

**NOMINATIONS OF ALAN F. ESTEVEZ, THEA D.
ROZMAN KENDLER, ALEXIA MARIE GABRIELLE
LATORTUE, AND GRAHAM S. STEELE**

HEARING
BEFORE THE
COMMITTEE ON
BANKING, HOUSING, AND URBAN AFFAIRS
UNITED STATES SENATE
ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

ON

NOMINATIONS OF:

ALAN F. ESTEVEZ, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE
FOR INDUSTRY AND SECURITY

THEA D. ROZMAN KENDLER, OF MARYLAND, TO BE ASSISTANT SECRETARY
OF COMMERCE

ALEXIA MARIE GABRIELLE LATORTUE, OF THE DISTRICT OF COLUMBIA, TO
BE ASSISTANT SECRETARY OF THE TREASURY

GRAHAM S. STEELE, OF CALIFORNIA, TO BE ASSISTANT SECRETARY OF THE
TREASURY

SEPTEMBER 21, 2021

Printed for the use of the Committee on Banking, Housing, and Urban Affairs



Available at: <https://www.govinfo.gov/>

U.S. GOVERNMENT PUBLISHING OFFICE

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SHERROD BROWN, Ohio, *Chairman*

JACK REED, Rhode Island	PATRICK J. TOOMEY, Pennsylvania
ROBERT MENENDEZ, New Jersey	RICHARD C. SHELBY, Alabama
JON TESTER, Montana	MIKE CRAPO, Idaho
MARK R. WARNER, Virginia	TIM SCOTT, South Carolina
ELIZABETH WARREN, Massachusetts	MIKE ROUNDS, South Dakota
CHRIS VAN HOLLEN, Maryland	THOM TILLIS, North Carolina
CATHERINE CORTEZ MASTO, Nevada	JOHN KENNEDY, Louisiana
TINA SMITH, Minnesota	BILL HAGERTY, Tennessee
KYRSTEN SINEMA, Arizona	CYNTHIA LUMMIS, Wyoming
JON OSSOFF, Georgia	JERRY MORAN, Kansas
RAPHAEL WARNOCK, Georgia	KEVIN CRAMER, North Dakota
	STEVE DAINES, Montana

LAURA SWANSON, *Staff Director*

BRAD GRANTZ, *Republican Staff Director*

ELISHA TUKU, *Chief Counsel*

MOHAMMAD ASLAMI, *Counsel*

DAN SULLIVAN, *Republican Chief Counsel*

JOHN CREWS, *Republican Policy Director*

CAMERON RICKER, *Chief Clerk*

SHELVIN SIMMONS, *IT Director*

CHARLES J. MOFFAT, *Hearing Clerk*

C O N T E N T S

TUESDAY, SEPTEMBER 21, 2021

	Page
Opening statement of Chairman Brown	1
Prepared statement	30
Opening statements, comments, or prepared statements of:	
Senator Toomey	3
Prepared statement	31

NOMINEES

Alan F. Estevez, of Maryland, to be Under Secretary of Commerce for Industry and Security	5
Prepared statement	32
Biographical sketch of nominee	34
Responses to written questions of:	
Chairman Brown	82
Senator Toomey	83
Senator Menendez	91
Senator Scott	93
Thea D. Rozman Kendler, of Maryland, to be Assistant Secretary of Commerce	6
Prepared statement	43
Biographical sketch of nominee	44
Responses to written questions of:	
Chairman Brown	94
Senator Toomey	95
Senator Sinema	102
Senator Scott	103
Alexia Marie Gabrielle Latortue, of the District of Columbia, to be Assistant Secretary of the Treasury	8
Prepared statement	53
Biographical sketch of nominee	54
Graham S. Steele, of California, to be Assistant Secretary of the Treasury	10
Prepared statement	63
Biographical sketch of nominee	64

**NOMINATIONS OF ALAN F. ESTEVEZ, THEA D.
ROZMAN KENDLER, ALEXIA MARIE
GABRIELLE LATORTUE, AND GRAHAM S.
STEELE**

TUESDAY, SEPTEMBER 21, 2021

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
Washington, DC.

The Committee met at 10:02 a.m., via Webex and in room G50, Dirksen Senate Office Building, Hon. Sherrod Brown, Chairman of the Committee, presiding.

OPENING STATEMENT OF CHAIRMAN SHERROD BROWN

Chairman BROWN. The Senate Committee on Banking, Housing, and Urban Affairs will come to order.

Good morning, everyone. The Committee meets today to consider the nominations of Alan Estevez to be Under Secretary for Industry and Security at the Department of Commerce, Thea Kendler to be Assistant Secretary for Export Control at the Department of Commerce, Alexia Latortue to be Assistant Secretary for International Markets at the Department of Treasury, Graham Steele to be Assistant Secretary for Financial Institutions at the Department of Treasury. We welcome the nominees and their families.

We thank you, all four of you, for your willingness to serve our country in this crucial time in our Nation's history. For the nominees, during your opening statement, as we discussed earlier, please feel free to introduce your families and those who have accompanied you here today to show support.

The nominees before us today have the experience and the preparation they need to take on these unique and important roles. If confirmed, each nominee would play a significant role in protecting U.S. interests at home and abroad.

Mr. Estevez would lead the Bureau of Industry and Security at the Commerce Department. As Under Secretary for BIS, Mr. Estevez would play a pivotal role in helping advance our country's national security, foreign policy, and economic objectives by implementing an effective export control regime.

As Assistant Secretary of Commerce for Export Administration, Ms. Kendler would be responsible for safeguarding our national security by overseeing BIS's export licensing system.

As the Treasury Department's Assistant Secretary for International Markets, Ms. Latortue would be responsible for strength-

ening and promoting U.S. interests in global financial and investment markets.

And, Assistant Secretary for Financial Institutions at Treasury, Mr. Steele would be responsible for coordinating financial institution policy, community and economic development, and efforts to increase the resiliency of our financial system.

All four nominees today are very well qualified. They all have an impressive record of public service. Let me outline that, and then I will call on Senator Toomey, and then we will begin the testimony.

Mr. Estevez spent 36 years at the Department of Defense in various roles. From 2013 to '17, he served as Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics. Prior to that role, he served as Assistant Secretary of Defense, focusing on logistics and materiel readiness. Earlier in his career, Mr. Estevez served as a program manager at the U.S. Army Strategic Logistics Agency.

Welcome to the Committee, Mr. Estevez, and thank you for your many years of service to our country.

Thea Kendler currently serves as a trial attorney in the Department of Justice's National Security Division, Counterintelligence, and Export Control Section—at DOL—I am sorry. At DOJ, Ms. Kendler investigates and prosecutes crimes related to export control and economic espionage. Prior to serving at DOJ, Ms. Kendler served as Senior Counsel in the Commerce Department's Office of Chief Counsel for Industry and Security, providing legal advice on export control, regulation, and enforcement.

We are glad to have you, too, Ms. Kendler. Thank you for your public service.

Alexia Latortue has more than 20 years of experience in international development and development finance. She is currently Deputy Chief Executive Officer of the Millennium Challenge Corporation, an independent U.S. Government agency working to eradicate global poverty. From 2013 to 2017, she served in the Obama administration as Principal Deputy Assistant Secretary for International Development Policy, where she worked on inclusive growth and poverty reduction through multilateral development banks. Ms. Latortue's experience includes serving at international financial institutions such as the World Bank and the European Bank for Reconstruction and Development.

Welcome, Ms. Latortue. Thank you for your career of service. We are glad you are here today, too.

Our final nominee is Graham Steele. Mr. Steele spent more than 7 years in my personal Senate office and on the Banking and Housing Committee as a senior trusted aide. From 2015 to 2017, Mr. Steele served as Minority Chief Counsel for the Committee, where he crafted legislation and provided strategic advice and counsel on housing, banking, and national security issues. During that time, he worked on a broad set of issues with Chairman Crapo's staff and Chairman Shelby's staff, as well as the other Republicans and the Democrats on the Committee. He also worked with a diverse set of stakeholders, forging close relationships with civil rights groups, consumer advocates, and organizations like the bipartisan

Ohio Bankers League, who have written in support of his nomination.

Prior to serving as Chief Counsel, he served as my Staff Director of the Financial Institutions and Consumer Protection Subcommittee, fighting to protect all Americans' finances. He did especially important work during and after the financial crisis of 2008 as we worked to stabilize our financial system. In his work for my office, he traveled Ohio in the years that followed, talked with Ohioans who lost their homes and saw their communities devastated by Wall Street's Great Recession. I know he has not forgotten those Ohioans. He understands the far reaching effects the financial system has on workers and their families all over the country. And I know he has worked closely over the years with many of my colleagues and their staff on both sides of the aisle to make our financial system work for everyone.

Mr. Steele, thank you for your many years of service to this Committee, the people of my State, and to our country. Welcome back. I look forward to the testimony of all four of you.

Ranking Member Toomey.

OPENING STATEMENT OF SENATOR PATRICK J. TOOMEY

Senator TOOMEY. Thank you, Mr. Chairman.

Mr. Estevez, Ms. Kendler, Ms. Latortue, and Mr. Steele, welcome to the Committee. You have been nominated for very important positions.

But before turning to today's nominees, I do want to register my disappointment that our Democratic colleagues are still trying to ram through a reckless \$3.5 trillion tax-and-spending bill despite reservations from members in their own caucus. And given the profound impact that this bill will have on all Americans, the Republicans on this Committee have requested that we hold hearings and have a mark-up. Unfortunately, it appears that our Democratic colleagues have no such plans, and I fear that is because the bill is going to include many very flawed policies that will harm economic growth and jobs and invade the privacy of Americans. These include massively expanding the welfare State in an effort to make the middle class dependent on the Federal Government, raising taxes on U.S. employers, diminishing investment by increasing capital gains taxes, increasing the electric vehicle tax credit that subsidizes the wealthy, giving the IRS, an agency with a history of abuse, access to our personal bank account information. Those are just some of the destructive policies being advanced, and I wish our Democratic colleagues would allow those items to be subject to a debate and an amendment process here at the Committee, but it appears to me that that is unlikely to happen.

Now turning to today's nominees, Mr. Estevez and Ms. Kendler, you would serve in Commerce's Bureau of Industry and Security, known as BIS, and of course, BIS determines which U.S. goods are too sensitive to be shipped abroad. In the face of China's drive for dominance in key tech sectors, BIS's mission today is as important as it has ever been.

By setting U.S. export control policy on items used for both civilian and military purposes, BIS effectively has the power to reshape the supply chains of entire industries. That means BIS must craft

export controls in a prudent, thoughtful, and effective manner that advances U.S. national security interests without unduly harming American domestic industry. This challenge is typified by BIS's efforts to impose congressionally mandated controls on "emerging and foundational technologies," which I expect that you would prioritize.

BIS is also responsible for Section 232 investigations, Section 232 of our trade law, of course, and this statute is intended to prevent the importation of goods to the U.S. that threaten American national security. Unfortunately, it has recently been abused to protect favored domestic industries. Does anyone truly think a Volvo station wagon is a national security threat, as the last Administration claimed? Tariffs on imported goods are taxes paid by American consumers. Those taxes weaken our economy, threaten American jobs, and erode our credibility with other Nations. You should urge the President of the United States to reverse the last Administration's mistakes by removing the current 232 tariffs harming our relationships with our allies and stopping the abuse of this part of our trade law.

Now to the Treasury nominees, Ms. Latortue has been nominated to serve as Assistant Secretary for International Markets. Ms. Latortue has considerable experience in this area, but I do have questions about the priority she has placed on climate change at the Millennium Challenge Corporation, known as the MCC. According to the MCC's authorizing statute, its assistance is supposed to focus on "achieving lasting economic growth and poverty reduction." The MCC should prioritize this mission, not other agendas. And by the way, in doing so, it will help developing countries improve their environments. As we all know, the most prosperous Nations in the world are also the greenest Nations in the world.

Finally, Mr. Steele has been nominated to serve as Assistant Secretary for Financial Institutions, and I appreciate his past service as a Committee staffer, but I am concerned about some of the positions that Mr. Steele has taken. For instance, he has repeatedly advocated for using what I consider extra-legal measures to achieve extreme policies. Despite the absence of statutory authorization, he has proposed having bank regulators forbid financial institutions from making loans to perfectly legal and economically necessary enterprises in the energy space. He has advocated for aggressively using the FSOC to designate financial firms as systemically important, apparently, in order to subject them to burdensome regulations, including climate regulations, even when it is doubtful that they present a systemic risk. He has also proposed that Federal agencies radically reinterpret or abuse their authorities, like withholding FDIC deposit insurance from institutions that offer products that he deems to be too complex, and politicizing the Fed to pursue a progressive social agenda, and to socializing banking itself by having the Federal Government control consumer bank accounts, and unilaterally establishing a Government-run credit reporting agency within the CFPB.

I am particularly troubled by some of these extreme positions in light of Mr. Steele's statements disparaging Republicans. He has referred to Republicans as "callous" and "absolutely villainous" and suggests that the Republicans only use the "full force of their inves-

tigative and procedural power in service of the wealthy and White folks.” These statements raise questions about the temperament, judgment, and willingness to work across the aisle.

So let me close by saying; I disagree with President Biden’s nominees on policy matters far more often than I agree with them; nevertheless, I have supported many nominees. And I will continue to do so, but there are limits to that support. I do look forward to hearing from our nominees today.

Thank you, Mr. Chairman.

Chairman BROWN. Thank you, Senator Toomey.

Would all the nominees rise? Raise your right hand. Do you swear or affirm that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God? And, do you agree to appear and testify before any duly constituted committee of the Senate?

Mr. ESTEVEZ. I do.

Ms. KENDLER. I do.

Ms. LATORTUE. I do.

Mr. STEELE. I do.

Chairman BROWN. Thank you. Please be seated. Mr. Estevez, please begin your testimony. Thank you.

STATEMENT OF ALAN F. ESTEVEZ, OF MARYLAND, NOMINATED TO BE UNDER SECRETARY OF COMMERCE FOR INDUSTRY AND SECURITY

Mr. ESTEVEZ. Thank you, Chairman Brown. Chairman Brown, Ranking Member Toomey, distinguished Members of the Committee, I am honored to appear before you today as the nominee to lead the Bureau of Industry and Security, or BIS, as the Under Secretary of Commerce for Industry and Security.

I want to thank President Biden and Secretary Raimondo for their confidence in nominating me to this critical national security position.

I especially want to thank my wife, Susan Pearson, sitting here behind me today for all her support and love and, as I have stated in my previous confirmations, for her sage advice and counsel in all that I do. Needless to say, I would not be sitting before you today without her support and her sacrifice.

This is a critical time for our Nation. The COVID-19 pandemic has highlighted the fragility of our supply chain supporting U.S. industries and ordinary Americans across the country. Many of our foreign adversaries continue to act in an irresponsible manner, including through the diversion of dual use technologies to military uses, theft of intellectual property, human rights abuses, and anti-competitive, unfair, and coercive trade practices. These activities threaten our values and interests as well as those of our allies and partners.

BIS has a key role in addressing these threats. Fortunately, Congress, with bipartisan passage of the Export Control Reform Act, or ECRA, in 2018 has given BIS important authorities to execute that mission.

During my long career with the Department of Defense, I operated at the nexus of national security and technology. As a Senior Acquisition and Logistics Official, it was my job to ensure that U.S.

Armed Forces were provided with the best weapon systems in the world to ensure their ability to defend the United States. I view the work of BIS from a similar perspective. Rather than providing the U.S. Military with technological overmatch against our adversaries, the mission is to ensure that our adversaries do not have access to the critical U.S. technologies that can harm our national security and foreign policy.

If confirmed, I will lead the dedicated professional staff at BIS to ensure that our export controls prevent the transfer of sensitive U.S. technologies. I will work to ensure that we are appropriately using all the authorities provided under ECRA, and I will ensure that we execute our due diligence in identifying and imposing appropriate controls on those emerging and foundational technologies that need protection. I will also work with our enforcement arm to ensure that we monitor exports and aggressively detect violations of our export controls.

I also believe that it is important to cooperate with our allies and partners to build strong export controls, especially in those areas where our current multilateral regimes do not currently provide adequate protections. In addition to export controls, I will support the Bureau's other important equities, including its continued efforts to address risks in the critical supply chains, reviewing transactions before the Committee on Foreign Investment in the United States, and enforcing our antiboycott requirements. I will work with the BIS staff to ensure that they have the resources to accomplish this mission.

Finally, I believe it is important for BIS to work constructively with Congress. If confirmed, I look forward to working with you and your staff as we meet these complex challenges facing BIS and our Nation.

Thank you for the consideration of your nomination, and I look forward to your questions.

Chairman BROWN. Thank you, Mr. Estevez.

Ms. Kendler, you are recognized for 5 minutes. Thank you.

**STATEMENT OF THEA D. ROZMAN KENDLER, OF MARYLAND,
NOMINATED TO BE ASSISTANT SECRETARY OF COMMERCE**

Ms. KENDLER. Thank you. Chairman Brown, Ranking Member Toomey, Members of the Committee, I am honored to appear before you as President Biden's nominee for the position of Assistant Secretary of Commerce for Export Administration.

I want to thank President—the President and Secretary Raimondo for the trust they have placed in me with this nomination. I am delighted at the prospect of returning to serve BIS and the Commerce Department in this critical role.

It would not be possible for me to take on the role for which I am nominated without the love, support, and encouragement of my family: my children, Dava and Micah; my husband, Owen—today is our 18th wedding anniversary—and my father, Gil Rozman, who planted the seeds of my international public service career. My mother, Masha, is no longer with us, but I see her legacy in my children and strive in my work to honor her memory as a lawyer, a public servant, and a lifelong learner.

I sit before you thanks to the good will and the generosity of the United States. My grandfather, Max Dwosh, who, at age 99, is watching this hearing online, fled Poland on the eve of the Nazi invasion. The family he had to leave behind was murdered. My grandfather survived in Russia during the war, performing manual labor. At the war's end, after my mother was born, he and his young family left Russia and found a haven in the American Displaced Person Camps, refugee camps in Germany, before immigrating to the United States. My mother went on to a long career as a deputy attorney general for the great State of New Jersey.

My public service is inspired by my gratitude to the people and the Government of the United States for making my family's survival and success possible. It would be an honor to serve my country in this new role, drawing on my passion for export controls and my experience in national security.

I began working on export controls in September 2001, just after September 11th, in private practice, then for 10 years in the Chief Counsel's Office for BIS, and for the last 7 years in the Counter-intelligence and Export Control Section of the Justice Department's National Security Division. As a national security prosecutor, my work has focused on dismantling procurement networks, thwarting intelligence threats, and deterring economic espionage and other theft of trade secret activities aimed at U.S. industry.

With respect to matters that are in the public record, I am particularly proud of charging global telecommunications company, Huawei, with operating as a criminal enterprise, stealing trade secrets, and defrauding global financial institutions; charging and obtaining the extradition of an intelligence officer who sought to steal trade secrets from a leading U.S. aviation technology company in Ohio; and numerous other cases that held foreign procurement agents accountable for their illicit activities. I am extraordinarily fortunate for the opportunity to pursue this work and to do so with such dedicated and professional colleagues.

I believe deeply in the mission of BIS to advance America's national security, foreign policy, and economic objectives through effective export controls and by maintaining and advancing our strategic technological edge. The United States can and should lead in export controls, drawing from the innovative spirit of our capitalist system and the decades we have spent forging relationships with our allies.

In my 20-year career as an export controls lawyer, BIS's mission has never been more relevant, particularly as we compete against autocracies for 21st century leadership. Chief among these concerns is the need to address the challenges posed by efforts to seek U.S. technologies, to pursue foreign military modernization and other destabilizing activities while also striving to manage this competition responsibly. We must appropriately use all available tools to prevent technology transfers to end users and end uses that enable strategies and activities that harm our national security and foreign policy interests.

I recognize that all of this important work is part of a whole-of-Government effort, and I also strongly support close collaboration with allies and partners to strengthen our export controls, which

are more effective when developed and amplified through multilateral regimes and plurilateral agreements.

Finally, it is important for BIS to work constructively with this Committee and the Congress as a whole. If confirmed, I look forward to working with you and your staff as we meet the complex challenges facing BIS.

Thank you again for this opportunity to appear before you. I would be pleased to answer your questions.

Chairman BROWN. Thank you, Ms. Kendler, and happy anniversary.

Ms. KENDLER. Thank you.

Chairman BROWN. Ms. Latortue, welcome. You have five minutes. Thank you.

**STATEMENT OF ALEXIA MARIE GABRIELLE LATORTUE, OF
THE DISTRICT OF COLUMBIA, NOMINATED TO BE ASSISTANT
SECRETARY OF THE TREASURY**

Ms. LATORTUE. Thank you. Chairman Brown, Ranking Member Toomey, distinguished Members of this Committee, it is an honor to appear before you today as the President's nominee to be Assistant Secretary for International Markets at the Department of Treasury. I am humbled and thankful for the trust President Biden, Vice President Harris, Secretary Yellen, and Deputy Secretary Adeyemo have placed in me.

I used to bring students to the Dirksen Senate Office Building when I worked with the Close Up Foundation as a young adult. We spoke about the awesome responsibility of public service and of the work of this chamber. Many years later, I am proud to be back, and if confirmed, I am ready to work hard and to the best of my capabilities to advance the Treasury Department's ambitious goals, working hand in hand with Treasury colleagues and with all of you.

The core mission of the Office of International Affairs at the Department of Treasury is well aligned with who I am as a professional and as a person. Doing my part to help shape a more safe, peaceful, and prosperous world has been a constant in my career. Growing up in Togo and Cote d'Ivoire, I saw poverty firsthand. It is also where I developed the conviction that everyone deserves the opportunity to fulfill their potential and to live a life of dignity. From a very young age, I knew I wanted to make a difference.

Early in my career, I swapped theory for exhilarating work with communities and Government partners on the ground. I loved the operational work on projects funded by USAID and other donors. This included living for 3 years in Haiti and working across all continents. I have seen the best and the worst of development. It cultivated my passion for evidence, accountability, and transparency, which is integral to how I approach all of my positions.

At the European Bank for Reconstruction and Development, I shaped how development finance, combined with policy dialogue and technical assistance, can support countries' transition to well-functioning market economies. I pressed for greater engagement on climate, economic inclusion, and digitalization.

My time in Federal service has been a highlight of my career. For nearly 4 years, I led the Treasury Department's international

development policy work, covering infrastructure finance, debt, financial inclusion, and food security. Working closely with strategic allies, I negotiated financing and policy packages with the multilateral development banks. Today, I am with the Millennium Challenge Corporation, a gem that punches above its weight to reduce poverty through economic growth and well-governed, low and low middle-income countries.

I grew up imbued in the notion that public service is noble. I was expected to think beyond my self-interest to that of my community, country, and world. My maternal grandfather was a public servant representing Haiti, right here in Washington, DC. My father, Gerard Latortue, opted to leave Haiti overnight rather than endorse the punishing economic policies of a dictator. He ended up in Puerto Rico, where I was born years later, making a deal at a local university to teach economics if they taught him Spanish. I learned about courageous leadership and integrity from him. My maternal grandmother and mother, Marlene Latortue, lost their husband and father shortly after his release as a political prisoner in Haiti. From them, I learned about rebounding with grace and quiet strength.

I would like to recognize my sister, Gaielle Latortue, and my brother-in-law, George Kabwe, who are here today. They are both international civil servants. My sister, Stephanie Latortue-Driza, a teacher in the D.C. public school system, is also here. I thank them for their love and support and for having made me the luckiest of aunts, blessed with my clever, kind, and open-minded nephews and niece, Lorenz, Galen, and Graciana.

My nomination today is a testament to them and to the United States, a country of unparalleled opportunity. We are a country where my father's favorite saying rings full of possibility: "We are beholden to the impossible."

The Department's work is important in the best of times. In these extremely challenging times, it is vital. I have seen firsthand how an engaged United States is able to deploy its evidence-based approach, values, and ideas to work effectively with allies, to tackle the most intractable issues that affect our world. Today, these issues include the economic recovery from the COVID-19 pandemic, rising poverty for the first time in 20 years, infrastructure, climate change, energy, food security, inequality, and promoting a level playing field for American firms and workers. Urgent need is needed—urgent work is needed to stop further reversals.

If I am privileged enough to be confirmed, I commit to working closely with this Committee to help put the United States and our international partners on a solid economic footing for a future full of optimism and hope. It would be an honor to serve with Secretary Yellen, Deputy Secretary Adeyemo, and to once again work alongside the superb and committed public servants at the Treasury Department. Thank you.

Chairman BROWN. Thank you, Ms. Latortue.

Mr. Steele, you are recognized for 5 minutes.

STATEMENT OF GRAHAM S. STEELE, OF CALIFORNIA, NOMINATED TO BE ASSISTANT SECRETARY OF THE TREASURY

Mr. STEELE. Thank you, Chairman Brown, Ranking Member Toomey, and distinguished Members of the Committee. Thank you for the opportunity to appear before you today and for considering my nomination to be Assistant Secretary of the Treasury for Financial Institutions.

I am honored to have been nominated for this position, and I am grateful to President Biden, Vice President Harris, Secretary Yellen, Deputy Secretary Adeyemo, and Under Secretary Liang for this opportunity.

If the Committee Members will allow me, I would like to begin on a personal note by thanking the members of my family who are here today. First, I want to thank my partner, Moira. I would not be the person that I am today without her love, support, and moral clarity. She has taught me that partnership is about giving, taking, learning, teaching, growing, thriving, and changing together.

I also want to acknowledge my mother, Debbi, who is here, as well as my late father, Fritz, who passed away in February of last year. They both instilled in me from a very young age a desire to always try to do the right thing, do the best that I possibly can, and to work for the public good.

Last, but not least, I want to thank my sister, Lauren, who has always understood and supported me in the way that only a lifelong sibling really can.

My career in public service began in the office of Chairman Brown in January of 2010. That opportunity and experience changed my life. It was an historic moment as the Banking Committee was in the process of drafting the most sweeping financial reforms of the last 80 years in the wake of the global financial crisis. I was fortunate to have the opportunity to work for Senator Brown, who, as the staff and Members of this Committee already know, is a brilliant, compassionate, and tireless advocate on behalf of working people. In that role, I helped Senator Brown oversee the passage and implementation of reforms to make our financial system safer and improve our economy, including the Senator's tireless effort to support Ohio families facing foreclosure and the fight to stay in their homes, and to help communities devastated by the housing crisis to recover.

I spent the next 4 years as the Staff Director of the Subcommittee with jurisdiction over financial institutions and consumer protection, including 2 years during which Senator Toomey served as the Ranking Member. During that time, I worked closely with consumer and community groups to ensure that all Americans have equal access to safe and secure financial products, including mortgages, student loans, prepaid cards, and small dollar loans. I also collaborated with a bipartisan group of Committee Members, industry groups, regulators, and other stakeholders to ensure that the most systemic institutions are well regulated, community banks and credit unions are competing on a level playing field, and banking and insurance rules are appropriately tailored.

When Senator Brown became the Ranking Member of the Banking Committee in 2015, I served as Chief Counsel to the Minority staff, a role I held until August of 2017.

More recently, as a member of the staff of the Federal Reserve Bank of San Francisco and now in my role at Stanford Graduate School of Business, I have experienced from a close vantage point some of the most pressing financial challenges facing our Nation, including housing affordability, financial technology, and climate change.

Finance has always been a personal issue for me, having had some of my friends, family, community, and even myself experience financial risks and challenges: the decades-long burden of student loans taken out to create an opportunity for a better future; home equity lines of credit tapped in the hopes of filling the gap between household income and expenses; credit card bills embedded with hidden tricks, traps, and fees; jobs lost and retirement nest eggs depleted by a crisis of someone else's making. I am acutely aware that the millions of people that use our financial system every day are, in the words of Secretary Yellen, "more than just statistics."

I believe that this is another consequential historical moment, and that is why I can think of no greater honor than working with a talented, dedicated staff at the United States Department of the Treasury.

If I am fortunate enough to be confirmed, I look forward to working closely with all the Members of this Committee to build a better postpandemic economy by helping to shape a stable and inclusive financial system that works for everyone.

Thank you again for the opportunity to testify today, and I look forward to your questions.

Chairman BROWN. Thank you, Mr. Steele.

I would like to pose questions to all four of you, to each of you, so please be as brief as you can in your answers, starting my left to right.

Mr. Estevez, you have a distinguished record of service working on national security and technology issues. Tell us briefly, what are your priorities and vision for BIS?

Mr. ESTEVEZ. Thank you for that, Senator. My priorities would be countering transfers of sensitive technologies to China, given China's malign behavior on a number of fronts, as well as to other adversarial Nations, continuing in strengthening our focus on identifying and imposing appropriate controls on emerging and foundational technologies, strengthening the resiliency of our supply chains, particularly in the semiconductor area, and working with our allies and friends to strengthen controls over critical technologies. I have a more extensive list, but in the interest of time I will stop there, Senator.

Chairman BROWN. Thank you. I appreciated our one-on-one conversation last week.

Ms. Kendler, if confirmed, you will be charged with administering our export controls system, as you know. How would you use BIS authorities to address genocide and human rights violations and oppressive surveillance in China and elsewhere?

Ms. KENDLER. Thank you, Senator. I share your deep concern about the Uyghur people in Xinjiang. We cannot permit U.S. technology to be used in human rights abuses. If confirmed, I will use all of BIS's tools—the licensing process, the Entity List, the Military End User List, and so on—to scrutinize license applications in-

volving the PRC. I would also work with partners, interagency, and with the multilateral regimes to amplify our export controls, but I would not hesitate to impose unilateral controls if necessary to keep United States technology out of the hands of human rights abusers. Thank you.

Chairman BROWN. Thank you.

Ms. Latortue, you have an impressive record, 20 years of international development experience. What role does U.S. development assistance play in providing an alternative to China's Belt and Road Initiative? How do you advance U.S. leadership in development assistance?

Ms. LATORTUE. Thank you, Chairman, for your very important question. The United States has a vital role in helping our partner countries in their sustainable development. The Americans have an offer of development that is qualitatively very different from that of China. It is transparent. It has high environmental, social, and governance standards embedded in it. It does not coerce or try to hide conditions for the assistance. And in addition to finance, the United States offers vital policy and institutional reform support to make sure that our development assistance has lasting impact in the countries that we support.

Chairman BROWN. Thank you.

Mr. Steele, you worked on the Senate response to the financial crisis. You saw firsthand how the financial system works for Wall Street, not often enough for Main Street, in your work in Ohio and now your work in San Francisco. We see many of the same problems today. Big banks give CEOs huge bonuses, spend billions in stock buybacks instead of investing in workers and the real economy. Millions of families, as you know, face the threat of eviction or foreclosure, especially in communities of color and low-income areas. During the pandemic, as we know, it was community banks and credit unions, not mega banks, that increased lending and stepped up to make PPP loans to small businesses in their communities.

My request and question is this: Explain what you will do as Assistant Secretary for Financial Institutions to make sure the financial system serves working people who make this country work.

Mr. STEELE. Absolutely, Senator. Thank you for the question, and as I said in my opening statement, I have always known you to be a champion for working people. So largely, I would follow your lead. I would also follow the lead of President Biden, who has made clear that the lives of working people are important to him and that is a priority for his Administration, and Secretary Yellen has done the same.

In my specific role, I would point to a few specific areas. One is that we know that financial crises themselves fall the hardest on working people, low-income communities, communities of color. Strong financial regulation can help protect those communities from crises happening and from the fallout when there is a crisis.

Second, I would say that workers' wages are—do them no good if they are siphoned off by predatory financial products. So strong consumer protection is really important to protect workers' income and their hard-earned wages.

You mentioned community banks and their performance during the PPP program and the importance of the role that they play. Were I fortunate enough to be confirmed, we have the CDFI fund that supports CDFIs and minority depository institutions. Congress has recently appropriated a good amount of money to that program. It is important that we invest in those community institutions that can, in turn, invest in urban and rural communities to make sure that the workers there are thriving.

You also mentioned housing. I will say that we know that housing security and job security are closely related. Treasury administers a couple of programs that protect renters and that protect homeowners, and I would see to it that those programs are doing the job as they are intended and as promised.

So should I be fortunate enough to be confirmed, I would look forward to working with you and all the Members of the Committee to ensure the financial system works well for working people.

Chairman BROWN. Thank you, Mr. Steele. Thank you to the four of you.

Senator Toomey is recognized.

Senator TOOMEY. Thank you, Mr. Chairman.

Mr. Steele, the position to which you have nominated oversees Treasury's involvement in FSOC, as you know, which the Treasury Secretary chairs. In a 2020 article, you proposed "Under a comprehensive macroprudential approach to climate regulation, insurance companies and asset managers would be subject to Federal supervision and regulation by the Federal Reserve through designation as non-bank CIFIs by the FSOC on the basis that their mix of activities, in this case, their financing of climate change-driving industries, pose a threat to the financial stability of the United States."

As far as I can tell, even the current Administration has not advocated for CIFI designation as a means of climate regulation. Your position is particularly troubling because climate policy is not within the legal authority or expertise of the FSOC or the Fed. Moreover, climate models are ill suited to predicting financial risk due to their inherent uncertainties and complexities and the fact that climate models are designed to have a time horizon of decades or longer. Given the uncertainty of climate risks to financial institutions, it would be completely arbitrary for FSOC to designate any financial institution as systemically important on the basis of perceived climate risk.

So, Mr. Steele, let me ask a question. We have extreme weather events every year in America; we always have, probably always will. Can you name any bank that has failed due to extreme weather events in the last 50 years in America?

Mr. STEELE. Thank you for the question, Senator. Not off the top of my head, I cannot.

Senator TOOMEY. OK. So nobody has been able to name a bank that has failed, to my knowledge, in easily the last 50 years, probably longer than that, in the United States.

Are you aware of any major American financial institution that is in danger of collapsing in the next 12 months or the next 24 months as a result of climate risk?

Mr. STEELE. Thank you for the question, Senator. And as you know and as you note, climate change and the intersection with the financial system has been a very important issue to me. And I come at it in a similar perspective to Secretary Yellen, who has noted that climate change is both an existential risk to our environment but also potentially to our economic system if it gets severe enough.

And the way I think about this is similar to what Vice Chair Quarles at the Federal Reserve system has said, that it is incumbent upon financial regulators to understand all the risks presenting the institutions that they supervise and——

Senator TOOMEY. I understand.

Mr. STEELE. OK.

Senator TOOMEY. I have got very limited time here. I appreciate that, but look, here is the bottom line and the reason I bring this up. We can absolutely have a discussion about whether we need to take more aggressive action to deal with climate change. Abusing the powers of our financial regulators to do it is a bad way to do it, in my view. It should be done in the transparent fashion of legislation and implemented by people who have expertise in this. The financial system is not the way to try to do this.

Mr. Estevez, Section 232 of our trade law is intended to be used to review whether imports “threaten to impair” U.S. national security. Now recently, an increasingly loose interpretation of this has been used by the Executive branch. For instance, as you know, the last Administration alleged the foreign steel imports are a national security threat.

The facts tell a very different story. In 2017, the year before the 232 tariffs were put in place, over 66 percent of the steel we use in the United States was domestically produced. The rest was imported specialty steels that we need but we do not produce domestically, and the vast majority of that came from our close allies. It is obvious to me that importing steel that we do not make ourselves in modest quantities from nearby allied countries is not a threat to national security, and Defense Secretary James Mattis agreed.

So, Mr. Estevez, you have served for many years in the Defense Department. Do you agree that products should actually have a genuine nexus to defense preparedness and military readiness in order for them to be eligible for a Section 232 investigation?

Mr. ESTEVEZ. Thank you for that question, Senator. Let me start off by saying 232 is an important tool.

Senator TOOMEY. I have got to ask you to be as brief as possible because I am already running out of time.

Mr. ESTEVEZ. You got it. Section 232 needs to be looked at in a hard national security lens, Senator. It should not be used willy nilly.

Senator TOOMEY. Thank you. And do you believe that it is important that the U.S. and the E.U. meet the December 1 deadline for resolving the trade disputes that will enable us to lift these tariffs?

Mr. ESTEVEZ. I think it is very important that we work with our allies in doing that. I cannot speak to the deadline per se, but it is very important that we work completely these issues with our allies.

Senator TOOMEY. I think the deadline is important as well. So thank you.

Ms. Kendler, BIS is responsible for conducting the Section 232 exclusion process for existing tariffs on steel and aluminum. Yet, the process has been fraught with problems from day one. Commerce's OIG investigated and found in January of this year that "U.S. companies were denied exclusion requests based on incomplete and contradictory information, and the Section 232 exclusion request to review process lacked transparency." Another GAO investigation found BIS did not decide most of the requests within its established deadlines, leading to a backlog of 30,000 requests.

Ms. Kendler, can you commit to increasing the transparency and improving the efficiency and timeliness of the exclusion process?

Ms. KENDLER. Yes, Senator. I believe in a fair, transparent, and efficient exclusion process.

Senator TOOMEY. Thank you.

And, Mr. Chairman, if you will indulge me for just an extra minute, I want to ask Mr. Estevez and Ms. Kendler the following question. In 2018, Congress enacted the Export Control Reform Act. One of its most important provisions is a mandate that BIS identify and control the export of emerging and foundational technologies. Will you both commit to prioritizing the implementation of this provision and keeping this Committee informed of your progress? Could you each answer separately?

Mr. ESTEVEZ. Absolutely, Senator.

Senator TOOMEY. Thank you.

Ms. KENDLER. Yes, Senator.

Senator TOOMEY. And then, finally, my last question for Ms. Latortue: You have said that climate change is "the defining issue of our time," and under your leadership the MCC has significantly reduced its funding for non-climate-related projects to less than half of MCC's grants over the last 5 years. The MCC was created, however, to promote economic growth and to reduce poverty but not primarily to address climate change. So let me ask, as a general matter, do you agree that countries with higher standards of living tend to have better environments?

Ms. LATORTUE. Senator, I believe that climate change, poverty reduction, and economic growth are intimately linked, and that is why partner countries ask for support that actually understands the connections between all three. Protecting our development dollars will require us to keep in mind the impacts of climate change across every sector of the economy.

Senator TOOMEY. OK. I am out of time here. Let me just point out certainly they can be linked, but it is, I think, an objective fact that the most developed countries, the most prosperous countries in the world have the best environments because they can afford the luxury of maintaining a good environment. Economic growth leads to better environment. Thank you.

Senator TOOMEY. Thank you, Senator Toomey.

Senator Menendez of New Jersey is recognized.

Senator MENENDEZ. Thank you, Mr. Chairman.

Mr. Estevez, the President as candidate promised that he would return the jurisdiction of the export licensing of semi-automatic weapons from the Commerce Department back to the Department

of State, from which President Trump took it. The President can do this by simple regulation without the need for legislative approval. But until that happens, the Department is providing no information to Congress as to what lethal weapons, including sniper rifles, assault rifles, and others, are being sold to what countries or foreign persons, in what quantities, and under what conditions. What is the status, to your knowledge, of the implementation of the President's promise?

Mr. ESTEVEZ. Thank you for that, Senator Menendez. I cannot speak to the President's promise. You probably have access to the President more than I do. But I will say that it is important to aggressively use export controls to control gun exports, and I certainly am prepared to work with the Committee on the oversight of that.

Senator MENENDEZ. Well, if you take my word that that was the President's promise during his campaign, do you support that promise?

Mr. ESTEVEZ. I will work with the Administration on that, Senator.

Senator MENENDEZ. So, meaning that if they in fact are going to——

Mr. ESTEVEZ. If that is the direction that the President wants to go, I will certainly support that.

Senator MENENDEZ. Until the President's promise is implemented, will you commit to provide to the committees of jurisdiction over arms sales specific information about what semi-automatic weapons sales are being considered for export, including the foreign recipients, numbers of weapons, conditions, and end use monitoring measures, if confirmed?

Mr. ESTEVEZ. Senator, since I am not in BIS, I cannot give you the details on what those rules exactly are. I do commit to working with you and your staff on——

Senator MENENDEZ. I am talking about information. I am not talking about some classified set of circumstances. Surely, the U.S. Government, who funds the Department that you are going to be part of and who funds the process of exporting weapons, should be able to know who you are exporting to.

Mr. ESTEVEZ. Senator, I am certainly prepared to provide the Committee the information that is due this Committee regarding exports.

Senator MENENDEZ. Mr. Steele, our financial industry has a diversity problem, especially at the highest levels. The proportion of minorities in financial services drops by 75 percent from entry level to the C-suites. At the highest level, 90 percent of the C-suite is White. Women of color make up only 2 percent of executives despite being 21 percent of the entry-level workforce.

It is not an optics problem that I am talking about. A lack of diversity leads to real issues in our financial system. In 2019, the National Bureau of Economic Research found that Black mortgage borrowers were charged higher interest rates than White borrowers. That might sound familiar since between 2004 and 2009, in the run-up to the financial crisis, Black and Latino borrowers with good credit scores were three times as likely as similarly situated White borrowers to have higher-rate mortgages.

So Secretary Yellen has previously testified here that if economists are mainly of one gender or race they are likely to miss things that matter. Do you believe the same holds true for bank executives?

Mr. STEELE. Well, absolutely, Senator, and thank you for the question. And I know you have been a leader on this issue on the Committee. I would say, absolutely, that lived experience is extremely important for people, policymakers in the public sector, for bankers in the private sector, for anyone in a decisionmaking and policymaking position. And that is particularly to my mind true in the financial services sector where, as you noted—you noted some of the history around discriminatory lending, but obviously, as you know, it goes even further back than that in the housing market, back to redlining and things like that.

I absolutely think that—

Senator MENENDEZ. So does the lack of diversity at financial institutions mean they are more likely to miss things that matter?

Mr. STEELE. I think a lack of diversity, equity, and inclusion in any institution means that they are likely to miss important things.

Senator MENENDEZ. If you are confirmed then, what would you do to help diversify financial institutions?

Mr. STEELE. Well, I mean, I would say that this Administration has put a high priority on diversity, equity, inclusion, both within the agencies but also trying to work with the private sector. And so I would be happy to talk with you in your office if you have ideas about that. I am happy to engage with the private sector to hear what they are doing and talk with the folks at Treasury to hear—

Senator MENENDEZ. We would welcome that, and we have already had these discussions with Secretary Yellen and the Under Secretary, and I hope we can do so with you as well.

Finally, in 2018, I led the effort to pass the Trafficking Victims Protection Reauthorization Act, which passed Congress unanimously. One section of that bill requires the Treasury Secretary to promote antitrafficking policies at the international financial institutions, such as integrating antitrafficking interventions into projects requiring Government action against trafficking as a condition, a condition, of making loans. Ms. Latortue, will you commit to advancing antitrafficking efforts at the multilateral development banks and regularly brief my staff on your work there?

Ms. LATORTUE. Thank you, Senator, and thank you for raising this very important Act, which is very important to our work in supporting the multilateral development banks. The United States has consistently put pressure on those development banks to comply with this Act, which of course, protects the most vulnerable and disadvantaged people, and I would be very pleased to continue to engage with you on their progress in this regard, Senator.

Senator MENENDEZ. Thank you.

And, Mr. Chairman, one last brief question. We have to ensure that our financial regulators identify and interdict the proceeds of trafficking and help trafficking survivors repair their credit in cases where their identities were stolen and abused by their traffickers.

So I want to ask you again, Ms. Latortue, and Mr. Steele in this case as well, will you commit to using the tools of the Treasury Department to address these issues?

Ms. LATORTUE. Senator, yes. The Treasury Department has a range of tools across departments, and I look forward to working with my colleagues across all of the Treasury Department in this regard.

Mr. STEELE. I do, Senator.

Senator MENENDEZ. Thank you.

Thank you, Mr. Chairman.

Chairman BROWN. Thank you, Senator Menendez.

Senator Tester is recognized remote from his office.

Senator TESTER. I appreciate the opportunity. Thank you all for being here today for the respective jobs that you were in line for.

Look, I come from rural America. We have seen significant economic barriers in recent years, including a global pandemic, difficult growing seasons, and extreme weather events I believe due to climate change.

And this has been asked about previously, but I want you to elaborate a little more. Disastrous trade policies, particularly from the previous Administration, retaliatory tariffs impacted businesses in communities of all sizes, not those just in rural America but everywhere, including ag producers.

This is for Latortue, excuse me, Estevez, and Kendler. If you are confirmed to these positions, how would you work to move forward from Trump on trade and our international relationships overall?

Mr. ESTEVEZ. I will start off with that, Senator. Thank you very much for the question. On trade, of course, you know, my position is on the export controls, on that side, other than Section 232. As I said to Senator Toomey, Section 232 should only be used for the strictest national security means. With regard to—I am sorry. I lost the rest of your question, Senator.

Senator TESTER. Well, just how are you going to work to move forward on trade? Trade is critically important to rural America. It is critically important for this country. And how do we reestablish those international relationships that have been screwed up by the last Administration?

Mr. ESTEVEZ. Working with our international partners is critically important to me. It is something I have done in the past in my previous DoD roles, and I intend to get back to working with our allies and partners to ensure (a) on the export control side we are in sync and on the trade side we are in sync, and with the rest of my colleagues in Commerce.

Senator TESTER. OK. And the other two want to comment? Kendler or Latortue?

Ms. KENDLER. Thank you, Senator. I agree with Mr. Estevez. I would note that the Bureau of Industry and Security participates in numerous multilateral regimes and is also working on plurilateral agreements, and if confirmed, I anticipate supporting those activities and giving them much priority.

I would also note that in terms of the supply chain it is very important that we work to shore up key sectors, like semiconductors industries and others, of course, to ensure, excuse me, to ensure resilient, diverse, and secure supply chains. Thank you.

Ms. LATORTUE. Thank you very much, Senator Tester, and very much agree with the importance of your question. A core principle with respect to all of the work that we do on trade is ensuring a level playing field for all American workers and farmers, and that would be something that, if confirmed, I would very much prioritize as well as finding ways to expand markets for U.S. exports as well. And I would be very happy to continue to engage with you on these questions.

Senator TESTER. Thank you. And we will once you are confirmed.

This is a question for Mr. Steele. Mr. Steele, small financial institutions are really the lifeblood of rural America, and when they go away it has significant impact on our communities. What are your views on tailoring regulation requirements to the size and the risk of an institution?

Mr. STEELE. Thank you very much for the question, Senator. And as we have talked about earlier with the Chairman of the Committee, we saw community institutions perform incredibly well during the COVID-19 pandemic. So they just once again withstood the stress tests to show the kind of value they provide for their communities.

I think tailoring to the risk that an institution presents is incredibly important. I think it helps small institutions remain competitive. That is something that I worked on very hard during my years here on Capitol Hill, working on legislation with Senator Moran around annual privacy notices, Senator Johanns around insurance capital standards, Senator Portman with some issues around privately insured credit unions having access to the Federal Home Loan Bank System. So it is always something I have been very mindful of, that we need a vibrant community banking and credit union industry in this country to serve the needs of both urban and rural communities.

Senator TESTER. So it would be fair to say that you think the regulation should fit the risk?

Mr. STEELE. Absolutely. That seems to make a lot of sense to me.

Senator TESTER. Thank you.

So this question is for any one of the four of you, and since I have got limited time the first one to jump in gets to answer it. Cybersecurity is a massive issue, and it is a massive issue in the financial system. It is a massive issue, militarily. It is a massive issue. OK?

We need to do more to address cybersecurity threats. So if confirmed, how would you prioritize combating cybersecurity threats? Who wants to answer it?

Mr. STEELE. I guess I will take this one, Senator. I would just say particularly in our financial system safeguarding both the Government agencies that oversee the financial system from cyber threats and overseeing critical financial infrastructure from cyber attacks is, to my mind, one of the most important jobs that I would have were I to be fortunate enough to be confirmed.

And a lot of our role, I think, is sort of a public-private partnership that involves convening, sharing best practices with the industry, but also working with our counterparts abroad. And I would seek to do that with all the Members of this Committee that have prioritized that as an issue.

Senator TESTER. Thank you all. And I apologize to Senator Tillis. Mr. Chairman, I yield.

Chairman BROWN. Thank you, Senator Tester.

Senator Tillis is recognized remote from his office.

Senator TILLIS. Thank you, Mr. Chairman.

Thank you all for being here. Congratulations on your nominations.

Mr. Estevez, I was Chair of the intellectual property subcommittee in Judiciary, now Ranking Member, and for years we have had testimony the theft of the Chinese—led by the Chinese Communist Party, theft of intellectual property. And we saw them double down during the pandemic, trying to steal information on central diagnostics, treatments, and cures for COVID-19. Can you talk about your vision for how we can be best positioned to combat the growing threat of the Chinese Communist Party's coordinated efforts to steal our intellectual property, and how can we make sure that we preserve American innovation?

Mr. ESTEVEZ. Thank you for that, Senator, and I note that during my time at the Department of Defense I also worked to protect intellectual property of the defense industrial base. China is certainly guilty of anticompetitive, coercive practices, including intellectual property theft. And I would, in my position, use the authorities given to the Commerce Department under the Export Control Reform Act to ensure that we are not providing technology to China that can be used to steal intellectual property and using CFIUS to protect the American businesses from Chinese intellectual property theft. I will stop there.

Senator TILLIS. Mr. Estevez, also, there was a question earlier about export controls. The concern that I have is that our European allies and partners do not necessarily share the same, or have the same, posture that we do with respect to China as an economic threat. Bilateral export controls are the best way to go, but given that we may have lukewarm response from some of our trading partners and allies, what is your view of using unilateral export controls? And, cite any specific examples if they are relevant.

Mr. ESTEVEZ. Thank you for that. As you said, Senator, multilateral export controls are the most effective. If we do not use multilateral export controls it is like damming up half the river, as one of my predecessors said.

With that said, if we need to use a unilateral export control to protect a particular technology that is American technology from being exported, we will do that in the national security look. We do have to balance the risks in doing that now. And the follow-up to that would be then to work with our allies to bring them—to show them the data around that and hopefully bring the multilateral regimes into compliance.

Senator TILLIS. Thank you.

Ms. Kendler, you are charged with two unique prerogatives, protecting national security while also ensuring U.S. businesses remain globally competitive. Can you talk a bit about how you will execute on these missions and anything else you find relevant to ensuring the dual nature of your role? And, talk a little bit about your qualifications that put you in a good position to execute.

Ms. KENDLER. Thank you, Senator. In terms of my qualifications, I have been a national security prosecutor, and in that role I look at the theft of trade secrets, as you asked Mr. Estevez about, economic espionage, export controls crimes, many of which involve countering the threat posed by the People's Republic of China.

In terms of national security threats, we have to also look at the complexities of inextricable economic links. And my priority would be working both to protect national security and to advance our technical edge, if confirmed. I think it is very important to aggressively use tools like export controls to hold Governments, companies, and individuals accountable for their attempts to access U.S. technology to conduct activities that undermine our national security interests and those of our allies.

I very much, if confirmed, would like to work with you and this Committee to understand your ideas for strengthening the export controls regime. And I think we can do both. We can accomplish both goals at the same time; we can protect our national security and ensure our economic competitiveness. Thank you.

Senator TILLIS. Thank you.

Mr. Steele, last month, you, I believe, posted a Tweet on August the 20th that said it would be a huge missed opportunity for President Biden to renominate Fed Chair Powell because he is a White male. Do you believe it was a huge missed opportunity for the President to nominate you as Treasury Assistant Secretary given that you are also a White male?

Mr. STEELE. Thank you for the question, Senator. And I think it was last year, not last month.

Senator TILLIS. Yes. I am sorry. You are right.

Mr. STEELE. No problem. I think what I was trying to say there was very consistent with the colloquy that I had with Senator Menendez earlier, which is that I am trying to make the point that representation and just inequitable representation in policymaking positions in both the public and private sectors is extremely important. And I was using that one position to make that rhetorical point, and I think that that was what I was sort of going for with that statement.

Senator TILLIS. Thank you, Mr. Chairman.

Chairman BROWN. Thank you, Senator Tillis.

Senator Warren from Massachusetts is recognized for 5 minutes.

Senator WARREN. Thank you very much, Mr. Chairman.

And congratulations to all of you on your nominations.

The science is clear. Climate change is an existential threat to every living thing on this Earth. The climate crisis is bearing down on us with accelerating speed. We need bold action now.

Mr. Steele, if confirmed, you will be in charge of the office at Treasury that oversees policy for financial institutions. From your standpoint, do the largest financial institutions directly contribute to the climate crisis?

Mr. STEELE. Thank you for the question, Senator, and I share your concerns about the existential crisis that is climate change. I would say it is difficult to know because there is no standardized reporting right now of financed emissions by financial institutions. And I would also say that a lot of the largest banks have made net zero commitments or commitments to reduce their emissions by

2030, but there is not a lot of “there, there,” not a lot of details about what they are going to do.

What we do know based upon reports by groups like Rainforest Action Network, using publically available data, is that the 4 largest U.S. banks provided \$976 billion in financing to the fossil fuel industry over the last 5 years. So it seems like there is some room for improvement.

Senator WARREN. In fact, let me just add to your numbers there. During the past 5 years, following the signing of the Paris Agreement, the world’s biggest banks have put \$3.8 trillion into financing fossil fuel exploration, drilling, and trading.

Now at the same time, some of these very same banks have been patting themselves on the back for announcing meaningless climate pledges. For example, JPMorgan Chase relies on accounting tricks to try to pretend that it has cut the overall greenhouse gas emissions associated with its lending. This so-called “corporate greenwashing” lets giant banks get these great headlines without doing the serious work that we need to protect our environment.

And in some areas of the financial system the climate change threats are becoming even clearer. Take cryptocurrency and Bitcoin mining. Proponents of these technologies have praised the innovations in this sector, but one of those innovations has been a brand new way to consume huge amounts of energy for no productive purpose.

So, Mr. Steele, do banks’ investments in fossil fuels put consumers, our financial system, and our economy at greater risk?

Mr. STEELE. Well, again, Senator, I believe that they do. There is one possible risk, which is physical risk, the damage caused by increased hurricanes, flooding, wildfires out in my home State of California, cold snaps that lead to a shutdown and reduced economic activity. There are the potential economic consequences of a sudden and disorderly transition in energy sources that could devastate communities that rely on particular industries, particularly energy-intensive industries. Finally, I would also say that even under the status quo there is a cost to climate-vulnerable populations right now. We know that fenceline and frontline communities are damaged by environmentally harmful practices.

And I would say that all of those issues, those baseline economic issues, would be exacerbated if we also at the same time had a financial crisis occurring at the same time that we had an economic—a climate-induced economic crisis.

Senator WARREN. Well, you know, the Earth’s climate is truly in crisis, but there is good news. We are not powerless here. The Administration has already taken important steps with President Biden’s Executive order on climate-related financial risks. So, Mr. Steele, let me ask you what are some of the tools that our regulators have available right there at their disposal to mitigate these risks and to ensure that our system is protected from climate change?

Mr. STEELE. Well, Senator, as you noted, the President has tasked the Financial Stability Oversight Council with coordinating its constitutive agencies to report back on the work that they are doing through their organic laws that they have to ensure the safety and soundness of the banking system under the securities laws

or the commodities laws. I know that some of them have been incorporating climate risk into the supervisory practices that they are doing.

I know you have been a leader on this issue in framing the way that Dodd-Frank and some of the other financial reform laws could be used to address some of these risks and also, on that disclosure issue that I mentioned earlier, in proposing a way to standardize the climate risks from public companies. So were I to be confirmed, I would look forward to working with you and the other Members of the Committee on what that could look like, to address the risks of climate change.

Senator WARREN. That sounds really good, and I really do think you have identified several very important tools. But I also think it is important that we not just have a piecemeal approach here. Treasury has a major role to play in coordinating among the financial regulators and ensuring that we have a comprehensive approach to these risks.

The time for climate action is now, and I know from your work that you take these issues seriously. I look forward to working with you on these issues when you are confirmed.

Thank you, Mr. Chairman.

Chairman BROWN. Thank you, Senator Warren.

Senator Hagerty from Tennessee is recognized.

Senator HAGERTY. Chairman Brown, Ranking Member Toomey, thank you very much for holding this hearing today.

And I want to thank our panel of nominees for your time and for your testimony here today. Each of you at the Commerce Department and Treasury Department represent very important positions, and I appreciate your presence here today.

Mr. Estevez, I would like to start with you. You have been nominated to lead the Bureau of Industry and Security. It is a position that is one of the most important across the Government for our strategic competition with the Chinese Communist Party. The decisions that you make now can have generational impacts, and I am very concerned about the national security risks of doing business with CCP-controlled entities and national champions.

And while the Trump administration imposed export controls to prevent telecom giant Huawei and its ilk from dominating the 5G and internet of things arenas here in the U.S., they also did it to prevent these companies from accessing sensitive U.S. information. I am concerned that the Biden administration appears to be moving in a direction that would reverse this national security policy, such as his recent decision to grant licenses for the sale of auto chips to Huawei.

So, Mr. Estevez, I would like to start with this question: Do you feel that Huawei and other CCP-backed national champions pose a national security threat and an economic security threat to the United States?

Mr. ESTEVEZ. Senator, thank you for that question. In my past role at DoD, I read about Huawei almost every day in my morning read. And I would say that Huawei does present a national security threat to the United States, and it is my understanding that there has been no change in policy regarding Huawei. They remain on the Entity List, and they remain under scrutiny.

Senator HAGERTY. I appreciate that. As U.S. Ambassador to Japan in my previous position, I worked very hard with the Japanese Government to get them to, likewise, agree to block entities like Huawei from their system so that we could have a clean internet system and ability to communicate with our allies. Other countries like Australia, New Zealand have followed suit. I am hopeful that the U.K. will do the same.

Mr. Estevez, will you commit to keeping Huawei on the Entity List under your tenure?

Mr. ESTEVEZ. I see no reason that Huawei would come off the Entity List unless things change, Senator.

Senator HAGERTY. Mr. Estevez, there is a disturbing trend that is underway that I have been watching for those companies that are on the Entity List making an attempt to restructure themselves, to make themselves smaller in a way, to get themselves in a position that they could somehow circumvent the Entity List itself and get beyond what the designation originally intended. Are you aware of this sort of activity?

Mr. ESTEVEZ. Again, Senator, you know, during my time at the Department of Defense, I represented the Department on CFIUS, and I watched lots of maneuvers by Chinese companies or shell companies or split-off companies to try to get around U.S. regulatory strictures. And if I am confirmed, I intend to keep a close eye on doing that, and we will review repeatedly to ensure that we are doing the right things to protect national security with regard to the PRC.

Senator HAGERTY. I am pleased to hear you say that. Again, I have seen these types of attempts as well. But the effort to restructure and “structure around” our designations I think is something that should be a top priority and a top concern should you be confirmed, and I appreciate that.

I also would like to ask you if you could commit to taking a very close look at Huawei’s recently spun-off smartphone brand called Honor. Based on open-source reporting, do you have any opinion on whether Huawei is using this spun-off brand to minimize or circumvent Huawei’s own designation on the Entity List?

Mr. ESTEVEZ. You know, as I just said, I have seen previous maneuvers by the Chinese. I, too, read the *Washington Post* article yesterday on Honor, and it is something I will have to look at when I get to the Department should I be confirmed. I do not have the information in front of me that would give me the full picture on that, if you understand.

Senator HAGERTY. I think you share the same concern that I do. I hope that you do. And I appreciate your taking a very hard look at that.

And I would also just ask you in closing to commit to being as transparent as possible with this oversight committee as you progress in your role should you be confirmed, in terms of providing regular briefings to us as to how you are evaluating those companies that are on the Entity List and how you are protecting the United States from CCP-backed companies and entities that could threaten our national and economic security.

Mr. ESTEVEZ. Senator, as I did in my past positions, I certainly believe in the oversight of Congress, and I am happy to work with committees to provide transparency to what we are doing.

Senator HAGERTY. Thank you, Mr. Estevez.

Thank you, Mr. Chairman.

Chairman BROWN. Thank you, Senator Hagerty.

Senator Van Hollen of Maryland is recognized.

Senator VAN HOLLEN. Thank you, Mr. Chairman, Ranking Member Toomey.

Congratulations to all of you on your nominations. You cover a set of very important responsibilities and portfolios. And I am not going to have time to address all the issues I would like to raise, so I am likely to submit some questions for the record.

In the spirit of bipartisanship, I want to both associate myself with the question Senator Warren raised about climate risk and the one Senator Hagerty raised with respect to Huawei, an issue that we have had bipartisan cooperation and support on for some time.

Ms. Latortue, congratulations on your nomination. In addition to serving on this Committee, I serve as the Chairman of the Africa Subcommittee of the Senate Foreign Relations Committee, and the first hearing we had in July focused on U.S. trade and investment in Africa and the immense opportunities for economic development and growth there, both for the people of Africa and also export opportunities for American workers and businesses.

As you know, in the next 30 years, the population of the continent is expected to double, and one quarter of the world is projected to live in Africa by the year 2050. It is also the youngest continent in the world, with 60 percent of Africans under the age of 25.

I know you have deep experience in the areas of international development and finance given your current role on the Millennium Challenge Corporation, where about two-thirds of your portfolio involved projects in Africa. So if you could just speak for a moment to lessons you have learned there and how they can translate into your current position because I would like to see us move from simply talking about greater investment opportunities in Africa to actually seeing them expand.

Ms. LATORTUE. Thank you so much, Senator Van Hollen. I think you have made the case for shared prosperity very well and why the prosperity of the United States is so linked to the prosperity of our partners abroad.

I have learned a lot of lessons at the Millennium Challenge Corporation. I will just cite perhaps three today, Senator. The first one is the importance of working hand in hand with our partners to identify priority needs and priority investments so that we can be ensure that they go forward well. So that partnership with the countries is really critical.

The second lesson is that even in the development assistance space it is critical to have an eye to what the private sector can do. And so working to create the conditions, the enabling conditions for private sector investment, which is much more plentiful than international assistance will ever be, to come in, is a vital role.

The third lesson I have learned at the MCC and throughout my career, frankly, is the importance of accountability and rigor. In the very important work of international development, it is very important to be clear about the purpose of what we are trying to do and to have clear measurements to understand whether or not we are achieving our goals and, if not, to course-correct as soon as possible. Thank you.

Senator VAN HOLLEN. Thank you. And I have some follow-up questions for the record, but since I have limited time I want to turn to Mr. Steele.

And congratulations to you as well. I also chair the Subcommittee on Financial Services and General Government on the Appropriations Committee, and part of that portfolio includes CDFIs, which in my view are a very important instrument of empowering local communities, providing lending where others will not lend.

And as you know, as part of the December legislation we passed here, a bipartisan bill, we authorized \$9 billion for the Emergency Capital Investment Program—that was part of the appropriations bill back then—which I hope will provide some long-term, patient capital that CDFIs desperately need to serve communities.

With respect to programs like the Small Dollar Loan Program and the Capital Magnet Fund, what more do you think that we can do to make sure that CDFIs are truly the engine of opportunity that they can be? I mean, we are on the way, but there is still a lot of potential, I think.

Mr. STEELE. Absolutely, Senator. Thank you very much for the question. I could not agree with you more, that these institutions that serve low-income communities, both urban and rural, are essential to having a financial system that works for and serves everyone. And I think the pandemic only reinforced that point, that we need to be able to get capital and access out to everyone, from the top to the bottom. And those investments that Congress appropriated to the CDFI fund I think were absolutely critical and essential.

And that access is not just investments in the institution. It is also access to safe, fair, and affordable products. And so I look forward to working with you to—if I am fortunate enough to be confirmed, to getting inside the Treasury building and talk to the great folks at the CDFI fund and in community development about what more we might do on that front around small dollar products and making the products themselves more affordable for working people.

Senator VAN HOLLEN. Thank you. Yes, we are following very closely the sort of disbursement and use of the emergency funds that were provided. I look forward to working with you on that.

Thank you, Mr. Chairman.

Chairman BROWN. Thank you, Senator Van Hollen.

My understanding is that Senator Cortez Masto from Nevada is remote from her office.

Senator CORTEZ MASTO. And here.

Chairman BROWN. Welcome.

Senator CORTEZ MASTO. Can you hear me OK, Mr. Chairman?

Chairman BROWN. Yes, we can. Thank you, Senator Cortez Masto.

Senator CORTEZ MASTO. Thank you. Let me just say congratulations to all of the nominees. Welcome. Welcome to your families who are joining us either virtually or in person.

Mr. Steele, let me start with you and Ms. Latortue. It is a privilege that the U.S. dollar is the world's reserve currency. And if confirmed to your positions, how will you ensure that the full faith and credit of the United States is protected? And, Mr. Steele, let me start with you.

Mr. STEELE. Absolutely, Senator. Thank you very much for the question. I think the stability of the financial system and the U.S.'s place internationally relies upon our ability to meet our commitments and the understanding of the entire world that we will make good on those commitments. And so I think it is essential that we raise the debt ceiling and ensure that the markets are well regulated, safe, and stable so that the world really does view us as a safe haven, views the Treasury markets as the safest, deepest, most liquid markets in the world, and the financial institutions that support them as well.

Senator CORTEZ MASTO. Thank you.

Ms. Latortue.

Ms. LATORTUE. Thank you very much, Senator, and I would very much agree with the importance of your question and also with the answer of my fellow nominee. The U.S. dollar is the most trusted currency, and it is a matter of U.S. national security, U.S. national foreign policy, and our reputation that the U.S. always maintains and honors its commitments, and so like all the distinguished Members of this Committee, very much also following the conversation around the debt ceiling.

Senator CORTEZ MASTO. Thank you. Ms. Latortue, let me continue with you. You have written about the gender gap in access to financial services, and in 2016, you noted a persistent 7 percent gap between men and women who have a financial account despite an increase in first-time account holders. Can you discuss with the Committee why addressing financial inclusion is crucial to supporting U.S. economic prosperity and the prosperity of its trading partners around the globe?

Ms. LATORTUE. Access to financial services, Senator, for both—to both individuals and firms is really critical to the economic prosperity, both here in the U.S. and abroad. As over half of the world's population, ensuring that women also have access to a range of financial services, savings very importantly, but of course, also credit, insurance, and other financial services is critical to their ability to create livelihoods for themselves, to be able to have the means to send their children to school, and to fully unlock the economic potential of half of the world's population and therefore the economies of the world.

Senator CORTEZ MASTO. Thank you.

And then, Mr. Steele, back to you regarding the child tax credit. In Nevada, we have made progress, really helping Nevadans be able to access banking services. In 2015, 8.9 percent of Nevadans' households were unbanked. The latest pre-COVID data find that 6.3 percent of Nevada's households are unbanked. And we are hop-

ing that the expanded child tax credit and relief funds help more people get access to affordable banking service.

But, Mr. Steele, my question is to you: How can we connect families receiving the child tax credit to banking services?

Mr. STEELE. Well, thank you very much for the question, Senator, and I think it ties back into some of the issues that I talked about with Senator Van Hollen, which is I think that the pandemic really showed the ways in which having a financial system to which everyone does not have equal access and is not equally included can hamper some of those recovery efforts and some other things like the expanded child tax credit. If you cannot get the money to people because they do not have an account in which you can put the money, then really it hampers the effectiveness of that program.

And so, you know, we have—within Financial Institutions at the Treasury, there are a number of programs, including the investments in CDFIs and MDIs that Senator Van Hollen mentioned. But I would really be interested to get in—were I fortunate enough to be confirmed, to get inside the building, talk to the folks both in tax policy and within financial institutions about what they have seen, what their experiences are, what might be improved, but also to work with you and the other Members of the Committee on whatever—what other we could have learned from the pandemic.

Senator CORTEZ MASTO. Thank you. I look forward to that. Count us in, my team, in collaboration on that issue.

Ms. Kendler, I want to talk a little bit about tourism around exports. In 2019, international visitors spent over \$200 million in the United States. This figure accounts for nearly 10 percent of all U.S. exports. I think it is vital to recognize that tourism and travel is a key U.S. export industry and that the COVID-19 pandemic continues to have severe impacts on travel, both domestically and internationally. And we have seen that clearly in the State of Nevada. So if confirmed, how will your office work to support travel and tourism as one of America's key export industries?

Ms. KENDLER. Thank you, Senator. I agree with your opinion about the travel and tourism industry. I am not sure that there is a role for the Bureau of Industry and Security to play there, but certainly I would like to learn more about this issue and consider your ideas to connect it to export controls, if confirmed. Thank you.

Senator CORTEZ MASTO. Thank you very much.

And I notice my time is up. Thank you, everyone. Again, congratulations on your nominations.

Chairman BROWN. Thank you, Senator Cortez Masto.

My understanding is Senator Daines is close to returning. He would be recognized next. And Senator Ossoff from Georgia I believe might be on the line, remote from his office.

[No audible response.]

Chairman BROWN. I think that I was mistaken.

Thank you to the nominees today. Thank you for the vigorous participation of the Members of this Committee, for the good questions, for the answers. It was a useful discussion. I hope we can work together as a Committee to move forward quickly on the nomination of these four very qualified Americans to serve.

For Senators who wish to submit questions for the hearing record, those questions are due at the close of business on Friday, September 24th. And the nominees, we would like to have your responses by noon on Tuesday, September 28th. Thank you again for your testimonies.

With that, the hearing is adjourned.

[Whereupon, at 11:28 a.m., the hearing was adjourned.]

[Prepared statements, biographical sketches of nominees, and responses to written questions supplied for the record follow:]

PREPARED STATEMENT OF CHAIRMAN SHERROD BROWN

The Committee meets today to consider the nominations of: Alan Estevez to be Under Secretary for Industry and Security at the Department of Commerce; Thea Kendler to be Assistant Secretary for Export Control at the Department of Commerce; Alexia Latortue to be Assistant Secretary for International Markets at the Department of Treasury; and Graham Steele to be Assistant Secretary for Financial Institutions at the Department of Treasury.

We welcome the nominees and their families. We thank you for your willingness to serve during this critical time in our Nation's history.

To the nominees, during your opening statement, please feel free to introduce your families and those who have accompanied you here today to show support.

The nominees before us today have the experience and preparation they need to take on these unique, important roles.

If confirmed, each nominee would play a significant role in protecting U.S. interests at home and abroad.

Mr. Estevez would lead the Bureau of Industry and Security at the Commerce Department. As Under Secretary for BIS, Mr. Estevez would play a pivotal role in helping advance our country's national security, foreign policy, and economic objectives by implementing an effective export control regime.

As Assistant Secretary of Commerce for Export Administration, Ms. Kendler would be responsible for safeguarding our national security by overseeing BIS's export licensing system.

As the Treasury Department's Assistant Secretary for International Markets, Ms. Latortue would be responsible for strengthening and promoting U.S. interests in global financial and investment markets.

And, as Assistant Secretary for Financial Institutions at the Treasury Department, Mr. Steele would be responsible for coordinating financial institution policy, community and economic development, and efforts to increase the resiliency of our financial system.

All four nominees today have an impressive record of public service.

Mr. Estevez spent 36 years at the Department of Defense in various roles. From 2013 to 2017, he served as Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics. Prior to that role, Mr. Estevez served as Assistant Secretary of Defense, focusing on logistics and material readiness.

Earlier in his career, Mr. Estevez served as a Program Manager at the U.S. Army Strategic Logistics Agency.

Welcome to the Committee, Mr. Estevez, and thank you for your many years of service to our country.

Thea Kendler currently serves as a trial attorney in the Department of Justice's National Security Division, Counterintelligence and Export Control Section. At DOJ, Ms. Kendler investigates and prosecutes crimes related to export control and economic espionage.

Prior to serving at the DOJ, Ms. Kendler served as Senior Counsel in the Commerce Department's Office of Chief Counsel for Industry and Security, providing legal advice on export controls regulations and enforcement.

We are glad to have you here today, Ms. Kendler, and thank you for your public service.

Alexia Latortue has more than 20 years of experience in international development and development finance. She is currently Deputy Chief Executive Officer of the Millennium Challenge Corporation—an independent U.S. Government agency working to eradicate global poverty.

From 2013 to 2017, she served in the Obama administration as Principal Deputy Assistant Secretary for International Development Policy, where she worked on inclusive growth and poverty reduction through multilateral development banks.

Ms. Latortue's experience includes serving at international financial institutions such as the World Bank and the European Bank for Reconstruction and Development.

Welcome, Ms. Latortue, and thank you for your career of service. Glad to have you here today.

Our final nominee today is Graham Steele.

Mr. Steele spent more than 7 years in my personal Senate office and on the Banking and Housing Committee as a senior, trusted aide. From 2015 to 2017, Mr. Steele served as Minority Chief Counsel for the Committee, where he crafted legislation and provided strategic advice and counsel on banking, housing, and national security issues.

During that time, he worked on a broad set of issues with Chairman Crapo and Shelby's staff, as well as the other Republicans and Democrats on the Committee.

He also worked with a diverse set of stakeholders, forging close relationships with civil rights groups, consumer advocates, and organizations like the bipartisan Ohio Bankers League—who have written in support of his nomination.

Prior to serving as Chief Counsel, he served as my Staff Director of the Financial Institutions and Consumer Protection Subcommittee fighting to protect all Americans' finances.

And he did vital work during and after the Financial Crisis of 2008, as we worked to stabilize our financial system. In his work for my office, he traveled around Ohio in the years that followed, and talked with Ohioans who lost their homes and saw their communities devastated by Wall Street's great recession. I know he hasn't forgotten those Ohioans, and understands the far-reaching effects the financial system has on workers and their families all over the country.

And I know he has worked closely over the years with many of my colleagues and their staff, on both sides of the aisle, to make our financial system work for everyone.

Thank you, Mr. Steele, for your many years of service to this Committee, to the people of Ohio, and to our country—welcome back.

We are grateful to the nominees for appearing here today.

I look forward to your testimonies.

PREPARED STATEMENT OF SENATOR PATRICK J. TOOMEY

Mr. Chairman, thank you. Mr. Estevez, Ms. Kendler, Ms. Latortue, and Mr. Steele, welcome. You've been nominated for important positions.

Before turning to today's nominees, I'd like to register my disappointment that Democrats are still trying to ram through a reckless \$3.5 trillion tax-and-spending bill, despite reservations from members of their own caucus. Given the profound impact of this bill, the Republicans on this Committee have requested that we hold hearings and a markup. Unfortunately, Senate Democrats have no plans to do that.

I fear that's because the bill is going to include many flawed policies that will harm economic growth and jobs while invading the privacy of Americans. These include massively expanding the welfare State in an effort to make the middle class dependent on the Federal Government, raising taxes on U.S. employers, diminishing investment by increasing the capital gains tax rate, increasing the electric vehicle tax credit that benefits the wealthy and making this tax giveaway even bigger for union-made cars, and giving the IRS, an agency with a history of abuse, access to our bank account information.

Those are just some of the destructive policies being advanced and I wish Democrats would allow them to get a full debate here at the Committee.

Now, turning to today's nominees. Mr. Estevez and Ms. Kendler, you would serve in Commerce's Bureau of Industry and Security, known as BIS. BIS determines which U.S. goods are too sensitive to be shipped abroad.

In the face of China's drive for dominance in key tech sectors, BIS's mission today is as important as ever. By setting U.S. export control policy on items used for both civilian and military purposes, BIS effectively has the power to reshape the supply chains of entire industries.

That means BIS must craft export controls in a prudent, thoughtful, and effective manner that advances U.S. national security interests without unduly harming American domestic industry. This challenge is typified by

BIS's efforts to impose congressionally mandated controls on "emerging and foundational technologies," which I would expect you to prioritize.

BIS is also responsible for Section 232 investigations. This statute is intended to prevent the importation of goods to the U.S. that threaten national security. Unfortunately, it has recently been abused to protect favored domestic industries.

Does anyone truly think a Volvo station wagon is a national security threat, as the last Administration claimed? Tariffs on imported goods are taxes paid by American consumers. These taxes weaken our economy, threaten American jobs, and erode our credibility with other Nations.

You should urge the president to reverse the last Administration's mistakes by removing the current Section 232 tariffs harming our relationships with our allies, and stopping the abuse of Section 232.

Now to the Treasury nominees. Ms. Latortue has been nominated to serve as Assistant Secretary for International Markets. This position's responsibilities include helping oversee U.S. assistance for developing countries.

Ms. Latortue has considerable experience in this area. But I have questions about the priority she's placed on climate change at the Millennium Challenge Corporation, known as the MCC.

According to the MCC's authorizing statute, its assistance is supposed to focus on "achieving lasting economic growth and poverty reduction." The MCC should prioritize this mission, not other agendas. By doing so, it will help developing countries improve their environments, as the most prosperous Nations in the world are also the "greenest" ones.

Finally, Mr. Steele has been nominated to serve as Assistant Secretary for Financial Institutions. I appreciate his past service as a Committee staffer. But I'm troubled that his nomination is another example of President Biden campaigning as a centrist, but governing from the far Left.

Mr. Steele has repeatedly advocated for using extra-legal measures to achieve extreme policies. Despite the absence of statutory authorization, he has proposed having bank regulators forbid financial institutions from making loans to perfectly legal, and economically necessary, enterprises in the energy space.

He's advocated for an aggressively using the Financial Stability Oversight Council to designate financial firms as systemically important apparently in order to subject them to burdensome regulations—including climate regulations—even when it's doubtful that they present a systemic risk.

He's also proposed that Federal agencies radically reinterpret or abuse their authorities to withhold FDIC deposit insurance from institutions offering products he deems too complex, politicize the Fed to pursue a progressive social agenda and to socialize banking by having the Federal Government control consumer bank accounts, and unilaterally establish a Government-run credit reporting agency within the CFPB.

I'm particularly troubled by these extreme positions, in light of Mr. Steele's statements disparaging Republicans. He has referred to Republicans as "callous" and "absolutely villainous," and suggested Republicans only use the "full force of their investigative and procedural power in service of the wealthy and White folks." These statements raise questions about his temperament, judgment, and willingness to work across the aisle.

Let me close by saying: I disagree with President Biden's nominees on policy matters far more often than I agree with them. Nonetheless, I've supported multiple nominees and will continue to do so. But there are limits to that support.

I look forward to hearing from today's nominees.

PREPARED STATEMENT OF ALAN F. ESTEVEZ

TO BE UNDER SECRETARY OF COMMERCE FOR INDUSTRY AND SECURITY

SEPTEMBER 21, 2021

Chairman Brown, Ranking Member Toomey, and distinguished Members of the Committee, I am honored to appear before you as the nominee to lead the Bureau of Industry and Security (BIS) as the Under Secretary of Commerce for Industry and Security at the Department of Commerce.

I want to thank President Biden and Secretary Raimondo for their confidence in nominating me to this critical national security position. I also want to thank my wife, Susan Pearson, who is with me here to today, for all her support and love, and as I have stated in my previous confirmations, for her sage advice and counsel, in all that I do. Needless to say, I would not be sitting here before you without her support—and sacrifice.

This is a critical time for our Nation. The COVID-19 pandemic has highlighted the fragility of numerous supply chains supporting U.S. industries and ordinary Americans across the country. Many of our foreign adversaries continue to act in an irresponsible manner, including through the diversion of dual use technologies to military uses; theft of intellectual property; human rights abuses; and anti-competitive, unfair and coercive trade practices. All of these activities threaten our values and interests, as well as those of our allies and partners.

BIS has a key role, within the context of a whole-of-Government approach, in addressing these threats. Fortunately, Congress, with the bipartisan passage of the Export Control Reform Act, or ECRA, in 2018, has given BIS important authorities to execute that mission.

During my long career with the Department of Defense (DoD), I operated at the nexus of national security and technology, to include overseeing the Defense Advanced Research Projects Agency and DoD's laboratory infrastructure. I also represented the DoD on the Committee for Foreign Investment in the United States (CFIUS), where I advocated for and helped produce robust responses to attempts to access critical technologies.

As a senior acquisition and logistics official, it was my job to ensure that the U.S. Armed Forces were provided with the best weapon systems in the world to ensure their ability to defend the United States and deter and defeat our adversaries when needed. I view the work of BIS from a similar perspective, though rather than providing the U.S. military with technological overmatch against our adversaries, the mission is to ensure that they do not have access to critical U.S. technologies that can harm our national security and foreign policy interests.

If confirmed, I will lead the dedicated professional staff at BIS to ensure that our export controls prevent the transfer of sensitive U.S. technologies. To do that, I will work to ensure that we are appropriately using all the authorities provided under ECRA. As part of that process, I will ensure that we execute our due diligence in identifying and imposing appropriate controls on those emerging and foundational technologies that need protection.

I also believe it is important to cooperate with our allies and partners to build strong export controls, especially in those areas where our current multilateral regimes do not currently provide adequate protections. If confirmed, I will work with our enforcement arm, leveraging all-source intelligence, to ensure that we monitor exports and aggressively detect violations of our export controls and impose penalties where appropriate. In addition to export controls, I will support the Bureau's other important equities, including continued efforts to address risks in critical supply chains, reviewing transactions before CFIUS, and enforcing our antiboycott requirements. Furthermore, I will work with the BIS staff to ensure they have the resources to accomplish their mission.

Finally, I believe it is important for BIS to work constructively with Congress. If confirmed, I look forward to working with you and your staff as we meet the complex challenges facing BIS and our Nation. Thank you for your consideration of my nomination, and I look forward to your questions.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name:	Estevez	Alan	Fredric
	(Last)	(First)	(Other)

Position to which nominated: Under Secretary of Commerce (Industry & Security)

Date of nomination: July 15, 2021

City of Residence: Bethesda, Maryland

Education*:	Institution	Dates Attended	Degrees Received	Dates of Degree
	Rutgers University	Sep 1975 – May 1979	BA Political Science	May 1979
	Industrial College of Armed Forces, National Defense University	Aug 1994 – June 1995	MS National Resource Strategy	May 1995

*Nominees should provide information for all institutions attended, whether or not the nominee was granted a degree by the institution

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships and any other special recognitions for outstanding service or achievement.

DoD Distinguished Public Service Award (highest non-career award)	2013, 2015, 2017
National Defense Industrial Association Logistician Emeritus Award	2017
DoD Distinguished Civilian Service Award (highest career award)	2011
National Defense Transportation Association Distinguished Government Service Award	2011
Presidential Rank Distinguished Executive Award	2011
Presidential Rank Meritorious Executive Award	2006
Office of the Secretary of Defense Awards for Meritorious Civilian Service	2005, 2009
Partnership for Public Service - Service to America Medal for National Security	2005

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, social, charitable and other organizations.

Organization	Office Held (if any)	Dates of Membership
--------------	----------------------	---------------------

National Defense Transportation Association - current	Member, Board of Directors	Member 1983
--	----------------------------	-------------

National Defense Industrial Association current	Chair, Logistics Management Division.	Member 2003 -
--	---------------------------------------	---------------

(both non-profit/associations positions are unpaid, voluntary advisory/no fiduciary responsibilities)

Employment record: List below all positions held since graduation from college including the title or description of job, name of employer, location of work, and inclusive dates of employment.

<u>Deloitte Consulting</u>	National Security & Logistics Executive	Rosalyn, VA	Jun 2017 – Present
----------------------------	---	-------------	--------------------

<u>Department of Defense</u>	Pentagon, Washington, DC		
Principal Deputy Under Secretary of Defense (Acquisition, Technology & Logistics)			Oct 2013 – Jan 2017
Assistant Secretary of Defense (Logistics & Materiel Readiness)			Aug 2011 – Oct 2013
Principal Deputy Assistant Secretary of Defense (Logistics & Materiel Readiness)			Nov 2006 – Aug 2011
Assistant Deputy Under Secretary of Defense (Supply Chain Integration)			Oct 2002 – Nov 2006
Various Positions, Office of the Assistant Deputy Under Secretary of Defense (Transportation Policy)			Dec 1995 – Oct 2002
U.S. Army Strategic Logistics Agency	Total Distribution Program Manager		May 1991 – Dec 1995
Various Positions, Military Traffic Management Command (Falls Church, VA, Oakland, CA, Bayonne, NJ)			Mar 1981 – May 1991

Government Experience: List any experience in or direct association with Federal, State, or local governments including any advisory, consultative, honorary or other (including part-time) service or positions.

Name of Government Entity	Position	Dates of Service
Department of Defense	(see above)	

Published writings: List the titles, publishers and dates of books, articles, reports and other published materials you have written. The list should include any publicly accessible publications on the internet in the past ten years, including appropriate URLs for any posts on blogs you maintained or contributed to, and URLs for any other significant internet-based postings during that same period. If available, provide the Committee with **one digital copy** of each of the writings you list.

- a. Alan Estevez, Peter Heron, and Kelly Marchese, *How Supply Chain Innovation Can Bolster U.S. Security*, *Fast Company*, July 12, 2021, available at <https://www.fastcompany.com/90654312/how-supply-chain-innovation-can-bolster-u-s-security>
- b. *The Changing Character of Supply: Rethinking Logistics in an Era of Systems Warfare*, Modern War Institute, 2021, Alan Estevez, Kelly Marchese, Adam Routh, Joe Mariani
- c. *National Security and Technology Regulation*, Deloitte Insights, 2019, Henry Ennis, Alan Estevez, Joe Mariani, Jessica Moran, Joe Pauloski
- d. *Improving Tradecraft of Service Acquisition*, Defense AT&L Magazine, DAU, Jul – Aug 2015, Alan Estevez and Ken Brennan

Speeches and presentations: List all of the formal speeches and presentations (e.g., PowerPoint) you have delivered during the past ten years which are on topics relevant to the position for which you have been nominated, including dates. If available, provide the Committee with **one digital copy** of each formal speech and presentation. If text is no longer available, list the date, place, and organization or group to whom you made the speech or presentation.

I have made no speeches related to export controls over the last 10 years. I have moderated numerous panels or spoke at numerous events, both in my official capacity as a Defense senior official from 2011-2017, and in my private capacity. I used notes vice a formal written speech for all presentations. Topics included Defense Industrial Base health and mobilization capability, Defense budget (in my official capacity), Defense installations and logistics, and Defense modernization. Examples are below:

Lexington Institute Federal IT Forum

November 9, 2018

Alan Estevez on Federal Information Technology - YouTube

AUSA Global Force Symposium

March 27, 2019

DVIDS - Video - AUSA Global Force Symposium: Day 2 - Panel Discussion, Army Materiel Command (dvidshub.net)

The NDTA-USTRANSCOM Fall Meeting, October 31, 2016 (as a DoD official), Speech on DoD Budgetary Issues, *summary available at* https://www.jstor.org/stable/26388987?read-now=1&seq=4#page_scan_tab_contents

National Defense Transportation Association Forum (as a DoD official) September 30, 2015

DVIDS - Video - USTRANSCOM Annual Meeting: NTDA Speaker: The Honorable Alan Estevez (dvidshub.net)

Public statements: List all public statements you have made during the past ten years which are on topics relevant to the position for which you have been nominated, including dates. Whenever possible, provide the Committee with finding aids (such as citations, internet URLs, etc.) for each statement.

- a. 2017 – House Financial Services Committee – CFIUS
<https://docs.house.gov/meetings/BA/BA20/20171214/106738/HHRG-115-BA20-Wstate-EstevezA-20171214.pdf>
- b. 2014 – Senate Homeland Security & Governmental Affairs – Militarization of Police Forces
<https://www.hsgac.senate.gov/imo/media/doc/Testimony-Estevez-2014-09-09.pdf>
- c. 2014 – House Armed Services O & I Subcommittee - Militarization of Police Forces
<https://docs.house.gov/meetings/AS/AS06/20141113/102730/HHRG-113-AS06-Wstate-EstevezA-20141113.pdf>
- d. 2014 – Senate Commerce Committee & Senate Armed Services Strategic Forces Subcommittee – Space Launch & Russian Rocket Engines https://www.armed-services.senate.gov/imo/media/doc/Estevez_07-16-14.pdf
- e. 2013 or 2014 – House Oversight & Government Reform Committee – GAO High Risk List
<https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2-11-2015%20Estevez-DOD.pdf>
- f. 2013 – Senate Armed Services Committee – Confirmation Hearing to be Principal Deputy Under Secretary of Defense (Acquisition, Technology & Logistics) https://www.armed-services.senate.gov/imo/media/doc/estevez_vollrath_fanning_nomhearing_022813.pdf (pp. 532-533).
- g. 2012 or 2013 - House Oversight & Government Reform National Security Subcommittee – Afghanistan Military Support/SIGAR Report <https://www.govinfo.gov/content/pkg/CHRG-112hhrg76263/html/CHRG-112hhrg76263.htm>
- h. 2012 – House Armed Services Committee – Operational Contract Support in Combat Operations
<https://www.govinfo.gov/content/pkg/CHRG-112hhrg76214/html/CHRG-112hhrg76214.htm>
- i. 2011 - Senate Armed Services Committee – Confirmation Hearing to be Assistant Secretary of Defense (Logistics & Materiel Readiness) <https://www.govinfo.gov/content/pkg/CHRG-112shrg74537/html/CHRG-112shrg74537.htm>
- j. 2010 – Senate Homeland Security & Governmental Affairs – Supply Chain Management
<https://www.govinfo.gov/content/pkg/CHRG-111shrg58404/html/CHRG-111shrg58404.htm>

Social media usernames: Please provide a list of all of your currently active social media usernames (e.g., Facebook, Instagram, Twitter, etc.), and any usernames for any inactive accounts you have used within the previous ten years.

LinkedIn	Alan Estevez	https://www.linkedin.com/in/alan-estevez-18759a2/
Facebook	Alan Estevez	https://www.facebook.com/alan.estevez.37/

I do not have (and have not had) any other social media accounts.

Political affiliations activities: List memberships and offices held in and services rendered to all political parties or election committees during the last ten years.

None.

List all public offices, if any, for which you have been a candidate in the past ten years.

Name of Office	Elected/Appointed Candidate Only	Year(s) Election Held or Appointment Made	Terms of Service (if applicable)
----------------	-------------------------------------	--	-------------------------------------

None.

Political contributions: Itemize all political contributions which exceed \$200 or which aggregate to over \$200 in a calendar year to any individual, campaign organization, political party, political action committee or similar entity during the last ten years and identify specific amounts, dates, and names of recipients.

7/14/17	Actblue Elissa Slotkin	-500
12/6/17	Actblue Elissa Slotkin	-500
12/18/17	Actblue Dan Feehan	-250
1/6/18	Actblue Elissa Slotkin	-500
1/26/18	Actblue Elissa Slotkin	-500
9/17/18	Actblue Elissa Slotkin	-500
10/28/18	Actblue Feehan Victory	-250
8/14/19	ACTBLUE*DAN.BAER	-250
8/15/19	BIDEN FOR PRESIDENT	-500
9/23/19	ACTBLUE*MARK.WARNER	-500

10/1/19	ACTBLUE*ELISSA.SLOTKIN	-500
10/17/19	Actblue*Dan Feehan	-500
11/10/19	ACTBLUE*ELISSA.SLOTKIN	-500
1/7/20	ACTBLUE*EVELYN.FARKAS	-500
2/18/20	ACTBLUE*ELISSA.SLOTKIN	-500
4/29/20	Actblue* Dan Feehan	-250
5/26/20	Biden Victory Fund	-1,000.00
5/31/20	ACTBLUE*EVELYN.FARKAS	-250
6/29/20	Actblue Elissa Slotkin	-500
8/31/20	Actblue Elissa Slotkin	-500
9/17/20	Biden Victory Fund	-1,000.00
9/24/20	Actblue*Elissa Slotkin	-500
9/24/20	Actblue*Dan Feehan	-500
9/28/20	Biden Victory Fund	-1,000.00
10/23/20	ACTBLUE*ELISSA.SLOTKIN	-500
10/23/20	Biden Victory Fund	-1,000.00
2/25/21	Actblue Taking the Hill	-100
3/31/21	Actblue Elissa Slotkin	-250
4/10/21	Terry For Virginia	-500
6/30/21	Actblue Elissa Slotkin	-250

Qualifications: State fully your qualifications to serve in the position to which you have been named.
(attach sheet)

As a former Principal Deputy Under Secretary of Defense (Acquisition, Technology, & Logistics, and a former Assistant Secretary of Defense (Logistics & Materiel Readiness), I have strong background assessing and understanding supply chains, to include risks and vulnerabilities at all tiers of a given supply chain. In addition, I have significant experience working with and managing Defense Industrial Base.

I worked extensively with technology applications and development, including management of Missile Defense Agency and Defense Advanced Research Programs Agency. I worked in close coordination with the Under Secretary of Defense for Policy and the Under Secretary of Commerce for Industry and Security in the protection of critical technologies. I co-chaired, with the Principal Deputy Under

Secretary of Defense (Policy), the Defense Arms Transfer and Technology Release Senior Steering Group overseeing the Technology Security and Foreign Disclosure Office.

I represented DoD on the Committee for Foreign Investment in the US for 6 years and asked, as a private citizen, to testify regarding CFIUS reform efforts.

Future Employment relationships: 1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

Yes.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization

At the present time, I have no plans to resume employment with any prior employers.

3. Has anyone made a commitment to employ you after you leave government service?

No.

4. Do you expect to serve the full term for which you have been appointed?

Yes.

Potential conflicts of interest: 1. Describe any financial arrangements or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

Deloitte, defined benefit plan (value not readily ascertainable) (\$295 per month at 65).

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.

None.

3. Describe any business relationship, dealing or financial transaction (other than tax paying) which you have had during the last ten years with the Federal Government, whether for yourself, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.

None.

4. List any lobbying activity during the past ten years in which you have engaged in for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation at the national level of government or affecting the administration and execution of national law or public policy.

None.

5. Explain how you will resolve any conflict of interest that may be disclosed by your responses to the items above.

In connection with the nomination process, I have consulted in coordination with the Department of Commerce Ethics Office and the Office of Government Ethics. Any conflict of interest will be resolved according to the terms of an ethics agreement that I have entered into with the Commerce Designated Agency Ethics Official, which will be provided to this Committee. In the event that an actual or potential conflict of interest arises during my appointment, I will consult with Commerce ethics officials and take the measures necessary to resolve the conflict.

**Tax compliance
and bankruptcy:**

1. In the past ten years, have you and your spouse (if applicable) filed and paid all taxes (federal, state, and local) as of the date of your nomination? Indicate if you filed as 'married filing separately.'

Yes.

2. In the past ten years, have you been required to make any back tax payments? If so, indicate if you have made any back tax payments and provide full details.

No.

3. Has a tax lien or other collection procedure(s) been instituted against you or your spouse (if applicable) by federal, state, or local authorities? If so, provide full details.

No.

4. In the past ten years, have you or your spouse (if applicable) ever been the subject of any audit, investigation, or inquiry for federal, state, or local taxes? If so, provide full details.

No.

5. Were all your Federal, State, local, and other tax returns and tax liabilities of any kind current (filed and paid when due) as of the date of your nomination? If not, provide details.

Yes.

6. Have you ever filed for bankruptcy? If so, provide details.

No.

Civil, criminal and investigatory actions:

1. Have you ever been the subject of a complaint or been investigated, disciplined, or otherwise cited for a breach of ethics for unprofessional conduct before any court, administrative agency (e.g. an Inspector General's office), professional association, disciplinary committee, or other ethics enforcement entity at any time? If so, provide details, regardless of outcome.

No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority for a violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, provide details.

Possession of a Controlled Substance, Middlesex County, NJ, September 1980; conviction, July 1981 – 6-month probation.

3. Have you ever been involved as a party in interest in any administrative agency proceeding, or civil litigation other than a divorce proceeding? If so, provide details.

No.

4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense? If so, provide details.

Possession of a Controlled Substance, Middlesex County, NJ, September 1980; conviction, July 1981 – 6-month probation.

Other information: Please advise the Committee of any additional information, favorable or unfavorable, which you believe should be considered in connection with your nomination.

None.

Public records search:

Do you consent to allow Committee staff to conduct a public records search on you using appropriate search tools? (including Westlaw, Lexis, etc.)

Yes.

The undersigned certifies that the information contained in the public statement to the Committee is true and correct.

Signed: _____



Date: _____

8/31/2021

PREPARED STATEMENT OF THEA D. ROZMAN KENDLER

TO BE ASSISTANT SECRETARY OF COMMERCE

SEPTEMBER 21, 2021

Chairman Brown, Ranking Member Toomey, Members of the Committee, I am honored to appear before you as President Biden's nominee for the position of Assistant Secretary of Commerce for Export Administration. I want to thank the President and Secretary Raimondo for the trust they have placed in me with this nomination. I am delighted at the prospect of returning to serve the Bureau of Industry and Security (BIS) and the Commerce Department in this critical role.

It would not be possible for me to take on the role for which I am nominated without the love, support, and encouragement of my family: my children Dava and Micah; my husband, Owen; and my father, Gil Rozman, who planted the seeds of my international public service career. My mother Masha is no longer with us, but I see her legacy in my children, and strive in my work to honor her memory as a lawyer, a public servant, and a lifelong learner.

I sit here before you thanks to the good will and the generosity of the United States. My grandfather Max Dwosh, who at age 99 is watching this hearing online, fled Poland on the eve of the Nazi invasion. The family he had to leave behind was murdered. My grandfather survived in Russia during the war, performing manual labor. At the war's end, after my mother was born, he and his young family left Russia and found a haven in the American Displaced Person Camps in Germany before immigrating to the United States. My mother went on to a long career as a Deputy Attorney General for the great State of New Jersey. My public service is inspired by my gratitude to the people and the Government of the United States for making my family's survival and success possible.

It would be an honor to serve my country in this new role, drawing on my passion for export controls and experience in national security.

I began working on export controls in September 2001 in private practice, then for 10 years in the Chief Counsel's Office for BIS, and for the last 7 years, in the Counterintelligence and Export Control Section of the Justice Department's National Security Division.

As a national security prosecutor, my work has focused on dismantling procurement networks, thwarting intelligence threats, and deterring economic espionage and other theft of trade secret activities aimed at U.S. industry. With respect to matters that are in the public record, I am particularly proud of: charging global telecommunications company Huawei with operating as a criminal enterprise, stealing trade secrets, and defrauding global financial institutions; charging and obtaining the extradition of an intelligence officer who sought to steal trade secrets from a leading U.S. aviation technology company in Ohio; and numerous other cases that held foreign procurement agents accountable for their illicit activities. I am extraordinarily fortunate for the opportunity to pursue this work, and to do so with such dedicated and professional colleagues.

I believe deeply in the mission of BIS to advance America's national security, foreign policy, and economic objectives through effective export controls and by maintaining and advancing our strategic technological edge. The United States can and should lead in export controls, drawing from innovative spirit of our capitalist system and the decades we have spent forging relationships with our allies. In my 20-year career as an export controls lawyer, BIS's mission has never been more relevant, particularly as we compete against autocracies for 21st century leadership.

Chief among these concerns is the need to address the challenges posed by efforts to seek U.S. technologies to pursue foreign military modernization and other destabilizing activities, while also striving to manage this competition responsibly. We must appropriately use all available tools to prevent technology transfers to end users and end uses that enable strategies and activities that harm our national security and foreign policy interests.

I recognize that all of this important work is part of a whole-of-Government effort, and I also strongly support close collaboration with allies and partners to strengthen our export controls, which are more effective when developed and amplified through multilateral regimes and plurilateral agreements.

Finally, I believe it is important for BIS to work constructively with this Committee and the Congress as a whole to protect our national security and foreign policy interests. If confirmed, I look forward to working with you and your staff as we meet the complex challenges facing BIS.

Thank you again for this opportunity to appear before you. I would be pleased to answer your questions.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Kendler Thea Dwosh Rozman
(Last) (First) (Other)

Position to which nominated: Assistant Secretary for Export Administration, Department of Commerce

Date of nomination: July 21, 2021

City of Residence: Bethesda, Maryland

Education*:

Institution	Dates Attended	Degrees Received	Dates of Degree
Princeton University	1992-1996	A.B.	June 1996
University of Pennsylvania Law School	1998-2001	J.D.	May 2001

*Nominees should provide information for all institutions attended, whether or not the nominee was granted a degree by the institution

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships and any other special recognitions for outstanding service or achievement.

- Department of Education, Foreign Language and Area Studies Award (2000-2001)
- Attorney of the Year, Office of Chief Counsel for Industry and Security (2006)
- Bronze Medal Award, Bureau of Industry and Security, Department of Commerce (2007)
- Gold Medal Award, Department of Commerce (2007)
- Joint Civilian Service Achievement Award, Department of Defense (2013)
- Silver Medal Award, Department of Commerce (2014)
- Assistant Attorney General Award for Excellence, National Security Division (2016)
- Counterintelligence Investigations Award, National Counterintelligence and Security Center (2017)
- United States Attorney's Award, U.S. Attorney for the District of Connecticut (2017)
- Assistant Attorney General Award for Excellence, National Security Division (2019)

- Intelligence Community National Counterintelligence and Security Professional Award, Director of the National Counterintelligence and Security Center (2019)
- National Intelligence Meritorious Unit Citation, Director of National Intelligence (2019)

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, social, charitable and other organizations.

Organization	Office Held (if any)	Dates of Membership
Princeton Tower Club	N/A	1994-1996
New York State Bar Association	N/A	2002 - present
District of Columbia Bar Association	N/A	2002 - present
Department of Commerce Child Development Center, Board of Directors	Member Vice President President	2008-2009 2009-2011 2011-2014
Temple Sinai	N/A	2013 - present
Merrimack Pool	N/A	2015-2018
Palisades Pool & Tennis Club	N/A	2019 - present

Employment record: List below all positions held since graduation from college including the title or description of job, name of employer, location of work, and inclusive dates of employment.

Employer	Title	Location	Dates
<i>Yomiuri Shimbun</i>	Correspondent	Washington, DC	August 1996 to June 1998
Rush Holt for Congress	Volunteer	Princeton, NJ	June to August 1998
New Jersey Department of Law & Public Safety	Law Clerk	Trenton, NJ	June to August 1999
Akin Gump Strauss Hauer & Feld LLP	Summer Associate	Washington, DC	June to August 2000
Akin Gump Strauss Hauer & Feld LLP International Trade Group	Associate	Washington, DC	September 2001 to November 2004
Department of Commerce Office of Chief Counsel for Industry & Security	Senior Counsel	Washington, DC	November 2004 to October 2014

Department of Defense Joint Staff, J-8, Studies, Analysis & Gaming Division	Wargames Advisor (Temporary Detail)	Arlington, VA	January to June 2013
Department of Justice National Security Division Counterintelligence & Export Control Section	Trial Attorney	Washington, DC	October 2014 to present

Government Experience: List any experience in or direct association with Federal, State, or local governments including any advisory, consultative, honorary or other (including part-time) service or positions.

Name of Government Entity	Position	Dates of Service
Department of State Political Section, U.S. Embassy in Tokyo (Tokyo, Japan)	Summer Intern	June to August 1995
New Jersey Department of Law & Public Safety (Trenton, New Jersey)	Law Clerk	June to August 1999
Department of Commerce Office of Chief Counsel for Industry & Security (Washington, D.C.)	Senior Counsel	November 2004 to October 2014
Department of Defense Joint Staff, J-8, Studies, Analysis & Gaming Division (Arlington, Virginia)	Wargames Advisor (Temporary Detail)	January to June 2013
Department of Justice National Security Division Counterintelligence & Export Control Section (Washington, D.C.)	Trial Attorney	October 2014 to present

Published writings: List the titles, publishers and dates of books, articles, reports and other published materials you have written. The list should include any publicly accessible publications on the internet in the past ten years, including appropriate URLs for any posts on blogs you maintained or contributed to, and URLs for any other significant internet-based postings during that same period. If available, provide the Committee with **one digital copy** of each of the writings you list.

As a junior associate at Akin Gump Strauss Hauer & Feld, I co-authored a number of client alerts regarding developments in international trade law. Only one such piece appears to be available:

<https://www.martindale.com/matter/asr-8406.pdf>.

In addition, while serving in the Justice Department, I co-authored numerous briefs that are available on PACER; copies are being provided to the Committee.

Speeches and presentations: List all of the formal speeches and presentations (e.g., PowerPoint) you have delivered during the past ten years which are on topics relevant to the position for which you have been nominated, including dates. If available, provide the Committee with **one digital copy** of each formal speech and presentation. If text is no longer available, list the date, place, and organization or group to whom you made the speech or presentation.

In addition to the speeches and presentations listed below, I spoke to U.S. government audiences on export controls and sanctions law, including at the National Advocacy Center and in training sessions for specific law enforcement agencies.

- Speech on “Lessons Learned from Prosecutions” at the 15th International Export Control Conference (November 2016) Prague, Czech Republic
- Presentations on “Prosecuting Export Violations” and “International Cooperation” at Export Control and Border Security/Homeland Security Investigations Counter-Proliferation Investigative Methods Training Seminar (May 2017) Casablanca, Morocco
- Presentations on “Prosecutorial Challenges” and “International Assistance” at Export Control and Border Security/Homeland Security Investigations Counter-Proliferation Investigative Methods Training Seminar (May 2018) Bangkok, Thailand
- Panel presenter and moderator, “Prosecuting Chemical Transfers” at the 16th International Strategic Trade Controls and Border Security Conference (October 2019) Edinburgh, Scotland, United Kingdom
- Presentation on “Strategic Trade Control Prosecutions: Challenges and Opportunities” for the Stimson Center’s Security & Strategic Trade Management Academy (December 2020)

Public statements: List all public statements you have made during the past ten years which are on topics relevant to the position for which you have been nominated, including dates. Whenever possible, provide the Committee with finding aids (such as citations, internet URLs, etc.) for each statement.

None.

Social media usernames: Please provide a list of all of your currently active social media usernames (e.g., Facebook, Instagram, Twitter, etc.), and any usernames for any inactive accounts you have used within the previous ten years.

- <https://www.facebook.com/thea.kendler> (active)
- <https://www.linkedin.com/in/thea-d-r-kendler-7a476a8/> (active)
- <https://www.pinterest.com/cdnekt/> (inactive)
- Twitter: @jrsygr14729 (active)
- Instagram: @tken20015 (inactive)

Political affiliations activities: List memberships and offices held in and services rendered to all political parties or election committees during the last ten years.

List all public offices, if any, for which you have been a candidate in the past ten years.

Name of Office	Elected/Appointed Candidate Only	Year(s) Election Held or Appointment Made	Terms of Service (if applicable)
----------------	-------------------------------------	--	-------------------------------------

None.

Political contributions: Itemize all political contributions which exceed \$200 or which aggregate to over \$200 in a calendar year to any individual, campaign organization, political party, political action committee or similar entity during the last ten years and identify specific amounts, dates, and names of recipients.

Contribution Recipient	Amount	Date
People for Derek Kilmer	\$250	3/5/2012
Biden for President	\$2,000	5/3/2020
Peters for Michigan	\$250	10/13/2020

Qualifications: State fully your qualifications to serve in the position to which you have been named. (attach sheet)

See attached.

Future Employment relationships: 1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

If confirmed, I will resign from my position in the Department of Justice.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization

I have no such plans.

3. Has anyone made a commitment to employ you after you leave government service?

No.

4. Do you expect to serve the full term for which you have been appointed?

Yes.

Potential conflicts of interest:

1. Describe any financial arrangements or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None.

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.

I am unaware of any such potential conflicts of interest.

3. Describe any business relationship, dealing or financial transaction (other than tax paying) which you have had during the last ten years with the Federal Government, whether for yourself, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.

I am unaware of any such possible conflicts of interest.

4. List any lobbying activity during the past ten years in which you have engaged in for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation at the national level of government or affecting the administration and execution of national law or public policy.

None.

5. Explain how you will resolve any conflict of interest that may be disclosed by your responses to the items above.

In connection with the nomination process, I have consulted with Department of Commerce ethics officials and the Office of Government Ethics to identify any potential conflict of interest. Any potential conflict of interest will be resolved according to the terms of the ethics agreement that I have entered into with the Commerce Department's Alternate Designated Agency Ethics Official, which I understand will be provided to this Committee. I am not aware of any potential conflicts of interest other than those identified in my ethics agreement. In the event that an actual or potential conflict of interest arises during my appointment, I will consult with the Commerce Department's ethics officials and take the actions necessary to resolve the conflict.

Tax compliance and bankruptcy:

1. In the past ten years, have you and your spouse (if applicable) filed and paid all taxes (federal, state, and local) as of the date of your nomination? Indicate if you filed as 'married filing separately.'

Yes.

2. In the past ten years, have you been required to make any back tax payments? If so, indicate if you have made any back tax payments and provide full details.

No.

3. Has a tax lien or other collection procedure(s) been instituted against you or your spouse (if applicable) by federal, state, or local authorities? If so, provide full details.

No.

4. In the past ten years, have you or your spouse (if applicable) ever been the subject of any audit, investigation, or inquiry for federal, state, or local taxes? If so, provide full details.

In November 2020, the IRS requested additional information to confirm whether we paid appropriate taxes on the sale of our primary residence in 2018. We were informed in December 2020 that we had and that no further action was necessary.

5. Were all your Federal, State, local, and other tax returns and tax liabilities of any kind current (filed and paid when due) as of the date of your nomination? If not, provide details.

Yes.

6. Have you ever filed for bankruptcy? If so, provide details.

No.

Civil, criminal and investigatory actions:

1. Have you ever been the subject of a complaint or been investigated, disciplined, or otherwise cited for a breach of ethics for unprofessional conduct before any court, administrative agency (e.g. an Inspector General's office), professional association, disciplinary committee, or other ethics enforcement entity at any time? If so, provide details, regardless of outcome.

No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority for a violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, provide details.

No.

3. Have you ever been involved as a party in interest in any administrative agency proceeding, or civil litigation other than a divorce proceeding? If so, provide details.

No.

4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense? If so, provide details.

No.

Other information: Please advise the Committee of any additional information, favorable or unfavorable, which you believe should be considered in connection with your nomination.

None.

Public records search: Do you consent to allow Committee staff to conduct a public records search on you using appropriate search tools? (including Westlaw, Lexis, etc.)

Yes.

The undersigned certifies that the information contained in the public statement to the Committee is true and correct.

Signed: _____



Date: 30 Aug 2021

Statement of Qualifications

For twenty years, my career has focused on export controls, international trade, and national security law. Much of this work coincides with experience collaborating across U.S. government agencies and with foreign governments. My legal skills, international experience, and policy expertise uniquely position me to lead the Department of Commerce, Bureau of Industry and Security's (BIS's) policy and regulation arm as Assistant Secretary for Export Administration, and to build international coalitions in support of U.S. national security, foreign, and economic policy.

As a Justice Department national security prosecutor and before that for ten years as legal counsel to BIS, I am deeply knowledgeable about U.S. export control laws, the national security impetus for export controls, and how BIS can help U.S. exporters comply with U.S. law. At the Commerce Department, I served as one of the lead attorneys on Export Control Reform, as well as on China issues and, at one point, on Committee on Foreign Investment in the United States (CFIUS) issues facing BIS. Since joining the Justice Department in 2014, I have investigated and prosecuted export control and economic espionage crimes. I am intimately familiar with the nuances of the Export Administration Regulations (EAR) and efforts by proliferation networks to take advantage of American companies and hurt our interests. I also understand the sophisticated attempts by certain governments to steal critical technology, which may be export controlled, from American companies at the expense of U.S. technological innovation. As a prosecutor, I know the methods by which proliferators, who may be government-sponsored, seek out technology that is restricted for export, be it through unlawfully obtaining controlled goods from the United States or stealing technical know-how through human assets or cyber intrusions. The three years I spent in private practice at the start of my legal career gave me additional insight into the interests of the U.S. private sector, which requires clear guidance on how to comply with U.S. export control laws and is at risk of being targeted by proliferation networks. I would bring to the position of Assistant Secretary for Export Administration significant knowledge of, and experience with, responding to national security threats and the complexities of inextricable economic links. As efforts to illicitly procure American technology increase, the Assistant Secretary for Export Administration will help lead the U.S. fight to maintain and advance our technical edge. Having served as a prosecutor enforcing the EAR positions me to lead BIS's Export Administration Arm and help it adapt to the changing trade environment.

The Assistant Secretary for Export Administration is tasked with protecting American interests while multiplying our impact through the cooperation of allies, and must be able to navigate international export control equities. While at the Justice and Commerce Departments, I developed a keen understanding of foreign views of U.S. export controls. Through participation in engagements with foreign governments, including under the auspices of the State Department's Export Control and Border Security program, I advocated for the necessity of multilateral agreement on export control policy and multilateral cooperation in enforcement of export controls. I am positioned to help build and re-build international partnerships to solidify our global approach to strategic trade controls.

PREPARED STATEMENT OF ALEXIA MARIE GABRIELLE LATORTUE

TO BE ASSISTANT SECRETARY OF THE TREASURY

SEPTEMBER 21, 2021

Chairman Brown, Ranking Member Toomey, distinguished Members of the Committee, it is an honor to appear before you today as the President's nominee to be Assistant Secretary for International Markets at the Department of the Treasury. I am humbled and thankful for the trust President Biden, Vice President Harris, Secretary Yellen, and Deputy Secretary Adeyemo have placed in me.

I used to bring students to the Dirksen Senate Office Building when I worked with the Close Up Foundation as a young adult. We spoke about the awesome responsibility of public service and of the work of this Chamber. Many years later, I am proud to be back and if confirmed, I am ready to work hard to the best of my capabilities to advance the Treasury Department's ambitious goals, working hand in hand with Treasury colleagues and all of you.

The core mission of the Office of International Affairs at the Treasury Department is well aligned with who I am as a professional and as a person. Doing my part to help shape a more safe, peaceful, and prosperous world has been a constant in my career. Growing up in Togo and Cote d'Ivoire, I saw poverty first-hand. It is also where I developed the conviction that everyone deserves the opportunity to fulfill their potential and to live a life of dignity. From a very young age, I knew I wanted to make a difference.

Early in my career, I swapped theory for exhilarating work with communities and Government partners on the ground. I loved the operational work on projects funded by USAID and other donors. This included living for 3 years in Haiti and working across all continents. I have seen the best and the worst of development. It cultivated my passion for evidence, accountability and transparency which is integral to how I approach all my positions. At the European Bank for Reconstruction and Development, I shaped how development finance, combined with policy dialogue and technical assistance, can support countries' transition to well-functioning market economies. I pressed for greater engagement on climate, economic inclusion, and digitalization.

My time in Federal service has been a highlight of my career. For nearly 4 years, I led the Treasury Department's international development policy work, covering infrastructure finance, debt, financial inclusion, and food security. Working closely with strategic allies, I negotiated financing and policy packages for the multilateral development banks. Today, I am with the Millennium Challenge Corporation—a gem that punches above its weight to reduce poverty through economic growth in well-governed, low and low middle-income countries.

I grew up imbued in the notion that public service is noble. I was expected to think beyond my self-interest to that of my community, country, and world. My maternal grandfather was a public servant, representing Haiti, including right here in Washington, DC. My father, Gerard Latortue, opted to leave Haiti overnight rather than endorse the punishing economic policies of a dictator. He ended up in Puerto Rico—where I was born years later—making a deal at a local university to teach economics if they taught him Spanish. I learned about courageous leadership and integrity from him. My maternal grandmother and mother, Marlene Latortue, lost their husband and father shortly after his release as a political prisoner in Haiti. From them, I learned about rebounding with grace and quiet strength.

I would like to recognize my sister, Gaielle Latortue and my brother-in-law, George Kabwe, who are here today. They are both international civil servants. My sister, Stephanie Latortue-Driza, a teacher in the D.C. public school system, is also here. I thank them for their love and support and for having made me the luckiest of aunts, blessed with my clever, kind, and open-minded nephews and niece, Lorenz, Galen, and Graciana. My nomination today is a testament to them and to the United States, a country of unparalleled opportunity. We are a country where my father's favorite saying rings full of possibility: "we are beholden to the impossible."

The Department's work is important in the best of times. In these extremely challenging times, it is vital. I have seen first-hand how an engaged United States is able to deploy its evidence-based approach, values, and ideas, to work effectively with allies to tackle the most intractable issues that affect our world. Today, these issues include the economic recovery from the COVID-19 pandemic, rising poverty for the first time in 20 years, infrastructure, climate change, energy, food security, inequality and promoting a level playing field for American firms and workers. Urgent work is needed to stop further reversals.

If I am privileged enough to be confirmed, I commit to working closely with this Committee to help put the United States and our international partners on a solid

economic footing for a future full of optimism and hope. It would be an honor to serve with Secretary Yellen, Deputy Secretary Adeyemo, and to, once again, work alongside the superb and committed public servants at the Treasury Department.

Thank you again for the opportunity to appear before you today. I look forward to answering your questions.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES
--

Name: Latortue Alexia
 (Last) (First) (Other)

Position to which nominated: Assistant Secretary for International Markets, U.S. Department of the Treasury

Date of nomination: August 10, 2021

City of Residence: Washington, DC

Education*: Institution Dates Attended Degrees Received Dates of Degree

<i>Institution</i>	<i>Dates Attended</i>	<i>Degrees Received</i>	<i>Dates of Degree</i>
The Fletcher School of Law and Diplomacy, Tufts University	1995-1997	<ul style="list-style-type: none"> • Master's of Arts in Law and Diplomacy (MALD) • Concentration: development economics; international business and economic law • ¼ of coursework at Harvard University 	May 1997
School of Foreign Service, Georgetown University	1989-1993	<ul style="list-style-type: none"> • Bachelor's of Science • Concentration: international relations, law and organization; Certificate in African studies 	May 1993

*Nominees should provide information for all institutions attended, whether or not the nominee was granted a degree by the institution

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships and any other special recognitions for outstanding service or achievement.

Distinguished Service Award from Secretary Lew

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, social, charitable and other organizations.

Organization Office Held (if any) Dates of Membership

<i>Organization</i>	<i>Office Held (if any)</i>	<i>Dates of Membership</i>
Innovations for Poverty Action (research and policy nonprofit that uses evidence to reduce poverty)	Board member (not renumeralated)	2018 – present
Fundación Capital (nonprofit social enterprise working to improve the financial lives of people living in poverty)	Board member (not renumeralated)	2015 – 2021

*Per the Ethics Agreement I signed on August 11, I will step down from these two board roles if confirmed. I already resigned from Fundación Capital effective September 1, 2021.

Employment record: List below all positions held since graduation from college including the title or description of job, name of employer, location of work, and inclusive dates of employment.

Millennium Challenge Corporation (MCC)

Deputy Chief Executive Officer
Washington, DC
March 2021 - Present

European Bank for Reconstruction and Development (EBRD)

Managing Director, Corporate Strategy
London, United Kingdom
March 2017 - February 2021

U.S. Department of the Treasury

Principal Deputy Assistant Secretary, International Development Policy
Washington, DC

September 2013 - January 2017

**The World Bank, Consultative Group to Assist the Poor (CGAP), Washington DC and Paris, France,
February 2002 – August 2013**

Deputy CEO, Washington, DC, October 2010 to August 2013
Acting CEO, Washington, DC, April-September 2010
Senior Microfinance Specialist, Paris, France, July 2004 - April 2010
Microfinance Specialist, Washington, DC + Paris, France, February 2002 - June 2004

Development Alternatives, Inc., Washington, DC and Port-au-Prince, Haiti, July 1997 – February 2002

Development Specialist, Finance, Banking and Enterprise Group, Washington, DC, September 2001 - February 2002
Technical Services Manager, PRET and FINNET projects/USAID, Port-au-Prince, Haiti, September 1998 - September 2001
Development Specialist, Economy Policy Group, Washington, DC, July 1997 - September 1998

Small Business Development Center, Florida Atlantic University

Special Assistant to the Director
Boca Raton, FL
Summer 1994

Sterling International Group, Inc.

Research Analyst
Washington, DC
September 1994 - August 1995

Close Up Foundation

Senior Program Instructor, Program Instructor
Washington, DC
1993 - 1994

**Government
Experience:**

List any experience in or direct association with Federal, State, or local governments including any advisory, consultative, honorary or other (including part-time) service or positions.

Name of Government Entity	Position	Dates of Service
---------------------------	----------	------------------

(1) Millennium Challenge Corporation, Deputy CEO, March 2021 to Present

(2) U.S. Department of the Treasury, Principal Deputy Assistant Secretary, International Development Policy, September 2013 - January 2017

Published writings: List the titles, publishers and dates of books, articles, reports and other published materials you have written. The list should include any publicly accessible publications on the internet in the past ten years, including appropriate URLs for any posts on blogs you maintained or contributed to, and URLs for any other significant internet-based postings during that same period. If available, provide the Committee with **one digital copy** of each of the writings you list.

I performed an exhaustive hard-copy and digital search and to the best of my knowledge and belief, the published writings that I can identify are included in the document titled "Alexia Latortue Annex on Writings Speeches and Presentations_vF."

Please see attachment – Alexia Latortue Annex on Writings Speeches and Presentations_vF.

I'm happy to update and supplement this submission should I discover additional information.

Speeches and presentations: List all of the formal speeches and presentations (e.g., PowerPoint) you have delivered during the past ten years which are on topics relevant to the position for which you have been nominated, including dates. If available, provide the Committee with **one digital copy** of each formal speech and presentation. If text is no longer available, list the date, place, and organization or group to whom you made the speech or presentation.

I performed an exhaustive hard-copy and digital search and to the best of my knowledge and belief, the speeches and presentations that I can identify are included in the document titled "Alexia Latortue Annex on Writings Speeches and Presentations_vF."

Please see attachment – Alexia Latortue Annex on Writings Speeches and Presentations_vF.

I'm happy to update and supplement this submission should I discover additional information.

Public statements: List all public statements you have made during the past ten years which are on topics relevant to the position for which you have been nominated, including dates. Whenever possible, provide the Committee with finding aids (such as citations, internet URLs, etc.) for each statement.

I performed an exhaustive hard-copy and digital search and to the best of my knowledge and belief, the public statements that I can identify are included in the document titled "Alexia Latortue Annex on Writings Speeches and Presentations _vF."

Please see attachment – Alexia Latortue Annex on Writings Speeches and Presentations _vF.

I'm happy to update and supplement this submission should I discover additional information.

Social media usernames:

Please provide a list of all of your currently active social media usernames (e.g., Facebook, Instagram, Twitter, etc.), and any usernames for any inactive accounts you have used within the previous ten years.

LinkedIn

- *I have an active LinkedIn page that I manage myself. Username is Alexia Latortue.*
- *There is another Alexia Latortue LinkedIn page that is inactive that I used while at the World Bank.*

Twitter

- *MCC manages a twitter account for me as Deputy CEO. The handle is Alexia Latortue (@MCC_DCEO).*
- *I was on twitter briefly while at the World Bank. The account is inactive.*

Political affiliations activities:

List memberships and offices held in and services rendered to all political parties or election committees during the last ten years.

I am a registered Democrat.

List all public offices, if any, for which you have been a candidate in the past ten years.

Name of Office	Elected/Appointed Candidate Only	Year(s) Election Held or Appointment Made	Terms of Service (if applicable)
----------------	-------------------------------------	--	-------------------------------------

None.

Political contributions:

Itemize all political contributions which exceed \$200 or which aggregate to over \$200 in a calendar year to any individual, campaign organization, political party, political action committee or similar entity during the last ten years and identify specific amounts, dates, and names of recipients.

Date, Amount and Recipient

- September 9, 2020, \$1000, Biden for President
- September 9, 2020, \$1000, Biden Victory Fund
- August 23, 2020, \$250, Biden for President
- August 23, 2020, \$250, Biden Victory Fund
- July 9, 2020, \$1000, Biden Action Fund
- July 9, 2020, \$1000, Biden for President
- July 8, 2020, \$1000, Biden Action Fund
- July 8, 2020, \$1000, Biden for President

Qualifications:

State fully your qualifications to serve in the position to which you have been named. (attach sheet)

I have over 20 years of experience in international affairs and development with a focus on policymaking, development finance and emerging markets. Through roles with the United States Government – both at U.S. Treasury and more recently with the Millennium Challenge Corporation – as well as with international financial institutions such as the World Bank and the European Bank for Reconstruction and Development, my work has spanned private sector and financial sector development, infrastructure, climate, and inclusive growth.

I have deep experience working with senior international counterparts from the G7, G20 and beyond, including in negotiating financing and policy agreements, building coalitions, shaping common policy views and strategies and forging consensus. I am a mission-driven leader, with a passion for inspiring and leading people and using data, evidence, and analytics to make decisions and craft policy solutions to deliver impact at scale.

Future Employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

Yes, I will sever all connections with my present employer if I am confirmed by the Senate.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization

I have no plans after completing government service to resume employment, affiliation or practice with my previous employer.

3. Has anyone made a commitment to employ you after you leave government service?

No, no one has made a commitment to employ me after I leave government service.

4. Do you expect to serve the full term for which you have been appointed?

Yes, I expect to serve the full term for which I have been appointed.

Potential conflicts of interest:

1. Describe any financial arrangements or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

Any potential conflict of interest will be resolved in accordance with the terms of my ethics agreement, which was developed in consultation with ethics officials at the Department of the Treasury and the Office of Government Ethics. I understand that my ethics agreement has been provided to the Committee. I am not aware of any potential conflict other than those addressed by my ethics agreement.

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.

Any potential conflict of interest will be resolved in accordance with the terms of my ethics agreement, which was developed in consultation with ethics officials at the Department of the Treasury and the Office of Government Ethics. I understand that my ethics agreement has been provided to the Committee. I am not aware of any potential conflict other than those addressed by my ethics agreement.

3. Describe any business relationship, dealing or financial transaction (other than tax paying) which you have had during the last ten years with the Federal Government, whether for yourself, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.

Any potential conflict of interest will be resolved in accordance with the terms of my ethics agreement, which was developed in consultation with ethics officials at the Department of the Treasury and the Office of Government Ethics. I understand that my ethics agreement has been provided to the Committee. I am not aware of any potential conflict other than those addressed by my ethics agreement.

4. List any lobbying activity during the past ten years in which you have engaged in for the purpose of directly or indirectly influencing the passage, defeat or modification of any

legislation at the national level of government or affecting the administration and execution of national law or public policy.

None.

5. Explain how you will resolve any conflict of interest that may be disclosed by your responses to the items above.

Any potential conflict of interest will be resolved in accordance with the terms of my ethics agreement, which I understand has been provided to the Committee.

Tax compliance and bankruptcy:

1. In the past ten years, have you and your spouse (if applicable) filed and paid all taxes (federal, state, and local) as of the date of your nomination? Indicate if you filed as 'married filing separately.'

Yes.

2. In the past ten years, have you been required to make any back tax payments? If so, indicate if you have made any back tax payments and provide full details.

No.

3. Has a tax lien or other collection procedure(s) been instituted against you or your spouse (if applicable) by federal, state, or local authorities? If so, provide full details.

No.

4. In the past ten years, have you or your spouse (if applicable) ever been the subject of any audit, investigation, or inquiry for federal, state, or local taxes? If so, provide full details.

No.

5. Were all your Federal, State, local, and other tax returns and tax liabilities of any kind current (filed and paid when due) as of the date of your nomination? If not, provide details.

Yes.

6. Have you ever filed for bankruptcy? If so, provide details.

No.

Civil, criminal and investigatory actions:

1. Have you ever been the subject of a complaint or been investigated, disciplined, or otherwise cited for a breach of ethics for unprofessional conduct before any court, administrative agency (e.g. an Inspector General's office), professional association, disciplinary committee, or other ethics enforcement entity at any time? If so, provide details, regardless of outcome.

No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority for a violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, provide details.

No.

3. Have you ever been involved as a party in interest in any administrative agency proceeding, or civil litigation other than a divorce proceeding? If so, provide details.

No.

4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense? If so, provide details.

No.


Other information: Please advise the Committee of any additional information, favorable or unfavorable, which you believe should be considered in connection with your nomination.

Public records search:

Do you consent to allow Committee staff to conduct a public records search on you using appropriate search tools? (including Westlaw, Lexis, etc.)

Yes.

The undersigned certifies that the information contained in the public statement to the Committee is true and correct.

Signed: 

Date: _____ September 7, 2021 _____

PREPARED STATEMENT OF GRAHAM S. STEELE

TO BE ASSISTANT SECRETARY OF THE TREASURY

SEPTEMBER 21, 2021

Chairman Brown, Ranking Member Toomey, and distinguished Members of the Committee, thank you for the opportunity to appear before you today and for considering my nomination to be Assistant Secretary of the Treasury for Financial Institutions. I am honored to have been nominated for this position and I am grateful to President Biden, Vice President Harris, Secretary Yellen, Deputy Secretary Adeyemo, and Under Secretary Liang for this opportunity.

If the Committee Members will allow me, I would like to begin on a personal note by thanking the members of my family who are here today. First, I want to thank my partner, Moira. I would not be the person that I am today without her love, support, and moral clarity. She has taught me that partnership is about giving, taking, learning, teaching, growing, thriving, and changing together. I also want to acknowledge my mother, Debbie, who is here, as well my late father, Fritz, who passed away in February of last year. They both instilled in me from a very young age a desire to always try to do the right thing, do the best that I possibly can, and to work for the public good. Last, but not least, I want to thank my sister, Lauren, who has always understood and supported me in the way that only a life-long sibling can.

My career in public service began in the office of Chairman Brown in January of 2010. That opportunity and experience changed my life. It was an historic moment, as the Banking Committee was in the process of drafting the most sweeping financial reforms of the last 80 years in the wake of the Global Financial Crisis. I was fortunate to have the opportunity to work for Senator Brown who, as the Members and staff of this Committee already know, is a brilliant, compassionate, and tireless advocate on behalf of working people. In that role, I helped Senator Brown oversee the passage and implementation of reforms to make our financial system safer and improve our economy, including the Senator's tireless effort to support Ohio families facing foreclosure in their fight to stay in their homes and to help communities devastated by the housing crisis recover.

I spent the next 4 years as the Staff Director of the Subcommittee with jurisdiction over financial institutions and consumer protection, including 2 years during which Senator Toomey served as the Ranking Member. During that time, I worked closely with consumer and community groups to ensure that all Americans have equal access to safe and secure financial products, including mortgages, student loans, prepaid cards, and small-dollar loans. I also collaborated with a bipartisan group of Committee Members, industry groups, regulators, and other stakeholders to ensure that the most systemic institutions are well regulated, community banks and credit unions are competing on a level playing field, and banking and insurance rules are appropriately tailored.

When Senator Brown became the Ranking Member of the Banking Committee in 2015, I served as Chief Counsel to the Minority staff, a role I held until August of 2017. More recently, as a member of the staff of the Federal Reserve Bank of San Francisco and now in my role at Stanford Graduate School of Business, I have experienced from a close vantage point some of the most pressing financial challenges facing our Nation, including housing affordability, financial technology, and climate change.

Finance has always been a personal issue for me, having had some of my friends, family, community, and even myself experienced financial risks and challenges. The decades-long burden of student loans taken out to create an opportunity for a better future. Home equity lines of credit tapped in the hopes of filling the gap between household income and expenses. Credit card bills embedded with hidden tricks, traps, and fees. Jobs lost and retirement nest eggs depleted by a crisis of someone else's making. I am acutely aware that the millions of people that use our financial system every day are, in the words of Secretary Yellen, "more than just statistics."

I believe that this is another consequential historical moment and that is why I can think of no greater honor than working with the talented, dedicated staff at the United States Department of the Treasury. If I am fortunate enough to be confirmed, I would look forward to working closely with all the Members of this Committee to build a better postpandemic economy, by helping to shape a stable and inclusive financial system that works for everyone.

Thank you again for the opportunity to testify today and I look forward to your questions.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Steele Graham Scott
(Last) (First) (Other)

Position to which nominated: Assistant Secretary, Financial Institutions, U.S. Department of the Treasury

Date of nomination: July 22, 2021

City of Residence: Oakland, California

Education*:	Institution	Dates Attended	Degrees Received	Dates of Degree
	<i>The George Washington University Law School</i>	<i>2003-2006</i>	<i>Juris Doctor</i>	<i>May 2006</i>
	<i>The University of Rochester</i>	<i>1998-2002</i>	<i>Bachelor of Arts</i>	<i>May 2002</i>

*Nominees should provide information for all institutions attended, whether or not the nominee was granted a degree by the institution

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships and any other special recognitions for outstanding service or achievement.

None.

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, social, charitable and other organizations.

Organization	Office Held (if any)	Dates of Membership
<i>Sigma Alpha Mu Fraternity, Mu Rho Chapter</i>	<i>President</i>	<i>March 1999 – June 2002 (approx.)</i>

Employment record: List below all positions held since graduation from college including the title or description of job, name of employer, location of work, and inclusive dates of employment.

- *July 2018 – present: Director, Corporations and Society Initiative, Stanford Graduate School of Business, Palo Alto, California.*
- *January 2020 – May 2021: Senior Fellow, American Economic Liberties Project, Washington, District of Columbia.*

- June 2020 – October 2020: Senior Advisor, Omidyar Network, Redwood City, California.
- January 2020 – July 2020: Contractor, The Roosevelt Institute, New York, New York.
- Sept. 2017 – July 2018: External Affairs Advisor, Federal Reserve Bank of San Francisco, San Francisco, California.
- Jan. 2015 – Sept. 2017: Minority Chief Counsel, Committee on Banking, Housing & Urban Affairs, United States Senate, Washington, D.C.
- Jan. 2010 – Dec. 2014: Legislative Assistant (Jan. 2010 – Feb. 2011) and Staff Director of the Financial Institutions and Consumer Protection Subcommittee (Feb. 2011 – Dec. 2014), Office of Senator Sherrad Brown, Washington, D.C.
- Aug. 2007 – Dec. 2009: Policy Counsel (Oct. 2009 – Jan. 2010), Civil Justice Policy and Legal Associate (Oct. 2007 – Oct. 2009), and Civil Justice Intern (Aug. 2007 – Oct. 2007), Congress Watch Division, Public Citizen, Washington, D.C.
- Jan. 2007 – June 2007: Legal Intern, Brady Center for the Prevention of Gun Violence Legal Action Project, Washington, D.C.
- June 2002 – July 2003: Paralegal/Collector, Daniels Law Offices, P.C., Boston, Massachusetts.¹

¹ It is my understanding that the named partner in this organization was disbarred by the Massachusetts Board of Bar Overseers for misconduct that occurred more than 5 years after I ceased my employment and which were not related to my responsibilities while employed there. See *In the Matter of Richard S. Daniels, Jr.*, 27 Mass. Att’y Disc. R. 159 (2011), <https://bbopublic.blob.core.windows.net/web/f7bd11-003.pdf>.

Government Experience: List any experience in or direct association with Federal, State, or local governments including any advisory, consultative, honorary or other (including part-time) service or positions.

Name of Government Entity	Position	Dates of Service
<i>United States Senate</i>	<i>Legislative Assistant, Staff Director, Chief Counsel</i>	<i>01/2010-08/2017</i>
<i>U.S. Attorney's Office for the District of Columbia</i>	<i>Legal Clerkship</i>	<i>01/2005-08/2005</i>
<i>United States Court of Federal Claims</i>	<i>Judicial Internship</i>	<i>05/2004-06/2004</i>

Published writings: List the titles, publishers and dates of books, articles, reports and other published materials you have written. The list should include any publicly accessible publications on the internet in the past ten years, including appropriate URLs for any posts on blogs you maintained or contributed to, and URLs for any other significant internet-based postings during that same period. If available, provide the Committee with **one digital copy** of each of the writings you list.

To the best of my recollection, the following is a list of all of the public books, articles, reports and other published materials that I have written.

Academic & Policy Papers

- *The New Money Trust: How Large Money Managers Control Our Economy and What We Can Do About It*, American Economic Liberties Project, Nov. 23, 2020, <https://www.economicliberties.us/our-work/new-money-trust/>
- *Confronting the 'Climate Lehman Moment': The Case for Macroprudential Climate Regulation*, 30 Cornell J.L. & Pub. Pol'y 109 (2020), <https://community.lawschool.cornell.edu/wp-content/uploads/2020/12/Steele-final.pdf>
- *Extending the Consumer Safety Net: How the Consumer Financial Protection Bureau Can Use Its Authority to Protect Vulnerable Consumers*, Great Democracy Initiative, Jul. 29, 2020, <https://greatdemocracyinitiative.org/wp-content/uploads/2020/07/CFPB-Report-final-draft-.pdf>
- *The Miner of Last Resort: Digital Currency, Shadow Money and the Role of the Central Bank* (forthcoming book chapter), draft available at SSRN: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3600073
- *A Regulatory Green Light: How Dodd-Frank Can Address Wall Street's Role in the Climate Crisis*, Great Democracy Initiative, Jan. 29, 2020, https://greatdemocracyinitiative.org/wp-content/uploads/2020/01/Final_Greenlight_Steele.pdf
- *Climate Change Threatens the Stability of the Financial System*, Center for American Progress, Nov. 21, 2019, <https://www.americanprogress.org/issues/economy/reports/2019/11/21/477190/climate-change-threatens-stability-financial-system/>
- *The Consumer Product Safety Improvement Act of 2008: A Summary and Analysis*, 36 Prod. Safety & Liab. Reporter 940 (2008)(with David Arkush)

Comment Letters

- Fair Access to Financial Services, OCC, Jan. 20, 2021, <https://www.regulations.gov/comment/OCC-2020-0042-3292>
- Antitrust Division Banking Guidelines Review, U.S. Department of Justice, Oct. 16, 2020, <https://www.economicliberties.us/wp-content/uploads/2020/10/AELP-CEG-OMI-DOJ-bank-merger-letter-FINAL.pdf>
- Margin and Capital Requirements for Covered Swaps Entities, Federal Reserve, FDIC & OCC, Dec. 3, 2019, <https://www.fdic.gov/resources/regulations/federal-register-publications/2019/2019-margin-capital-requirements-covered-swap-entities-3064-af08-c-001.pdf>
- Control and Divestiture Proceedings, Federal Reserve, July 15, 2019 (no longer available on agency website)
- Regulatory Capital Rule: Revisions to the Supplementary Leverage Ratio to Exclude Certain Central Bank Deposits of Banking Organizations Predominantly Engaged in Custody, Safekeeping and Asset Servicing Activities, Federal Reserve, FDIC & OCC, July 1, 2019, <https://www.regulations.gov/comment/OCC-2019-0001-0006>
- Resolution Plans Required, Federal Reserve & FDIC, June 21, 2019, <https://www.fdic.gov/resources/regulations/federal-register-publications/2019/2019-resolution-plans-required-3064-ae93-c-005.pdf>
- Prudential Standards for Large Foreign Banking Organizations, Federal Reserve, June 21, 2019 (no longer available on agency website)
- Amendments to Whistleblower Program Rules, Securities & Exchange Commission, Sept. 18, 2018, <https://www.sec.gov/comments/s7-16-18/s71618-4373271-175547.pdf>

Legal Briefs

- Brief of Thirty-Three Banking Law Scholars as Amici Curiae in Support of Appellee in *Lacewell v. OCC*, No. 19 Civ. 4271 (2d Cir. July 29, 2020), https://projects.iq.harvard.edu/files/financialregulation/files/clean_50.pdf

Op-Eds

- Consumers Need Help to Avert a COVID-19 Financial Crisis, *Barron's*, Jul. 29, 2020, <https://www.barrons.com/articles/consumers-need-help-to-avert-a-covid-19-financial-crisis-51596043487?refsec=commentary>
- Rethinking the Fed, *The Hill*, May 28, 2020, <https://thehill.com/opinion/finance/499656-rethinking-the-federal-reserve>
- A Climate Bailout Is a Big Finance Bailout, *The American Prospect*, Apr. 22, 2020, <https://prospect.org/economy/climate-bailout-is-big-finance-bailout/>
- Dodd-Frank Didn't Build Stress Testing for Coronavirus, *American Banker*, Apr. 3, 2020, <https://www.americanbanker.com/opinion/dodd-frank-didnt-build-stress-testing-for-coronavirus>
- The Crisis in Financial Markets Began Before COVID-19, *The American Prospect*, Mar. 19, 2020 (with Matthew Stoller), <https://prospect.org/economy/the-crisis-in-financial-markets-began-before-covid-19/>
- Climate Change Is a Financial Crisis, Too, *Bloomberg*, Nov. 19, 2019 (with Gregg Gelzinis), <https://www.bloomberg.com/opinion/articles/2019-11-19/climate-change-is->

a-financial-crisis-too

- There's a Lot We Still Don't Know About Libra, New York Times, Nov. 9, 2019 (with Saule Omarova), <https://www.nytimes.com/2019/11/04/opinion/facebook-libra-cryptocurrency.html>
- Overhaul the Business of Wall Street, *The American Prospect*, Sep. 23, 2019, <https://prospect.org/day-one-agenda/overhaul-the-business-of-wall-street/>
- Facebook's Libra Cryptocurrency Is Part of a Disturbing Financial Trend, *The Washington Post*, Aug. 12, 2019, <https://www.washingtonpost.com/outlook/2019/08/12/facebooks-libra-cryptocurrency-is-part-disturbing-financial-trend/>
- The \$40 Billion Gift That Wall Street Doesn't Deserve, *American Banker*, Jul. 16, 2019, <https://www.americanbanker.com/opinion/the-40-billion-gift-that-wall-street-doesnt-deserve>

Blogs

- ESG Carrots and Climate Sticks: Evaluating the Roles of Mandates and Incentives in Climate Financial Regulation, *FinReg Blog*, Duke Law Global Financial Markets Center, Jul. 14, 2020, <https://sites.law.duke.edu/thefinregblog/2020/07/14/esg-carrots-and-climate-sticks-evaluating-the-roles-of-mandates-and-incentives-in-climate-financial-regulation-2/>
- Avoiding the 'Climate Lehman Moment', *Oxford Business Law Blog*, Mar. 12, 2020, <https://www.law.ox.ac.uk/business-law-blog/blog/2020/03/avoiding-climate-lehman-moment>
- Dealing with the Carbon Bubble: The Senate Select Committee on the Climate Crisis, *FinReg Blog*, Duke Law Global Financial Markets Center, Mar. 12, 2020, <https://sites.duke.edu/thefinregblog/2020/03/12/dealing-with-the-carbon-bubble-the-senate-select-committee-on-the-climate-crisis/>
- Emergency Guarantee Authority: Not Letting a Crisis Go to Waste, *CLS Blue Sky Blog*, May 15, 2019, <https://clsbluesky.law.columbia.edu/2019/05/15/emergency-guarantee-authority-not-letting-a-crisis-go-to-waste/>
- "Small Claims Help Consumers Beat the Banks", *Fair Arbitration Now Blog*, September 17, 2009 available at <http://www.fairarbitrationnow.org/small-claims-help-consumers-beat-banks/>
- "Coalition Encouraged by Bank of America's Decision to Stop Using Forced Arbitration; Now Congress Must Act", *Fair Arbitration Now Blog*, August 19, 2009 available at <http://www.fairarbitrationnow.org/coalition-encouraged-bank-americas-decision-stop-using-forced-arbitration-now-congress-must/>
- "New Consumer Agency to Take Aim at Forced Arbitration", *Fair Arbitration Now Blog*, June 30, 2009 available at <http://www.fairarbitrationnow.org/new-consumer-agency-take-aim-forced-arbitration/>
- "Corporate Double-Speak on Union, Consumer Arbitrations", *Fair Arbitration Now Blog*, June 16, 2009 available at <http://www.fairarbitrationnow.org/corporate-hypocrisy-union-consumer-arbitrations/>
- "House Committee Holds Credit Card Arbitration Hearing", *Fair Arbitration Now Blog*, May 8, 2009 available at <http://www.fairarbitrationnow.org/house-committee-holds-credit-card-arbitration-hearing/>
- "Yet Another Harmful Industry Employing Forced Arbitration", *Fair Arbitration Now*

Blog, April 9, 2009 available at <http://www.fairarbitrationnow.org/yet-another-harmful-industry-employing-forced-arbitration/>

- "Update on Consumer and Civil Justice News", Public Citizen Watchdog Blog, December 30, 2008 available at http://citizen.typepad.com/watchdog_blog/2008/12/update-on-consumer-and-civil-justice-news.html
- "The Other Bad News for Consumers: Forced Arbitration", Public Citizen Watchdog Blog, October 17, 2008 available at http://citizen.typepad.com/watchdog_blog/2008/10/arbitration-in.html
- "Victory for Consumers on Credit Cards -- Part 1", Public Citizen Watchdog Blog, September 23, 2008 available at http://citizen.typepad.com/watchdog_blog/2008/09/victory-for-con.html
- "Forced Arbitration Impedes Credit Card Reform Effort", Public Citizen Watchdog Blog, September 16, 2008 available at http://citizen.typepad.com/watchdog_blog/2008/09/arbitration-wil.html
- "More Information Means Safety for Consumers", Public Citizen Watchdog Blog, July 1, 2008 available at http://citizen.typepad.com/watchdog_blog/2008/07/more-informatio.html
- "Civil Justice is Not About Special Interests" (with David Arkush), Public Citizen Watchdog Blog, June 30, 2008 available at http://citizen.typepad.com/watchdog_blog/2008/06/media-missing-t.html
- "NAF's Weak Response to Business Week" (with David Arkush), Public Citizen Watchdog Blog, June 12, 2008 available at http://citizen.typepad.com/watchdog_blog/2008/06/business-week-1.html
- "Business Week Looks Inside Arbitration Firm, Finds Shady Practices", Public Citizen Watchdog Blog, June 10, 2008 available at http://citizen.typepad.com/watchdog_blog/2008/06/business-week-1.html
- "Senator Feingold Argues for Consumers' Rights", Public Citizen Watchdog Blog, May 19, 2008 available at http://citizen.typepad.com/watchdog_blog/2008/05/on-friday-dmi-p.html
- "Industry and Republican Allies Gear up to Fight Moderate Consumer Health and Safety Bill" (with David Arkush), Public Citizen Watchdog Blog, February 29, 2008 available at http://citizen.typepad.com/watchdog_blog/2008/02/industry-and-re.html#more

Speeches and presentations:

List all of the formal speeches and presentations (e.g., PowerPoint) you have delivered during the past ten years which are on topics relevant to the position for which you have been nominated, including dates. If available, provide the Committee with **one digital copy** of each formal speech and presentation. If text is no longer available, list the date, place, and organization or group to whom you made the speech or presentation.

To the best of my recollection, the following is a list of all of the speeches and presentations that I have made during the past ten years on topics relevant to the position for which I have been nominated.

- "Dodd-Frank: What was Done, What Was Undone, and What Is Still to Be Done," *Regulating Megabanks: A Conference in Honor of Arthur Wilmarth*, May 24, 2021, <https://lawreview.colorado.edu/event/regulating-megabanks-a-conference-in-honor-of-arthur-wilmarth/>

- “A Tale of Two Bailouts,” American Economic Liberties Project, June 19, 2020, https://www.youtube.com/watch?v=4o0v2-UDl8I&list=PLcC9N8VWf-mvkdD6Hid8EJSV1W63pPJm_8&index=5
- Populism & Political Economy: Banking & Financial Services Panel, The Capitol Forum, Feb. 13, 2020, <https://www.youtube.com/watch?v=9B2IBz8kxVg&t=1s>
- Panelist, “View from the Hill,” 2017 Banking Law Committee Meeting, American Bar Association, Jan. 2017, agenda available here: https://www.americanbar.org/content/dam/aba/events/business_law/2017/01/banking/agenda.authcheckdam.pdf
- Panelist, “Big Questions About Big Data,” Big Data in Finance Conference, Office of Financial Research & University of Michigan’s Center on Finance, Law and Policy, Oct. 2016, agenda available here: <http://financelawpolicy.umich.edu/events/2016-big-data-conference/>
- Panelist, “The Role of Lawyers (including Legal Academics) in Financial Regulation,” Columbia Roundtable on Financial Regulation, Columbia University Law School, Mar. 2016, agenda available here: <http://www.law.columbia.edu/law-economic-studies/financial-regulation-roundtable-march-4th-5th-2016>
- Panelist, 2015 Lawyers Council Meeting, Financial Services Roundtable, May 2015
- Panelist, “View from the Hill,” 2014 Banking Law Committee Meeting, American Bar Association, Nov. 2014, agenda available here: https://www.americanbar.org/content/dam/aba/events/business_law/2014/11/banking/agenda.authcheckdam.pdf

Public statements: List all public statements you have made during the past ten years which are on topics relevant to the position for which you have been nominated, including dates. Whenever possible, provide the Committee with finding aids (such as citations, internet URLs, etc.) for each statement.

To the best of my recollection, the following is a list of all of the public statements that I have made during the past ten years on topics relevant to the position for which I have been nominated.

Press Quotes

- Banks Really Don’t Like Biden’s Push to Make It Easier to Move Your Money, Mother Jones, July 26, 2021, <https://www.motherjones.com/politics/2021/07/banks-really-dont-like-bidens-push-to-make-it-easier-to-move-your-money/>
- The Obscure Biden Administration Rule That Could Help Americans Flee Big Banks, HuffPost, Apr. 7, 2021, https://www.huffpost.com/entry/the-obscure-biden-administration-rule-that-could-help-americans-flee-big-banks_n_606e0dd0c5b6034a708417e9
- Sherrod Brown Quickly Shifts Senate Banking Panel’s Course, American Banker, Mar. 16, 2021 (paywalled)
- Despite Its Pledges, Shell Funded Anti-Climate Lobbying Last Year, HuffPost, Feb. 25, 2021, https://www.huffpost.com/entry/shell-climate-lobbying-fossil-fuels_n_602d4530c5b66dfc101baac1
- Banks Are Greenwashing Themselves. Don’t Believe It., Vice, Feb. 22, 2021, <https://www.vice.com/en/article/wx8ajz/banks-are-greenwashing-themselves-dont->

- [believe-it](#)
- These 2 Black Founders Aim to Offer a Fairer Alternative to Payday Loans, Fast Company, Feb. 18, 2021, <https://www.fastcompany.com/90605796/payday-loan-alternative-solo-funds>
 - How Lawmakers Could Unpack GameStop's Wild Ride At 1st Congressional Hearing, S&P Global Market Intelligence, Feb. 17, 2021, <https://www.spglobal.com/marketintelligence/en/news-insights/latest-news-headlines/how-lawmakers-could-unpack-gamestop-s-wild-ride-at-1st-congressional-hearing-62516672>
 - Reddit Day Traders Wanted to Beat Wall Street to Prove the System is Rigged. Instead, They Did it by Losing., Business Insider, Feb. 13, 2021, <https://www.businessinsider.com/reddit-wallstreetbets-traders-failed-war-wall-street-proves-system-rigged-2021-2>
 - GameStop Revives Fights Over Stock Tax, HFT Firms Buying Orders, Bloomberg, Feb. 9, 2021, <https://www.bloomberg.com/news/articles/2021-02-10/gamestop-revives-fights-over-stock-tax-hft-firms-buying-orders>
 - The Return of the Regulators, ProPublica, Feb. 2, 2021, <https://www.propublica.org/article/the-return-of-the-regulators>
 - From Goldman to SEC: Gensler's Next Stop Worries Wall Street, Bloomberg, Jan. 14, 2021, <https://www.bloomberg.com/news/articles/2021-01-14/from-goldman-to-sec-gensler-s-next-stop-worries-wall-street>
 - Let's Get Small, American Banker, Jan. 1, 2021 (paywalled)
 - Why Congress Is Suddenly Fighting About the Federal Reserve, Slate.com, Dec. 18, 2020, <https://slate.com/business/2020/12/congress-relief-bill-federal-reserve-toomey.html>
 - Antitrust Regulators Ask Whether Index Funds Deserve Greater Scrutiny, Bloomberg, Dec. 17, 2020, <https://www.bloomberg.com/news/articles/2020-12-17/index-funds-antitrust-regulators-weigh-whether-they-deserve-more-scrutiny>
 - 'Last piece of the puzzle.' Fed Joins Global Green Group, ClimateWire, Dec. 16, 2020 (paywalled)
 - Rumors Are Flying About a State Street Global Advisors Deal. Here's What It Could Mean., Institutional Investor, Dec. 14, 2020, <https://www.institutionalinvestor.com/article/b1pp5mz0330mmh/Rumors-Are-Flying-About-a-State-Street-Global-Advisors-Deal-Here-s-What-It-Could-Mean>
 - Yellen Gets a Shot to Throw Treasury's Clout into Climate Fight, Bloomberg, Dec. 11, 2020, <https://www.bloomberg.com/news/articles/2020-12-11/yellen-gets-a-shot-to-throw-treasury-s-clout-into-climate-fight>
 - Make Room, Wall Street: Bitcoin Payments Startup BitPay Applies For National U.S. Banking License, Forbes, Dec. 9, 2020, <https://www.forbes.com/sites/billybambrough/2020/12/09/make-room-wall-street-bitcoin-payments-startup-bitpay-applies-for-national-us-banking-licence/?sh=591c7fe36f72>
 - Why Seattle Bank Allied Itself with Google, BankingDive, Nov. 24, 2020, <https://www.bankingdive.com/news/seattle-bank-google-partnership/589655/>
 - Janet Yellen's Next Mission Will Be Tough, N.Y. Times DealBook, Nov. 24, 2020, <https://www.nytimes.com/2020/11/24/business/dealbook/janet-yellen-treasury.html>
 - BlackRock Should Split Off Its Aladdin Tech Platform, Says Think-tank, Financial Times, Nov. 24, 2020, <https://www.ft.com/content/524a1fef-7bcd-4c2a-8e91->

[a2e7124c13e3](#)

- BlackRock and the \$15 Trillion Fund Industry Should Be Broken Up, Antimonopoly Group Says, CNN Business, Nov. 24, 2020, <https://www.cnn.com/2020/11/24/business/blackrock-vanguard-state-street-biden/index.html>
- There's an Oligopoly in Asset Management. This Researcher Says It Should Be Broken Up., Institutional Investor, Nov. 24, 2020, <https://www.institutionalinvestor.com/article/b1pcwthdczlycw/There-s-an-Oligopoly-in-Asset-Management-This-Researcher-Says-It-Should-Be-Broken-Up>
- Anti-monopoly Group Raises Alarm About BlackRock, Other Big Asset Managers, POLITICO Pro, Nov. 24, 2020 (paywalled)
- Transition 2020: How Biden Can Revamp Climate Finance, POLITICO, Nov. 24, 2020, <https://www.politico.com/newsletters/the-long-game/2020/11/24/how-biden-fight-climate-change-congress-490983>
- The Energy 202: The Last Big Environmental Fight of the Trump Era is Over Drilling in Alaska's Arctic, Washington Post, Nov. 23, 2020, <https://www.washingtonpost.com/politics/2020/11/23/energy-202-last-big-environmental-fight-trump-era-is-over-drilling-alaska-arctic/>
- Banks Can't Deny Services to Entire Industries Under OCC Proposal, Wall Street Journal, Nov. 20, 2020, <https://www.wsj.com/articles/banks-cant-deny-services-to-entire-industries-under-occ-proposal-11605902412>
- US Aims to Put Pressure on Banks to Keep Up Fossil Fuel Lending, Financial Times, Nov. 20, 2020, <https://www.ft.com/content/42f795e8-00e5-43ac-9f55-e2197e1337b4>
- Federal Agency Proposes Rule Aimed at Blocking Banks From Not Financing Arctic Drilling, Anchorage Daily News, Nov. 20, 2020, <https://www.adn.com/business-economy/energy/2020/11/20/federal-agency-proposes-rule-aimed-at-blocking-banks-from-not-financing-arctic-drilling/>
- Google Pay Positions Itself as Apple Pay, PayPal and Venmo Alternative, USA Today, Nov. 18, 2020, <https://www.usatoday.com/story/tech/2020/11/18/google-pay-looks-take-apple-pay-being-more-like-venmo/3764826001/>
- Google Pay Adds Peer-to-peer Payments and More, Axios, Nov. 19, 2020, [Google Pay adds peer-to-peer payments and more](#)
- Google's Move to Offer Bank Accounts Draws Fire from Biden Adviser, POLITICO, Nov. 18, 2020 (paywalled)
- The Senate May Not Flip but Banking Committee is Poised for Shake-Up, American Banker, Nov. 16, 2020 (paywalled)
- Regulator: Climate Risk 'Looms Even Larger' Than Pandemic, ClimateWire, Nov. 9, 2020 (paywalled)
- Trump Gutted Post-2008 Financial Safeguards. Can We Avert Another Crash?, Mother Jones, Oct. 30, 2020, <https://www.motherjones.com/politics/2020/10/trump-gutted-post-2008-financial-safeguards-can-we-avert-another-crash/>
- Wall Street's Regulatory Gains Set to Stand Even Under Biden, Reuters, Oct. 5, 2020, <https://www.reuters.com/article/us-usa-election-biden-wallstreet-analysis/wall-streets-regulatory-gains-set-to-stand-even-under-biden-idUSKBN26Q1LH>
- How Biden and Trump Differ on Climate Finance Regulations, ClimateWire, Oct. 2, 2020 (paywalled)
- Court Case Reveals New Details of Fake-Account Allegations at Fifth Third, American Banker, Oct. 2, 2020 (paywalled)

- US Regulator to Shake Up Banking With Federal Charters for Payment Firms, CoinDesk, Sept. 1, 2020, <https://www.coindesk.com/us-regulator-to-shake-up-banking-with-federal-charters-for-payment-firms>
- Regulatory Relief Erases \$1 Trillion of Exposures From 6 Banks, S&P Global Market Intelligence, July 30, 2020, <https://www.spglobal.com/marketintelligence/en/news-insights/latest-news-headlines/regulatory-relief-erases-1-trillion-of-exposures-from-6-banks-59675565>
- Fed Corporate Bond Buying Opens Up Debate Over Climate Stance, WSJ Pro Central Banking, July 20, 2020 (paywalled)
- 2 Banks Lose Billions in Fossil Fuel Loans, ClimateWire, July 17, 2020 (paywalled)
- Should Banks Be Forced to Price In Climate Change?, POLITICO, July 14, 2020, <https://www.politico.com/news/agenda/2020/07/14/federal-reserve-climate-change-341820>
- Supreme Court Casts Doubt on Future of Independent-Agency Heads, Bloomberg Law, June 30, 2020, <https://news.bloomberglaw.com/daily-labor-report/supreme-court-casts-doubt-on-future-of-independent-agency-heads>
- Regulators Urged to Upend Fossil Finance 'Doom-loop', ClimateWire, June 09, 2020 (paywalled)
- Borrowed Time: Climate Change Threatens U.S. Mortgage Market, POLITICO, June 8, 2020, <https://www.politico.com/news/2020/06/08/borrowed-time-climate-changemortgage-market-304130>
- Unsanitized: BlackRock Is Buyer and Seller, The American Prospect, May 30, 2020, <https://prospect.org/coronavirus/unsanitized-blackrock-buyer-and-seller-federal-reserve-bailout/>
- In BlackRock We Trust: Larry Fink's Key Role in US Rescue Package, Bloomberg, May 29, 2020, <https://www.bloomberg.com/news/articles/2020-05-21/how-larry-fink-s-blackrock-is-helping-the-fed-with-bond-buying>
- Oil and Gas Companies Asked, Then Received Changes to Fed Coronavirus Stimulus Program, State Impact Pennsylvania, May 11, 2020, <https://stateimpact.npr.org/pennsylvania/2020/05/11/oil-and-gas-companies-asked-then-received-changes-to-fed-coronavirus-stimulus-program/>
- Virus Stops Climate Stress Testing at U.K. Banks, ClimateWire, May 08, 2020 (paywalled)
- Wall Street-Friendly Lawmakers Sought Bailout For Shady Lenders, HuffPost, May 8, 2020, https://www.huffpost.com/entry/wall-street-friendly-lawmakers-federal-reserve-bailout-installment-lenders_n_5eb5718fc5b61fe0f57bbc25
- Fossil Fuel Firms Linked To Trump Get Millions in Coronavirus Small Business Aid, The Guardian, May 1, 2020, <https://www.theguardian.com/environment/2020/may/01/fossil-fuel-firms-coronavirus-package-aid>
- The Energy 202: Oil and Gas Companies Stand to Gain From Fed Loosening Coronavirus Loan Rules, The Washington Post, May 1, 2020, <https://www.washingtonpost.com/news/powerpost/paloma/the-energy-202/2020/05/01/the-energy-202-oil-and-gas-companies-stand-to-gain-from-fed-loosening-coronavirus-loan-rules/5eab0bda602f715fb0021673/>
- Fed Outlines Details of Loans for Midsize Firms, The Washington Post, May 1, 2020 (unable to locate online)
- Fed's Expansion of Lending Program Sparks Oil Bailout Worries, POLITICO, Apr. 30,

- 2020, <https://www.politico.com/news/2020/04/30/feds-expansion-of-lending-program-sparks-oil-bailout-worries-227545>
- Fed Faces Climate Test as it Tries to Rescue Economy, ClimateWire, Apr. 16, 2020 (paywalled)
 - Democrats Worry About Stimulus Oversight as Trump Undercuts Watchdogs, The Hill, Apr. 11, 2020, <https://thehill.com/regulation/court-battles/492319-democrats-worry-about-stimulus-oversight-as-trump-undercuts>
 - Greens Assail Banks' Plan to Seize Shaky Fossil Fuel Assets, GreenWire, Apr. 10, 2020 (paywalled)
 - U.S. Must Prepare For 'Climate Shock,' Experts Warn, ClimateWire, Mar. 30, 2020 (paywalled)
 - Green Groups Press Fed to Avoid 'Stealth' Bailouts in BlackRock Debt Buys, POLITICO Pro, Mar. 27, 2020 (paywalled)
 - Villains of 2008 try to be the saviors of 2020, POLITICO, Mar. 23, 2020, <https://www.politico.com/news/2020/03/23/villains-2008-economy-saviors-2020-143476>
 - Banks Win FDIC Guarantee, Relaxed Rules in Coronavirus Bill, POLITICO Pro, Mar. 22, 2020 (paywalled)
 - The 2008 Financial Crisis Did Not Prepare Us for the 2020 Coronavirus Crisis, POLITICO, Mar. 20, 2020, <https://www.politico.com/news/2020/03/20/2008-financial-crisis-coronavirus-138263>
 - EU Risks a Green Deal Backlash; Call for Common Standards; A 'Carbon-Positive' Challenge, Financial Times Moral Money, Mar. 4, 2020, <https://www.ft.com/content/f08b593c-5db3-11ea-b0ab-339c2307bcd4>
 - Fed Review Could Be a Hurdle For Morgan Stanley-E*Trade Union, Investment News, Feb. 20, 2020, <https://www.investmentnews.com/fed-review-could-be-hurdle-morgan-stanley-etrade-union-188667>
 - Bank Regulators Could Prevent a Climate Crisis — Report, ClimateWire, Feb. 04, 2020 (paywalled)
 - CFPB Limits Its Own Powers Against Abusive Conduct in New Policy, Bloomberg Law, Jan. 24, 2020, <https://news.bloomberglaw.com/banking-law/cfpb-limits-its-own-powers-against-abusive-conduct-in-new-policy>
 - Garcia Bills Would Derail Tech's Financial Ambitions, POLITICO, Nov. 12, 2019, <https://www.politico.com/news/2019/11/12/technology-financial-services-bill-069828>
 - Joe Biden's Mysterious Claim That He Whipped Votes for the CFPB, The Intercept, Oct. 16, 2019, <https://theintercept.com/2019/10/16/joe-biden-elizabeth-warren-debate-cfpb/>
 - Democratic Aides See Possibility for Compromise with GOP on Modest Changes to Financial Laws, WSJ Pro, Jan. 9, 2017 (paywalled)
 - Regional Banks Looking to Congress for Relief, POLITICO, Nov. 10, 2014 (unable to locate online)

Press Releases

- Economic Liberties Applauds Senator Baldwin's EMPOWERS Act, American Economic Liberties Project, Dec. 11, 2020, <https://www.economicliberties.us/press-release/economic-liberties-applauds-senator-baldwins-empowers-act/>
- Google's Efforts to Push Deeper Into Banking Should Worry Everyone, American Economic Liberties Project, Nov. 18, 2020, <https://www.economicliberties.us/press-release/googles-efforts-to-push-deeper-into-banking-should-worry-everyone/>

- *Economic Liberties, Equitable Growth & Open Markets Urge DOJ to Reverse Consolidation in the Banking Industry*, American Economic Liberties Project, Oct. 16, 2020, <https://www.economicliberties.us/press-release/economic-liberties-equitable-growth-open-markets-urge-doj-to-reverse-consolidation-in-the-banking-industry/>
- *Fed Should Reject Morgan Stanley's Eaton Vance Bid*, American Economic Liberties Project, Oct. 8, 2020, <https://www.economicliberties.us/press-release/fed-should-reject-morgan-stanleys-eaton-vance-bid/>
- *Morgan Stanley-E*Trade Merger Threatens Consumers & Economy*, American Economic Liberties Project, Sept. 30, 2020, <https://www.economicliberties.us/press-release/morgan-stanley-etrade-merger-threatens-consumers-economy/>
- *ICE-Elle Mae Merger is a Recipe for Trouble*, American Economic Liberties Project, Sept. 3, 2020, <https://www.economicliberties.us/press-release/ice-elle-mae-merger-is-a-recipe-for-trouble/>
- *Federal Reserve Must Block Morgan Stanley-E*Trade Merger*, American Economic Liberties Project, July 22, 2020, <https://www.economicliberties.us/press-release/federal-reserve-must-block-morgan-stanley-etrade-merger/>

Radio and Podcast Interviews

- *Breaking the Fever Podcast*, Feb. 24, 2021, <https://www.ethicalsystems.org/regulating-finance-to-avert-climate-disaster/>
- *It's Our Money Podcast*, June 12, 2020, <https://www.publicbankinginstitute.org/2020/06/12/latest-its-our-money-podcast-tackles-the-fed-a-public-digital-wallet-system-and-covid-vaccine-speculation/>
- *Background Briefing with Ian Masters*, April 28, 2020, <https://www.backgroundbriefing.org/2020/04/28/>

Social media usernames:

Please provide a list of all of your currently active social media usernames (e.g., Facebook, Instagram, Twitter, etc.), and any usernames for any inactive accounts you have used within the previous ten years.

My Twitter account is: [www.twitter.com/steewheelz](https://twitter.com/steewheelz). This account is active.

My Instagram account is: www.instagram.com/graham.s.steele/. This account is active.

My Facebook account was: www.facebook.com/graham.steele.31. This account is no longer active.

Political affiliations and activities: List memberships and offices held in and services rendered to all political parties or election committees during the last ten years.

From May 2020 until November 2020, I was an unpaid volunteer member of the Economic Policy Committee for the Biden for President campaign.

From December 2019 until March 2020, I was an unpaid policy volunteer for the Warren for President campaign.

From October to November 2012, I was a voter protection volunteer for the Ohio Democratic Party in Columbus, Ohio.

List all public offices, if any, for which you have been a candidate in the past ten years.

Name of Office	Elected/Appointed Candidate Only	Year(s) Election Held or Appointment Made	Terms of Service (if applicable)
----------------	-------------------------------------	--	-------------------------------------

None.

Political contributions: Itemize all political contributions which exceed \$200 or which aggregate to over \$200 in a calendar year to any individual, campaign organization, political party, political action committee or similar entity during the last ten years and identify specific amounts, dates, and names of recipients.

2020: Biden Victory Fund – \$845

Qualifications: State fully your qualifications to serve in the position to which you have been named. (attach sheet)

Future Employment relationships: 1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

Yes, I will sever all connections with my present employer if I am confirmed by the Senate.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization

I have no plans after completing government service to resume employment with my previous employer.

3. Has anyone made a commitment to employ you after you leave government service?

No, no one has made me any commitment to employ after I leave government service.

4. Do you expect to serve the full term for which you have been appointed?

Yes, I expect to serve the full term for which I have been appointed.

Potential conflicts of interest: 1. Describe any financial arrangements or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

Any potential conflict of interest will be resolved in accordance with the terms of my ethics agreement, which was developed in consultation with ethics officials at the Department of the Treasury and the Office of Government Ethics. I understand that my ethics agreement has been provided to the Committee. I am not aware of any potential conflict other than those addressed by my ethics agreement.

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.

Any potential conflict of interest will be resolved in accordance with the terms of my ethics agreement, which was developed in consultation with ethics officials at the Department of the Treasury and the Office of Government Ethics. I understand that my ethics agreement has been provided to the Committee. I am not aware of any potential conflict other than those addressed by my ethics agreement.

3. Describe any business relationship, dealing or financial transaction (other than tax paying) which you have had during the last ten years with the Federal Government, whether for yourself, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.

Any potential conflict of interest will be resolved in accordance with the terms of my ethics agreement, which was developed in consultation with ethics officials at the Department of the Treasury and the Office of Government Ethics. I understand that my ethics agreement has been provided to the Committee. I am not aware of any potential conflict other than those addressed by my ethics agreement.

4. List any lobbying activity during the past ten years in which you have engaged in for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation at the national level of government or affecting the administration and execution of national law or public policy.

None.

5. Explain how you will resolve any conflict of interest that may be disclosed by your responses to the items above.

Any potential conflict of interest will be resolved in accordance with the terms of my ethics agreement, which I understand has been provided to the Committee.

**Tax compliance
and bankruptcy:**

1. In the past ten years, have you and your spouse (if applicable) filed and paid all taxes (federal, state, and local) as of the date of your nomination? Indicate if you filed as 'married filing separately.'

Yes.

2. In the past ten years, have you been required to make any back tax payments? If so, indicate if you have made any back tax payments and provide full details.

No.

3. Has a tax lien or other collection procedure(s) been instituted against you or your spouse (if applicable) by federal, state, or local authorities? If so, provide full details.

No.

4. In the past ten years, have you or your spouse (if applicable) ever been the subject of any audit, investigation, or inquiry for federal, state, or local taxes? If so, provide full details.

No.

5. Were all your Federal, State, local, and other tax returns and tax liabilities of any kind current (filed and paid when due) as of the date of your nomination? If not, provide details.

Yes.

6. Have you ever filed for bankruptcy? If so, provide details.

No.

Civil, criminal and investigatory actions:

1. Have you ever been the subject of a complaint or been investigated, disciplined, or otherwise cited for a breach of ethics for unprofessional conduct before any court, administrative agency (e.g. an Inspector General's office), professional association, disciplinary committee, or other ethics enforcement entity at any time? If so, provide details, regardless of outcome.

No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority for a violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, provide details.

Yes. See answer to #4, below.

3. Have you ever been involved as a party in interest in any administrative agency proceeding, or civil litigation other than a divorce proceeding? If so, provide details.

No.

4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense? If so, provide details.

Yes. In 1999, when I was 18 years old, I was charged with Unlawful Possession of Marihuana, a violation under New York Penal Law 221.05. As required by law, I paid a fine of less than \$100.


Other information: Please advise the Committee of any additional information, favorable or unfavorable, which you believe should be considered in connection with your nomination.

Public records search:

Do you consent to allow Committee staff to conduct a public records search on you using appropriate search tools? (including Westlaw, Lexis, etc.)

Yes.

The undersigned certifies that the information contained in the public statement to the Committee is true and correct.

Signed:  Date: 8/18/21

Statement of Qualifications

I have dreamed of public service since I was an eight-year-old growing up in Brookline, Massachusetts, when our neighbor, the governor of Massachusetts, was running for President of the United States. I was riveted by the race because of its proximity to my life, and it served as a daily civics lesson for me. I first began working for economic fairness and equity, after graduating from law school, in 2007 at a nonprofit consumer advocacy organization. Finance was a personal issue for me, as I saw people in my family and community experiencing financial risks and frustrations: the burden of student loans taken out to create an opportunity for a better future; home equity lines of credit tapped because their income wasn't enough to meet their needs; and credit card bills embedded with hidden tricks, traps, and fees. When the Global Financial Crisis hit, I became a leading financial policy advocate, advocating for reforms ranging from the new consumer financial protection agency to stricter oversight of our nation's banks.

When I transitioned to the office of Senator Sherrod Brown (D-OH), in January of 2010, to assume his Banking Committee portfolio, it was an historic moment to join the Senate, as the committee was in the process of drafting the most sweeping financial reforms of the last 80 years. In that role, I helped Senator Brown oversee the implementation of Wall Street reform, as well as the implementation of economic recovery programs, and support Ohio families facing foreclosure in their fight to stay in their homes and communities devastated by the housing crisis recover.

As the Senator rose up the committee ranks, he put me in charge of the subcommittee with jurisdiction over financial institutions and consumer protection. In that role, I organized 22 hearings, working with consumer and community groups, regulators, and industry to ensure that all Americans have equal access to safe and secure financial products – including mortgages, student loans, prepaid cards, and small-dollar loans – and that banking rules are both adequately stringent and appropriately tailored. Among other accomplishments, we collaborated with insurance companies, consumer groups, and other stakeholders to pass one of the first substantive reforms to the Dodd-Frank Act in 2014 by a unanimous vote.

When Senator Brown became the Ranking Member of the Banking Committee in 2015, I joined the Committee staff as the Chief Counsel to the Democratic staff. There, I crafted legislation, shaped policy positions, and provided strategic advice to committee offices and the entire Democratic caucus on banking and housing issues. I also served as the minority committee staff member responsible for Titles I & II of Dodd-Frank, insurance regulation, and the Export-Import Bank.

In September 2017, I transitioned to the Federal Reserve Bank of San Francisco to work on emerging banking and housing issues facing the Twelfth Federal Reserve District's communities, including affordable housing, financial technology ("fintech"), and cannabis banking. In my current role at Stanford Graduate School of Business, I research issues at the intersection of markets, business, and government to promote more accountable capitalism and governance. I have researched and authored policy and academic papers on topics including climate change and the financial system, the regulation of cryptocurrencies, the asset management industry, and consumer protection.

My decade-long career in financial policy making has required deep knowledge of banking laws and agencies and an ability to operate in a fast-paced, high-pressure environment. Most importantly, I have developed a vision for what a just economy that serves all Americans should look like. I can think of no greater honor during this, similarly consequential historical moment, than applying my experience at the United States Department of the Treasury, helping to shape an inclusive financial system that works for everyone – particularly low- and moderate-income communities and communities of color – by supporting the causes of economic security, stability, and justice.

**RESPONSES TO WRITTEN QUESTIONS OF CHAIRMAN BROWN
FROM ALAN F. ESTEVEZ**

Q.1. Where have you excelled in past positions in attracting, hiring, and promoting people of color in positions in your organization/s? Where might there be room for improvement?

What specific measures will you use to evaluate the success of the U.S. Department of Commerce in understanding and addressing the needs of Black, Indigenous, and people of color (BIPOC)? And, will you work with the Secretary and senior officials to keep Congress apprised, as appropriate, on the progress being made on these measures?

What is your plan for creating an inclusive working environment for employees within your office?

A.1. I joined Deloitte Consulting as a national security strategy and logistics executive in June 2017 after completing a 36-year career with the Department of Defense. I served as the Principal Deputy Under Secretary of Defense (Acquisition, Technology & Logistics) from 2013 to 2017, and prior to my last appointment, I held several key positions within the Office of the Secretary of Defense.

Throughout my career, I have committed myself to diversity, equity, and inclusion in the workplace. I support President Biden's "Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce" and "National Security Memorandum on Revitalizing America's Foreign Policy and National Security Workforce, Institutions, and Partnerships", and I share President Biden's and Secretary Raimondo's commitment to the values of equal opportunity, diversity, equity, and inclusion. If confirmed, I will work with our leadership team to actively advance equity, civil rights, racial justice, and equal opportunity for all employees and applicants, by implementing measures to root out systemic racism and strengthen civil rights programs while building trust within and outside of BIS.

Q.2. Since taking office, the Biden-Harris administration has demonstrated a keen awareness of the semiconductor shortage and willingness to use its authorities to address this problem, including through the 100 Day Supply Chain Report and summits at the White House. Ohio workers and companies have been particularly hard hit by this shortage. What steps will you take to address this problem? Are there any additional authorities Congress could provide to assist the Administration's ongoing efforts?

A.2. I believe it is critical for the United States to have diverse, resilient and secure supply chains in critical areas like semiconductors, and that a vibrant domestic semiconductor manufacturing capability is an important component of overall U.S. competitiveness.

If confirmed, I will support the Commerce Department's work on the President's Supply Chain Disruptions Task Force to tackle near-term bottlenecks in the semiconductor industry and to strengthen U.S. leadership in semiconductor manufacturing.

In addition, I understand that, on September 24, 2021, a Bureau of Industry and Security (BIS) "Notice of Request for Public Comments on Risks in the Semiconductor Supply Chain" was published in the *Federal Register*. According to the Notice, "[w]ith the goal of accelerating information flow across the various segments of the

supply chain, identifying data gaps and bottlenecks in the supply chain, and potential inconsistent demand signals, the Department is seeking responses from interested parties (including domestic and foreign semiconductor design firms, semiconductor manufacturers, materials and equipment suppliers, as well as semiconductor intermediate and end-users) to the questions set forth in this notice.” If confirmed, I look forward to supporting any appropriate efforts that may follow from this Notice.

Q.3. As you work to address the immediate supply and demand issues related to semiconductors, can you provide a status update on the report required under Section 9004 of the FY21 NDAA?

A.3. I take seriously the requirements of the FY21 National Defense Authorization Act (NDAA) and believe in implementing the laws passed by Congress. If confirmed, I commit to consulting with the staff at BIS and the interagency to ascertain the status of the report required under Section 9004 of the FY21 NDAA.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR TOOMEY
FROM ALAN F. ESTEVEZ**

Q.1. *Congressional Oversight*—Please provide your philosophy on how the Bureau of Industry and Security (BIS) at the Department of Commerce (Commerce) will approach and respond to Congressional information requests (both for documentary information and oral testimony), if you are confirmed.

A.1. I deeply respect the oversight role of the Senate Banking, Housing, and Urban Affairs Committee and the Congress as a whole and take the statutory requirements of the Export Control Reform Act (ECRA) of 2018 seriously. My understanding is that information submitted or obtained in connection with export license applications is subject to Section 1761(h) of ECRA, and that requests for information protected from disclosure by 1761(h) of ECRA are honored when appropriately submitted by either the Chair or Ranking Member of a committee or subcommittee of appropriate jurisdiction. If confirmed, I will work diligently to comply, consistent with the constitutional and statutory obligations of the Executive branch, with appropriately submitted requests by Members of Congress for information that is protected from disclosure under Section 1761(h) of ECRA.

Q.2. If confirmed, do you intend to respond to information requests differently depending on who is making the Congressional information request (whether it’s the chair of the Congressional committee, the Ranking Member, or another member of Congress)? Please answer “yes” or “no.” If your answer is “yes,” please explain.

A.2. I deeply respect the oversight role of the Senate Banking, Housing, and Urban Affairs Committee and the Congress as a whole and will respond to requests for information, consistent with the constitutional and statutory obligations of the Executive branch. It is my understanding that information submitted or obtained in connection with export license applications is subject to Section 1761(h) of ECRA, and that requests for information protected from disclosure by 1761(h) of ECRA are honored when ap-

propriately submitted by the Chair or Ranking Member of a committee or subcommittee of appropriate jurisdiction.

Q.3. Will you commit that, if confirmed, you will respond in a timely manner and fully comply with all information requests from me? Please answer “yes” or “no.” If your answer is “no,” please explain.

A.3. If confirmed, I will work diligently to respond, consistent with the constitutional and statutory obligations of the Executive branch, with requests for information from Congress.

Q.4. Will you commit that, if confirmed, you will make yourself and any other BIS employee expeditiously available to provide oral testimony (including but not limited to briefings, hearings, and transcribed interviews) to the Committee on any matter within its jurisdiction, upon the request of either the Chairman or Ranking Member? Please answer “yes” or “no.” If your answer is “no,” please explain why.

A.4. If confirmed, I will work diligently to respond, consistent with the constitutional and statutory obligations of the Executive branch, with requests for information from Congress.

Q.5. Commerce Acting Under Secretary for Industry and Secretary Jeremy Pelter said in a recent hearing before the U.S.–China Economic Security Review Commission that Congress can request access to certain BIS information about export license applications and rejections. Will you commit to timely and comprehensive responses to Congressional requests for this information?¹

A.5. I deeply respect the oversight role of the Senate Banking, Housing, and Urban Affairs Committee and the Congress as a whole and will respond to requests for information, consistent with the constitutional and statutory obligations of the Executive branch. It is my understanding that information submitted or obtained in connection with export license applications is subject to Section 1761(h) of ECRA, and that requests for information protected from disclosure by 1761(h) of ECRA are honored when appropriately submitted by the Chair or Ranking Member of a committee or subcommittee of appropriate jurisdiction.

Q.6. *China*—In shaping export control policy, BIS’s mission is central to the United States’ high-tech rivalry with China. Do you agree that China’s technological, military, and economic rise poses one of the greatest current challenges to the safety and well-being of the United States?

A.6. Yes. The Government of the People’s Republic of China (PRC) poses one of our most difficult challenges related to U.S. national security and foreign policy objectives, including our ability to maintain U.S. technological leadership in critical areas.

Q.7. Please detail your understanding of the national security threat posed by the Chinese Communist Party (CCP), including your assessment of the CCP’s military modernization ambitions, intellectual property theft campaign, and coercion targeting United States allies and partners.

¹ The U.S.–China Economic and Security Review Commission, Hearing on “U.S.–China Relations in 2021: Emerging Risks”, September 8, 2021, <https://www.uscc.gov/hearings/us-china-relations-2021-emerging-risks>.

A.7. Many of our foreign adversaries, such as the People’s Republic of China (PRC) Government, continue to act in an irresponsible manner, including through the diversion of dual use technologies to military uses; theft of intellectual property; human rights abuses; and anticompetitive, unfair and coercive trade practices. All of these activities threaten our values and interests, as well as those of our allies and partners.

Q.8. At your September 21, 2021, nomination hearing, you said: “I see no reason that Huawei would come off the Entity List, unless things change.” Please clarify what conditions you believe would need to change for BIS to consider removing Huawei from the Entity List?

A.8. I believe that Huawei poses a national security threat to the United States. Huawei’s involvement in alleged sanctions violations, ties to China’s military, human rights abuses, and theft of intellectual property are deeply concerning. Based on publicly available information that I know today, I do not see a reason to remove Huawei from the Entity List. Furthermore, I understand based on public information that the Biden administration has not changed its policy regarding restrictions on exports to Huawei and that Huawei continues to be on the Entity List. If confirmed, I will ensure that BIS adheres to the regulatory requirements for removing any party from the Entity List, as well as the FY20 National Defense Authorization Act (NDAA) that contains additional conditions on the removal of Huawei from the Entity List.

Q.9. If a company requests a license or a waiver to export an item to Huawei:

What factors would you weigh in considering such a request?

What would make you more likely to grant the request?

What would make you less likely to grant that request?

A.9. My understanding is that the Bureau of Industry and Security (BIS) works with its interagency partners to consistently apply the licensing policies articulated in the Export Administration Regulations (EAR) to restrict Huawei’s access to technology or software for activities that could harm U.S. national security and foreign policy interests. All export license applications to Huawei are reviewed by the Departments of Commerce, Defense, State, and Energy. It is my understanding that the licensing policy for exports to Huawei and its listed affiliates for items capable of supporting systems, equipment or devices at only below the 5G level (e.g., 4G, 3G) are reviewed on a case by case basis. All others are reviewed under a presumption of denial.

Q.10. A BIS interim final rule, entitled “Release of ‘Technology’ to Certain Entities on the Entity List in the Context of Standards Organizations”, issued last year authorizes the release of certain technology to Huawei and its affiliates on the Entity List without a license if such release is made for the purpose of contributing to the revision or development of a “standard” in a “standards organization.”² According to reports, Nokia recently opted to suspend its ac-

²*Federal Register*, “Release of ‘Technology’ to Certain Entities on the Entity List in the Context of Standards Organizations”, June 18, 2020, <https://www.federalregister.gov/documents/>

tivity with the O-Ran Alliance standards organization out of concern that some participants were added to the Entity List.³ This example highlights the lingering confusion over whether U.S. companies' participation in technical standards development activity is being chilled and, because of that, whether U.S. and multinational companies are at risk of losing ground in setting global standards to Chinese companies and other competitors. If confirmed, how will you address this ambiguity and facilitate clarification of navigating participation in international standards organizations that include entities on the Entity List?

A.10. I believe it is important to our national security that U.S. companies (and those located in allied countries) participate in standards organizations to help develop the standards that guide the interoperability and functionality of many types of technologies, including those related to the open radio access network technologies represented by the O-RAN Alliance. The Department of Commerce continually evaluates its export controls to protect U.S. national security and foreign policy interests, including technology leadership in international standards development. For example, the Department previously exempted releases to Huawei of technology subject to EAR99 or controlled on the Commerce Control List only for antiterrorism reasons through standards organization and if released for the purpose of contributing to the revision or development of a standard. As noted in the Office of Management and Budget (OMB)'s Unified Regulatory Agenda, the Commerce Department is preparing a revision to the Export Administration Regulations (EAR) to clarify the applicability of the EAR to releases of technology for standards setting or development in standards organizations. Finally, it is my understanding based on public information that no penalties have been imposed upon parties in connection with standards development.

Q.11. *Emerging and Foundational Technologies*—The Export Control Reform Act of 2018 (ECRA) mandates BIS to identify and control emerging and foundational technologies. Please describe how you will go about implementing this provision. Will you commit to prioritizing the expeditious implementation of this provision?

A.11. If confirmed, I will prioritize identifying and implementing appropriate controls on exports of emerging and foundational technologies, consistent with the Export Control Reform Act (ECRA) of 2018. In addition, I will work to identify such technologies based on the criteria provided in Section 1758(a)(2)(B) of ECRA, which requires that the interagency effort take into account: (i) the development of emerging and foundational technologies in foreign countries, (ii) the effect export controls imposed on emerging and foundational technologies may have on the development of such technologies in the United States, and (iii) the effectiveness of export controls on limiting the proliferation of emerging and foundational technologies to foreign countries.

2020/06/18/2020-13093/release-of-technology-to-certain-entities-on-the-entity-list-in-the-context-of-standards.

³Matt Kapko, "Nokia Freezes O-RAN Alliance Work Over Chinese Meddling Worries", SDX Central, Aug. 30, 2021, <https://www.sdxcentral.com/articles/news/nokia-freezes-o-ran-alliance-work-over-chinese-meddling-worries/2021/08/>.

Q.12. In your preparation for this nomination, have you found an explanation for why, in the 3 years since ECRA was passed, the only action taken regarding foundational technologies is a request for public comment released on August 27, 2020?⁴

A.12. If confirmed, I will prioritize identifying and implementing appropriate controls on exports of emerging and foundational technologies, consistent with the Export Control Reform Act (ECRA) of 2018. I have not been serving in the Bureau of Industry and Security (BIS) since the enactment of ECRA and therefore do not have all the information necessary to make the most accurate and complete judgment about BIS's progress to date in this area.

Q.13. What steps would you take to ensure the process to identify and control emerging and foundational technologies is as efficient and timely as possible?

A.13. If confirmed, I will prioritize identifying and implementing appropriate controls on exports of emerging and foundational technologies, consistent with the Export Control Reform Act (ECRA) of 2018. I will work to identify such technologies based on the criteria provided in Section 1758(a)(2)(B) of ECRA, which requires that the interagency effort take into account: (i) the development of emerging and foundational technologies in foreign countries, (ii) the effect export controls imposed on emerging and foundational technologies may have on the development of such technologies in the United States, and (iii) the effectiveness of export controls on limiting the proliferation of emerging and foundational technologies to foreign countries. I will make every effort to implement this mandate from ECRA appropriately and in a timely manner.

Q.14. Please list what factors you will take into consideration when considering applying controls on foundational technologies for which the United States is not the only potential source.

A.14. The issue of foreign availability is one example of an important consideration in the process for identifying and implementing appropriate controls on foundational technologies. Because such technologies are already in production, there are often developers and producers of such technologies in foreign countries, thereby making new unilateral controls less effective. Additionally, foundational technology candidates can be former multilaterally controlled items that have been decontrolled, many times because of widespread foreign availability outside of regime members. As a result, changes in controls for foundational technologies should be carefully calibrated.

Q.15. Will you commit to submitting to Congress, in a classified environment, quarterly summaries of technology control decisions and the process behind them? If not, by what metric, in your view, should Congress assess BIS' progress in implementing ECRA going forward?

A.15. If confirmed, I will work diligently to respond, consistent with the constitutional and statutory obligations of the Executive branch, to requests for information and briefings from Congress.

⁴*Federal Register*, "Identification and Review of Controls for Certain Foundational Technologies", August 27, 2020, <https://www.federalregister.gov/documents/2020/08/27/2020-18910/identification-and-review-of-controls-for-certain-foundational-technologies>.

Q.16. Developing export controls on foundational and emerging technologies requires significant subject matter expertise in order to craft appropriate and impactful regulations.

Based on your understanding, does BIS have the necessary technical expertise to carry out this function?

If it does not, how would you address this issue?

A.16. At this time and based on my understanding from publicly available information, I currently have no reason to doubt that BIS has the necessary technical expertise to identify and implement appropriate controls on emerging and foundational technologies. However, I think it is also important that BIS identify any other experts in the U.S. Government focused on certain technologies to contribute to this important review. If confirmed, I will rely upon BIS's expert staff and those in other agencies to enhance my technical knowledge and support my decision making with regard to identifying and implementing appropriate controls on emerging and foundational technologies.

Q.17. *Section 232 Investigations*—The previous administration failed to publicly release several of their Section 232 investigation reports, despite being statutorily mandated to do so. The Biden administration agreed to comply with the law and release the overdue reports in Spring–Summer 2021. Do you agree that, in a Section 232 investigation, the Executive branch should be obligated to publicly release its Congressionally mandated 232 report prior to the imposition of remedies?

A.17. If confirmed, I will comply with the requirements of Section 232 of the Trade Expansion Act of 1962, as amended, regarding the public release of Section 232 investigation reports.

Q.18. Do you believe carbon emissions are a threat to national security?

A.18. The Defense Department has identified climate change as a critical national security threat. Carbon emissions, being one of the leading causes of climate change, are therefore an ongoing threat to our national security.

Q.19. Section 232 tariffs on imported goods are taxes paid by American consumers. These taxes weaken our economy, threaten American jobs, and erode our credibility with other Nations. The previous administration's Section 232 tariffs on steel and aluminum, which were imposed under the false pretense of national security, have directly and negatively impacted my constituents. They have greatly increased costs for American importers and consumers. Do you agree that the U.S. should remove our existing Section 232 tariffs on steel and aluminum?

A.19. Section 232 investigations are initiated to determine the effects of imports of any articles on U.S. national security. Like any tool, Section 232 should be used carefully and based on the criteria in the statute. My understanding based on publicly available information is that the Biden administration is currently reviewing Section 232 measures and product and country exclusions and is working with the European Union (EU) to cooperatively address global excess capacity in steel and aluminum and to hold countries, such as China, accountable for their trade-distorting policies.

Q.20. *Export Controls*—Export controls are generally most effective when implemented in a multilateral fashion with a small group of allied Nations, thereby preventing the very technology being controlled by the United States from being available from foreign sources.

Will you commit to working with our allies, particularly Governments with semiconductor suppliers, and proceeding in a multilateral manner, to the extent possible, as an important way to advance U.S. foreign policy and national security goals?

In particular, will you commit to working with U.S. allies to convince them to agree to impose similar controls on specific end users and end uses so that such controls are imposed not only by the United States on U.S. exporters?

A.20. I agree with the Export Control Reform Act (ECRA) of 2018 Statement of Policy, Section 1752(5), which states that “[e]xport controls should be coordinated with the multilateral export control regimes. Export controls that are multilateral are most effective, and should be tailored to focus on those core technologies and other items that are capable of being used to pose a serious national security threat to the United States and its allies.” Furthermore, when the multilateral regimes cannot achieve U.S. export control objectives, BIS should work on a plurilateral basis with likeminded countries. I also support the working group on export controls that is part of the U.S.–EU Trade and Technology Council (TTC). In addition, BIS should continue bilateral discussions with allied countries, especially those supplier countries of certain technologies of concern, to coordinate on common controls and policies.

If confirmed, I will work to share information and reach an understanding with our allies on coordinating license review policy for various types of technologies and seek to have them take into account BIS’s restricted party lists when evaluating whether to approve a license. I believe that engagement with allies is critical to the long-term success of our efforts to address national security and foreign policy concerns related to adversaries like the People’s Republic of China (PRC).

Q.21. Tight unilateral controls on items for which the United States may be the only source, have the strong potential of driving research and development (R&D), and ultimately production, offshore. In the past, very restrictive U.S. controls contributed to robust foreign competition in sectors like machine tools, commercial use of space, and commercial thermal imaging. Under what circumstances would you consider applying a unilateral control on a good or technology? Please describe the criteria you would use in your analysis when considering the application of a unilateral control.

A.21. I agree with Section 1752(6) of the Export Control Reform Act (ECRA) of 2018, which states that “[e]xport controls applied unilaterally to items widely available from foreign sources generally are less effective in preventing end-users from acquiring those items. Application of unilateral export controls should be limited for purposes of protecting specific United States national security and foreign policy interests.” Unilateral controls should be directly tied to important national security or foreign policy concerns

and used when effective multilateral or plurilateral controls cannot be achieved.

Q.22. By setting U.S. export control policy on items used for both civilian and military purposes, BIS effectively has the power to reshape the supply chains of entire industries and, in some circumstances, impose significant burdens on the economy. Not only is industry significantly impacted by export controls, it is often at the forefront of cutting edge research and technologies. Will you commit to consulting industry stakeholders and maintaining an open channel of dialogue with the business community?

A.22. Yes.

Q.23. Will you commit to a process that, except in extraordinary circumstances, provides industry and other stakeholders with reasonable opportunities to comment, and provides stakeholders with adequate notice and time to comply?

A.23. Yes.

Q.24. U.S. goods have been exported through third countries for eventual use in embargoed States like Iran. Iran has long sought to acquire sensitive military hardware from the United States through the use of front companies and other schemes meant to avoid detection. If confirmed, what steps will you undertake to stop the flow of unauthorized U.S. goods to Iran and other terror-supporting countries such as North Korea and Syria?

A.24. If confirmed, I will use all the tools available at BIS to prevent the transfer of sensitive U.S. technologies to State Sponsors of Terrorism and other countries and entities of concern that threaten U.S. national security and foreign policy interests, and to leverage all-source intelligence and collaboration with other relevant agencies to detect and deter efforts to circumvent export control restrictions.

Q.25. *Semiconductors*—If Creating Helpful Incentives to Produce Semiconductors for America Act (CHIPS Act) funds are appropriated during this Congress, what role should BIS play in the administration of this new \$52 billion intended to ensure the resilience of the U.S. supply chain of semiconductors?

A.25. I believe it is critical for the United States to have diverse, resilient and secure supply chains in critical areas like semiconductors, and that a vibrant domestic semiconductor manufacturing capability is an important component of overall U.S. competitiveness. If confirmed, I will appropriately use the tools and authorities available at BIS to assist in the review of risks in the U.S. semiconductor supply chain to help protect U.S. resilience in this critical industry. Furthermore, I will work as appropriate with BIS staff and across the Commerce Department to help implement any investments authorized by Congress to shore up our domestic supply chain.

Q.26. *Anti-Boycott Compliance*—Through the Office of Anti-Boycott Compliance, BIS leads the enforcement of antiboycott laws to counter malign foreign boycott campaigns. If confirmed, do you commit to fully enforcing U.S. antiboycott laws and to discouraging foreign counterparts from participating in the boycott of Israel?

A.26. The antiboycott provisions of the Export Administration Regulations (EAR), 15 CFR Part 760 (2021), prohibit, among other activities, a United States person, acting in the interstate or foreign commerce of the United States and with intent to further or support an unsanctioned foreign boycott, from refusing to do business with or in a boycotted country or with a resident or national of a boycotted country pursuant to a request or requirement of a boycotting country. See Section 760.2(a) of the EAR.

My understanding is that the Bureau of Industry and Security (BIS) Office of Antiboycott Compliance (OAC) is committed to vigorous investigation and robust enforcement of the antiboycott provisions of the EAR. To that end, OAC analyzes any activities, including alleged refusals to do business, that might implicate these provisions. If confirmed, I will ensure that OAC closely monitors for any report of potential or actual boycott activity that might constitute a violation of the antiboycott provisions of the EAR and, when the facts and circumstances warrant, initiates appropriate action to hold violators accountable.

Q.27. *Answering Questions for the Record*—Please describe with particularity the process by which you answered these questions for the record, including identifying who assisted you in answering these questions along with a brief description of their assistance.

A.27. I was an active participant in drafting the responses to these questions, with assistance from staff of the Commerce Department and the interagency as appropriate.

RESPONSES TO WRITTEN QUESTIONS OF SENATOR MENENDEZ FROM ALAN F. ESTEVEZ

Q.1. Mr. Estevez, the President, as a candidate, promised that he would return the jurisdiction of the export licensing of semiautomatic weapons from the Commerce Department back to the Department of State, from which the Trump administration took it. This the President can do by simple regulation, without the need for legislative approval. Until that happens, however, the Department is providing no information to the Congress as to what lethal weapons, including sniper rifles and assault rifles, are being sold to what countries, foreign person, in what quantities and under what conditions, if any.

Do you agree that the President made a campaign promise as a candidate to return the export control jurisdiction over semiautomatic weapons, including assault rifles and sniper rifles, to the Department of State?

Has a decision been made by the President, personally, regarding the fulfillment of his campaign promise? If not, will the final decision be put to the President to decide? If not, why not, and who made the decision to not put the issue before the President?

Why has the Department of Commerce not alerted the Congress, and the SFRC specifically, to pending exports of semiautomatic weapons, including assault rifles and sniper rifles? Will the Department of Commerce do so? And when?

How many semiautomatic weapons, including assault rifles and sniper rifles, has the Department of Commerce authorized for export, to what countries, in what amounts, since the export jurisdic-

tion of such weapons was transferred from the Department of State?

A.1. On January 23, 2020, the Department of Commerce published a final rule (in conjunction with a Department of State final rule) to revise Categories I (firearms, close assault weapons and combat shotguns), II (guns and armaments), and III (ammunition/ordnance) of the U.S. Munitions List (USML) and to transfer items that no longer warrant control on the USML to the Commerce Control List (CCL). Those changes went into effect on March 9, 2020, with the exception of moving jurisdiction from State to Commerce over certain software and technology related to 3D-printed gun files. At the conclusion of litigation, as of late May of this year, the Commerce Department now has regulatory jurisdiction over that type of technology or software, which is subject to export license requirements even if it is made publicly available on the Internet.

I understand that in this transfer of jurisdiction, no firearms were decontrolled. Under the January 2020 Commerce rule which is in effect, Commerce's regulations generally require an export license for the firearms over which export jurisdiction was transferred, as well as technology for the development, production, operation, installation, maintenance, repair, or overhaul of those firearms. The Departments of Defense and State review license applications to export these firearms and related technology and software. They and Commerce carefully consider the national security, regional security, and foreign policy, including human rights, implications of all proposed exports subject to the Export Administration Regulations (EAR). Furthermore, Commerce regulations would specifically require a license for the internet posting of software or technology ready for insertion into additive manufacturing equipment or other tools to produce a complete firearm or firearm frame or receiver.

In addition to these frontend restrictions, Commerce's 125 Export Enforcement agents are Federal law enforcement officers whose sole mission is to ensure that U.S.-origin technology is not diverted to activities that would be contrary to U.S. law, or to national security or foreign policy interests.

My understanding is that this transfer of jurisdiction began under the Obama administration with the dual goals of allowing the State Department to focus its resources on the export of defense articles that provide a significant critical military or intelligence advantage gathering benefit and to provide regulatory relief for certain low level items that do not warrant State Department control. Those firearms with a with a critical military or intelligence advantage or, in the case of weapons, have an inherently military function significant military applicability remained under State Department licensing jurisdiction. The second goal of this process was to provide regulatory relief to industry and ease the ability to service existing defense products that were previously exported.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR SCOTT
FROM ALAN F. ESTEVEZ**

Q.1. In 2018, Congress included in the FY19 NDAA an update to our export control laws giving the Department of Commerce the ability to facilitate trade and commerce, while also prioritizing national security oversight.

Our world is changing. And some of our global competitors have begun imposing their presence on the world stage and finding ways around U.S. sanctions.

The last Administration understood that fact, which is why they imposed controls on companies like Huawei, including using the Foreign Direct Rule.

Do you agree that using the Foreign Direct Product Rule on Huawei was effective in stemming its access to critical technology and preventing the spread of its 5G equipment in partner countries?

Understanding the vital need to facilitate trade that benefits the entire U.S. economy, what quantitative and qualitative benchmarks will you set within BIS to address the total breakdown between China's private sector and the Chinese Communist Party and its military through Military–Civil Fusion?

If confirmed, will you commit to voluntarily and regularly providing this Committee with data and information pertaining to the successes and challenges—including through licensing decisions, emerging and foundational technology controls, and Entity List designations—of maintaining such a vital balance in implementing BIS statutory export control functions?

A.1. My understanding is that the Bureau of Industry and Security (BIS) works with its interagency partners to consistently apply the licensing policies articulated in the Export Administration Regulations (EAR) to restrict Huawei's access to technology or software for activities that could harm U.S. national security and foreign policy interests. All export license applications to Huawei are reviewed by the Departments of Commerce, Defense, State, and Energy. The licensing policy for exports to Huawei and its listed affiliates for items capable of supporting systems, equipment or devices at only below the 5G level (e.g., 4G, 3G) are reviewed on a case by case basis. All others are reviewed under a presumption of denial.

It is also my understanding that in August of 2020, BIS extended the scope of the Foreign Direct Product Rule with respect to Huawei entities to require a license for reexports and transfers of foreign-produced items that are either (i) the direct product of certain U.S. or foreign software or technology subject to BIS jurisdiction or (ii) produced from equipment that itself is the direct product of certain U.S.-origin technology or software. In effect, this has imposed a license requirement for many foreign-made items for transactions involving Huawei. I believe the FDPR is an important tool in protecting our national security and foreign policy interests. If confirmed, I will work diligently to ensure that companies fully comply with the FDPR and all other obligations under the EAR.

I am deeply concerned about the People's Republic of China's (PRC) efforts to seek U.S. technologies to further its military modernization, such as through diverting items from civilian to military applications (i.e., its military–civil fusion strategy), creating il-

licit procurement networks, and stealing intellectual property, among other destabilizing activities. If confirmed, I appropriately use the authorities of BIS under the Export Control Reform Act (ECRA) of 2018 to protect our national security and foreign policy interests while strengthening our technological innovation and leadership.

Lastly, I deeply respect the oversight role of the Senate Banking, Housing, and Urban Affairs Committee and the Congress as a whole and will respond to requests for information, consistent with the constitutional and statutory obligations of the Executive branch. It is my understanding that information submitted or obtained in connection with export license applications is subject to Section 1761(h) of ECRA, and that requests for information protected from disclosure by 1761(h) of ECRA are honored when appropriately submitted by the Chair or Ranking Member of a committee or subcommittee of appropriate jurisdiction.

**RESPONSES TO WRITTEN QUESTIONS OF CHAIRMAN BROWN
FROM THEA D. ROZMAN KENDLER**

Q.1. Where have you excelled in past positions in attracting, hiring, and promoting people of color in positions in your organization/s? Where might there be room for improvement?

What specific measures will you use to evaluate the success of the U.S. Department of Commerce in understanding and addressing the needs of Black, Indigenous, and people of color (BIPOC)? And, will you work with the Secretary and senior officials to keep Congress apprised, as appropriate, on the progress being made on these measures?

What is your plan for creating an inclusive working environment for employees within your office?

A.1. I began working on export controls in September 2001 in private legal practice, then for 10 years in the Chief Counsel's Office for the Bureau of Industry and Security (BIS), and for the last 7 years, in the Counterintelligence and Export Control Section of the Justice Department's National Security Division. Throughout my career, I have committed myself to diversity, equity, and inclusion in the workplace.

I support President Biden's "Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce" and "National Security Memorandum on Revitalizing America's Foreign Policy and National Security Workforce, Institutions, and Partnerships", and I share President Biden's and Secretary Raimondo's commitment to the values of equal opportunity, diversity, equity, and inclusion. If confirmed, I will work with our leadership team to actively advance equity, civil rights, racial justice, and equal opportunity for all employees and applicants, by implementing measures to root out systemic racism and strengthen civil rights programs while building trust within and outside of BIS.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR TOOMEY
FROM THEA D. ROZMAN KENDLER**

Q.1. *Congressional Oversight*—Please provide your philosophy on how the Office of the Assistant Secretary for Export Administration at the Department of Commerce (Commerce) will approach and respond to Congressional information requests (both for documentary information and oral testimony), if you are confirmed.

A.1. I respect the oversight role of the Senate Banking, Housing, and Urban Affairs Committee and the Congress as a whole, and take the statutory requirements of the Export Control Reform Act of 2018 (ECRA) seriously. My understanding is that information submitted or obtained in connection with export license applications is subject to Section 1761(h) of ECRA, and that requests for information protected from disclosure by 1761(h) of ECRA are honored when appropriately submitted by either the Chair or Ranking Member of a committee or subcommittee of appropriate jurisdiction. If confirmed, I will work diligently to expeditiously comply with appropriately submitted requests by Members of Congress consistent with the constitutional and statutory obligations of the Executive branch.

Q.2. If confirmed, do you intend to respond to information requests differently depending on who is making the Congressional information request (whether it's the chair of the Congressional committee, the Ranking Member, or another member of Congress)? Please answer "yes" or "no." If your answer is "yes," please explain.

A.2. I deeply respect the oversight role of the Senate Banking, Housing, and Urban Affairs Committee and the Congress as a whole and will respond to requests for information, consistent with the constitutional and statutory obligations of the Executive branch. It is my understanding that information submitted or obtained in connection with export license applications is subject to Section 1761(h) of Export Control Reform Act of 2018 (ECRA), and that requests for information protected from disclosure by 1761(h) of ECRA are honored when appropriately submitted by the Chair or Ranking Member of a committee or subcommittee of appropriate jurisdiction.

Q.3. Will you commit that, if confirmed, you will respond in a timely manner and fully comply with all information requests from me? Please answer "yes" or "no." If your answer is "no," please explain.

A.3. If confirmed, I will work diligently to respond, consistent with the constitutional and statutory obligations of the Executive branch, to requests for information from Congress.

Q.4. Will you commit that, if confirmed, you will make yourself and any other Office of the Assistant Secretary for Export Administration employee expeditiously available to provide oral testimony (including but not limited to briefings, hearings, and transcribed interviews) to the Committee on any matter within its jurisdiction, upon the request of either the Chairman or Ranking Member? Please answer "yes" or "no." If your answer is "no," please explain why.

A.4. If confirmed, I will work diligently to respond, consistent with the constitutional and statutory obligations of the Executive branch, to requests for information from Congress

Q.5. Commerce Acting Under Secretary for Industry and Secretary Jeremy Pelter said in a recent hearing before the U.S.–China Economic Security Review Commission that Congress can request access to certain BIS information about export license applications and rejections. Will you commit to timely and comprehensive responses to Congressional requests for this information?¹

A.5. I respect the oversight role of the Senate Banking, Housing, and Urban Affairs Committee and the Congress as a whole and will respond to requests for information, consistent with the constitutional and statutory obligations of the Executive branch. It is my understanding that information submitted or obtained in connection with export license applications is subject to Section 1761(h) of the Export Control Reform Act of 2018 (ECRA), and that requests for information protected from disclosure by 1761(h) of ECRA are honored when appropriately submitted by the Chair or Ranking Member of a committee or subcommittee of appropriate jurisdiction.

Q.6. *China*—In shaping export control policy, BIS’s mission is central to the United States’ high-tech rivalry with China. Do you agree that China’s technological, military, and economic rise poses one of the greatest current challenges to the safety and well-being of the United States?

A.6. Yes. The Government of the People’s Republic of China (PRC) poses one of the most difficult challenges for U.S. national security and foreign policy objectives, including our ability to maintain U.S. technological leadership in critical areas.

Q.7. Please detail your understanding of the national security threat posed by the Chinese Communist Party (CCP), including your assessment of the CCP’s military modernization ambitions, intellectual property theft campaign, and coercion targeting United States allies and partners.

A.7. Many of our foreign adversaries, such as the Government of the People’s Republic of China (PRC), act in an irresponsible manner, including through: diversion of dual use technologies to military uses; theft of intellectual property; human rights abuses; and anticompetitive, unfair and coercive trade practices. These activities threaten our national security, foreign policy, and economic security, as well as that of our allies and partners.

Q.8. If a company requests a license or a waiver to export an item to Huawei:

What factors would you weigh in considering such a request?

What would make you more likely to grant the request?

What would make you less likely to grant that request?

A.8. My understanding is that the Bureau of Industry and Security (BIS) works with its interagency partners to consistently apply the

¹ The U.S.–China Economic and Security Review Commission, Hearing on “U.S.–China Relations in 2021: Emerging Risks”, September 8, 2021, <https://www.uscc.gov/hearings/us-china-relations-2021-emerging-risks>.

licensing policies articulated in the Export Administration Regulations (EAR) to restrict Huawei's access to technology or software for activities that could harm U.S. national security and foreign policy interests. All export license applications for exports to Huawei are reviewed by the Departments of Commerce, Defense, State, and Energy. Based on publicly available information, it is my understanding that the policy for license applications involving exports to Huawei and its listed affiliates for items capable of supporting systems, equipment, or devices below the 5G level (e.g., 4G and 3G) are reviewed by the interagency on a case by case basis. All other license applications are reviewed under a presumption of denial.

Q.9. A BIS interim final rule, entitled "Release of 'Technology' to Certain Entities on the Entity List in the Context of Standards Organizations", issued last year authorizes the release of certain technology to Huawei and its affiliates on the Entity List without a license if such release is made for the purpose of contributing to the revision or development of a "standard" in a "standards organization."² According to reports, Nokia recently opted to suspend its activity with the O-RAN Alliance standards organization out of concern that some participants were added to the Entity List.³ This example highlights the lingering confusion over whether U.S. companies' participation in technical standards development activity is being chilled and, because of that, whether U.S. and multinational companies are at risk of losing ground in setting global standards to Chinese companies and other competitors. If confirmed, how will you address this ambiguity and facilitate clarification of navigating participation in international standards organizations that include entities on the Entity List?

A.9. I believe it is important to our national security that U.S. companies (and those in allied countries) participate in standards organizations to help develop the standards that guide the interoperability and functionality of many types of technologies, including those related to the open radio access network technologies represented by the O-RAN Alliance. The Department of Commerce continually evaluates its export controls to protect U.S. national security and foreign policy interests, including technology leadership in international standards development. For example, I understand the Department previously exempted releases—through standards organizations and for the purpose of contributing to the revision or development of a standard—to Huawei of low-level technology designated as to EAR99 or listed on the Commerce Control List for Anti-Terrorism (AT) reasons only. As noted in the Office of Management and Budget's (OMB)'s public Unified Regulatory Agenda, the Commerce Department is preparing a revision to the Export Administration Regulations (EAR) to clarify the applicability of the EAR to releases of technology for standards-setting or development

² *Federal Register*, "Release of 'Technology' to Certain Entities on the Entity List in the Context of Standards Organizations", June 18, 2020, <https://www.federalregister.gov/documents/2020/06/18/2020-13093/release-of-technology-to-certain-entities-on-the-entity-list-in-the-context-of-standards>.

³ Matt Kapko, "Nokia Freezes O-RAN Alliance Work Over Chinese Meddling Worries", SDX Central, Aug. 30, 2021, <https://www.sdxcentral.com/articles/news/nokia-freezes-o-ran-alliance-work-over-chinese-meddling-worries/2021/08/>.

in standards organizations. It is my understanding based on public information that no export enforcement penalties have been imposed upon parties in connection with standards development.

Q.10. *Emerging and Foundational Technologies*—The Export Control Reform Act of 2018 (ECRA) mandates BIS to identify and control emerging and foundational technologies. Please describe how you will go about implementing this provision. Will you commit to prioritizing the expeditious implementation of this provision?

A.10. If confirmed, I will prioritize identifying and implementing appropriate controls on exports of emerging and foundational technologies, consistent with the Export Control Reform Act of 2018 (ECRA). In addition, I will work to identify such technologies based on the criteria provided in Section 1758(a)(2)(B) of ECRA, which requires that the interagency effort take into account: (i) the development of emerging and foundational technologies in foreign countries, (ii) the effect export controls imposed on emerging and foundational technologies may have on the development of such technologies in the United States, and (iii) the effectiveness of export controls on limiting the proliferation of emerging and foundational technologies to foreign countries.

Q.11. In your preparation for this nomination, have you found an explanation for why, in the 3 years since ECRA was passed, the only action taken regarding foundational technologies is a request for public comment released on August 27, 2020?⁴

A.11. If confirmed, I will prioritize identifying and implementing appropriate controls on exports of emerging and foundational technologies, consistent with the Export Control Reform Act of 2018 (ECRA). As I have not been served in the Bureau of Industry and Security (BIS) since the enactment of ECRA, I do not have all the information necessary to make an accurate and complete judgment about BIS's progress to date in this area.

Q.12. What steps would you take to ensure the process to identify and control emerging and foundational technologies is as efficient and timely as possible?

A.12. If confirmed, I will prioritize identifying and implementing appropriate controls on exports of emerging and foundational technologies, consistent with the Export Control Reform Act of 2018 (ECRA). I will work to identify such technologies based on the criteria provided in Section 1758(a)(2)(B) of ECRA, which requires that the interagency effort take into account: (i) the development of emerging and foundational technologies in foreign countries, (ii) the effect export controls imposed on emerging and foundational technologies may have on the development of such technologies in the United States, and (iii) the effectiveness of export controls on limiting the proliferation of emerging and foundational technologies to foreign countries. I will make every effort to implement this mandate from ECRA appropriately and in a timely manner.

⁴*Federal Register*, "Identification and Review of Controls for Certain Foundational Technologies", August 27, 2020, <https://www.federalregister.gov/documents/2020/08/27/2020-18910/identification-and-review-of-controls-for-certain-foundational-technologies>.

Q.13. Please list what factors you will take into consideration when considering applying controls on foundational technologies for which the United States is not the only potential source.

A.13. Foreign availability is one example of an important consideration in the process of identifying and implementing appropriate controls on foundational technologies. Because such technologies are already in production, there are often developers and producers of such technologies in foreign countries. Accordingly, new unilateral controls would be less effective. Candidates for identification as foundational technology may be technologies subject to multilateral controls that since have been decontrolled, often because of widespread foreign availability from nonregime members. As a result, I believe changes in controls for foundational technologies should be carefully calibrated.

Q.14. Will you commit to submitting to Congress, in a classified environment, quarterly summaries of technology control decisions and the process behind them? If not, by what metric, in your view, should Congress assess BIS' progress in implementing ECRA going forward?

A.14. If confirmed, I will work diligently to respond, consistent with the constitutional and statutory obligations of the Executive branch, to requests for information and briefings from Congress.

Q.15. Developing export controls on foundational and emerging technologies requires significant subject matter expertise in order to craft appropriate and impactful regulations.

Based on your understanding, does BIS have the necessary technical expertise to carry out this function?

If it does not, how would you address this issue?

A.15. At this time and based on my understanding from publicly available information, I have no reason to doubt that BIS has the necessary technical expertise to identify and implement appropriate controls on emerging and foundational technologies. I think it is also important, however, that BIS identify other experts in the U.S. Government who have expertise of relevance to emerging and foundational technologies who may be able to contribute to this important review. If confirmed, I will rely upon BIS's expert staff and those in other agencies to enhance my technical knowledge and support my decision-making with regard to identifying and implementing appropriate controls on emerging and foundational technologies.

Q.16. *Section 232 Investigations*—The previous administration interpreted the term “national security” in the Section 232 statute very broadly, understanding this guidance to explicitly include goods “beyond those necessary to satisfy national defense requirements” in its scope. As the Assistant Secretary for Export Administration, would you recommend adopting an expansive definition of “national security” under Section 232, or do you think that Section 232 investigations should be limited to investigating goods with clear applications in military equipment, energy resources, and/or critical infrastructure?

A.16. Section 232 investigations are initiated to determine the effects of imports of any articles on U.S. national security. Like any

tool, Section 232 should be used carefully and based on the criteria in the statute.

Q.17. Do you believe carbon emissions are a threat to national security?

A.17. The Defense Department has identified climate change as a critical national security threat. Carbon emissions, being one of the leading causes of climate change, are therefore an ongoing threat to our national security.

Q.18. Section 232 tariffs on imported goods are taxes paid by American consumers. These taxes weaken our economy, threaten American jobs, and erode our credibility with other Nations. The previous administration's Section 232 tariffs on steel and aluminum, which were imposed under the false pretense of national security, have directly and negatively impacted my constituents. They have greatly increased costs for American importers and consumers. Do you agree that the U.S. should remove our existing Section 232 tariffs on steel and aluminum?

A.18. Section 232 investigations are initiated to determine the effects of imports of any articles on U.S. national security. Like any tool, Section 232 should be used carefully. My understanding based on publicly available information is that the Biden administration is currently reviewing Section 232 measures and product and country exclusions. In addition, I understand the Administration is working with the European Union (EU) to cooperatively address global excess capacity in steel and aluminum and to hold countries, such as the People's Republic of China (PRC), accountable for their trade-distorting policies.

Q.19. *Export Controls*—You have prosecuted a number of cases involving Iran sanctions violations, including the case of Huawei.

Do you believe U.S. sanctions are strong enough to dissuade individuals and companies, like Huawei, from engaging in export violations to sanctioned countries?

Does the United States need stronger enforcement tools or penalties?

A.19. I understand that BIS continually assesses technologies, end uses, and end users to identify items that may be misused to engage in activities contrary to U.S. national security and foreign policy interests. I believe BIS and its interagency partners strive to enhance the effectiveness of U.S. export controls and sanctions regimes by conducting extensive outreach with industry, academia, and other partners to raise awareness of export control requirements and best practices for compliance. In my opinion, I believe an informed exporting community is critical to the effectiveness of our export controls. We must work with them to identify potential risks. Moreover, I believe it is critical to work with our allies to amplify our export controls and sanctions regime efforts.

Q.20. Export controls are generally most effective when implemented in a multilateral fashion with a small group of allied Nations, thereby preventing the very technology being controlled by the United States from being available from foreign sources.

Will you commit to working with our allies, particularly Governments with semiconductor suppliers, and proceeding in a multilat-

eral manner, to the extent possible, as an important way to advance U.S. foreign policy and national security goals?

In particular, will you commit to working with U.S. allies to convince them to agree to impose similar controls on specific end users and end uses so that such controls are imposed not only by the United States on U.S. exporters?

A.20. I agree with the Export Control Reform Act of 2018 (ECRA) Statement of Policy, set forth in Section 1752(5), which states:

Export controls should be coordinated with the multilateral export control regimes. Export controls that are multilateral are most effective, and should be tailored to focus on those core technologies and other items that are capable of being used to pose a serious national security threat to the United States and its allies.

Furthermore, when multilateral regimes cannot achieve U.S. export control objectives, BIS should work on a plurilateral basis with likeminded countries. I also support the working group on export controls that is part of the U.S.–EU Trade and Technology Council (TTC). In addition, BIS should continue bilateral discussions with allied countries, especially those supplier countries of certain technologies of concern, to coordinate on common controls and policies.

If confirmed, I will work to share information and reach an understanding with our allies on coordinating license review policy for various types of technologies, and will seek to have them take into account BIS's lists of parties of concern when evaluating whether to approve a license. I believe that engagement with allies is critical to the long-term success of our efforts to address national security and foreign policy concerns related to adversaries like the People's Republic of China (PRC).

Q.21. Tight unilateral controls on items for which the United States may be the only source, have the strong potential of driving research and development (R&D), and ultimately production, offshore. In the past, very restrictive U.S. controls contributed to robust foreign competition in sectors like machine tools, commercial use of space, and commercial thermal imaging. Under what circumstances would you consider applying a unilateral control on a good or technology? Please describe the criteria you would use in your analysis when considering the application of a unilateral control.

A.21. I agree with Section 1752(6) of the Export Control Reform Act of 2018(ECRA), which states:

Export controls applied unilaterally to items widely available from foreign sources generally are less effective in preventing end-users from acquiring those items. Application of unilateral export controls should be limited for purposes of protecting specific United States national security and foreign policy interests.

Unilateral controls should be directly tied to important national security or foreign policy concerns and used when effective multilateral or plurilateral controls cannot be achieved.

Q.22. By setting U.S. export control policy on items used for both civilian and military purposes, BIS effectively has the power to reshape the supply chains of entire industries and, in some circumstances, impose significant burdens on the economy. Not only is industry significantly impacted by export controls, it is often at

the forefront of cutting edge research and technologies. Will you commit to consulting industry stakeholders and maintaining an open channel of dialogue with the business community?

A.22. Yes.

Q.23. Will you commit to a process that, except in extraordinary circumstances, provides industry and other stakeholders with reasonable opportunities to comment, and provides stakeholders with adequate notice and time to comply?

A.23. Yes.

Q.24. U.S. goods have been exported through third countries for eventual use in embargoed States like Iran. Iran has long sought to acquire sensitive military hardware from the United States through the use of front companies and other schemes meant to avoid detection. If confirmed, what steps will you undertake to stop the flow of unauthorized U.S. goods to Iran and other terror-supporting countries such as North Korea and Syria?

A.24. If confirmed, I will use all the tools available to BIS to prevent the transfer of sensitive U.S. technologies to State Sponsors of Terrorism and other countries and entities of concern that threaten U.S. national security and foreign policy interests. I will also leverage all sources of intelligence and collaboration within BIS and with interagency partners to detect and deter efforts to circumvent export control restrictions.

Q.25. Semiconductors—If Creating Helpful Incentives to Produce Semiconductors for America Act (CHIPS Act) funds are appropriated during this Congress, what role should BIS play in the administration of this new \$52 billion intended to ensure the resilience of the U.S. supply chain of semiconductors?

A.25. I believe it is critical for the United States to have diverse, resilient and secure supply chains in critical areas like semiconductors and that a vibrant domestic semiconductor manufacturing capability is an important component of overall U.S. competitiveness. If confirmed, I will appropriately use the tools and authorities available at BIS to assist in the review of risks in the U.S. semiconductor supply chain to help protect U.S. resilience in this critical industry. Furthermore, I will work as appropriate with BIS staff and across the Commerce Department to help implement any investments authorized by Congress to shore up our domestic supply chain.

Q.26. Answering Questions for the Record—Please describe with particularity the process by which you answered these questions for the record, including identifying who assisted you in answering these questions along with a brief description of their assistance.

A.26. I actively participated in drafting the responses to these questions, with assistance from Commerce Department staff and the interagency as appropriate.

RESPONSES TO WRITTEN QUESTIONS OF SENATOR SINEMA FROM THEA D. ROZMAN KENDLER

Q.1. I am working hard to increase domestic semiconductor manufacturing in Arizona, both to create jobs and to address global sup-

ply shortages that continue to make it difficult to get products to consumers in a timely fashion. If confirmed, what role do you envision export control policy will play in resolving lingering supply chain disruptions for semiconductor manufacturing?

How can export control policy support domestic manufacturing of semiconductors and address supply chain disruptions, all while resolving outstanding national security concerns?

A.1. I believe it is critical for the United States to have diverse, resilient and secure supply chains in critical areas like semiconductors and that a vibrant domestic semiconductor manufacturing capability is an important component of overall U.S. competitiveness. If confirmed, I will appropriately use the tools and authorities available at BIS to protect our cutting-edge semiconductor technology, which is crucial to U.S. national and economic security.

Additionally, if confirmed, I will support the Commerce Department's work on the President's Supply Chain Disruptions Task Force to tackle near-term bottlenecks in the semiconductor industry and to strengthen U.S. leadership in semiconductor manufacturing.

I understand that, on September 24, 2021, a Bureau of Industry and Security (BIS) "Notice of Request for Public Comments on Risks in the Semiconductor Supply Chain" was published in the *Federal Register*. According to the Notice:

With the goal of accelerating information flow across the various segments of the supply chain, identifying data gaps and bottlenecks in the supply chain, and potential inconsistent demand signals, the Department is seeking responses from interested parties (including domestic and foreign semiconductor design firms, semiconductor manufacturers, materials and equipment suppliers, as well as semiconductor intermediate and end-users) to the questions set forth in this notice.

If confirmed, I look forward to reviewing public responses to this Notice and supporting any appropriate efforts that may follow.

RESPONSES TO WRITTEN QUESTIONS OF SENATOR SCOTT FROM THEA D. ROZMAN KENDLER

Q.1. In 2018, Congress included in the FY19 NDAA an update to our export control laws giving the Department of Commerce the ability to facilitate trade and commerce, while also prioritizing national security oversight.

Our world is changing. And some of our global competitors have begun imposing their presence on the world stage and finding ways around U.S. sanctions.

The last Administration understood that fact, which is why they imposed controls on companies like Huawei, including using the Foreign Direct Rule.

Do you agree that using the Foreign Direct Product Rule on Huawei was effective in stemming its access to critical technology and preventing the spread of its 5G equipment in partner countries?

Understanding the vital need to facilitate trade that benefits the entire U.S. economy, what quantitative and qualitative benchmarks will you set within BIS to address the total breakdown be-

tween China's private sector and the Chinese Communist Party and its military through Military–Civil Fusion?

If confirmed, will you commit to voluntarily and regularly providing this Committee with data and information pertaining to the successes and challenges—including through licensing decisions, emerging and foundational technology controls, and Entity List designations—of maintaining such a vital balance in implementing BIS statutory export control functions?

A.1. My understanding is that the Bureau of Industry and Security (BIS) works with its interagency partners to consistently apply the licensing policies articulated in the Export Administration Regulations (EAR) to restrict Huawei's access to technology or software for activities that could harm U.S. national security and foreign policy interests. All export license applications to Huawei are reviewed by the Departments of Commerce, Defense, State, and Energy. I understand the policy for license applications involving exports to Huawei and its listed affiliates for items capable of supporting systems, equipment or devices below the 5G level (e.g., 4G and 3G) are reviewed on a case-by-case basis. All others are reviewed under a presumption of denial.

It is also my understanding that in August 2020, BIS extended the scope of the Foreign Direct Product Rule (FDPR) with respect to Huawei affiliates to require a license for reexports and transfers of foreign-produced items that are either (i) the direct product of certain U.S. or foreign software or technology subject to BIS jurisdiction or (ii) produced from equipment that itself is the direct product of certain U.S.-origin technology or software. In effect, this has imposed a license requirement for many foreign-made items for transactions involving Huawei. Based on publicly available information, I believe the FDPR is an important tool in protecting our national security and foreign policy interests. If confirmed, I will work diligently to ensure that companies fully comply with all other obligations under the EAR, including the FDPR.

I am deeply concerned about the People's Republic of China's (PRC) Government's efforts to seek U.S. technologies to further its military modernization, such as through diverting items from civilian to military applications (i.e., its military–civil fusion strategy), creating illicit procurement networks, and stealing intellectual property, among other destabilizing activities. If confirmed, I will appropriately use the authorities of BIS under the Export Control Reform Act of 2018 (ECRA) to protect our national security and foreign policy interests while strengthening our technological innovation and leadership.

I respect the oversight role of the Senate Banking, Housing, and Urban Affairs Committee and the Congress as a whole, and will respond to requests for information, consistent with the constitutional and statutory obligations of the Executive branch. It is my understanding that information submitted or obtained in connection with export license applications is subject to Section 1761(h) of ECRA and that requests for information protected from disclosure by 1761(h) of ECRA are honored when appropriately submitted by the Chair or Ranking Member of a committee or subcommittee of appropriate jurisdiction.