory at all?

14          A   Yeah, I think that's probably me -- and,  
15          again, I'm speculating, but I'm pretty sure that I'm  
16          referring to like the plant doesn't have to shut  
17          down, it shouldn't be bureaucracy or politics  
18          getting in the way of the plant staying open. And  
19          if I'm like referring to, you know, why hasn't the  
20          Administration like done a 232 yet. Like why are  
21          they not doing it, kind of thing. I'm assuming  
22          that's what I'm talking about. Yeah.

1           Q Well, I think things will get a little  
2 clearer here because at -- if you look down at this  
3 text message, we're on April 28, 2020, 8:05 p.m. So  
4 that's the evening.

5           A Yeah.

6           Q You have had conversations, it sounds like,  
7 with Matt and Witness 2 about the Section 232  
8 investigations, and you have had conversations with  
9 Balderson's com folks. So now -- those are in the  
10 afternoon, now we're in the evening. You say, never  
11 heard from Witness 5 about whether they want a quote  
12 from us or not.

13           Witness 5, I take it, means --

14           A Witness 5.

15           Q -- Witness 5?

16           A Yeah. From AK.

17           Q From AK.

18           A Yeah.

19           Q And then you say, is everything confirmed?

20           A Yeah. I think I'm asking if they're  
21 confirming that they're do the 232.

22           Q Okay.

1           A   I believe that's what I am asking there.  
2   And I think that the quote was -- request, I think,  
3   was it Witness 2 --

4           Q   Yeah, I think that Witness 2 mentions, and  
5   that's another document I'll show you.

6           A   Yeah. Witness 2 sent an e-mail to Witness 5  
7   offering me for a potential quote if they do any  
8   releases or anything like that.

9           Q   To AK Steel and/or Cleveland Cliffs?

10          A   Yeah, yeah.

11          Q   Okay. So you say, is everything confirmed.  
12   And then I'm scrolling down here a little. And Matt  
13   Stroia, as chief of staff, responds and says,  
14   Commerce has not sent out their press release yet.

15                When he's referring to a press release,  
16   what's he referring to, as you understand it?

17          A   Let's see. Oh, so he'd be talking about  
18   the -- because right after that he says, Cleveland  
19   Cliffs is waiting for Commerce to put their release  
20   out.

21                So I would imagine that they're talking --  
22   he's talking about the 232 investigation.



1           Q   Okay.  So, in other words, what Matt is  
2   saying here is Commerce hasn't yet publicly  
3   announced the 232 investigation?

4           A   I believe that's correct, yeah.

5           Q   Okay.  And Cleveland Cliffs is waiting to  
6   put out a press release until Commerce publicly  
7   announces it?

8           A   Yes.  I believe that's correct.  Yes.

9           Q   Okay.  A little bit further down the text  
10   message, Matt says, I spoke to Commerce in the White  
11   House after our call.

12                  Do you know who he's referring to, who's the  
13   individual at Commerce?

14           A   I do not, no.

15           Q   He says, they were hoping to have their  
16   release out tonight.

17                  Again, I assume that release means a release  
18   on the initiation of the Section 232 review?

19           A   That's a reasonable assumption, I think.

20           Q   Is that your understanding of it, though?

21           A   Yeah, I mean, I think so.

22           Q   I just want to make sure I'm not missing

1 anything.

2 A Yeah. I think so.

3 Q Okay. So if you scroll down a little  
4 further, you know, Matt says, it's not confirmed  
5 until they put it in the press.

6 Then it looks like we get to the next  
7 morning, April 29, 2020, 9:04 a.m. You text and  
8 say, I still don't see it.

9 Are you referring to the press release by  
10 Department of Commerce?

11 A Yes.

12 Q Okay.

13 A Yeah.

14 Q You're expecting to see a press release that  
15 says, Department of Commerce has announced -- has  
16 initiated the Section 232 review?

17 A Yeah. That's right, yeah.

18 Q Witness 2 then responds, and Witness 2 says,  
19 just talked to Witness 5.

20 Again, that's Witness 5 at AK Steel?

21 A Uh-huh.

22 Q Okay.

1           A   I think, yeah. Yeah, I would imagine so,  
2   yeah.

3           Q   The announcement is likely to come later in  
4   the week. Again, announcement, as I understand it,  
5   and I want to make sure it's your understanding,  
6   too, is plan -- you know, initiation of the Section  
7   232 review?

8           A   Yeah. Yeah, I would think so.

9           Q   Okay. Hopefully by Friday, based upon a  
10   late night conversation Witness 4 had with Ross'  
11   chief of staff.

12                  "Witness 4" there is Witness 4 at Cleveland  
13   Cliffs?

14           A   Yes. I believe so.

15           Q   And so Ross' chief of staff is Secretary of  
16   Commerce, Wilbur Ross?

17           A   Yes. I mean -- yeah. Yeah. And I don't  
18   know who the chief of staff was.

19           Q   Do you know what -- or did you have any  
20   follow up with her about, she said, they need to get  
21   their legal ducks in a row, what that meant?

22           A   No. Not that I recall.

1           Q   Okay.  So then Witness 2 goes on to say, it  
2   ain't over until Congress makes that announcement.  
3   You say, foot on the gas until we cross the finish  
4   line.

5           A   Yeah.

6           Q   Is there anything that I'm missing here that  
7   suggests that the Department of Commerce, you know,  
8   may change its mind, or is this just you guys saying  
9   like, keep our foot on the gas and keep doing what  
10  we are doing until it's official, out of an  
11  abundance of caution.

12           In other words, has something, you know,  
13  changed from what Wilbur Ross and the Department of  
14  Commerce has communicated about their plans to  
15  initiate a Section 232 review, or is this you and  
16  the rest of the staff saying sort of like, out of an  
17  abundance of caution, let's keep moving forward and  
18  keep pushing the issue?

19           A   I think it is just us saying let's push and  
20  keep going until it is publicly announced because,  
21  you know, we are operating under the assumption that  
22  until Commerce says this, does this, says it

1 publicly, that it still could change.

2 Q Okay.

3 A I don't know that there's any like evidence  
4 or anything that suggests that it had or was going  
5 change, but we weren't -- I wasn't operating under  
6 the assumption that it was going to be -- that it  
7 was going to happen until it actually was announced.  
8 So I can't speak for other people, but, yeah.

9 Q Let me just get it straight and make sure.  
10 The assumption is, or the understanding is, on the  
11 part of Representative Kelly's office, you and other  
12 folks, is that Wilbur Ross -- the Department of  
13 Commerce has indicated that they plan to initiate a  
14 Section 232 review, it is just a matter of when that  
15 announcement's going to occur?

16 A Yes. I think so. Yeah.

17 Q Okay. I just want to make sure nothing had  
18 changed, there wasn't any, you know, there wasn't  
19 anything that happened that made you guys feel like,  
20 okay, now maybe it's a little less likely than it  
21 was, you know, a day ago?

22 A I was going to say, I just think that the

1 longer -- like when they say they're going to do  
2 something, and then the longer it doesn't happen,  
3 you start to wonder if it's going to happen.

4 Q Right.

5 A So, but.

6 Q All right. I think that's -- so these text  
7 messages occur between April 28 and the morning of  
8 April 29.

9 A Uh-huh.

10 Q We talked about this earlier on. You know,  
11 my understanding is this is an issue that's  
12 important to the office, it's important to  
13 Representative Kelly. Is Representative Kelly, is  
14 he in the loop on these issues?

15 A I can't say what he knows when because it's  
16 not me who would be talking to him about these  
17 things. It would be Matt and/or Witness 2. Because  
18 they're the ones communicating with the company and  
19 Commerce.

20 So, I mean, it's reasonable to assume that  
21 he might have been, but I don't know for sure. I  
22 can't speculate.

1           Q   Okay.  So Matt and Witness 2 are the two who  
2           are most likely going to be communicating with  
3           Representative Kelly about these issues.

4           A   Yeah.  Yeah.

5           Q   Okay.  It is -- you said it's probably fair  
6           to assume that he is in the loop, and that's because  
7           this is an important issue for the district, this is  
8           an important issue for Butler, Pennsylvania, and,  
9           therefore, he's -- Matt and/or Witness 2 are  
10          probably keeping him in the loop on these things?

11          A   Can't say for sure, but probably.  I don't  
12          know.

13               MR. BROWN:  Can we go to, Saul, can we go to  
14          Document 5, please.

15               (Document 5, e-mail, marked for  
16          identification and retained by Attorney Brown.)

17               MR. BROWN:  All right.  Thank you.

18          Q   Witness 1, I think this is an e-mail that  
19          you were referring to earlier?

20          A   Yeah.

21          Q   Okay.  Just for the record, here, this is an  
22          e-mail from Witness 2 on Tuesday, April 20 at 4:05

1 p.m. It is to Witness 4 at Cleveland Cliffs,  
2 Witness 5 at AK Steel, Matt Stroia, and yourself.

3 Witness 2 says, assuming everything stays on  
4 track with Ross' offer to help AK Steel, please let  
5 Witness 1 know if you need a quote from Mike.

6 Again, I just want to make sure I'm  
7 understanding things. When Witness 2 says, Ross'  
8 offer to help with AK Steel, she is referring to his  
9 offer to initiate a Section 232 review, would that  
10 be your understanding of that?

11 A I mean, yeah. I -- yes. I don't -- I don't  
12 think there was anything else going on, but I would  
13 imagine that's probably right.

14 Q That's the reading I take away. I just want  
15 to make sure you don't have some other reading of  
16 this that I'm missing?

17 A Yeah, no, I don't think so.

18 Q Okay.

19 A Yeah.

20 Q And then she prefaces this with, assuming  
21 everything stays on track.

22 I think this just goes back to the point you



1 and I were discussing a couple minutes ago, until  
2 it's public, you know --

3 A Yeah.

4 Q We're not a hundred percent certain so  
5 assuming everything stays on track. But you don't  
6 have any reason to believe that, you know, things  
7 are looking like they're going to get off track?

8 A Nothing specific, but, yeah, I mean, until  
9 it is publicly announced, we had no idea if it was  
10 going to happen or not.

11 Q Okay.

12 A Really. That's the way I felt about it.

13 MR. BROWN: Okay. Saul, can you go to  
14 Document 6, please.

15 (Document 6, text message, marked for  
16 identification and retained by Attorney Brown.)

17 Q This is a text message from May 1, 2020 at  
18 3:49 p.m.

19 A Uh-huh.

20 Q The text message between yourself, Witness  
21 2, and Mike Kelly, and Matt Stroia. I will jog your  
22 memory here a little bit and remind you that at 3:30

1 p.m., the Congressman had a conversation with Wilbur  
2 Ross. Were you on that call?

3 A Yes, I believe -- yeah, I must have been  
4 because it says, so that was a great call.

5 Q Tell me, why was that a great call?

6 A Well, I think the messages speak for  
7 themselves, that I believe that the Secretary told  
8 us that they were going to move forward on May 1.  
9 That's the day he told us they were going to move  
10 forward.

11 Q With the Section 232 review?

12 A Yes. Yes.

13 Q Let's go back to that phone call. You're on  
14 it. Just, how does it go, how does it start, who  
15 says what?

16 A That, I don't know. I can't go back and  
17 speculate about that. It's been a year. But,  
18 obviously, they said that they were going to move  
19 forward, and we were excited about that as an  
20 office.

21 Q Okay. When you say king history of  
22 advocacy, what are you talking about there?

1           A   I think that that's a typo, and I don't know  
2           exactly what I meant to say. But I think the spirit  
3           of it sounds like we have to have a victory lap  
4           statement ready to go with what we've done on the  
5           issue and what's about to happen for -- because I  
6           think the call May 1 was Friday, and then sounded  
7           like they must have told us they were going to do it  
8           the next week or something, and I said, okay, we  
9           have to have something ready for Monday or Tuesday.

10          Q   Okay.

11          A   I'm pretty sure that's what this means.

12          Q   Okay. So the announcement does -- this is a  
13          Friday. The announcement does come out late in the  
14          afternoon on Monday.

15               What's the hope post announcement? And sort  
16          of what are the office's plans after the Section 232  
17          investigation announcement's occurred?

18          A   Well, I mean, you're talking about like  
19          right after the announcement, like are we going to  
20          announce it ourselves? Is that what you're asking?

21          Q   No. Let me clarify a little bit.

22          A   Sure.

1           Q   So I know you're the coms guy, you're not  
2   the policy guy, but I --

3           A   Yeah.

4           Q   -- suspect you have some insight into, you  
5   know, what's the game plan, what's the plan of  
6   attack moving forward for the Kelly office.   A  
7   Section 232 investigation has been initiated.   But,  
8   you know, that doesn't mean the tariff issue is  
9   resolved.   So what is the Kelly office doing after  
10   May 4 to continue to address AK Steel, Cleveland  
11   Cliffs issues and concerns?

12          A   I think once the 232 investigation was  
13   announced, it was about waiting to see what the  
14   investigation would yield.   So I don't know what our  
15   office would have been doing during that time  
16   period.   I don't recall us doing a lot during that  
17   time -- or at least me doing a lot during that  
18   period.

19          Q   And I don't want to put words in your mouth  
20   here, but I assume that's not like your wheelhouse?

21          A   Correct, yeah.   I mean, I'm looped into  
22   things when we're ready to publicly announce them.

1 Q Do you have any awareness of what the  
2 current status is of the Section 232 investigation?

3 A It is my understanding that the  
4 investigation like happened, but I don't know that  
5 the administration ever did anything with it.

6 Q Okay.

7 A I don't think they ever put -- if they had  
8 put tariffs on something, we would have announced  
9 that for sure, so I don't think they ever did that.

10 Q And what is -- to the extent you are aware,  
11 what is the status of the Butler works, you know, AK  
12 Steel plants? Any threat of layoffs? Is everybody  
13 still employed?

14 A I haven't heard of any issues for a while.

15 Q Okay.

16 A Yeah, yeah.

17 Q All right. Let me switch gears a little  
18 bit.

19 When did you first become aware of Victoria  
20 Kelly's stock purchase in Cleveland Cliffs?

21 A That would have been when the Pittsburgh  
22 Post Gazette reached out to us about it in

1 September.

2 Q Okay.

3 A Yeah.

4 Q Do you remember when in September they  
5 reached out to you on it?

6 A Yes. It was early in September because I  
7 remember that we waited several -- a few weeks  
8 before the story dropped. So it was early  
9 September.

10 Q Okay. Because I think we requested  
11 documents from the 14th forward, but I gather from  
12 the materials that you had some communications about  
13 this early in September. And is it fair to say you  
14 had communication with both the Pittsburgh Post  
15 Gazette and internal communication?

16 A Yes.

17 Q And you have -- do you have those documents  
18 saved as well?

19 A I do not, no.

20 Q Well, I have some questions about it. I may  
21 ask you for some of those materials, but let me ask  
22 you some questions about this stuff. We can come

1 back to that.

2 What happens after the Pittsburgh Post  
3 Gazette approaches you about this potential story?

4 A So without looking back at everything, I'm  
5 not a hundred percent sure, but normally what would  
6 happen with a press inquiry is I would receive it  
7 from, you know, the reporter, and then I would run  
8 it up the chain, depending on where it needed to go.  
9 So if it was just a simple policy issue, I would go  
10 to the policy person, work on a short statement, and  
11 then work and get it approved by Matt, and we would  
12 send that out. And in this case, since the inquiry  
13 was about the Congressman, we ended up, you know, we  
14 would run it up to him, give him an inquiry, like  
15 what do you want to say to this, and then he would  
16 kind of give an overview of what he wants to say,  
17 and I would kind of just condense it and we'd shoot  
18 it off to the reporter, so.

19 Q All right. Well, talk to me about that.  
20 What does he say when you approach him about this  
21 inquiry?

22 A These were -- this was a conversation from

1 eight and a half months ago. So I'm not exactly  
2 sure, but like I can't recount the exact  
3 conversation, but I -- whatever we sent to the Post  
4 Gazette is going to be a microcosm of that.

5 So he was, from what I recall, you know,  
6 pretty passionate about the fact that like we're  
7 trying to save the Butler community, or save the AK  
8 Steel plant, the Butler community is like rallying  
9 around to save it.

10 And, you know, whatever, I took whatever he  
11 said and just kind of condensed it down into this.  
12 So if you want me to read you the statement we sent  
13 the Post Gazette, I can do that.

14 Q No, that's okay.

15 What did he tell you about the conversations  
16 he had with his wife about making the purchase?

17 A Nothing that I recall. When I would -- I  
18 don't have any reason -- I don't know what they  
19 talked about, so.

20 Q Okay.

21 A If anything.

22 Q I think you said you first learned about the



1 stock purchase in September?

2 A Uh-huh.

3 Q Okay. So then as I -- as I surmised, you  
4 didn't assist the Kellys with any sort of  
5 announcement back in April about the purchase of  
6 this stock?

7 A No.

8 Q Do you know that they -- did they make any  
9 sort of public announcement about the purchase of  
10 the stock?

11 A Are you referring to a disclosure?

12 Q No, not a PTR, I'm talking about, you know,  
13 a public comment, like, you know, we bought this  
14 stock in order to support the local --

15 A No, I don't think they made that -- any  
16 public statements. They certainly didn't do one  
17 through me.

18 Q Would you have been aware of that if -- if  
19 they were going to make some sort of public  
20 statement on this?

21 A If they were going to make a public -- if  
22 Congressman Kelly was going to make a public

1 statement through his congressional office, yes, I  
2 would have known about it unless he was talking to  
3 some reporter off the cuff somewhere and I wasn't  
4 there or it was impromptu.

5 Q Okay.

6 A So, yeah.

7 Q So I guess what I'm trying to get out of  
8 here is the quote, the response you provided to the  
9 Pittsburgh Post Gazette and the Butler Eagle and  
10 maybe some others, was, Representative Kelly's wife  
11 made a small investment to show her support for the  
12 workers and management of this 100 year old bedrock  
13 in their hometown.

14 I guess I'm just trying to find out or  
15 trying to figure out how that purchase showed  
16 support.

17 A I mean, that's not something I can answer.  
18 I don't know, you know, exactly how they look at  
19 these things. That's just what he wanted to say in  
20 response to the inquiry. So I don't -- I mean,  
21 obviously, I think if I'm just spit balling, an  
22 investment in the company is a small cash infusion.

1 I don't know if that is what you're asking me. But  
2 I can't speak to their state of mind or whether they  
3 had conversations about it, or, you know. I don't  
4 know. I don't know what they -- exactly what was in  
5 his mind with that. I just know this is what he  
6 wanted to say.

7 Q When you asked him about -- when you brought  
8 this press inquiry to him in the first instance, did  
9 he respond to you right away on it?

10 A So I think so. I mean, I think -- because  
11 typically what would happen is like I would  
12 probably -- I am trying to remember back. I may  
13 have called Matt first, and then I think we might  
14 have -- this is typically how this would go, if we  
15 got an inquiry. Like I would call Matt about it,  
16 and then we might patch Mike in to kind of read  
17 what's going on, and, you know, read to him and  
18 whatnot.

19 So, again, I'm dealing with a hazy memory  
20 about the exact sequence, so I am hesitant to just  
21 kind of say this is what happened. Because I  
22 don't --

1           Q   I understand and I appreciate that.

2                   I think the one thing I would ask, if you  
3 could go back to wherever it was in early September  
4 and look at your materials and see if those, you  
5 know, jog your memory a little bit, and if you could  
6 forward those along to us, to the extent there are  
7 texts or e-mails, those would be helpful.

8                   As a bit of a non sequitur here, the  
9 Congressman, he doesn't e-mail, does he?

10          A   No. I don't believe he uses e-mail at all.

11          Q   Okay. So if it's a -- if you are going to  
12 communicate with him, it sounds like it is text or  
13 phone call?

14          A   Yeah. And he doesn't text very often,  
15 either, generally speaking. So, yeah.

16          Q   Well, back to this quote, I guess really  
17 what I'm trying to grapple with is, the way the  
18 quote is written it says, like, you know, small  
19 investment to show her support. To me, that  
20 suggests a show of public support, you know, by the  
21 Congressman and his wife. But I don't get the  
22 impression that any -- you know, there was anything

1 public about this stock buy.

2 A I mean, other than the disclosure, I don't  
3 think so, no.

4 Q Okay. Give me one second here.

5 MR. BROWN: Saul, can you pull up Document  
6 7.

7 (Document 7, text message, marked for  
8 identification and retained by Attorney Brown.)

9 Q Witness 1, while he's pulling that up, let  
10 me ask you, I know that your -- I said that you said  
11 normally you sort of run things up through Matt. So  
12 Matt was likely involved in any response or the  
13 crafting of any response to this article or this  
14 request for information in the Pittsburgh Post  
15 Gazette?

16 A Yes. I mean, typically if I'm drafting  
17 something based on something we've all talked about,  
18 we'll either -- like I'll text with Matt about it,  
19 or Matt and Mike, and we'll just kind of go back and  
20 forth about it. So, yeah. I mean, I don't send  
21 anything out without the approval of both Matt and  
22 Mike usually.

1           Q   Okay. Well, if there are some text messages  
2 with respect to the crafting of this response from,  
3 it sounds like, maybe early September, and you have  
4 those and you can forward those along, that would be  
5 great.

6           A   Okay.

7           Q   It looks like this is Exhibit 7, another  
8 text message you sent to us. This is from September  
9 14, 2020.

10           You say, Mike's not in today. It's a text  
11 to Witness 2. Sorry. You say, Mike's not in today.

12           She responds, since Vicky's driving down  
13 with him -- is Vicky the Congressman's wife,  
14 Victoria Kelly?

15           A   Yes.

16           Q   Okay. Witness 2 says, I bet he doesn't come  
17 in until tomorrow.

18           You say, oh, perfect. She gets to be here  
19 when our favorite story drops.

20           A   Yes.

21           Q   Tell me what you're referring to there.

22           A   Yeah. So I'm making the assumption that the

1 Pittsburgh Post Gazette is going to drop sometime  
2 that week, but I don't have confirmation of that at  
3 that point because the confirmation comes later, so.

4 Q And why is this your favorite story?

5 A That's tongue and cheek. Obviously, as  
6 communications director, I'm worried about, you  
7 know, stories and how they portray the Congressman  
8 in the public. And so I wasn't sure what this story  
9 was going to look like and I was nervous about it.

10 Q Tell me more about that. Why -- what was  
11 the anxiety associated with?

12 A Well, I think, I mean, anytime you have  
13 something that like suggests there might be an  
14 ethics issue or whatever, then it could get picked  
15 up and become a much larger story. And I think you  
16 saw my concern for that in the other text messages  
17 as well.

18 Q What's your understanding of the potential  
19 ethics issue that the Congressman faces?

20 A I think what's in the story is, you know,  
21 the -- is the debate, the timing, I mean, that's the  
22 question that's posed in here, you know, whether or

1 not there's an issue with them having stock in the  
2 company, you know, that we're working on behalf of  
3 in the office. I mean, that's -- I was worried that  
4 people would take that as wrongdoing. I mean,  
5 that's --

6 Q Was that discussed among staff?

7 A Yeah. I mean, you saw that in some of the  
8 other -- well, you saw that in some of like my  
9 concern about that in some of the other text  
10 messages, we were worried about it being used  
11 against us politically and, you know, trying to  
12 paint Mike as something that we don't believe is  
13 true, you know, so.

14 Q Obviously, I am guessing from the inquiry  
15 from the Pittsburgh Post Gazette, you know, they're  
16 framing this as a potential ethics issue.

17 A Uh-huh.

18 Q How does the Congressman respond to you, you  
19 know, and to the implication that the timing of this  
20 purchase is suspect? What are his initial reactions  
21 to you?

22 A Trying to think back to the calls, but I



1 don't -- I mean, you know, just knowing him, I mean,  
2 obviously, I think he would be frustrated that that  
3 would be the implication or the insinuation. But,  
4 again, because this was so long ago, I can't go back  
5 and like actually give you a detailed thing about  
6 his response. I wish that I could, but I just  
7 can't. And I don't want to do that, you know, and  
8 be wrong.

9 Q Is there an office, you know, is there an  
10 office policy about staff members and the purchase  
11 of stock or securities?

12 A An office policy about it? I'm not aware of  
13 one, if there is.

14 Q I guess what I'm -- maybe I can ask it this  
15 way: Do folks in the office, you know, buy and  
16 trade securities?

17 A I don't know of anyone -- I don't know of  
18 anyone else's financial situation. I don't buy  
19 individual stocks.

20 Q I guess the question I'm getting at, or the  
21 issue that I'm struggling with here is just, you  
22 know, given the timing and what you knew at the time

1 about the potential layoffs coming off the table and  
2 there being a deal with the Department of Commerce  
3 initiating the Section 232 review, you know, would  
4 you have felt comfortable, based upon that  
5 knowledge, purchasing securities at that time?

6 A Me, personally?

7 Q Right, because --

8 A No.

9 Q Sorry.

10 A No. I mean, I don't buy individual stocks  
11 anymore, or I used to do that in college, but then I  
12 stopped doing that. So I don't -- I wouldn't have  
13 done that, but I don't know what that means for  
14 their state of mind or why they did it or anything  
15 like that.

16 Q Well, and tell me why wouldn't you have done  
17 that?

18 A I don't know. I wouldn't want -- I just --  
19 I wouldn't want the appearance of any wrongdoing,  
20 even if there was nothing wrong with it.

21 MR. BROWN: Omar, did you want to jump in?

22 MR. ASHMAWY: Actually, no. You just asked

1 the question I was going to ask. I'm good.

2 MR. BROWN: Okay.

3 Q And I ask that, Witness 1, not to -- you  
4 know, I know it's a hypothetical for you, but you're  
5 in the position of having -- you're in the position  
6 of knowing sort of what was going on in the office  
7 and what the office was aware of at the time. And  
8 so I'm -- I'm trying to get a sense of whether or  
9 not there was a sense in the office that, you know,  
10 the timing of these trades was suspect, given the  
11 information that was known to folks in the office,  
12 given their positions, given their official  
13 positions?

14 A I mean, I don't recall ever like talking  
15 specifically about that with anyone. But you're  
16 asking me what I thought, and I just -- what I  
17 think, if it were me, I probably wouldn't have done  
18 it. But that doesn't mean, in my mind, that what  
19 they did was wrong or she did was wrong. Again, I  
20 don't know what, if anything, they talked about or  
21 what anything other than what's in the statement, I  
22 don't know anything about a motivation other than

1     what's here, so.

2           Q   And I appreciate all that, like I said.  I'm  
3     just trying to get at, you know, you've got -- you  
4     have a better sense than I do, certainly, what was  
5     known at what time, but I completely understand what  
6     you're saying.

7           MR. BROWN:  Let me pull up, Saul, if we can,  
8     can you pull up Document 12.  That's the PTR.

9           (Document 12, Periodic Transaction  
10    Report, marked for identification and retained by  
11    Attorney Brown.)

12          Q   You know what that is, Witness 1, the  
13    periodic transaction report?  Have you seen this?

14          A   Take a look at it, see if I've seen it.

15          Q   Witness 1, I don't know if you have seen  
16    this report.  Have you seen this report before?

17          A   It looks familiar.  I'm wondering if the  
18    reporter sent it to me.  That might be where I've  
19    seen it.

20          Q   Well, take your time and look at it for a  
21    second here.  I'll just highlight a couple things  
22    for you.

1           So this is a periodic transaction report  
2           from Representative Kelly. If you look at the  
3           bottom there, the full asset name, it says Cleveland  
4           Cliffs, Inc. You can see the checkmark there, it  
5           says, purchase, and it says between \$15 and \$50,000.

6           Now, if you look at the date there, it says  
7           date of transaction, 4-29-20. April 29, 2020. And  
8           then next to that it says date notified of  
9           transaction, 5-27-20.

10          Do you know why those dates are different?

11          A The date? No, I don't. I have no idea why  
12          those are different.

13          Q Have you ever talked to Matt or the  
14          Congressman about those dates?

15          A No.

16          Q Okay.

17          A No.

18          MR. BROWN: Saul, can you pull up Document 8  
19          real quick.

20                 (Document 8, text message, marked for  
21                 identification and retained by Attorney Brown.)

22          Q This is a text message you provided. It's

1 from Daniel, on Friday, September 18, at 1:44 p.m.  
2 Daniel says, hey, there. I've been told the story  
3 will run Sunday.

4 I take it this is Daniel Moore at the  
5 Pittsburgh Post Gazette?

6 A Yes. That's right, yes.

7 Q And he's saying, the story that you have  
8 been going back and forth on will be published in  
9 Sunday's paper?

10 A Yes.

11 Q Okay.

12 A I am trying to wrap it up, Witness 1. I  
13 have just a couple more questions for you.

14 Q Do you guys work through -- do you guys in  
15 the Kelly office, work through a -- like a platform  
16 like Teams or anything like that?

17 A No. I mean, we have it, but we have -- we  
18 don't really use it.

19 Q Okay.

20 A At least I don't.

21 Q So if communications about any of the stuff  
22 that I request from you were going to have occurred,

1 it would have been text or e-mail or phone call?

2 A Yes. Yes, that's right.

3 Q And it looks like you went through both your  
4 text and your e-mails then and produced that?

5 A Yes.

6 Q Okay. In advance of this, in advance of  
7 this interview, have you spoken to anybody else  
8 about our office initiating an investigation or  
9 producing documents or having to sit for an  
10 interview?

11 A So at one point my chief, Matt, asked for  
12 some documents a while back. I don't remember  
13 exactly when it was. And so then we -- I think I  
14 went through my e-mails for a certain period and  
15 gave them to him. And then I don't know what they  
16 did with that stuff or what he did with that stuff.  
17 And then when I got the e-mails from you that said  
18 you had a communication for me, I was not -- I  
19 wasn't sure what it was about. So he knows that I  
20 got that. But yeah. Is that what you're asking?

21 Q Yes. It is. And have you guys discussed  
22 request for information or this interview?

1           A   No.  He has not -- basically, I expressed to  
2           him that I was nervous about the situation because I  
3           didn't know what to expect from the process.  He's  
4           my boss.

5           Q   Yep.

6           A   And, basically, all he said to me was, hey,  
7           you need to just do -- you know, do what you need to  
8           do, do what you think is right.

9           Q   Okay.

10          A   And that's all we've done.  So we did not  
11          discuss what I would be submitting, we did not  
12          discus what I would say or -- and he did not  
13          pressure me one way or the other, whether to  
14          participate or not.

15          Q   Okay.

16               MR. BROWN:  Omar or Annie, do you guys have  
17          any follow-up that you'd like to ask Witness 1?

18               MR. ASHMAWY:  Yes.  Thank you, Jeff.

19          QUESTIONING BY MR. ASHMAWY:

20          Q   And, Witness 1, thank you very much for your  
21          time as well.  I appreciate it.

22          A   Sure.



1           Q   And, honestly, just pretty generically,  
2   just --

3           MR. BROWN:   Omar, I don't think you're on  
4   video.   Are you?

5           ZOOM TECHNICIAN:   His video is not showing.

6           MR. BROWN:   There you go.

7           MR. ASHMAWY:   There we are.   Look at that.  
8   Sorry about that.

9           Q   So, pretty generically, I wanted to ask you,  
10   the statement about the Congressman's spouse's stock  
11   purchase to the Pittsburgh Gazette, was that the  
12   only public statement that you're aware of?

13          A   No.   So we sent -- I believe we sent this  
14   one, and then I think a couple days later, from what  
15   I recall, Daniel might have followed up.   And then  
16   we sent him like a brief statement about like when  
17   we were certain that the investigation was moving  
18   forward.   And then I think I might be -- that might  
19   be it.

20          Q   Actually, I apologize.   I don't think I  
21   asked a specific enough question.

22          A   Okay.

1           Q Which is, the statement to the Pittsburgh  
2           Gazette about why Ms. Kelly made the stock purchase,  
3           to support the local business, is that the only time  
4           that explanation was made, as far as you know, in a  
5           public manner?

6           A As far as I know, that's the only time I've  
7           given it out to anyone except to the Butler Eagle,  
8           who asked for our statement that we gave to the  
9           Gazette. So yes. Other than the two times that I  
10          gave the statement out, I'm not aware of it being  
11          used elsewhere. Does that answer your question?

12          Q Yes, that answers it directly.

13                 And then even more generically, you said  
14          that you used to trade stocks when you were in  
15          college, it's not something you do anymore. I was  
16          just wondering why? Like why don't you -- you know,  
17          is it because you work in Congress now and you're  
18          worried about the optics, you just don't like the  
19          idea of trading stock anymore? Just curious.

20          A No, I stopped probably just shortly after  
21          college because I no longer had time to delve into  
22          what stocks were good to pick and whatnot. And, of

1 course, now working for Congress, I just, you know,  
2 I just do like random investing. So it's like the,  
3 you know, the bot investing, it kind of just picks  
4 where it -- you know what I'm saying, like you just  
5 given money to like an auto investor, and then it  
6 just picks for you and, yeah. So that's what I do.

7 Q And, again, just speaking for yourself and  
8 no one else, do you think that trading specific  
9 stocks while being an employee of Congress or  
10 working for a member or like us working for an  
11 ethics organization, is potentially problematic, at  
12 least from an optics perspective? Again, speaking  
13 for yourself.

14 A Just speaking for me, yeah, I mean, I've  
15 already said I probably wouldn't, but --

16 Q Okay.

17 A -- that doesn't mean that it's wrong or  
18 anything like that, so.

19 Q No. I understand --

20 A I probably wouldn't, but, yeah.

21 MR. ASHMAWY: Jeff, that's all I have. I  
22 don't know if Annie has any questions.

1           This is probably the last time you're going  
2           to hear from me, Witness 1. So, again, thank you  
3           very much for your time, and we really do appreciate  
4           your cooperation.

5           MR. BROWN: Saul, can you take down the  
6           document.

7           FURTHER QUESTIONING BY MR. BROWN:

8           Q   Witness 1, I did just have one more question  
9           as I was flipping back through my notes here.

10           In the statement you provided to the  
11           Pittsburgh Post Gazette and the Butler Eagle that  
12           Omar was just referencing, there were kind of two  
13           parts. The second part, you said, whether a trade  
14           investigation will be launched, quote, was uncertain  
15           until Secretary of Commerce Wilbur Ross confirmed  
16           the plan in a private phone conversation with the  
17           Congressman on May 1.

18           I take it that that's a reference to the  
19           May 1 phone conversation that you were on with  
20           Representative Kelly and some others?

21           A   That's correct, yeah.

22           Q   Okay. When you say it was uncertain, the

1 initiation of the Section 232 investigation was  
2 uncertain, it was uncertain in the sense that it had  
3 not yet been publicly announced?

4 A That's right, and that's what a lot of us  
5 thought was the -- was going to be the -- be what  
6 meant that it was happening, that it was publicly  
7 announced.

8 Q Okay.

9 A But, of course, the conversation with  
10 Secretary Ross was a very close second to that.

11 Q Okay.

12 A So, yeah.

13 Q Given everything that we talked about sort  
14 of earlier on in this interview and all the  
15 documents and such that we went through, is it fair  
16 to say that, you know, it's, you know, uncertain in  
17 the sense that it hasn't been announced, but you and  
18 the office have gotten very good indications that it  
19 is going to be announced, it is just a matter of  
20 when, not if?

21 A I think that's a probably fair  
22 characterization, but I would also say that, you

1 know, we had been dealing with the issue for a long  
2 time, and so until it actually was publicly  
3 announced and until the Commerce Secretary told Mike  
4 directly, I don't know that we -- any of us were  
5 actually certain that it was -- it might occur.

6 Q Okay.

7 A So does that make sense?

8 Q Yeah, no. That does. That absolutely makes  
9 sense.

10 A Okay.

11 Q I think the point, maybe the clearer way to  
12 ask this question is, there was nothing -- let me  
13 rephrase.

14 Cleveland Cliffs, it sounds like, advised  
15 Witness 2 that they had a conversation with  
16 Commerce, and Secretary Ross indicated they were  
17 going to initiate a Section 232 review, and then  
18 Matt has a conversation later that day with somebody  
19 at Commerce, who says, you know, the announcement,  
20 it's coming, it's just a matter of when.

21 You know, I just want to make sure that  
22 those clear -- those are -- what seem to be fairly

1 clear indications that the announcement is coming.  
2 I just want to make sure that there's nothing that  
3 happened at any point in time to suggest that what  
4 Secretary Ross had said or what this gentlemen from  
5 the White House had shared with Matt had somehow  
6 changed, and that the uncertainty stems more from  
7 wanting to see it in writing than it does from any  
8 communication that would suggest that --

9 A Yes. I think that that's fair. Yeah, I  
10 mean, I don't know exactly what they were talking  
11 about or if anything made them uncertain about it.  
12 But, yeah, it's a general feeling that until  
13 something is publicly announced, we aren't certain  
14 that it is happening.

15 Q Okay.

16 A Of course, but once the Secretary said, this  
17 is happening, we are obviously much happier about  
18 it, much more certain, so.

19 Q Okay.

20 MR. BROWN: All right. Annie, did you have  
21 anything for Witness 1?

22 QUESTIONING BY MS. CHO:

1           Q I just had one follow up, and I'm sorry if I  
2 missed it, if you answered this before. But  
3 regarding Ms. Kelly, does she come down to the  
4 office often and, you know, how involved is she with  
5 the staff?

6           A She doesn't come to DC often, and usually  
7 when she's here, I don't think I've ever seen her  
8 come into the office. So there are weeks where  
9 she's driven down with Mike and spent the week here  
10 doing whatever she does while she's here. But as  
11 far as direct involvement with me, personally, I've  
12 probably spoken to her only twice in two and a half  
13 years, and it wasn't about any of this.

14          Q Okay. And you're -- sorry. You can finish.

15          A Couple of times.

16          Q Okay. And with regards to this -- her stock  
17 purchase, was that ever discussed in the office at  
18 all with her, personally, with the --

19          A Not with me.

20          Q Or you. Okay.

21          A No. I mean, if it did, which I don't think  
22 it did, but I wasn't there. But I have never seen



1 her in the DC office that I can recall.

2 Q Okay. That's all I had.

3 MR. BROWN: All right. Well, with that,  
4 Witness 1, thank you very much.

5 I think we can go off the record. So,  
6 Martin, if you want to stop the record at this  
7 point, that would be great.

8 (Off the record discussion regarding  
9 witness signature and the transcript order.)

10 (Audio recording ends; proceedings  
11 concluded at 4:20 p.m., Eastern Standard Time.)

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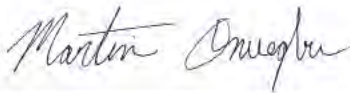
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1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

2  
3 I, Martin Onuegbu, the officer before whom  
4 the foregoing proceedings were taken, do hereby  
5 certify that said proceedings were electronically  
6 recorded by me; and that I am neither counsel for,  
7 related to, nor employed by any of the parties to  
8 this case and have no interest, financial or  
9 otherwise, in its outcome.

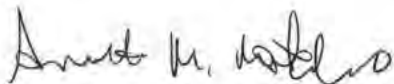
10 IN WITNESS WHEREOF, I have hereunto set my  
11 hand and affixed my notarial seal this 25th day of  
12 May, 2021.

13  
14  
15  
16  
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18

19 Martin Onuegbu, Notary Public  
20 for the State of Maryland  
21  
22

CERTIFICATE OF TRANSCRIBER

I, Annette M. Montalvo, do hereby certify  
that the foregoing transcript is a true and correct  
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ability from the audio recording and supporting  
information; and that I am neither counsel for,  
related to, nor employed by any of the parties to  
this case and have no interest, financial or  
otherwise, in its outcome.



Annette M. Montalvo, RDR, CRR

Date: May 25, 2021

# **EXHIBIT 3**



LOUISECO GONCALVES  
General Manager & Chief Executive Officer  
[REDACTED]

CLEVELAND-CLIFFS INC.  
200 Public Square, Suite 3300, Cleveland, OH 44114  
P 216.694 5700 clevelandcliffs.com

January 15, 2020

The Honorable Wilbur L. Ross, Jr.  
Secretary of Commerce  
Herbert Clark Hoover Building  
1401 Constitution Avenue, NW  
Washington, DC 20230

Dear Secretary Ross:

On December 3, 2019, Cleveland-Cliffs publicly announced that it had entered into a definitive merger agreement to acquire AK Steel. Once final, this acquisition will bring together two storied, Ohio-based companies, with a combined workforce of approximately 11,700 employees. AK Steel is the sole producer of Grain-Oriented Electrical Steel (GOES) and Non-Oriented Electrical Steel (NOES) in the United States. Production of GOES accounts for the majority of AK Steel's electrical steel business. Given the importance of maintaining the security and integrity of the electrical grid, preserving this industry within the United States must be an imperative for the federal government. Simply put, we cannot rely on foreign powers to maintain our electrical grid.

Thanks to the Section 232 steel tariffs implemented by President Trump's Administration, imports of GOES coils into the U.S. market are down significantly over 2017 levels. **However, during the same period, GOES imports into Mexico and Canada have soared to a stunning 80% over 2016 levels** (see attached GOES 'fact sheet'). In order to continue capitalizing on unfairly-traded GOES from countries including Japan, Russia, China and Korea, transformer manufacturers within the United States have moved production of laminations and cores (intermediate products predominantly consisting of GOES by value) to Canada and Mexico or are sourcing these intermediate inputs from those two countries to evade the 232 tariff on GOES. **Importantly, neither Mexico nor Canada have domestic GOES production. Rather, those countries are conduits for circumvention of the Section 232 tariffs through the production and export of laminations and cores to the U.S.**

These unfair trade practices have degraded the domestic electrical steel market to the point where the viability of maintaining AK Steel's electrical steel business is in immediate question. If AK Steel were to idle its electrical steelmaking operations, it would likely result in the elimination of approximately 1,400 jobs at Butler Works and over 100 jobs at the Zanesville Works finishing facility in Ohio. These workforce impacts would be devastating to the Butler and Zanesville communities and would be deeply felt throughout the Western Pennsylvania and Central Ohio regions due to the high spin-off value of steel jobs.

Furthermore, **the challenges facing the electrical steel market were cited by the Department of Commerce as one of the primary justifications of the Section 232 tariffs**. The idling of AK's electrical steel business would cede control of electrical transformer manufacturing capabilities to GOES producers in China, Russia, Japan and Korea.

I respectfully request your support of a standalone Section 232 on the transformer supply chain or a supplemental Section 232 (under the existing steel tariff structure) covering transformer laminations and cores, which are simply cut or shaped electrical steel, that would address GOES tariff circumvention via production of these products in Canada and Mexico.

Please be assured that Cleveland-Cliffs is committed to the success of the AK Steel acquisition irrespective of what becomes of its electrical steel division. However, for the sake of U.S. national security and the fate of

roughly 1,500 direct jobs in Pennsylvania and Ohio, I urge your support for action to address this blatant tariff circumvention as soon as possible.

I hope to meet with you very soon to discuss the future of electrical steel production in the United States. Thank you for your consideration of this most important matter.

Very truly yours,



Lourenco Goncalves  
Chairman, President & Chief Executive Officer  
Cleveland-Cliffs Inc.

Enclosure

cc: Ms. Nazakhtar Nikakhtar, Under Secretary for Industry and Security – Designate

# **EXHIBIT 4**



**Congress of the United States**  
**Washington, DC 20515**

March 6, 2020

The Honorable Donald J. Trump  
President of the United States  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Mr. President:

We write to express our urgent concerns threatening America's electrical steel market. We have strong reason to believe that unfairly traded imports of minimally transformed grain-oriented electrical steel (GOES) are pouring into Canada and Mexico, contrary to the intent of the administration's action pursuant to Section 232 of the Trade Expansion Act of 1962. These imports are then being used to create downstream products that are entering the U.S. at such low prices they are further eroding the U.S. electrical steel market. We urge you and the administration to address this matter immediately before the doors of the last American maker of electrical steel close.

We represent the nation's only producer of electrical steel, AK Steel, which will soon be acquired by Cleveland-Cliffs. This week, Lourenco Goncalves, chairman and chief executive officer of Cleveland-Cliffs testified before the Congressional Steel Caucus in Washington, D.C., that unless his company receives Section 232 tariff relief, he will be forced to close the two AK Steel plants in our districts. This would mean the loss of thousands of jobs in Butler, Pennsylvania, and Zanesville, Ohio. Moreover, if the AK Steel plants close, this country will no longer produce GOES that go into transformers for the electrical grid, which poses a serious national security risk.

The United States cannot afford to lose the one remaining producer for grain-oriented electrical steel (GOES), for economic or national security reasons. GOES, which is used to make electrical transformers, is critical for our national power grid. Without AK Steel's GOES, the U.S. will be solely reliant on overseas production for material that supports America's critical infrastructure. If the national electrical grid were to be attacked or compromised by a natural disaster, the U.S. would need a dependable source of electrical steel to allow for rapid repair. Becoming wholly dependent on foreign producers for this vital product puts Americans at grave and unnecessary risk.

For now, U.S. imports of GOES are restricted by tariffs imposed under Section 232 of the Trade Expansion Act of 1962. However, there has been a *dramatic* increase in imported GOES into Canada and Mexico – two countries with no capacity to make GOES. GOES shipped to Canada and Mexico does not stay there. Instead, after very limited processing, much of it enters the U.S. market in the form of internal components of electric transformers. These products include



laminations, cores, and core assemblies – products that generally consist of GOES that has been merely stacked, slit, or wound.

We appreciate your valiant work to improve the U.S. global trade situation and national security, especially your work to rebuild and support the American steel industry and its workers. We implore the U.S. Trade Representative and the Department of Commerce to address this matter immediately before our communities lose thousands of jobs and our country sees the doors of the last American maker of electrical steel shuttered. America cannot afford to lose its last remaining producer of electrical steel.

Sincerely,



Trey Balderson  
Member of Congress



Mike Kelly  
Member of Congress

cc: Ambassador Robert Lighthizer  
Secretary Wilbur Ross

# **EXHIBIT 5**

# **Congressional Steel Caucus Hearing Excerpt**

**- March 5, 2020 -**

Chairman Lamb: Thank you, happy to have another Western Pennsylvanian with us today, Mr. Kelly recognized for three minutes.

Rep. Kelly: Thank you chairman, thank you all for being here, but more than anything else, thank you for your patience. I came here in 2011, and you put out the same message that you're putting out today. And we all sat up here and we appreciated you saying we want to thank you for your service, and we didn't do a damn thing for you. Not until 2017 did anybody actually back up their words with some action.

Now, I represent Pennsylvania's 16<sup>th</sup> congressional district, but more than anything else, about a half a mile down over the hill where I've spent most of my life, and my family's business, is a company called AK Steel. And Mr. Goncalves is with us today, and I want you to talk about this because I am so – I'll just stop the first half – I'm so damn mad about what it is... actions speak a hell of a lot louder than words. We're in a death situation right now because we are the last producer of electrical steel in the United States, grain oriented electrical steel. Could you please share with the rest of the people here today, and listen I mean this – I am so glad you are here. I can't believe that you've sat there for so many years telling us what your problem is and we keep nodding our heads and tell you we're going to do something about it, and we didn't do anything about it until 2017. The Congress had nothing to do with it; it came from the White House, so strong leadership.

Mr. Goncalves if you could, the state we are in today, and the danger we have of losing our ability to make grain oriented electrical steel in the United States, and the way right now, it's being circumvented. You know you make steel in China and in Korea, you send it to Mexico over to Tijuana and then they do their act on it, and then they send it back to the States and they say no, no this isn't foreign steel. This is from your friends in Mexico, so friends shouldn't treat friends that way. Would you please talk about exactly what's happening at AK Steel and the danger the United States has in losing that ability to make its own grain oriented electrical steel?

Mr. Goncalves: Thank you Congressman Kelly, I appreciate giving me the opportunity to express that here. AK Steel is the last producer of grain oriented electrical steel in the United States. What does that mean? It means we are the last man standing between this country's ability to produce transformers for the electric grid and having to import everything.

During the last few years, Section 232 action actually took care of the dumped electrical steel from China, South Korea, and Japan. But bad players always find a way to circumvent things, so couple clients – buyers

1 of electric steel – grain oriented electric steel, found their way to put  
2 pieces of equipment, not entire plants, pieces of equipment in Mexico, in  
3 Canada, and they operate more or less like that. Instead of importing in the  
4 coil directly from these three countries, they import the coil into the West  
5 Coast of Mexico, then they slit the coils in bulks, move those coils by  
6 truck between the West Coast of Mexico and Matamoros across the border  
7 from Brownsville, Texas. Cut in pieces called laminations, these  
8 laminations go on a truck. The truck goes across the border, and back into  
9 for example, Mississippi, and build a beautiful made in USA transformer  
10 done with dumped Chinese, South Korean, and Japanese steel with the  
11 great help of our friends from Mexico, and our friends from Canada,  
12 circumventing under our very nose, and taking advantage of our  
13 friendship. That's what's happening.

14 But this company, I'm closing next week, I put three billion there, I put  
15 another billion, so I understand numbers very well. And if I don't get help  
16 – and by the way, someone here who told that Section 232, I think it was  
17 Vice-Chairman Bost, Section 232 was done among other things to protect  
18 our ability to produce transforms. I'm telling you right now Chairman  
19 Lamb, coming March 13, this thing is not corrected, I told Secretary of  
20 Commerce, Wilbur Ross, that I'm not in this business to lose money. We  
21 are together in the business of protecting the United States, but I can't lose  
22 money for that or at least not that much. I'm willing to lose a little bit, but  
23 not that much. So, I'm closing on the deal; I understand numbers; I know  
24 what to do. I need help. The work is in Butler, PA and the workers in a  
25 plant in Zanesville, Ohio also need help. I'm talking fifteen hundred jobs  
26 in Butler, PA and 100 jobs in Zanesville, Ohio that will be gone. I promise  
27 they will be gone if I don't get help.

28 Rep. Kelly: I want to thank you, but also there's not many of our members left because  
29 they're off doing other things and that's very important. We have watched  
30 for 50 years the erosion of this business, and we've let it happen. There's  
31 an old saying, "you can't forfeit the game and then cry because you lost."

32 It's time for us to stand up and actually defend these industries, not with  
33 words, and not with an eye or two on the Hill in Washington, D.C., but  
34 actually back in the places that we represent and on the floor of the  
35 Congress, and make sure we back this administration and encourage them  
36 to continue to fight this the only way we can. I'm tired of losing jobs; I'm  
37 tired of hearing about what we're doing for people; and I'm tired of  
38 hearing people say, "well there's just nothing we can do about it." Well  
39 goddammit, find an answer and get it done. We're losing too many jobs.  
40 Thank you very much for being here.

# **EXHIBIT 6**

## Eisenberger, Andrew

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**From:** McCleaf, Anna  
**Sent:** Thursday, May 7, 2020 2:44 PM  
**To:** Eisenberger, Andrew  
**Subject:** AK Steel Letter  
**Attachments:** AK Steel.docx

Attached is our draft for the updated AK Steel letter.

Thanks!

Anna McCleaf | Legislative Correspondent  
U.S. Representative Mike Kelly (PA-16)  
1707 Longworth House Office Building  
(202) 225-5406 | [www.kelly.house.gov](http://www.kelly.house.gov)

## Eisenberger, Andrew

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**From:** Eisenberger, Andrew  
**Sent:** Thursday, May 7, 2020 2:58 PM  
**To:** Anna McCleaf  
**Subject:** AK Steel  
**Attachments:** AK Steel.docx

Anna –

My changes in red.

Andrew Eisenberger  
Communications Director  
Rep. Mike Kelly | PA-16  
(202) 225-5406





Thank you for contacting me regarding AK Steel. I appreciate hearing from you on this important matter for the Butler community and America as a whole.

As you may know, Lourenco Goncalves, the chairman and chief executive officer of Cleveland-Cliffs, which owns AK Steel, testified before the Congressional Steel Caucus that unless **certain electrical steel products** receive Section 232 tariff **protection**, he will be forced to close the Butler plant. Currently, U.S. imports of grain-oriented electrical steel (GOES) from China are assessed Section 232 tariffs under the Trade Expansion Act of 1962, **but several nations are exploiting a loophole by** dumping cheaper, slightly modified product into Mexico and Canada. **Those products** inevitably make their way into the United States, **undercutting AK Steel's ability to** continue producing electrical steel. **AK Steel is the last American electrical steelmaker, and if these unfair trade practices continue, the United States will rely on foreign nations for key components of its electrical grid. We cannot stand idly by and watch this happen.** The loss of this plant would be detrimental to our community and threaten national security.

**Thankfully,** On May 4, 2020, the U.S. Department of Commerce **started** an investigation into whether **imported GOES** products are a threat to America's national security interests. **I personally urged President Trump and Secretary of Commerce Wilbur Ross to take this necessary first step to save AK Steel, and I will continue working with the president, Secretary Ross, United States Trade Representative Robert Lighthizer, Mr. Goncalves, and labor representatives at AK Steel to fight these unfair trade practices.**

Again, thank you for expressing your thoughts on this important issue. Please do not hesitate to contact me or my staff if I can be of assistance in the future.

If you would like to hear more from me on this issue and others, please subscribe to my newsletter at [www.kelly.house.gov](http://www.kelly.house.gov).

# **EXHIBIT 7**

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

## **Transcript of Interview of Witness Three**

Review No. 21-9221  
May 27, 2021

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May 27, 2021

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11:06 a.m. - 12:02 p.m.

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OCE Matter (21-9221)

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ZOOM VIRTUAL INTERVIEW

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OF WITNESS 3

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20 Job No.: 376739

21 Pages 1-61

22 Transcribed by: Molly Bugher

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A P P E A R A N C E S

(Teleconference via ZOOM)

OFFICE OF CONGRESSIONAL ETHICS (OCE)

OF THE U.S. HOUSE OF REPRESENTATIVES

By: JEFF BROWN, ESQUIRE

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1 P R O C E E D I N G S

2 MR. BROWN: This is Jeff Brown with the  
3 office of Congressional Ethics. With me or my  
4 colleagues, Omar Ashmawy and Annie Cho. Before  
5 us today we have Witness 3. And we are  
6 undertaking a remote video interview of Witness  
7 3. And it is May 27, 2021 at 11:05 in the  
8 morning.

9 Witness 3 has been given a copy of the  
10 false statements warning, and signed the  
11 acknowledgment. And with that we will get  
12 started.

13 So Witness 3, you were at the  
14 Department of Commerce previously. How long were  
15 you there for and what was your role?

16 WITNESS 3: I was at the Department of  
17 Commerce for approximately two years, eight  
18 months. In the final year and a half I was in  
19 the capacity of the acting assistant secretary  
20 for legislative affairs.

21 MR. BROWN: Okay. So since -- from  
22 January 2020 forward until you left, acting

1 assistant secretary for legislative and  
2 government affairs?

3 WITNESS 3: Yes.

4 MR. BROWN: Okay. What are your duties  
5 in that role?

6 WITNESS 3: I'm sorry, Jeff. I'm  
7 sorry. Your question -- I'm no longer in that  
8 capacity. Are we saying something differently?  
9 I'm no longer in that capacity. My  
10 responsibilities as acting assistant secretary  
11 ended on January 20th. Did we get that right?

12 MR. BROWN: We didn't cover that, but I  
13 knew that. And thank you for clarifying.

14 WITNESS 3: Okay.

15 MR. BROWN: So from January --

16 WITNESS 3: Past tense, yeah.

17 MR. BROWN: From January 2020 through  
18 January 2021, that was the role that you held?

19 WITNESS 3: Well, yeah. It was  
20 actually November 2019 through -- actually  
21 October 2019 through January 20, 2021, yes. Just  
22 to kind of set the parameters.



1 MR. BROWN: And just walk me through,  
2 what were your responsibilities in that role?

3 WITNESS 3: My responsibilities as the  
4 acting assistant secretary included -- well, I  
5 was the principal liaison between the  
6 administration, United States Congress, the  
7 Department of Commerce, tribes, state, and local  
8 governments. In sort of a 30,000 foot overview I  
9 was responsible for coordinating and overseeing  
10 the Department's legislative initiatives and  
11 articulating the Department's positions on  
12 legislative initiatives and proposals to  
13 Congress, tribes, state governments, and local  
14 governments.

15 MR. BROWN: And that's the senior-most  
16 position in the legislative affairs shop; is that  
17 correct?

18 WITNESS 3: It is. It is. I had a  
19 staff of probably a half a dozen deputies that  
20 worked with me and under me. But, yes, the  
21 assistant secretary is the senior-most position  
22 within the legislative affairs unit.

1 MR. BROWN: And so how close did that  
2 put you to decision-makers like Secretary Ross or  
3 his Chief of Staff? How frequently are you  
4 interacting with the Secretary and his people?

5 WITNESS 3: Quite frequently.

6 MR. BROWN: Okay. My real goal with  
7 this interview is to just walk you through a  
8 timeline of events about the Section 232  
9 investigation that was ultimately publicly  
10 announced on May 4th. And I want to do that  
11 primarily in reference to the documents. But  
12 before I do that, I am going to just ask you, now  
13 that you've -- I sent you a couple of documents  
14 to try and jog your memory on some of these  
15 issues and hopefully you had a chance to think  
16 about these issues a little bit.

17 So before I get to any documents, I'm  
18 just going to ask you to tell me when did the  
19 Department of Commerce first decide internally  
20 that it was going to initiate this Section 232  
21 review on AK Steel?

22 WITNESS 3: My recollection is not

1 strong on the specific date. I do recall  
2 generally there was a great deal of interest on  
3 the part of a 232 investigation that was  
4 articulated from the Hill, primarily from the  
5 Ohio and Pennsylvania congressional delegations,  
6 both the Senate and the House of Representatives,  
7 over a period of months before the May 4th  
8 declaration.

9 When the determination was made to  
10 proceed with the 232 investigation specifically,  
11 on or about that -- on or about the May 4th -- I  
12 don't know if I necessarily have a specific date.

13 I don't recall a specific date when the  
14 determination was made. There was a -- it was on  
15 or about the time of that press release being  
16 issued.

17 MR. BROWN: Okay. Well, I have some  
18 documents that I can walk you through and we will  
19 get to those. But do you remember how the  
20 decision, even if you don't remember a date, do  
21 you remember how the decision came about  
22 internally?

1           WITNESS 3: I wasn't part of the  
2     decision-making process. So I don't have any  
3     recollection of how it was made. I know that  
4     there was a great deal of -- I would say a great  
5     deal of interest from outside stakeholders  
6     including industry and elected officials from the  
7     Hill over a period of a month to my recollection,  
8     strongly urging the Department of Commerce and  
9     BIS to consider self-initiating.

10           But my recollection how that decision  
11    was made -- that was a decision that would have  
12    made -- been made directly within BIS. And I  
13    wasn't involved in any of the day-to-day  
14    decision-making process in any of those  
15    conversations.

16           MR. BROWN: Okay. The ultimate  
17    decision likely made by BIS I assume in  
18    conjunction with the secretary of commerce?

19           WITNESS 3: I think that's a fair  
20    representation. Again, I was not involved in any  
21    of the decision-making process that would have  
22    taken place between the Secretary, the