

Hi «Staff\_First»,

I wanted to update you on a few items regarding the phosphate fertilizer countervailing duty case given your past interest in this issue.

58 national and state commodity organizations [wrote the ITC](#) on December 7 urging the Commission to reconsider its material injury determination. However, despite the urging by members of Congress and others, the [ITC notified](#) the commodity organizations that their letter had been rejected. The ITC's response to the USCIT is expected on January 17.

Also, the Department of Commerce (DoC) sought and was granted an extension of its deadline to respond to the USCIT's remand of the duty calculation. We now expect DoC's response to be available January 12, 2024.

You may recall that on November 7, the Department of Commerce [published](#) Final Results of Countervailing Duty Administrative Review for 2020-2021. We were pleased that the final tariff was lowered from over 19% to 2.12%, although this rate only applies to product that entered the United States in 2020 and 2021. Mosaic has appealed this decision, which only creates more uncertainty for farmers.

I hope you have wonderful holidays and a restful break. We will have much to report on as the DoC and ITC respond to the Court in January. If you have any questions in the meantime, please let me know.

Kind Regards,

Hunt Shipman

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*This material is distributed by Cornerstone Government Affairs on behalf of OCP S.A. (through OCP North America, Inc.). Additional information is available at the Department of Justice, Washington, D.C*

**Hunt Shipman**

Principal and Director

D 202-448-9571 M 202-651-1039



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Office of the Secretary



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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Washington, D.C. 20436

December 15, 2023

Harold Wolle, Jr.  
20 F Street, NW  
Suite 900  
Washington, DC 20001

Re: Request to Reject Submission; *Phosphate Fertilizers from Morocco and Russia*, 701-TA-650-651(Remand)

Dear Harold Wolle, Jr:

The Secretary is in receipt of your letter dated December 7, 2023, filed on behalf of the National Corn Growers Association et al. ("NCGA").

After reviewing the record, the Secretary determined this submission was inadvertently placed on the record. The Commission's October 27, 2023 notice ("Notice") limited participation in the remand proceeding to persons who were interested parties that participated in the investigations and were also parties to the appeal. The NCGA and other listed associations do not meet these qualifications. Furthermore, the Notice explicitly stated that written comments must be based solely on the information in the Commission's record and that the Commission would reject submissions containing additional factual information. In contravention of the parameters of the remand investigation, the NCGA submission attempts to introduce extra-record information and discusses facts that developed after the original period of investigation. Finally, the submission was filed after the November 27, 2023 deadline set forth in the Notice.

Accordingly, the filing has been removed from the record and will not be considered by the Commission. Should you have any questions, please contact me at (202) 205-2000.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is fluid and cursive, with the first name "Lisa" being the most prominent part.

Lisa R. Barton  
Secretary to the Commission

cc: Service List

**Phosphate Fertilizers from Morocco and  
Russia**

**701-TA-650-651 (F)(Remand)**

**PUBLIC SERVICE LIST**

I, Lisa R. Barton, hereby certify the attached Correspondence was served on parties  
December 15, 2023.

/s/

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Lisa R. Barton, Secretary  
U.S. International Trade Commission  
500 E Street, S.W.  
Suite 112  
Washington, D.C. 20436



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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[C-714-001]

**Phosphate Fertilizers From the Kingdom of Morocco: Final Results of Countervailing Duty Administrative Review; 2020-2021**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that OCP S.A. (OCP), a producer/exporter of phosphate fertilizers from the Kingdom of Morocco (Morocco), received countervailable subsidies during the period of review (POR), November 30, 2020, through December 31, 2021.

**DATES:** Applicable November 7, 2023.

**FOR FURTHER INFORMATION CONTACT:** Jaron Moore or Robert Palmer, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3640 or (202) 482-9068, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

Commerce published the preliminary results of this administrative review on May 5, 2023.<sup>1</sup> On August 23, 2023, Commerce extended the deadline for the final results of this review to no later than November 1, 2023.<sup>2</sup> For a description of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.<sup>3</sup> We conducted this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

**Scope of the Order**

The products covered by this order are phosphate fertilizers. For a complete description of the scope of this order, see the Issues and Decision Memorandum.

<sup>1</sup> See *Phosphate Fertilizers from the Kingdom of Morocco: Preliminary Results of Countervailing Duty Administrative Review; 2020-2021*, 88 FR 29089 (May 5, 2023) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

<sup>2</sup> See Memorandum, "Extension of Deadline for Final Results of Countervailing Duty Administrative Review," dated August 23, 2023.

<sup>3</sup> See Memorandum, "Issues and Decision Memorandum for the Final Results of the Countervailing Duty Administrative Review of Phosphate Fertilizers from the Kingdom of Morocco; 2020-2021," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

**Analysis of Comments Received**

All issues raised in interested parties' case briefs are addressed in the Issues and Decision Memorandum accompanying this notice. A list of the issues raised by parties, and to which Commerce responded in the Issues and Decision Memorandum, is provided in the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

**Verification**

As provided in section 782(i) of the Act, in September 2023, Commerce conducted an on-site verification of the subsidy information reported by OCP and the Government of Morocco. We used standard on-site verification procedures, including an examination of relevant accounting records and original source documents provided by the respondent.

**Changes Since the Preliminary Results**

Based on a review of the record and comments received from interested parties regarding the *Preliminary Results*, and for the reasons explained in the Issues and Decision Memorandum, we made certain revisions to the subsidy calculations for OCP. These changes are explained in the Issues and Decision Memorandum.

**Final Results of Administrative Review**

In accordance with 19 CFR 351.221(b)(4)(i), we calculated an individual net countervailable subsidy rate for OCP. Commerce determines that, during the POR, the net countervailable subsidy rate for the company under review is as follows:

Company	Subsidy rate (percent <i>ad valorem</i> )
OCP S.A. <sup>4</sup> .....	2.12

**Disclosure**

Commerce intends to disclose the calculations performed for these final

<sup>4</sup> Commerce has found the following companies to be cross-owned with OCP S.A.: Jorf Fertilizers Company I; Jorf Fertilizers Company II; Jorf Fertilizers Company III; Jorf Fertilizers Company IV; and Jorf Fertilizers Company V.

results of review within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

**Assessment Rate**

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries of subject merchandise in accordance with the final results of this review, for the above-listed company at the applicable *ad valorem* assessment rate. We intend to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed with the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

**Cash Deposit Rates**

In accordance with section 751(a)(1) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amount shown for OCP on shipments of the subject merchandise entered, or withdrawn from warehouse for consumption on or after the date of publication of the final results of this administrative review. The cash deposit requirement, effective upon the publication of the final results of this review, shall remain in effect until further notice.

**Administrative Protective Order**

This notice also serves as a final reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

**Notification to Interested Parties**

These final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: November 1, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

## Appendix

### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Use of Facts Otherwise Available and Adverse Inferences
- V. Subsidies Valuation
- VI. Analysis of Programs
- VII. Discussion of the Issues
  - General*
  - Comment 1: Whether to Accept OCP's Payroll Tax Refund as a Minor Correction
  - Comment 2: Whether Commerce's "Other Assistance" Question Is Contrary to Law
  - Comment 3: Whether Commerce Can Seek Information About the Provision of Rail Service for Less Than Adequate Remuneration (LTAR) and Direct Loans
  - Comment 4: Whether Maroc Phosphore Is a Reporting Entity
    - Provision of Mining Rights for LTAR*
  - Comment 5: Whether Commerce Should Revise the Phosphate Rock Benchmark
  - Comment 6: Whether to Include or Exclude Headquarters (HQ), Support, and Debt Costs in the Costs of Producing Phosphate Rock
  - Comment 7: The Cost of Production (COP) Profit Rate
  - Comment 8: Whether Commerce Should Apply Adverse Facts Available (AFA) and Disregard OCP's Reported Costs of Production for Phosphate Rock
  - Comment 9: Whether Commerce Should Adjust the Phosphate Rock Benchmark for Freight
    - Reductions in Tax Fines and Penalties*
  - Comment 10: Whether the Reductions in Tax Fines and Penalties Is Specific
    - Provision of Port Services for LTAR*
  - Comment 11: Whether Agence Nationale des Ports' (ANP) Provision of Port Services and Infrastructure to OCP Constitutes a Financial Contribution
  - Comment 12: Whether ANP's Provision of Port Services Is *De Facto* Specific
  - Comment 13: Whether ANP's Provision of Port Services Confers a Benefit Customs Duty Exemption for Capital Goods, Machinery, and Equipment
  - Comment 14: Whether to Correct a Ministerial Error in the Benefit Calculation for the Customs Duty Exemptions for Capital Goods, Machinery, and Equipment Program
- VIII. Recommendation

[FR Doc. 2023-24581 Filed 11-6-23; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-201-830]

#### Carbon and Certain Alloy Steel Wire Rod From Mexico: Preliminary Results of Antidumping Duty Administrative Review; 2021-2022

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that sales of carbon and certain alloy steel wire rod (wire rod) from Mexico were made at less than normal value during the period of review (POR), October 1, 2021, through September 30, 2022. We invite interested parties to comment on these preliminary results.

**DATES:** Applicable November 7, 2023.

**FOR FURTHER INFORMATION CONTACT:** Laurel LaCivita or Matthew Palmer, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4243 or (202) 482-1678, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 29, 2002, Commerce published the antidumping duty order on wire rod from Mexico in the **Federal Register**.<sup>1</sup> On October 3, 2022, we published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order*.<sup>2</sup> On December 5, 2022, pursuant to section 751(a)(1) of the Act, Commerce initiated an administrative review of the *Order*<sup>3</sup> on wire rod from Mexico covering the following five exporters/producers: ArcelorMittal Mexico S.A. de C.V. (AMM); Deacero S.A.P.I. de C.V. (Deacero); Grupo Villacero S.A. de C.V. (Villacero); Talleres y Aceros S.A. de C.V. (Talleres y Aceros); and Ternium Mexico S.A. de C.V. (Ternium). On June 14, 2023, Commerce extended the

<sup>1</sup> See *Notice of Antidumping Duty Orders: Carbon and Certain Alloy Steel Wire Rod from Brazil, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine*, 67 FR 65945 (October 29, 2002) (*Order*).

<sup>2</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review and Join Annual Inquiry Service List*, 87 FR 59775 (October 3, 2022).

<sup>3</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 87 FR 74404, 74406 (December 5, 2022).

deadline for the preliminary results to October 31, 2023.<sup>4</sup>

For a complete description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.<sup>5</sup> A list of topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

##### Scope of the Order

The merchandise subject to the *Order* is wire rod, in coils, of approximately round cross section, 5.00 mm or more, but less than 19.00 mm, in solid cross-sectional diameter. The subject merchandise is classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) primarily under the subheadings: 7213.91.3000, 7213.91.3010, 7213.91.3011, 7213.91.3015, 7213.91.3020, 7213.91.3090, 7213.91.3091, 7213.91.3092, 7213.91.3093, 7213.91.4500, 7213.91.4510, 7213.91.4590, 7213.91.6000, 7213.91.6010, 7213.91.6090, 7213.99.0030, 7213.99.0031, 7213.99.0038, 7213.99.0090, 7227.20.0000, 7227.20.0010, 7227.20.0020, 7227.20.0030, 7227.20.0080, 7227.20.0090, 7227.20.0095, 7227.90.6010, 7227.90.6020, 7227.90.6030, 7227.90.6035, 7227.90.6050, 7227.90.6051, 7227.90.6053, 7227.90.6058, 7227.90.6059, 7227.90.6080, and 7227.90.6085. The HTSUS subheadings are provided for convenience and customs purposes only; the written product description remains dispositive.

A full description of the scope of the *Order* is contained in the Preliminary Decision Memorandum.

<sup>4</sup> See Memorandum, "Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated June 14, 2023.

<sup>5</sup> See Memorandum, "Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Carbon and Certain Alloy Steel Wire Rod from Mexico; 2021-2022," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

December 7, 2023

The Honorable David S. Johanson  
Chairman  
U.S. International Trade Commission  
500 E Street SW  
Washington, D.C. 20436

Dear Chairman Johanson:

We write in regard to the remand decision ordered by the U.S. Court of International Trade (CIT) to the U.S. International Trade Commission (ITC) for duties on phosphate fertilizer imported from Morocco (Consol. Court No. 21-00219). As farmers continue to experience high costs and supply challenges for fertilizer inputs, our organizations hold deep concern for actions that restrict availability of phosphate into the U.S. market. We urge the ITC to consider impacts on family farms as it works to reconsider its determination of material injury to domestic industries.

Rising prices for fertilizer inputs have strained America's farmers and ranchers and have impacted availability for this critical component of nutrient and yield management. Without predictable options to source this product, farmers struggle to plan for the future. International supply chain issues further complicate the ability to source phosphate. For example, triple super phosphate is not available domestically but still faces a duty. Agriculture supply chains are intricate and complicated, and the premise that re-shipping product from an originally intended destination to respond to regional demand fluctuations is simply not correct. Instead, reliance on this incorrect premise has led to high fertilizer costs that create volatility and compromise the ability of farmers to be successful.

The ITC's affirmative injury determination in 2021 was appealed by the respondents, and several of our associations also submitted an amicus brief opposed to the determination. We understand that the CIT found that the ITC did not adequately consider factors that impacted the domestic supply when making their affirmative injury determination. The CIT further elaborated that the ITC's consideration of import increases in 2019 failed to take appropriate account for weather challenges that caused logistical hurdles and created a temporary mismatch between supply and demand in some parts of the country. Because the ITC did not consider the volume of imports in light of the regional impact of weather, the result was an injury determination without the necessary factual support. We urge the ITC to appropriately consider the issues raised by the CIT when developing their revised injury determination.

We understand that the Department of Commerce (Commerce) is also working on recalculating these duties, as the CIT found errors within their calculation process and remanded the case back to the agency. With impending decisions from Commerce and the ITC, our organizations simply want accurate consideration of the facts and impacts on American farmers. Farmers are the lifeblood of our food supply, contributing to our economic strength and the resilience of rural communities. When burdened with high input costs, farmers see ripple effects occurring in every

facet of their operation. This inhibits their ability to increase market access on the global stage and satisfy both local and regional customers.

We strongly urge the ITC to consider the points raised by the CIT in re-evaluating the material injury determination, as well as the impact on farmers. We are available to answer any questions and look forward to your forthcoming decision.

Sincerely,



Harold Wolle, Jr.  
President  
National Corn Growers Association

American Farm Bureau Federation  
American Soybean Association  
International Fresh Produce Association  
National Association of Wheat Growers  
National Cotton Council  
National Sorghum Producers  
Society of American Florists  
U.S. Rice Producers Association  
USA Rice

Alabama Soybean and Corn Association  
Arkansas Soybean Association  
California Association of Winegrape Growers  
Delta Council  
Georgia Corn Growers Association  
Georgia-Florida Soybean Association  
Illinois Corn Growers Association  
Illinois Soybean Association  
Indiana Corn Growers Association  
Indiana Soybean Alliance  
Iowa Corn Growers Association  
Iowa Soybean Association  
Kansas Corn Growers Association  
Kansas Soybean Association  
Kentucky Corn Growers Association  
Kentucky Soybean Association  
Louisiana Cotton and Grain Association  
Maryland Grain Producers Association  
Michigan Soybean Association  
Mid Atlantic Soybean Association  
Minnesota Corn Growers Association

Minnesota Soybean Growers Association  
Mississippi Soybean Association  
Missouri Corn Growers Association  
Missouri Soybean Association  
Nebraska Corn Growers Association  
Nebraska Soybean Growers Association  
New York Corn and Soybean Growers Association  
North Carolina Soybean Producers Association  
North Dakota Corn Growers Association  
North Dakota Soybean Growers Association  
Ohio Corn and Wheat Growers Association  
Ohio Soybean Association  
Oklahoma Soybean Association  
Pennsylvania Corn Growers Association  
South Carolina Corn and Soybean Association  
South Dakota Corn Growers Association  
South Dakota Soybean Association  
Tennessee Corn Growers Association  
Tennessee Soybean Association  
Texas Citrus Mutual  
Texas Corn Producers Association  
Texas International Produce Association  
Texas Soybean Association  
Virginia Grain Producers Association  
Virginia Soybean Association  
Wisconsin Corn Growers Association  
Wisconsin Soybean Association

CC:

The Honorable Thomas J. Vilsack, Secretary, U.S. Department of Agriculture  
The Honorable Gina Raimondo, Secretary, U.S. Department of Commerce  
Members of Congress

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