

**NOMINATIONS OF SARAH BIANCHI, JAYME RAY  
WHITE, AND MELANIE ANNE EGORIN**

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**HEARING**

BEFORE THE

**COMMITTEE ON FINANCE**

**UNITED STATES SENATE**

**ONE HUNDRED SEVENTEENTH CONGRESS**

**FIRST SESSION**

**ON THE**

**NOMINATIONS OF**

SARAH BIANCHI, TO BE DEPUTY UNITED STATES TRADE REPRESENTATIVE (ASIA, AFRICA, INVESTMENT, SERVICES, TEXTILES, AND INDUSTRIAL COMPETITIVENESS), WITH THE RANK OF AMBASSADOR; JAYME RAY WHITE, TO BE DEPUTY UNITED STATES TRADE REPRESENTATIVE (WESTERN HEMISPHERE, EUROPE, THE MIDDLE EAST, LABOR, AND ENVIRONMENT), WITH THE RANK OF AMBASSADOR; AND MELANIE ANNE EGORIN, TO BE ASSISTANT SECRETARY FOR LEGISLATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES

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JUNE 24, 2021

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Printed for the use of the Committee on Finance

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U.S. GOVERNMENT PUBLISHING OFFICE

51-993—PDF

WASHINGTON : 2023

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AND HUMAN SERVICES**

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**THURSDAY, JUNE 24, 2021**

U.S. SENATE,  
COMMITTEE ON FINANCE,  
*Washington, DC.*

The hearing was convened, pursuant to notice, at 10:30 a.m., via Webex, in Room SD-215, Dirksen Senate Office Building, Hon. Ron Wyden (chairman of the committee) presiding.

Present: Senators Cantwell, Cardin, Brown, Casey, Whitehouse, Hassan, Cortez Masto, Warren, Crapo, Grassley, Thune, Toomey, Lankford, Daines, and Young.

Also present: Democratic staff: Sally Laing, Senior International Trade Counsel; Virginia Lenahan, Senior International Trade Counsel; Ian Nicholson, Investigator and Nominations Advisor; and Joshua Sheinkman, Staff Director. Republican staff: Kellie McConnell, Health Policy Director; John O'Hara, Trade Policy Director and Counsel; Mayur Patel, Chief International Trade Counsel; Gregg Richard, Staff Director; and Jeffrey Wrase, Deputy Staff Director and Chief Economist.

**OPENING STATEMENT OF HON. RON WYDEN, A U.S. SENATOR  
FROM OREGON, CHAIRMAN, COMMITTEE ON FINANCE**

The CHAIRMAN. The Finance Committee will come to order. Let me begin by apologizing to Chairman Neal and our nominees for having to be late in starting. Every living person in the West is essentially collectively holding their breath about the prospect of yet

more wildfires hitting all over our region, big fires. I apologize to Chairman Neal and our guests, and I want to welcome them.

This morning, the Finance Committee meets to discuss three nominations for important roles in the Biden administration. Dr. Melanie Egorin is nominated to serve as the Assistant Secretary for Legislation at HHS. There are not many people out there who know more about America's Federal health programs than Dr. Egorin does, particularly Medicare. Currently a top staff member of the Ways and Means Committee, Dr. Egorin also served as a senior analyst at the Government Accountability Office. This is a job that gives you a close look under the hood when it comes to Federal programs and agencies' experiences that will be particularly valuable to you as Assistant Secretary.

The Finance Committee is going to do our part to keep Dr. Egorin busy if and when she is confirmed. For example, this committee is hard at work on legislation built around the proposition that every American must have mental health care when they need it. Tens of millions of Americans are living with mental illness today. Half do not get any treatment. There is a lot of work to be done, as the committee discussed in a very good hearing last week.

The committee is also working to bring down costs of prescription medicine. Americans are still getting clobbered every time they walk up to the pharmacy window. The committee is hard at work on expanding home and community-based services across the country as well. So all of these issues are going to require close collaboration between the Senate, Chairman Neal and the Ways and Means Committee, and HHS.

Next are two nominees to serve as Deputy United States Trade Representatives. I will begin with Sarah Bianchi, who is a longtime member of the Biden economic team. She served in the Office of the Vice President, the Domestic Policy Council, the Office of Management and Budget, and here in the Senate as a staff member. She has played a key role in developing a strong Biden agenda focused on making the United States more competitive in the world and giving working people a better chance to get ahead. The breadth of her policy experience, in my view, is going to be a big asset for Ambassador Tai and USTR.

Finally, there is somebody named Jayme White who has been nominated to serve as Deputy USTR. Rumor has it that he is a familiar face here at the Senate Finance Committee. So, light comments aside, it is a pleasure to be able to speak a little bit about why I believe Jayme White is an excellent nominee. And it is not just because he hails from the Pacific Northwest and is the son of union workers at Boeing.

He has worked on trade policy for more than 20 years on Capitol Hill. In 2019, I had the good fortune to be able to lure him away from his job working for his hometown representative, someone Chairman Neal knows well, Representative Jim McDermott. Since 2014, Jayme has been the top trade and competitiveness advisor here for the Finance Committee Democrats.

All in all, for more than a decade I have had a front row seat to be able to watch Jayme move every trade negotiation and every legislative proposal in a way that is better for workers, for the environment, and for good government. For example, Jayme focused

on strengthening America's trade enforcement long before the topic became cool. He was the key individual building support for the FORCE Act of 2015 and 2016. Since it passed, Customs has used it to launch over 130 investigations into trade cheating that undercuts high-skill, high-wage jobs, that directly undercuts the American workers.

When the Trump administration's new NAFTA was weak on enforcement, Jayme and Ambassador Tai worked to make huge improvements. As a direct result of their work, USMCA raises the bar over any trade agreement previously in terms of enforceable commitments on labor rights and the environment.

Jayme has been a leader when it comes to setting standards for digital trade that protect American jobs and innovation. He has also been a champion of transparency and accountability. It used to be—and I think Chairman Neal recalls the times as well—when members of Congress knew less about what was going on during trade negotiations than well-connected reporters and industry insiders.

If members of Congress did not have much access, then the American people were in the dark. We said then that was not good enough, and to a great extent Jayme White is the person responsible for changing it. Among the host of improvements, members now have access to negotiating texts while negotiations are happening, and pending agreements must be publicly available for at least 60 days before they go to the Congress for approval.

That represents real progress that this committee needs to build on. I will just close by saying, if you have Jayme White on your team—as my mother used to say when I was going to basketball games and she wondered where I was going afterwards: “Dear, make sure you are running with the right crowd.” That is what Jayme White's public service has been all about.

I want to thank our witnesses for joining the committee today, and for their willingness to serve. And let me recognize Chairman Neal for his opener.

[The prepared statement of Chairman Wyden appears in the appendix.]

**STATEMENT OF HON. RICHARD E. NEAL,  
A U.S. REPRESENTATIVE FROM MASSACHUSETTS**

Representative NEAL. Thank you, Chairman Wyden and members of the committee. I want to congratulate all of the nominees, and I am quite pleased to join you today in support of the nomination of Dr. Melanie Egorin as the Assistant Secretary for Legislation at the Department of Health and Human Services. It is a testament to the exceptional talents of the Ways and Means Committee staff. And I must tell you, there is not anybody in Washington who believes that more than I do, now that I am here for the second time and have the pleasure of appearing before you to introduce another esteemed member of what I call the Ways and Means family for a position in the Biden administration.

Dr. Egorin has served as a valued member of the Ways and Means Committee staff for 8 years. And it is on the basis of my personal knowledge of that service that I can, without reservation,

attest to her professionalism, diligence, commitment, and intellect. And I encourage you all to support her nomination.

Dr. Egorin currently serves as Deputy Staff Director of the Ways and Means Subcommittee on Health and also serves as a professional staff member for the Select Revenue Measures Subcommittee. As the lead staffer covering the Affordable Care Act policies and implementation, the Medicare Advantage Program, private health coverage, and other health-related issues, she has developed an incredible breadth of subject matter expertise that will aid her in this new leadership role at HHS.

Over the years, Dr. Egorin has spearheaded the development of several policies that became law. But her steadfast diligence to protect the Affordable Care Act is arguably one of her many achievements, if not the most important, as a staff member in her time on Capitol Hill. She possesses an undeniable passion for ensuring that all Americans have access to affordable, quality health care. Even when working on issues that can invite partisan disagreements, Dr. Egorin consistently conducts herself with integrity and respect for those who hold different views.

She likely cultivated this even-handed professionalism during her time as a senior analyst at the nonpartisan Government Accountability Office. It is an attribute that will serve her well at HHS as she works with individuals on both sides of the aisle, both maximizing existing relationships and developing new ones.

It is also worth noting that, in addition to her professional responsibilities, Dr. Egorin also takes time to mentor young Capitol Hill staff. In a quiet and meaningful way, her commitment to cultivating the next generation of health policy experts exemplifies her passion for her work and her dedication to ensuring a pipeline of thoughtful leaders in the field. I am very confident this morning that Dr. Egorin will carry this genuine enthusiasm and sense of purpose with her to the Department of Health and Human Services. I have no doubt that, as usual, she will excel in her new role. She will be an honorable and effective representative for HHS to this Congress, and I urge this committee to advance her nomination.

And thank you, Mr. Chairman.

The CHAIRMAN. Chairman Neal, thanks so much for coming and for your kind words about Dr. Egorin. Suffice it to say, I probably know as well as anybody on earth that you have your hands full these days. We look forward to talking often in the days ahead as we tackle, particularly, the biggest economic challenges that are in front of us. We will excuse you at this time, and I suspect that you will be following the proceedings, and I look forward to working with you.

Representative NEAL. Thank you, Mr. Chairman.

The CHAIRMAN. We are going to have a very busy next couple of hours, I would say to our nominees, because we have votes scheduled. Senator Crapo, in his usual gracious way, works to try to keep everything moving, and so it is my intention to try to get all your opening statements in first. Then we have some procedural kind of requirements, as you know. And let us just go with Ms. Bianchi for your opening statement, and Mr. White with your open-

ing statement, and then Dr. Egorin with your opening statement. And then we will get on with the procedures and have questions. So, Ms. Bianchi, welcome.

**STATEMENT OF SARAH BIANCHI, NOMINATED TO BE DEPUTY UNITED STATES TRADE REPRESENTATIVE (ASIA, AFRICA, INVESTMENT, SERVICES, TEXTILES, AND INDUSTRIAL COMPETITIVENESS), WITH THE RANK OF AMBASSADOR, EXECUTIVE OFFICE OF THE PRESIDENT, WASHINGTON, DC**

Ms. BIANCHI. Thank you, Chair Wyden. Good morning. My name is Sarah Bianchi, and I live in Arlington, VA with my husband Grant Vinik, who is here with me today, and our two children, ages 10 and 12.

I am honored to be with you here today as you consider my nomination for Deputy United States Trade Representative with a portfolio including Asia, Africa, and areas of services and investments. If confirmed, I will proudly serve with a strong team Ambassador Tai has put together to help our country emerge stronger from the pandemic and, as President Biden says, to build back better.

Throughout my career, as you mentioned, I focused on increasing American competitiveness through a wide range of domestic and economic policies. I co-led the policy process for President Obama's 2012 State of the Union Address, which included global tax policies and manufacturing initiatives to boost wages and improve career opportunities for American workers.

From 2011 to 2014, I served as the Director of Economic and Domestic Policy for then-Vice President Biden. Our work focused on the contributing factors and potential solutions to stop the loss of manufacturing jobs in the United States. And I helped lead extensive research and policy work that informed the 2014 report of the Vice President's office entitled "Ready to Work: Job-Driven Training and American Opportunity," which identified several ways to help workers compete in today's global economy.

As a senior advisor at the Biden Institute, I worked on issues to make America more competitive in the global economy, including on trade. And as a member of the Biden-Harris transition team, I led the domestic policy response to COVID. At the time, the pandemic was exposing the supply chain vulnerabilities in the American economy.

I was pleased to see the administration launch a trade strike force chaired by Ambassador Tai to combat unfair trade practices and increase the resiliency of our supply chain. And I look forward to supporting Ambassador Tai's work on this critical issue.

This administration has been clear about the commitment to making necessary investments at home and working with allies to address challenges posed by China. We must have a coordinated and coherent approach that restores the necessary balance to our trade and economic relationships. All too often, the review and development of trade policy is separated from the work of creating a competitive economy that will last. I believe they must be intricately linked. I share President Biden's and Ambassador Tai's commitment to developing a worker-centered trade policy that encourages a race to the top so that we can build back better.

Giving workers a seat at the table will be essential as we develop policy. Ambassador Tai said earlier this month in a speech at the AFL-CIO that, quote, “By bringing workers from all backgrounds and experiences to the table, we will create an inclusive trade policy that advances economic security and racial and gender equity.”

Hearing workers’ stories, their experiences, and perspectives will give us a better understanding of how trade has impacted their lives, and how we can lift up communities and individuals that have for too long been overlooked. This approach will also guide our review of negotiations initiated by the previous administration. Ambassador Tai has also been clear that any path forward will be done with consultation with Congress. And that is exactly what members of Congress, including those on this committee, saw first-hand with the United States-Mexico-Canada Agreement.

USMCA is one of the most pro-worker trade agreements ever implemented because workers had a seat at the negotiating table. It is the new template that we must use for all future trade agreements and negotiations. This approach is essential to America’s competitiveness in the 21st century, and it must be part of a comprehensive vision for the United States in the global economy.

I have been fortunate to work with leaders who care deeply about America’s workers and, if confirmed, I will work with Ambassador Tai and the dedicated public servants at USTR to create an inclusive trade policy that brings everyone along.

Thank you for considering my nomination, and I look forward to answering your questions.

[The prepared statement of Ms. Bianchi appears in the appendix.]

The CHAIRMAN. Ms. Bianchi, thank you.

Mr. White, you certainly have some sense of what is required of you for the next 5 minutes, so please proceed.

**STATEMENT OF JAYME RAY WHITE, NOMINATED TO BE DEPUTY UNITED STATES TRADE REPRESENTATIVE (WESTERN HEMISPHERE, EUROPE, THE MIDDLE EAST, LABOR, AND ENVIRONMENT), WITH THE RANK OF AMBASSADOR, EXECUTIVE OFFICE OF THE PRESIDENT, WASHINGTON, DC**

Mr. WHITE. Thank you. And thank you for your kind words.

Chair Wyden, Ranking Member Crapo, and members of the committee, I am honored to be here at the desk in front of you. This is a special moment for me, having spent many years behind you on the dais.

I came to Washington in 2000 to work for my hometown Congressman, Jim McDermott. With a decade of service to Congressman McDermott, I helped guide his work on trade policy as a member of the House Committee on Ways and Means, and I learned valuable lessons about how trade impacts workers.

I grew up in West Seattle, which is on the waterfront and home to the Port of Seattle, which is a gateway of international trade. The region is home to everything from trains to trucks to container ships to grain containers, all of which represent the hopes and dreams of workers, farmers, and families.

I have never forgotten where I came from and the people I grew up with. I am very aware of how policy made here in Washington,

DC has a direct impact on the lives of people back in West Seattle, back in the other Washington, and around the world. If confirmed as Deputy United States Trade Representative, I will continue to fight for American workers, fight for the environment, and fight for our economic future.

President Biden and Ambassador Tai have laid out a historic new trade policy approach centered around workers. Historically, trade, labor, and regulatory policy has been tilted in favor of corporations and the wealthy. Workers have not always benefited from government policy. The promises some made regarding trade agreements often did not reach the factory floor and wages did not go up, creating deep skepticism about the efficacy and the approach of American trade policy.

Ambassador Tai believes we need a different approach that gives workers a seat at the table, so their perspectives and voices are incorporated into the policy that we develop. Recent history shows that this approach can bear fruit. Next week marks the 1-year anniversary of the entry into force of the United States-Mexico-Canada Agreement, or the USMCA.

The USMCA proved that bringing all stakeholders to the table—labor, workers, business, and members of Congress—can produce stronger trade agreements. The result is a bipartisan trade agreement with overwhelming support from Congress that includes three highlights I would like to focus on.

One, strong and enforceable labor and environmental standards, something that a lot of us have fought for for more than 25 years. It includes a new tool known as the rapid response mechanism that, when used, allows us to promptly raise concerns with the Mexican and Canadian Governments when there are allegations of worker rights violations. As you all know, this mechanism is derived from the hard work of Senators Brown and Wyden. Finally, one of the highlights is that the agreement includes necessary and long-overdue intellectual property reforms to increase access to life-saving medications.

I worked with Ambassador Tai during the USMCA negotiations while she worked for the House Committee on Ways and Means. We were counterparts. When she talks about putting workers front and center in our trade policy, it is not shallow rhetoric. It is a genuine commitment to lift up voices in communities we do not often hear from.

That commitment was highlighted last week when Ambassador Tai and members of the Biden-Harris administration negotiated a resolution with the European Union and the United Kingdom to end the long-running Boeing-Airbus dispute. The deal suspends the tariffs related to the dispute for 5 years and will help American workers and American companies compete fairly while we work with our allies to confront China and other nonmarket economies.

Being from Seattle, this welcome news hits close to home. But I also know that many of the workers who will benefit from the deal are your constituents. You and your staff hear from them frequently, and you know how difficult this dispute has been. They should know that the deal shows how we can work with our allies and trading partners to confront the threats of this new age, and

shape trade policies that lift up workers, lift up people in communities that have too long been overlooked.

If confirmed, I look forward to working with all of you to develop a worker-centered trade policy that boosts our competitiveness and creates good-paying jobs. Together, we can prove that trade does not need to exclude certain factions and communities. It can be inclusive, create shared prosperity, and help us build back better.

Thank you for considering me for this position, and I look forward to succinctly answering your questions.

[The prepared statement of Mr. White appears in the appendix.]

The CHAIRMAN. Mr. White, thank you.

Dr. Egorin, welcome.

**STATEMENT OF MELANIE ANNE EGORIN, Ph.D., NOMINATED TO BE ASSISTANT SECRETARY FOR LEGISLATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES, WASHINGTON, DC**

Dr. EGORIN. Chairman Wyden, Ranking Member Crapo, members of the Senate Finance Committee, thank you for considering my nomination to be the Assistant Secretary for Legislation at the Department of Health and Human Services. I also want to thank Chairman Neal for the gracious introduction.

It is my honor to be nominated by President Biden to serve as the Assistant Secretary for Legislation under Secretary Becerra. As someone who has worked for the Federal Government on Capitol Hill and at the GAO for more than 15 years, it is especially humbling to sit before you today.

I approach this position and our conversation with humility and a commitment to serving the American people. I am the daughter of a physician scientist who brought his collaborators home for dinner, and took his children to academic meetings. I grew up surrounded by my father and his colleagues, whose students were working to treat and understand cancer. They never forgot that each data point in their research was a person with loved ones also impacted by the disease.

When I began my own career working with women with HIV, I saw how researchers and stakeholders use evidence grounded in the patient experience to advance policy and address health equity. My commitment to this approach and these issues is what brought me to Federal service, and what remains the core principle behind my time here.

Throughout my 25-year career in health policy, the people helped and hurt by the health-care system are my cornerstone: my student working to complete his undergraduate degree while caring for his elderly grandparents; the nurse visiting Medicare beneficiaries to make their home safe; the patient diagnosed with end-stage renal disease at 23 while serving in the Army; the 15-year-old boy with the preexisting condition and his mother advocating to make sure that his treatments are covered by insurance; and the coal mine workers on the precipice of losing health coverage. I carry their voices with me and remember their stories when I do my work.

The role of Assistant Secretary for Legislation is a unique intersection of responsiveness and collaboration between the executive and legislative branches of government. Working in Congress and GAO, I have seen firsthand how important this role is.

If I am fortunate enough to be confirmed, I will bring my breadth and depth of policy knowledge and experience to be as transparent and accountable as I can. I approach policy development and implementation from a pragmatic position that is filled with hope and the belief that we can do better.

From my experience at GAO and my time with the Committee on Ways and Means, I understand the importance of taking a bipartisan, bicameral approach to policymaking, and I recognize the importance of asking questions about current policies and programs to build on them and improve the health of our Nation and our health-care system.

I want to thank Chairman Neal and the members of the Ways and Means Committee, and the numerous Representatives and Senators who have allowed me to work on their behalf and with their staffs to craft policies that make our health-care system better in very large, but also very small ways.

My colleagues—the current and former Hill staff across the aisle and across the Capitol—thank you for working with me. We may not always agree on policy specifics, but we have consistently found ways to move forward on behalf of the American people.

If confirmed, I look forward to continuing to work with members and their staff in this collaborative manner. The Department of Health and Human Services faces a broad range of challenges, from expanding health coverage, to caring for our children and seniors, to supporting innovation and scientific advancement while responding to and recovering from COVID-19, which exposed many of the inequities I have worked to address throughout my career.

I appreciate the opportunity that this administration has to work with Congress to tackle these challenges in a meaningful way. Given the impact that the Department has on the Nation's health and economy, if confirmed, I look forward to continuing to serve the American people.

As I conclude my testimony, I want to thank my spouse, Brian Tarleton, for building a life together that honors what is important to both of us, and our children Atticus and Lorelei, for challenging me and forcing me to think about new ideas every day. My mother, Karen Egorin Yaker, who joins me today, and my late father, Merrill Jon Egorin, would often admonish me and my brother that our actions reflect our upbringing. I hope my actions to date, and if I am confirmed to be Assistant Secretary for Legislation, will reflect their strong belief in valuing diversity of thought and experience in solving problems, as well as using one's knowledge, heart, and hard work to make the world better.

Senators, I am happy to answer your questions today and, if confirmed as the Assistant Secretary for Legislation at the Department of Health and Human Services, for many years in the future.

[The prepared statement of Dr. Egorin appears in the appendix.]

The CHAIRMAN. Dr. Egorin, thank you very much for your statement. And now I have some obligatory questions I am going to ask of each of you before we turn to member questions.

First, is there anything that you are aware of in your background that might present a conflict of interest with the duties of the office to which you have been nominated? We will just go down the row for each one of the questions, starting with you, Ms. Bianchi.

Ms. BIANCHI. No.

The CHAIRMAN. Mr. White?

Mr. WHITE. No.

The CHAIRMAN. Dr. Egorin?

Dr. EGORIN. No.

The CHAIRMAN. Second, do you know of any reason, personal or otherwise, that would in any way prevent you from fully and honorably discharging the responsibilities of the office to which you have been nominated? Ms. Bianchi?

Ms. BIANCHI. No.

The CHAIRMAN. Mr. White?

Mr. WHITE. No.

The CHAIRMAN. Dr. Egorin?

Dr. EGORIN. No.

The CHAIRMAN. Third, do you agree, without reservation, to respond to any reasonable summons to appear and testify before any duly constituted committee of the Congress if you are confirmed?

Ms. BIANCHI. Yes.

Mr. WHITE. Yes.

Dr. EGORIN. Yes.

The CHAIRMAN. Finally, do each of you commit to provide a prompt response in writing to any questions addressed to you by any Senator of this committee?

Dr. EGORIN. Yes.

Mr. WHITE. Yes. And I would underline "prompt."

The CHAIRMAN. Very good.

Ms. BIANCHI. Yes.

The CHAIRMAN. As I indicated—and I appreciate all the nominees' responses for the record—I am going to try to do everything I can to keep this moving. It is going to be a bit of a juggle, and I will start with my questions.

Ms. Bianchi, I understand that, if confirmed, you are going to be responsible for China policy in your role at USTR. The previous administration, in my view, correctly diagnosed in some respects China's trade cheating, but it broadly applied tariffs as a universal kind of cure-all. To date, that strategy has not done a whole lot to change China's behavior.

The Phase One deal, for example, provided pretty marginal improvements. China's exports continue to expand. American workers, consumers, and businesses continue to face hardship. All in all, it seems that Chinese companies have simply built the tariff into their cost of doing business.

So my question to you is, if confirmed, how would you ensure that tariffs are more targeted and more effective at putting pressure on China to get them to actually change their behavior?

Ms. BIANCHI. Well, thank you for the question, Senator. And I agree absolutely with the premise of your statement, that the diagnosis was correct, but the execution was not always.

As I understand it, at the suggestion of Senator Portman, the USTR is doing a top-to-bottom review of all of the China policy and tariffs, and really so that we can—or the administration can come up with a more effective strategy, both of enforcing existing opportunities and exploring where there are gaps, and that is something

that I would look forward to working with you and this committee and the entire administration on, if I am confirmed.

The CHAIRMAN. Now, recognizing that the China review is ongoing—and certainly no one can foreordain what the results will be—will you commit to brief the committee within 15 days on the administration’s conclusion of its China review on expected next steps, and any shift in U.S.-China policy?

Ms. BIANCHI. Absolutely.

The CHAIRMAN. Thank you.

Now, as you and I have talked about, I continue to be very concerned about China’s digital practices, including censorship and their theory of what I call “digital sovereignty,” the idea that the Chinese Government can control the version of the Internet that its citizens can access. China’s views are really, in my view, a combination of protectionism and authoritarianism. These assaults on an open Internet not only quell free expression in China and abroad, but in my view are blatantly anticompetitive. The Chinese Government is notorious for restricting access to American websites and services through the Great Firewall, leaving space basically for their home-grown competitors to grow. Perhaps more alarming is the fact that other regions are following China’s lead in this hugely important economic space, which could result in a less open, less free, less democratic Internet.

Can you talk about how the United States can work to counter China’s digital authoritarianism and anticompetitive digital practices?

Ms. BIANCHI. Absolutely. And I could not agree more with your diagnosis. It is a real challenge for the United States, I think. First of all, I look forward to getting into the building and really understanding granularly some of these types of manipulations that are currently going on, and how we might stop them. But I also think, Senator, as we discussed, that this is a really good opportunity to work with our allies. And I think there is a lot of potential, in digital trade in particular, to work with allies and to set a standard that forces China to change some of its behavior. And that is what I would want to work with you on.

The CHAIRMAN. One last question for you on this round, Ms. Bianchi, and then we have the good fortune of Senator Whitehouse being here helping with this juggling act that we are going to be involved in over the next couple of hours—and I thank my friend from Rhode Island for helping out in this way.

Ms. Bianchi, let me turn to another area that is hugely important to those kinds of opportunities for high-skill, high-wage jobs, and that is science and technology. Millions of Americans work in this field. It is often euphemistically described as “services.” I like to translate it into what it means for my community, and that is high-skill, high-wage jobs. And we have millions of Americans employed in this service sector that focuses, in my view, on things like science and tech.

In 2019, U.S. cross-border exports of services measured \$876 billion. It generated a surplus of \$287 billion. So this is really a trampoline for revitalizing manufacturing, reexamining our supply chains for goods, and also it is a field unto itself. At the same time,

trade in digital services and the movement of consumer data raise a broad range of privacy, national security, and other issues.

How do you think USTR should promote trade in science, technology, and other services while promoting security and privacy for all Americans?

Ms. BIANCHI. That is a great question. And I think a lot of the investments that you all are working on at a bipartisan level up here in the Senate are an important part of leveling the playing field and raising our own game here. I think that we also need to look at supply chain security, and issues around the strength of our supply chain in particular.

I was heartened to see the President's report reviewing all of those issues and giving the USTR an important assignment there as well, with regard to the trade strike force, which I think is a part of, again, a comprehensive—this is something that is administration-wide.

The CHAIRMAN. One quick question, because I am over my time, for you, Mr. White. Tell the committee how you believe the rapid response mechanism that you described will improve outcomes for workers in both the United States and Mexico?

Mr. WHITE. That mechanism is not just strictly an enforcement mechanism. It is intended to be cooperative with Mexico and with Canada. But the bottom line is, it is fast. It is rapid. In the past, trade disputes have lasted for years, and workers were left in limbo. And the rapid response mechanism is intended to protect workers, to help workers as quickly as possible.

And I am encouraged by the fact that there are two investigations underway. There was some skepticism about interagency processes, but with USTR co-leading the Interagency Labor Group with DOL, not only have we seen that they have launched one case, but they self-initiated the case too. So I am encouraged by the implementation of the rapid response mechanism.

The CHAIRMAN. So we have two cases, in effect, in motion. Mr. White, can you commit, after the completion of the first two cases, to briefing Congress on the actual real-world impacts the process has for workers in Mexico?

Mr. WHITE. Yes.

The CHAIRMAN. Very good.

Senator Whitehouse, thank you, and I am going to run.

Senator WHITEHOUSE. Mr. Chairman, I have not voted either, and I think we are both being summoned to the vote. Rather than ask my questions and expect answers, if I could just take a moment on questions for the record? I just want to alert Ms. Bianchi that Rhode Island is the original home of the textile industry, and I will have questions for the record for you regarding textiles.

Mr. White, in your environment role, it is going to be very important to us to see international ocean plastic work move forward off the bipartisan support that we have had in the Senate with Save Our Seas 2.0, and I will pursue those questions for the record with you.

And, Dr. Egorin, as Medicare approaches its 2024 deadline, delivery system reform is going to be more important than ever. The success of Accountable Care Organizations is going to be more important than ever, and I in particular have a subset of that for pa-

tients nearing the end of life to provide better support to those families and those patients that I am asking CMMI to approve. And I will pursue that with you, again in questions for the record, given our timing, Mr. Chairman.

The CHAIRMAN. I thank Senator Whitehouse. You've got a sense of what we are juggling. So the committee will stand in a brief recess until we get additional Senators back, and I thank you all for your patience.

[Whereupon, a brief recess was taken.]

Senator GRASSLEY [presiding]. This is an awful way to treat you, that I am in Judiciary and then I go vote, and everybody else goes to vote, and we do not get to hear what you tell everybody else, or even your opening statements. So here I go.

I want to talk about Mexico, Mr. White. Last month when Ambassador Tai appeared before the committee, I asked for her commitment to address Mexico's failure to issue biotech import approvals, and its decree to phase out imports of biotech corn for human consumption.

I was pleased to see Ambassador Tai emphasize the importance of science and risk-based regulatory approaches in her conversations during the USMCA Free Trade Commission meeting. As Deputy USTR, are you of the same frame of mind to be able to commit to enforcing USMCA's SPS and biotechnology provisions to prevent disruptions to North American grain market and on-farm innovation?

Mr. WHITE. Yes. And if confirmed, I look forward to working with my potential colleagues at USTR, with Secretary Vilsack's team at USDA, to address this issue.

Senator GRASSLEY. Okay.

My next question is to Ms. Bianchi. Earlier this month the Senate passed the U.S. Innovation and Competition Act that establishes a new exclusion process for products impacted by section 301 tariffs. The U.S. Innovation and Competition Act will hopefully be signed by the President, but until then, U.S. consumers and companies are being negatively impacted by these tariffs.

My question is, it has now been over 6 months since the President has been in office. Will you be a voice within the administration to support retroactive extension of 301 tariff exclusions and offer another opportunity for exclusion applications?

Ms. BIANCHI. Thanks for the question, Senator, and I know how important the issue is, and how a lot of companies are really feeling pain. As I understand it, there is an up-and-down review going on over at USTR at the request of Senator Portman, and I think that looks very much at the exclusion process, including retroactively. So I am very curious to see how that is going and underway, and I look forward to working to provide the relief these companies need.

Senator GRASSLEY. Yes. I think I have—continuing, but not a specific question—I think I picked up some attitude within the administration that there might not be a review of it. Can you confirm that? Or would my—

Ms. BIANCHI. Of the exclusion process? Oh, yes—

Senator GRASSLEY. That there might be some opposition to review.

Ms. BIANCHI. My understanding, Senator, is that the up-and-down—the top-to-bottom review on all of China very much includes the exclusion process and will go forward very much with an open mind. That is my understanding, obviously.

Senator GRASSLEY. So then they could be granted again, is what you're saying?

Ms. BIANCHI. Potentially, yes; that's my understanding.

Senator GRASSLEY. To Mr. White, lumber prices have skyrocketed to the point of the figure we read about: a \$36,000 increase in cost for a single-family home. While there have been some improvements, most analysts are saying that lumber will more than double its historic norms for the foreseeable future. And now the Department of Commerce has stated that they will increase the tariffs on softwood lumber to 18 percent, making it even worse.

So would you agree that increasing tariffs will hurt American consumers who are faced with markets where supply cannot keep up with demand?

Mr. WHITE. Thanks for the question, Senator. The softwood lumber dispute that we have had with Canada has been decades long. Over the course of that dispute, we have had agreements at some time, and we do not currently have an agreement. The challenge that I think we have is, Canada has a difficult time with a unified position. Western provinces differ from the Eastern provinces.

I have encouraged the Canadians over the years to come to the table with serious proposals to review the softwood lumber agreement. That really has to happen. American mills are within their rights to file anti-dumping duties and to see that they are implemented. This is an issue that I would like to see negotiated—but to get a better softwood lumber agreement than the one that we had previously.

Senator GRASSLEY. My time is up. I am going to submit two questions for answer in writing.

Senator CRAPO [presiding]. Senator Warren?

Senator WARREN. Thank you, Mr. Chairman.

The negotiation and enforcement of trade agreements touches everything from jobs and wages to the quality of the air we breathe and our ability to combat climate change. And that is why strong labor and environmental standards should be at the heart of every piece of our trade policy. But for decades, both workers and environmentalists have been shut out of U.S. trade policy, while big corporations have bought and lobbied their way into writing trade rules. If we want trade policy to stop undermining our workers and our environment, we need to do more than just say the right thing every time Democrats are in charge at USTR. We need institutional change.

Ms. Bianchi, your fellow nominee, Mr. White, is nominated to be Deputy USTR for Western Hemisphere, Europe, Middle East, Labor, and Environment. Meanwhile, your portfolio is Asia, Africa, Outbound and Inbound Investment Services, Textiles, and Industrial Competitiveness.

Ms. Bianchi, that division between the two makes it sound like labor and environmental issues are something Mr. White does, but that you do not. So let me ask you, are labor and environmental issues central to every aspect of your portfolio as well?

Ms. BIANCHI. Absolutely. That is what a worker-centered trade policy is. It is worker voices at the table in every conversation. And I am not sure structurally why it is, but you certainly have my commitment. And Jayme and I have discussed this as well, that it has to be throughout. And I think that is the commitment Ambassador Tai has made. I quoted in my opening statement her speech to the AFL-CIO, talking about all of these same issues.

Senator WARREN. So thank you. I appreciate that. I appreciate your commitment to elevating labor and environmental concerns in trade policy. But I remain concerned that you will have to work against a structure that silos labor and environment from other issues that it clearly intersects with.

Now, Mr. White, your portfolio actually includes labor and environment, but USTR has a poor track record of informing and listening to labor and environmental groups. For instance, back in 2015 USTR finalized TPP text that its own labor advisory committee opposed and tried again in 2018 to blow past labor concerns with the new NAFTA until congressional Democrats insisted on stronger labor and environmental protections. This is not surprising, given that USTR's trade advisory committees are dominated by corporate interests.

So, Mr. White, let me ask you, do you agree that USTR should not sign trade deals without fully consulting and securing support from labor and environmental groups?

Mr. WHITE. Thank you for the question. I agree with you that labor and environment have been sidelined too long in trade agreements, and I have fought for most of my career to fix that, including working on the May 10th Agreement of 2007, ensuring that that agreement was captured in 2015, and working with Ambassador Tai on improving the USMCA by working with labor and responding to labor and concerns by environmental stakeholders.

So I pledge to keep elevating that issue, for sure. And I think you are right: there has been a culture at USTR where some issues are sidelined. We need to fix those—we need to fix those issues for American workers.

Senator WARREN. Good. Both of these issues.

You know, while it is far from enough, USTR at least has offices and advisory committees for labor and environmental issues. Other important considerations are simply left out of the USTR structure altogether. It is clear that the impacts of trade are unequally distributed. Bad trade deals like NAFTA, and China's entry into the WTO, drove offshoring of manufacturing, devastated communities that were reliant on those jobs, and disproportionately harmed Black and Brown workers. But USTR has no dedicated staff that works on equity issues. And it does not conduct detailed analysis of how new trade deals might impact different communities differently, depending on their characteristics.

So, Ms. Bianchi, do you agree that regional, racial, and gender equity issues are important for trade policy decisions; in fact, too important for USTR not to have dedicated staff to collect data on them and report on them?

Ms. BIANCHI. I absolutely agree, and I enjoyed our conversation yesterday on this, Senator. I think you raised a lot of good points about how to use data to make this very clear.

Senator WARREN. Good. I very much appreciate this. You know, if we want American families to come out ahead on trade deals, we need to start by fixing the processes that produce rigged outcomes. We need to make sure that corporations are not filling all the seats at the table. Labor and environmental groups and other representatives of the diverse American economy need a voice at the USTR, and we need to make sure that they have those seats today, tomorrow, and on into the future. These would be big steps towards making trade policy work for the American people.

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

Senator CRAPO. Thank you, Senator Warren. Do we have any Senators online with us who are at their desks, or at the camera?

[No response.]

Senator CRAPO. Hearing no one step up, I will ask my questions. I want to just indicate that I will first ask unanimous consent that my opening statement be entered into the record, and I will not make the statement. And so that will be entered into the record, and I will ask a few questions.

[The prepared statement of Senator Crapo appears in the appendix.]

Senator CRAPO. I apologize for not being here so far in the hearing. I have been pulled away to other business, and it is just one of those busy days.

My first question is for you, Ms. Bianchi. The administration has said that the Trans-Pacific Partnership agreement needs to be re-evaluated, quote, “since much has changed in the world since TPP was originally signed in 2016.” I am concerned that what has changed in particular is that China stands poised to have better market access than the United States in the region because China’s Regional Comprehensive Economic Partnership agreement, or RCEP, is advancing toward entry into force.

What, if any, are the specific developments since 2016 that you think have made TPP outdated? And what could be done to update TPP disciplines in response to those developments?

Ms. BIANCHI. Well, thanks for the question. And I agree with your premise that China is in a much different place. It is a much stronger force to be reckoned with for the United States, and I think that means we need to double down with our allies even more, even though that can be difficult work.

I think we have to—I am heartened to see that the administration has already started the TIFA process with Taiwan, but I think we need to have broad-based consultation and work with our allies to address the situation with China.

Senator CRAPO. Thank you very much, and I agree with you.

And, Mr. White, the administration continues to highlight that one of its major achievements is the G7 agreement regarding the global minimum tax. While there are limited details, the G7 press release states that members will remove digital service taxes in exchange for the reallocation of taxing rights of global companies, in addition to implementing a global minimum tax of 15 percent.

As you may know, I am deeply skeptical of the administration’s reliance on other countries to enact a 15-percent global minimum tax. Critically though, I am also deeply disappointed that none of

the countries have taken any serious action to roll back implementation or to suspend collection of their digital services tax.

How do you think the United States should respond if our trading partners make no effort to stop collecting the discriminatory digital service taxes on U.S. firms?

Mr. WHITE. Thank you for the question, Senator. There has been a bipartisan concern for years about the DSTs. And there has also been bipartisan support for an OECD process to come to new terms. I look forward, if confirmed, to working with Treasury, consulting with you, and determining ways to address the DSTs.

Obviously, there is a backstop, the 301, that many members on this committee supported. So that is there. But I look forward to consulting with Treasury and USTR to see where things actually are. I read the same press release as you did.

Senator CRAPO. Would you agree that we need to insist that the elimination of the DSTs be a part of any kind of ultimate agreement at the OECD?

Mr. WHITE. I cannot speak to the Biden administration, but the DSTs are obviously discriminatory towards American companies.

Senator CRAPO. All right; thank you.

And for Dr. Egorin, I appreciate the work that you have done on the staff of the House Ways and Means Committee and your collaboration with Republican House and Senate staff over the years. This kind of partnership is particularly important during a crisis. We saw this last year when a divided Congress and the Trump administration took decisive action early in the year to make possible health-care innovations to mitigate the pandemic, despite the restrictions imposed by the national lockdown.

As we approach the end of the public health emergency, which policy innovations do you think we should retain, and potentially make permanent in statute, as we continue to look at how to improve our health-care system?

Dr. EGORIN. Thank you for the question, Senator. And the work that we did bipartisanly and bicamerally last year showed the value of working together on behalf of the American people.

I think responding to coming into and recovering from the COVID-19 pandemic has shown many opportunities for innovation, both in terms of how we respond to public health crises, but also how we move forward with telehealth, with understanding regional health-care differences, as well as access to care and equity issues that came to the fore. And I look forward to working as we address those, and as we take the lessons learned to move our health-care system forward.

Senator CRAPO. Well, thank you. And in the context of working together, I will stay with you, Dr. Egorin. While we may not always agree on certain policy solutions to the issues in our health-care system, the primary responsibility of the HHS ASL is to be a conduit of information between the Department and Congress. I would appreciate it if you could share with us how you are going to work with us in areas where we agree, and in those where we do not agree. Will you commit to us to always communicate in a timely, clear, and responsive way to our inquiries?

Dr. EGORIN. Senator, you have my commitment to be responsive, to be transparent, and to be accountable, if confirmed to be Assist-

ant Secretary for Legislation. I have experienced being in both the majority and the minority, in times where the administration was of the same party and of different parties, and there have always been challenges. So I look forward to building and moving forward.

Senator CRAPO. Well, thank you. And I think your record shows that.

I am told that Senator Casey is with us remotely. Senator Casey, are you there?

Senator CASEY. Yes; thank you, Senator Crapo. I appreciate this opportunity. I know everyone has been in and out today, so I apologize for being late.

I wanted to direct a question first to Sarah Bianchi. Ms. Bianchi, I appreciate that you raised supply chain vulnerabilities in your testimony. We have seen too clearly, over the last year especially, the cost of relying upon China, which of course is a nonmarket economy, for the Nation's critical capabilities with respect to a number of items, but in particular personal protective equipment. And I do not think we ever want to be in such a vulnerable position, a dependent position, again as we were in 2020.

We have very little visibility on these vulnerabilities that may exist with respect to production dependencies in other sectors. The good news is, we have a group, a bipartisan group of Senators, working on this. Senator Cornyn, Senator Stabenow, and I have a proposal to increase visibility on vulnerable supply chains. We want to review outbound investment of critical capabilities to foreign adversaries and nonmarket economies like China and focus on those countries, not every country, in order to assess and address dependencies and vulnerabilities in our critical supply chains.

So can you provide for me your views on this proposal and the role it can play regarding our Nation's overall strategy to secure supply chains for these critical capabilities?

Ms. BIANCHI. Well, thanks, Senator, for the question. And I 100-percent agree. The supply chain vulnerability is something I had the opportunity to work on around the domestic COVID response for the transition, and the presidential transition, and I saw first-hand really what we were up against. And we cannot have that happen again.

I think that what the administration has done with the executive order is also a good start. And I think your proposal is a really interesting idea. And if I am confirmed, I would like to understand it better. I think it raises a really important issue on outbound investments, and I would love to learn more about it if I am fortunate enough to be confirmed.

Senator CASEY. I very much look forward to working with you and your team. I appreciate the validation of how important this issue is.

I will turn next to Mr. White. This is a question about China. I do not have to restate for anyone the challenges we face regarding China. We have to, of course, work with allies to address many of these challenges. Many of those issues fall within your own portfolio, including by way of countries, the UK and then the broader EU countries.

Can you discuss how you intend to engage with our allies on issues of mutual concern, especially in the context of China, and

how you will work with your fellow deputies to ensure coordination with respect to engagement, and also outcomes?

Mr. WHITE. Thank you for the question. This is an important and very confounding issue. There are so many issues with respect to China and over-capacity that we have to deal with. And I am just briefly reminded of the field hearing you hosted in Pittsburgh a few years ago on over-capacity and its effects on steelworkers. And the turnout that you had was great, and it was also delightful that you got a call from Secretary Ross right before you launched the hearing to talk about the importance of dealing with China and addressing worker problems as a result.

President Biden has made clear that he wants to work with our allies to deal with China. And I think there has been some encouraging news since the administration has been in place. Ambassador Tai, for example, has been to Europe, and there have been some good outcomes. Boeing-Airbus is encouraging.

So I would intend, if confirmed, to consult with my colleagues at USTR and at Commerce, and try to form alliances and form solutions that obtain results for American workers and address the problems we have with over-capacity, especially in China.

Senator CASEY. Well, thanks very much. Thank you, Senator Crapo.

The CHAIRMAN. Senator Young, I gather that you are out in cyber-space and—

Senator YOUNG. I am indeed, Mr. Chairman. Thank you so much.

The CHAIRMAN. Go ahead.

Senator YOUNG. And of course, thank you to our nominees for their willingness to serve and appear before the committee today.

Our economic health and national security are of course closely intertwined, and both play vital roles in constructing parameters for trade agreements. With China's growing influence becoming pervasive globally, the United States should be proactive in developing trade relationships.

China's actions to isolate and manipulate countries in the Asia-Pacific region are concerning, to say the least. And the United States can counter this agenda by offering counsel, support, and opportunities for trade agreements of mutual benefit.

Ms. Bianchi, I understand that Asia will be a part of your portfolio, if confirmed. Do you see potential in the United States becoming more involved in the Asia-Pacific region, particularly as it relates to establishing better trading relationships with countries that might be susceptible to China's unfair trade practices?

Ms. BIANCHI. Absolutely, Senator. We need to be more involved. I think that President Biden has been very clear that we need to work more with our allies. That absolutely extends to trade. I think I am encouraged to see that Secretary Blinken mentioned already the importance of the relationship with Taiwan. And I know that Ambassador Tai has met with her counterpart there, and we are starting a TIFA process, the administration is starting a TIFA process already with Taiwan, and that is just one example.

I think we absolutely need to figure out how to work with our allies to address the rising challenge of China.

Senator YOUNG. Well, thank you. I have a related question that pertains to digital trade. The USMCA and the U.S.-Japan Digital

Trade Agreement contain strong provisions on digital trade that support economic growth, protect privacy, and allow businesses to have stable access to new markets. And I noticed that those provisions were supported in a broadly bipartisan fashion. Tools like prohibiting forced data transfer, enforcing cyber-theft penalties, and removing requirements on localization are all key ways to promote integrity in digital trade. Countries that do not adhere to these high standards end up raising prices and lowering quality for their own citizens, while harming American businesses.

So, Ms. Bianchi, once again maybe you could speak to the importance of strong digital trade provisions, and whether you believe the USMCA and the U.S.-Japan agreement took the right approach to addressing issues surrounding digital trade?

Ms. BIANCHI. Well, as you mentioned, Senator, we have had strong bipartisan support for those agreements, so I certainly think they provide a good model. And digital trade, absolutely I think, is a really important place where we can work with our allies to counter the challenge of China.

I think there is a lot of opportunity, particularly in Asia, to build on what we have done, and to do more, I think, is one of the top things we should be doing.

Senator YOUNG. Well, it is my belief that we need to find our way back into the trade game, as it were. So I am going to now connect the two questions, the lines of inquiry. Trading with Asian allies and partners, I think, will be very important for the health of our economy and also our national security, our collective security of non-CCP nations.

And so, how might we expand digital trade relationships with countries in the Asia-Pacific region?

Ms. BIANCHI. Well, I think we should, and we can. And again, I think it is my understanding USTR has already started a process with Taiwan. I think we need to look for other partners. And I look forward to getting in the building and figuring out where the state of these conversations really is, if I am confirmed, and really trying to move that ball forward. Because I agree with all the connectivities and the connections you have drawn there.

Senator YOUNG. Well, I hope you will consider me a ready and willing partner in this particular area of public policy. So, thanks so much.

Ms. BIANCHI. Absolutely. Thank you.

The CHAIRMAN. Thank you, Senator Young, and I look forward to working with you, particularly on that last matter of digital trade.

Senator Daines is here. He and I, I can tell you, have our days consumed by the fact that everybody in the West is collectively holding their breath worried about yet another inferno visiting their area. We will be working together on that.

Senator Daines, you are recognized for your questions.

Senator DAINES. Mr. Chairman, thank you, and thanks for those thoughts as well. You are exactly right.

Trade, and trade with the Asia-Pacific in particular, is critical for Montana farmers and ranchers and jobs throughout my State. I spent a fair amount of my private-sector career, part of it living in

the region and managing the region as well, in the software business.

Trade is also an important tool that supports both our economy and our national security. And I really believe that working with our allies is key to more effectively countering China's growing influence in the region and around the world.

Ms. Bianchi, with China's growing influence in mind, and recent announcements by Ambassador Tai and other administration officials regarding the beginning of trade talks and discussions with Taiwan, what will be your priorities in that specific market?

Ms. BIANCHI. That's a great question. Thank you for the question. You know, I think it is really important that we are starting the conversation with Taiwan, and I am really glad that both Secretary of State Blinken, Anthony Blinken, and Ambassador Tai have made this a priority. I think I would not want to prejudge it before getting in the building, if I am confirmed, to really see where those talks are, but I think there are a lot of things we can look at, whether it is digital trade, whether it is some of the digital services taxes that are concerning, but I think we have to look at all the issues.

Senator DAINES. So, as soon as you begin engagement with Taiwan, you are going to get pushback from the PRC.

Ms. BIANCHI. Yes.

Senator DAINES. How will you respond to the pushback you are going to get from the PRC?

Ms. BIANCHI. Well, I think we just have to be strong. And we have to get our other allies in the region as well to be supportive. I think we need to engage all the countries, but 100 percent I think we have to move forward. It is critical.

Senator DAINES. Yes. And count me as one who, at the time, supported TPP. I believed that multilateral approach was very strategic as it relates to how we think about China and engage.

I want to talk about India for a moment. Montana is our Nation's number one producer of pulse crops. India is a critically important market for our Montana farmers, and unfortunately the U.S. pulse crop, as you know, faces significant tariffs and barriers to trade.

Ms. Bianchi, would you commit to engaging with your Indian counterparts to help level that playing field for U.S. pulses as well as other ag commodities in the India market?

Ms. BIANCHI. Absolutely. I look forward to working with you on that.

Senator DAINES. Likewise. As India is also an important counterweight, I believe, to China in the Indo-Pacific region, what are the challenges and opportunities we might see in that market?

Ms. BIANCHI. In the India market?

Senator DAINES. Yes.

Ms. BIANCHI. Yes, I think—well, certainly I know it is incredibly important for agricultural and other exports. But I know we have also seen challenges, for example on digital services taxes. And that is something that—you know, there are a lot of complexities of that relationship.

Senator DAINES. You know, the innovation ecosystem that India is building out is something we ought to keep an eye on too. Their

digital—their cryptocurrency transaction is orders of magnitude greater than anybody else in the world recently.

Ms. BIANCHI. Right.

Senator DAINES. So they are out in front in a lot of areas. So they are sometimes an under-rated power there and an ally that we can work closely with.

Mr. White, American energy independence has not only helped to ensure our domestic national security, it has also helped our allies in Europe. For example, LNG exports from the United States to the EU have risen steeply since that Trump junker agreement, with an estimate of 36 percent of U.S. LNG exports in 2019 going to the EU.

Do you believe that it's in the interest of the United States and Europe to increase LNG and energy trade?

Mr. WHITE. Thank you for the question. It is an important one, and it has been a topic of discussion for several years as we have begun, in the States, to develop infrastructure to allow for the export of LNG.

My understanding is it is the Department of Energy that decides whether LNG exports are approved. And they have criteria. If confirmed, I will work with the USTR and work with DOE to see how they are implementing the Natural Gas Act, and how they are promoting the export of LNG.

Senator DAINES. Well, sadly, the Russians have Europe addicted to their energy. It is clearly in our best interests, and it just shocked many of us when the President canceled the Keystone XL Pipeline that reduced CO<sub>2</sub> emissions. It was a huge win for our rural communities. We can talk about all the benefits here with the time I have, but at the same time he green-lights the Nord Stream 2 pipeline. If there has ever been a win for Putin, it was that. And it has been a great disappointment, frankly, and I think, strategically, a major mistake.

Lastly, Mr. Chairman, Trade Promotion Authority is set to expire soon. I believe it is important for the administration to pursue negotiations to reduce barriers to trade and open important markets. And I believe it is critical that we reauthorize TPA. I support that and look forward to working with both my colleagues on this committee and with you all here at the table, if you are confirmed, to get that done. Thank you.

The CHAIRMAN. Thank you, Senator Daines. And we will be addressing those TPA issues.

Next is Senator Cortez Masto.

Senator CORTEZ MASTO. Thank you—

The CHAIRMAN. If she is out there.

Senator CORTEZ MASTO. I am here.

The CHAIRMAN. Thank you. Good.

Senator CORTEZ MASTO. Thank you, Mr. Chairman. I hope you can hear me, okay.

The CHAIRMAN. Yes.

Senator CORTEZ MASTO. Thank you to the panelists. Congratulations on your nominations. Let me start on the trade side first, Ms. Bianchi, on the 301 tariff.

And let me just say, we have had two other committee hearings going on, so you may have already addressed the question, and so

please excuse that, but I was not here to hear your response as I was at the other two committee meetings.

But let me just put this in perspective. The 301 tariffs in Nevada have had an impact on our businesses, our workers, and our families, particularly on the heels of also grappling with COVID-19 and the impact it has had across the State.

Now, I share the administration's strong commitment to holding China accountable for its unfair trade practices, and its efforts to craft a robust strategy to confront the broader Chinese behaviors. Clearly this is an important issue across the country, and that is why the Senate voted 91-4 on a trade package in the U.S. Innovation and Competition Act with strong, clear language on 301 exclusions.

I have to say, I appreciated Ambassador Tai for appearing before the Senate when she stated that USTR actively was doing this and would provide more details as soon as they can.

So, Ms. Bianchi, can you speak to where USTR is in its review and decision process on 301 tariffs and exclusions?

Ms. BIANCHI. Well, thank you for the question, Senator, and I really appreciate that this is a challenge for many businesses in Nevada and throughout the country. And so I appreciate that.

As I understand it, at the request of Senator Portman there is a top-to-bottom review of all China trade issues, including the exclusion process, which is very important, as Ambassador Tai communicated. And if confirmed, I really want to understand exactly where the state of that review is and look forward to reporting back as quickly as we can, because I know how important it is.

Senator CORTEZ MASTO. I appreciate that, and thank you.

Mr. White, 232 tariffs. I continue to hear the same thing from businesses in my home State about the impact that some of the tariffs are having on their industry. What are your thoughts on the path forward for 232? How do you plan to work with Congress on that, if nominated?

Mr. WHITE. Thank you for the question. I have heard firsthand from constituents from Oregon about their concerns as to how the 232 process has been implemented. The goal behind the 232 was well-intended, but I think the execution of the 232 tariffs has been poor.

And if confirmed, I look forward to working with my potential colleagues in Commerce, in consultation with the USTR and the White House, to have more of a program that has more integrity behind it.

Senator CORTEZ MASTO. Thank you. I appreciate the answer.

Dr.—is it E-gor-an? Is that the right pronunciation?

Dr. EGORIN. It is, Senator.

Senator CORTEZ MASTO. Thank you. You will be responsible for coordinating policy across HHS divisions. I am curious how you will ensure that materials for the Hill are reflective of cooperation across those divisions. And then also, how can the Hill best engage the administration early in the process?

Dr. EGORIN. As you are aware, the executive branch is wide-reaching, and often a lot of the work that is done within the Department of HHS is coordinated across departments, and that sometimes leads to challenges in being responsive and timely.

It is my commitment to be responsive, to work with my colleagues to make sure that information is returned, through technical assistance and other responses, in a timely fashion.

In terms of working in a more proactive position, having worked at the Committee on Ways and Means, and with members of the Senate for almost a decade, I recognize the frustration of getting technical assistance late in the process after policy conversations have already begun. So I look forward to working with members and their staff earlier to make sure that policy objectives of the legislative branch are included and understood as we move forward on technical assistance.

Senator CORTEZ MASTO. Thank you. I appreciate your comments today. Congratulations again, as the nominee.

The CHAIRMAN. Thank you, Senator Cortez Masto, and I look forward to working with you on important issues like 232. Your leadership is much appreciated.

Next is Senator Toomey.

Senator TOOMEY. Thank you, Mr. Chairman.

I think I am going to direct this to Mr. White. During the passage and consideration of USMCA, I had a lot of concern about the potential for the rapid response labor mechanism to essentially be weaponized and have a negative impact on American workers and American employers. And I was told not to worry about that, this will only apply to Mexican entities. Well, now it seems that my fear has been proven to be justified. We, right now, have two U.S. companies that I am aware of, including one of my constituents—that constituent has almost 1,000 employees in the U.S., and they are caught up in this labor enforcement mechanism problem. Specifically, they are accused of a denial of rights in the Mexican plant.

They do not believe that they have engaged in any denial of rights, but if they inadvertently have done so, they want to resolve the problem quickly. Here's the problem. There is no way they can. These companies are not being provided any of the details about the allegations. A tip was called in privately on a USTR DOL hot line. The USTR and DOL investigated, and apparently they have determined that there is sufficient credible evidence to support the tip, but neither we nor the company have any idea what the actual allegation is, much less any evidence to support the allegation.

This is unbelievable. I mean, the only indication that exists at all about the nature of the complaint is what the complaining union has voluntarily released. So the USTR has this denial of rights allegation information. The Mexican Government has it. The unions have it. The only party in this whole dispute left completely in the dark is the company being accused. And you know, they face reputational damage, maybe financial implications, if this ends up blocking their ability to import their products to their American facilities, which jeopardizes the jobs of those American workers.

This is completely one-sided. And I am very concerned that this mechanism is not giving the accused party any opportunity to either defend themselves or correct the problem, if there is one.

So, Mr. White, my question is this. My understanding is that, as the Deputy U.S. Trade Rep for North America and Labor, you will be responsible for overseeing the rapid response labor mechanism. And I would hope we can agree that the rapid response labor mech-

anism should lead to resolving the denial of rights accusations as quickly as possible, and ideally it would be through a settlement where this is resolved prior to going through a big, costly adjudication process. But in order for that to happen, obviously the accused needs to know what they are being accused of.

So do you agree that the facility who has had a complaint filed against it has a right to be informed of the details of the complaint?

Mr. WHITE. Thank you for the question. I had a hand in helping to shape the rapid response mechanism, and there are consequences under the mechanism that are there to protect American workers. But the whole mechanism was designed to resolve issues, not to have enforcement actions, but to cooperate—well, to first investigate and cooperate with Mexico and the facility—

Senator TOOMEY. Yes. I've got very little time left and I do have another question, so I would be very grateful if you could just get to the heart of whether the accused has a right to know what they are accused of.

Mr. WHITE. If confirmed, I would work with my USTR colleagues to learn more about the details of this particular investigation, and I am happy to come back and report to you as to what—

Senator TOOMEY. As a general matter, does it sound reasonable that someone accused of something should know what they are accused of?

Mr. WHITE. If someone is being investigated—I don't know the answer to that question.

Senator TOOMEY. Okay, that is worrisome because, you know, they have all kinds of risk and they have no way to manage it.

Let me ask you a follow-up question. One of the concerns is the possibility that—and I think the U.S. Trade Rep has indicated that this mechanism, this rapid response labor mechanism, may be used to address supposed denials of rights that happened prior to the USMCA entering into force.

Is it your understanding that USMCA authorizes the USTR to use this mechanism in an ex post facto basis to deal with allegations of denials that supposedly happened prior to the adoption of the USMCA?

Mr. WHITE. I think it is warranted to have an investigation as to what is going on currently. And if there is evidence that there was a denial of rights previously, and that is the test of an investigation into what is going on in the facility currently, it seems warranted.

Senator TOOMEY. Yes, but what I am asking is, if there is a violation that is alleged to have occurred in the past and is not ongoing, is it the business of the USTR to use this mechanism under USMCA to deal with this historical violation?

Mr. WHITE. Well, if the issue was resolved, that is what the investigation would show.

Senator TOOMEY. Okay. Well, I hope that is the way it plays out. I do have some concerns about this.

I thank you, Mr. Chairman.

The CHAIRMAN. The time of the gentleman has expired.

Next is the Senator from Ohio, Senator Brown, who has been such a strong advocate for working people for so many years, and I believe Senator Brown is out there in cyberspace.

Senator BROWN. I am here.

The CHAIRMAN. And I also want to tell Senator Lankford, who has been very patient, we are going in order of entry, and I hope we will be able to recognize you very soon.

Senator Brown?

Senator BROWN. Thank you very much, Mr. Chairman. Thanks to Ms. Bianchi and Mr. White. Thank you for your willingness to serve in this new USTR. And I say "new USTR" in a very complimentary, enthusiastic way. And, Dr. Egorin, thank you for the missive from Minsk. I appreciate that too—and I think only she and my staff know what that means, but thank you for that.

For the first time in memory—for the first time in memory, we finally have an administration that puts workers at the forefront, at the center of our trade policy. Ambassador Tai was with me a few weeks ago in Cleveland on a remote with workers around Ohio—a roundtable actually—to listen to Ohio workers. And that is where you start on a trade policy: you listen to workers and put them at the center of the trade policy. And I am so thankful to the chairman and his then-assistant Mr. White for the work that they did on Brown-Wyden, the difference that is already making for workers.

I know there is always resistance in this body to putting workers first, even to acknowledging workers, except when it comes to election time and talking about how much workers like candidate A or candidate B. But I am so appreciative of Senator Wyden's work, Chairman Wyden's work. And we know that workers are our greatest asset. They build the country and have built the country.

I have worked on bipartisan legislation with Senator Portman called Level the Playing Field, and we teamed up again to introduce a bipartisan Level the Playing Field 2.0 to strengthen U.S. trade remedy laws that address the new unfair trade practices we have seen. Businesses and workers know too well what happens to their jobs when we have a tax policy and trade policy that encourages shutting down production in Sandusky or Mansfield or Toledo, and collecting tax breaks, moving overseas, taking advantage of workers, taking advantage of weak or nonexistent or nonenforced environmental laws. And we know what happens to our country.

So I would like to start and ask the Deputy U.S. Trade Reps a simple "yes" or "no" question. Do you believe that understanding when and where trade hurts specific workers and communities within the United States should be central to any potential trade agreement, yes or no? Ms. Bianchi?

Ms. BIANCHI. Yes.

Senator BROWN. And, Mr. White?

Mr. WHITE. Yes.

Senator BROWN. Okay; thank you. Do you believe we have done a good job as a country of understanding these costs for workers, and costs to entire communities and regions of the country in the past?

Ms. BIANCHI. No.

Senator BROWN. Thank you.

Mr. White?

Mr. WHITE. No.

Senator BROWN. Thank you. As I said at the beginning, it is a new day in the USTR with Ms. Tai and Ms. Todd and Mr. White and Ms. Bianchi, and Dr. Egorin, and what that is going to mean for this country.

The last question—a supplement to it. If called on, would any or all of you be willing to come to Ohio to meet with workers so you really understand? There is my favorite Abraham Lincoln story. He was in the White House, and the staff wanted him to stay there, win the war, free the slaves, and preserve the Union. And Lincoln said, “I’ve got to go out and get my public opinion bath,” because he knew what he was to the people. He was a better President.

So my question is—how can you say “no” after this?—when called on, would you come and meet with Ohio workers from Ash-tabula to Cincinnati, from Toledo to Steubenville, all three of you? Dr. Egorin?

Dr. EGORIN. Senator, it would be my honor to come to Ohio.

Senator BROWN. Thank you.

Mr. White?

Mr. WHITE. Yes, and I have a feeling the follow-up question will be, will you drive through Delaware and Pennsylvania on your way?

Senator BROWN. Not my follow-up question. [Laughter.]

Ms. Bianchi?

Ms. BIANCHI. Absolutely.

Senator BROWN. Thank you.

That’s all I have, Mr. Chairman. Thanks, Mr. Chairman, for your role, your absolutely affirmative, important, crucial role in centering U.S. trade policy around workers. It is really a new day in my entire career, and I am thrilled with this panel and the work that they are going to do for our country. Thank you.

The CHAIRMAN. Thank you, Senator Brown.

Senator Lankford, I am going to take about 15 seconds to just respond in terms of where we are.

Senator Brown, as you know, one out of four jobs in my home State revolves around international trade. And the trade jobs often pay better than do the non-trade jobs. And working with you has been particularly helpful in showing that you can be both pro-trade and pro-enforcement, and that the two are not mutually exclusive. You can do both. So I appreciate my colleague’s leadership.

Senator Lankford?

Senator LANKFORD. Thank you, Mr. Chairman.

Can you two pass on my gratitude to Ambassador Tai as well, on working with Taiwan and taking the next step in that? And I hope that you will continue to be able to work on the free trade agreement with Taiwan in the days ahead.

I do want to ask both of you a question on this initially. And this deals with our relationship with China and what is happening currently. Obviously, we are selling a lot of commodities to China, but I have a concern because I am not hearing USTR talking about a brand new trade agreement. And I continue to bring up what new trade agreements we are going after. What new countries? And when we sell to China, the more that we are exposed to China, if

China ever decides they are not going to buy this product now, our commodity prices collapse in the United States.

So we are very exposed to them, pending new trade agreements in other places. What is your plan to go out and pursue new trade agreements in new countries?

Ms. BIANCHI. Well, thanks for the question. It is really important. I look forward to getting into the building, if I am confirmed, and figuring out where those conversations are, and figuring out where the most fruitful opportunities exist.

I think the progress in Taiwan is important. And there are other countries that will be similarly situated.

Senator LANKFORD. Mr. White?

Mr. WHITE. I agree with your sentiment. We have to do all we can to open up foreign markets to American exports, services, agriculture, manufactured goods. I think that sentiment is shared by this new administration.

In terms of which agreements, I know there are reviews going on. There is a review going on as to where things stand with the U.S.-UK negotiations. But I think you are absolutely right, both in terms of the economics and in terms of our competition with China, that it is important to be in the game and be fighting for more open markets for American products.

Senator LANKFORD. Mr. White, if confirmed, how would you engage with the issue of Iran and current sanctions there, based on their terrorist activities?

Mr. WHITE. Thanks for the question. It is a really important one. I, if confirmed, would look forward to working with my USTR colleagues, Treasury, and the Department of State to find the best way forward on Iran to support those efforts.

Senator LANKFORD. What would you consider your role in that conversation, when asked?

Mr. WHITE. What the trade aspects are, and what this committee thinks.

Senator LANKFORD. What about the other nations and how they are doing trade with Iran based on sanctions that currently exist?

Mr. WHITE. The answer is the same. I would want to consult with Treasury and State to find the most effective, strategic way to deal with Iran.

Senator LANKFORD. Let me follow up on a question that Senator Daines started with you about the export of natural gas. That has been exceptionally important, and the Obama administration and the Trump administration were both very aggressive in working on the export of natural gas, not only because it is an American commodity that is great to be able to sell in the world market, it is obviously a climate change shift as well to be able to provide cleaner-burning natural gas all around the world. There was a lean forward in both the Obama administration and the Trump administration to look for new markets to be able to sell natural gas to. You had mentioned before to him that that is for the Department of Energy to determine, and that is correct on this, to do the final release, but USTR is very dependent on finding new markets.

Would you be aggressively pursuing new markets for natural gas?

Mr. WHITE. If confirmed, I will want to work with my colleagues at USTR, and the Department of Energy and others, and work with you to determine the best way forward on LNG exports.

Senator LANKFORD. Okay, the——

Mr. WHITE. And I know how much—I agree with you and what you have said. There was a lot of leaning in in recent years, and it has been an issue in Oregon, and an issue elsewhere—not a bad issue, it has just been a topic—but, if confirmed, I will consult with them and with you.

Senator LANKFORD. I am just trying to figure out how you are going to counsel people to say this is a commodity that we have to sell, just as we have soybeans and other things to be able to put on the market. That is a part of a dialogue. It is not just an “I’ll consult with other folks.” You are out actually doing the negotiation and engaging in this. This is one of the commodities that you are going to actually aggressively say, “We have a product that you should buy.”

Mr. WHITE. I think this is an important topic. This is not just an economic issue, especially with respect to Europe. It is a geopolitical issue.

Senator LANKFORD. Right.

Mr. WHITE. And I understand the importance of it.

Senator LANKFORD. And I would hope you would lean in on that, because it is exceptionally important. It is a tremendous geopolitical leverage point for us. Where you get energy from is also a connection point in a relationship. You do not typically go to war with people that you are getting energy from. It is a long-term relationship that you form, actually, to be able to do this. So geopolitically, it is exceptionally important for us.

One other question on this. I have talked to some manufacturers that are doing manufacturing in China rather than in Central America. And their comment is, the CAFTA agreements and other things, with the environment and the labor restrictions that are there, they do not have to deal with that in China. So some of these relationships actually push manufacturing to China based on the labor and environmental regulations.

What would you recommend as a way to be able to encourage businesses to be able to do business in areas where we have trade agreements and not, because of our trade agreements, run to countries that do not have them?

Mr. WHITE. I would just point out that CAFTA, for example, or countries with whom we have free trade agreements, there are benefits derived from those trade agreements. They have duty-free access into the United States. That is not the case with China.

And so I think the incentive for doing business in CAFTA, in FTA countries, is the fact that they have duty-free, more or less, access into the U.S. market.

Senator LANKFORD. Correct. But it is not being effective for all manufacturing. Some of those agreements are actually pushing in that direction. We can follow up on that.

Mr. WHITE. Yes. The problem with China is a very confounding one, and it is going to take a lot of work.

Senator LANKFORD. Thank you, Mr. Chairman.

Senator CORTEZ MASTO [presiding]. Thank you.

Next, we have Senator Cantwell.

Senator CANTWELL. Thank you, Madam Chair, and thank you so much for this important hearing. Mr. White, it is great to see you on the other side of the dais this time, and I am very proud of you and the work that you have done on many fronts.

I wanted to ask you about the recent USTR agreement between the EU and UK in addressing government support for large civil aircraft programs. How will the USTR monitor compliance on this issue? What do you think should be our priorities?

Mr. WHITE. Thank you for the question. This is a long-running dispute that I am very familiar with, and it hits home to me.

If confirmed, I want to get to the granular details of the conversations that were had between USTR and the EU, but I fundamentally agree that there needs to be robust monitoring of the EU's compliance with the deal. And also to make it clear that the U.S., and I think this is clear, that the U.S. is not a shrinking violet in terms of taking countervailing measures against the EU if they are not complying with the deal.

Senator CANTWELL. So a lot of damage went into, I think, support for launch aid, and clearly people are trying to move forward in a new day, but I think compliance and oversight will be incredibly important. So I agree with you.

On the issue of digital trade, there are concerns about some European countries' push for digital sovereignty as Europe recovers from the pandemic. European countries like Austria, France, Italy, Spain, and the UK have implemented digital service taxes.

So I am pleased that the President has taken part in the U.S. discussion on trade and technology; that should be helpful. So, beyond dealing with the foreign digital services tax, what is the USTR strategy on digital trade?

Mr. WHITE. Digital trade is something that has been very central to my work over the last 10 years. It is really important. There has been divergence in policies between where the Europeans come from and where the United States comes from.

I am encouraged that there is a discussion. I do not know the details of the discussion. I am encouraged, but I will pledge to consult with you and update you as to how the progress in those talks is going.

Senator CANTWELL. Are you concerned about protectionism?

Mr. WHITE. Yes.

Senator CANTWELL. And so, what do you think we should be doing here that would help in that regard?

Mr. WHITE. I think that this discussion with the Europeans is a good one. But I also think that we have allies around the world that agree with our approach on digital trade. We have seen that in USMCA, for example. We have seen that in the U.S.-Japan Digital Trade Agreement, and we have allies at the WTO, believe it or not, that are allied with us on digital trade concepts that appeared in the USMCA.

Senator CANTWELL. Well, I will tell you, I told the Trade Ambassador that I do think this is the United States' opportunity to lead. The more we unite the world community around what we think are the standards and practices that should be adhered to, the better

off we are going to be on this. So I hope that you will be aggressive in supporting that as well.

Thank you, Madam Chair.

Senator CORTEZ MASTO. Senator Thune?

Senator THUNE. Thank you, Madam Chair. Good morning, and congratulations on your nominations.

I am concerned that there is still not a nominee for Chief Ag Negotiator at USTR, and that is deeply concerning to farmers and ranchers across the country. And it is critical that the administration addresses this role as soon as possible to best serve our Ag Committee. And that is not to in any way minimize the important positions that you all are nominated for.

Ms. Bianchi, what are your views on whether the United States should consider joining the updated Trans-Pacific Partnership or some version of that agreement? And how would you work to advance such a process?

Ms. BIANCHI. Well, thanks for the question, Senator. I think this administration has made it very, very clear that we have to be working with our allies. And I think the President had a successful trip last week in Europe, and I look forward to other efforts in that regard.

But I think we have to start to engage with our allies and to see where we are in the Asia region. And, as we have been discussing this morning, there is also a top-to-bottom review going on about the work on China, and where the Phase One deal is, and where that leads us, and how we can make our trade more effective with China. And certainly, working with our allies is a big piece of that.

Senator THUNE. Specifically, do you think it makes sense to join the TPP? China, I am told, is now talking about trying to get into the Trans-Pacific Partnership.

Ms. BIANCHI. Yes. I think the TPP is a bit outdated. The challenges we face today are different than the ones we faced in 2014–2015. But I think the sentiment of working with our allies to try to counter the rise of China is incredibly important.

Senator THUNE. What other trade initiatives should the United States take to strengthen our economic relations in the Asia-Pacific? And I am thinking of—an example might be a digital trade agreement with countries like Japan or South Korea, possibly a new FTA with Taiwan, or any other Asia-Pacific countries.

Ms. BIANCHI. Well, I do think it is important that we have started to take steps with Taiwan, and that there is a new TIFA process going on—and Secretary Blinken talked about that—and I know Ambassador Tai has met with her counterpart in Taiwan as well.

I think we need to look at other places. I think digital trade is a really important place where we could look to work together and counter some of the pressures from China, as well as a lot of different countries.

Senator THUNE. Well, I hope you will give a lot of intense effort to that. I think right now that area of the world, unfortunately—and I was somebody who supported the TPP and thought that it made a lot of sense for us. And I think we have lost ground there, which we need to recover. And so I hope that you, in this position, will aggressively work to develop more robust relationships with

some of the countries in that region of the world. And Taiwan would be a good example.

Mr. White, part of your portfolio at USTR would include the trading relationship between the United States and the EU. I am concerned about the European Commission's inflexibility on new export certificate requirements on meat and dairy products. The Commission's decision to implement new certification requirements is set to take effect on August 21st and would block many American exports, including dairy products from South Dakota.

This would be devastating to American farmers, processors, and exporters, and would certainly not help improve the EU-U.S. trade relations. So would you commit to prioritizing this matter? And if so, how would you work to resolve it?

Mr. WHITE. The answer is "yes." We have had lots of challenges with ag exports to Europe for a very long time. And this is an important issue to you, and to other Senators on this committee. And so I would prioritize it. But once confirmed, I would consult with USDA, consult with my USTR colleagues, and consult with our mission in Brussels, to see what the state of play is.

Senator THUNE. Do you think it is—would you agree that having a Chief Ag Negotiator at USTR would help resolve such issues? The correct answer is "yes." [Laughter.]

Mr. WHITE. If confirmed, we will have our discussion with Ambassador Tai about what the state of play is on the Chief Ag Negotiator.

Senator THUNE. I think it is critical that we get that position filled as soon as possible.

My time has expired. Am I the last person, Madam Chair? Then let me, if I might, just ask a quick question of our HHS nom. And that is, as you know, Indian Health Service facilities in my State have had issues with abusive providers and poor quality of care for years. Communication is not always strong or timely when we are seeking information. So, if confirmed, will you commit to ensuring that HHS and IHS improve lines of communication with our office?

Dr. EGORIN. Senator, if confirmed, I commit to work with the Indian Health Service and CMS to make sure that we are responsive to your office with any questions.

Senator THUNE. Thank you.

Madam Chair, thank you.

Senator CORTEZ MASTO. Thank you, Senator Thune. And I want to thank all the members for their participation. I would especially like to thank each of the nominees for being here, and for your responses today. And again, congratulations on the nominations.

Regarding questions for the record, the deadline for members to submit QFRs will be Thursday, July 1st, at 5 p.m. That deadline is firm.

Other than that, this hearing is adjourned.

[Whereupon, at 12:20 p.m., the hearing was concluded.]

## APPENDIX

### ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

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PREPARED STATEMENT OF SARAH BIANCHI, NOMINATED TO BE DEPUTY UNITED STATES TRADE REPRESENTATIVE (ASIA, AFRICA, INVESTMENT, SERVICES, TEXTILES, AND INDUSTRIAL COMPETITIVENESS), WITH THE RANK OF AMBASSADOR, EXECUTIVE OFFICE OF THE PRESIDENT

Chair Wyden, Ranking Member Crapo, and members of the committee, good morning. My name is Sarah Bianchi. I live in Virginia with my husband and two children ages 12 and 10.

I am honored to be with you today as you consider my nomination to be Deputy United States Trade Representative with a portfolio including Africa, Asia, and areas of services and investment. If confirmed, I will proudly serve with the strong team Ambassador Tai has put together to help our country emerge stronger from the pandemic and—as President Biden says—to build back better.

Throughout my career, I have focused on increasing American competitiveness through a wide range of economic and domestic policy issues. I co-led the policy process for President Obama’s 2012 State of the Union address, which included global tax policies and manufacturing initiatives to boost wages and improve career opportunities for American workers.

From 2011–2014 I served as Director of Economic and Domestic Policy for then-Vice President Biden. Our work focused on the contributing factors and potential solutions to stop the loss of manufacturing jobs in the United States. I helped lead the extensive research and policy work that informed the 2014 report from the Vice President’s office entitled “Ready to Work: Job-Driven Training and American Opportunity,” which identified several ways to help workers compete in today’s global economy.

As a senior advisor at the Biden Institute, I worked on issues to make America more competitive in the global economy, including on trade. And as a member of the Biden-Harris transition team, I led the domestic policy response to COVID–19. At the time, the pandemic was exposing the supply chain vulnerabilities in the American economy. I was pleased to see the administration launch a trade strike force, chaired by Ambassador Tai, to combat unfair trade practices and increase the resiliency of our supply chains. I look forward to supporting Ambassador Tai’s work on this critical issue.

The administration has been clear about its commitment to making the necessary investments at home and working with allies to address the challenges posed by China. We must have a coordinated and coherent approach that restores the necessary balance to our trade and economic relationship.

Far too often, the review and development of trade policy is separated from the work of creating a competitive economy and a strong middle class. I believe trade must be intricately linked to this effort. I share President Biden’s and Ambassador Tai’s commitment to developing a worker-centered trade policy that encourages a race to the top so we can build back better.

Giving workers a seat at the table will be essential as we develop policy. Ambassador Tai said earlier this month in a speech at the AFL–CIO that “by bringing workers from all backgrounds and experiences to the table, we will create inclusive trade policy that advances economic security and racial and gender equity.”

Hearing workers' stories, their experiences, and perspectives will give us a better understanding of how trade has impacted their lives and how we can lift up communities and individuals that have long been overlooked. This approach will also guide our review of negotiations initiated by the previous administration.

Ambassador Tai has also been clear that any path forward will be done in consultation with Congress. That is exactly what members of Congress, including those on this committee, saw first-hand with the United States-Mexico-Canada Agreement. USMCA is one of the most pro-worker trade agreements ever implemented because workers had a seat at the negotiating table. It is the new template we must use for all future trade agreements and negotiations.

This approach is essential to America's competitiveness in the 21st century, and it must be part of a comprehensive vision for the United States in the global economy.

I have been fortunate to work with leaders who care deeply about America's workers. If confirmed, I will work with Ambassador Tai and the dedicated public servants at USTR to create inclusive trade policy that brings everyone along.

Thank you again for considering my nomination, and I look forward to answering your questions.

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## SENATE FINANCE COMMITTEE

### STATEMENT OF INFORMATION REQUESTED OF NOMINEE

#### A. BIOGRAPHICAL INFORMATION

1. Name (include any former names used): Sarah Abigail Bianchi.
2. Position to which nominated: Deputy United States Trade Representative.
3. Date of nomination: May 27, 2021.
4. Address (list current residence, office, and mailing addresses):
5. Date and place of birth: February 16, 1973; Atlanta, Georgia.
6. Marital status (include maiden name of wife or husband's name):
7. Names and ages of children:
8. Education (list all secondary and higher education institutions, dates attended, degree received, and date degree granted):
 

Paideia High School.  
Atlanta, Georgia.  
Dates attended: August 1987 to June 1991.  
Diploma granted: June 1991.

Harvard University.  
Cambridge, Massachusetts.  
Dates attended: September 1991 to June 1995.  
Diploma granted: June 1995, Bachelor of Arts magna cum laude.
9. Employment record (list all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment for each job):
 

Intern, Domestic Policy Council.  
The White House.  
Washington, DC.  
September 1995 to May 1996.

Confidential Assistant.  
Office of Management and Budget.  
Washington, DC.

June 1996 to January 1997.<sup>1</sup>

Assistant Director for Health Policy.  
Domestic Policy Council.  
The White House.  
January 1997 to August 1998.

Senior Policy Advisor to Vice President Gore.  
The White House.  
Washington, DC.  
August 1998 to March 2020.

Deputy Policy Director.  
Gore for President.  
Nashville, TN.  
March 2000 to November 2000.

Deputy Staff Director for Public Health.  
HELP Committee.  
U.S. Senate.  
February 2001 to June 2002.

Consultant: Democratic Senate Campaign Committee, Democratic Leadership Council, Freedom Health Care, John Kerry for President.  
June 2002 to September 2003.

National Policy Director.  
John Kerry for President.  
Washington, DC.  
September 2003 to November 2004.

Investment Analyst.  
Eton Park Capital Management.  
Washington, DC/New York, New York.  
March 2005 to June 2011.

Director of Domestic and Economic Policy for Vice President Biden and Deputy Assistant to the President for Economic Policy.  
The White House.  
Washington, DC.  
June 2011 to June 2014.

Managing Director.  
BlackRock.  
June 2014 to January 2015.

Global Head of Policy Development and Senior Advisor.  
Airbnb.  
Washington, DC/San Francisco, CA.  
January 2016 to March 2018.

Consultant.  
Washington, DC.  
March 2018 to June 2019.

Senior Managing Director.  
Evercore ISI.  
Washington, DC.  
June 2019–present.

10. Government experience (list any current and former advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments held since college, including dates, other than those listed above):  
N/A.

11. Business relationships (list all current and former positions held as an officer, director, trustee, partner (*e.g.*, limited partner, non-voting, etc.), proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, other business enterprise, or educational or other institution):
  - Evercore ISI, employee.
  - Lyft, consultant.

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<sup>1</sup> Exact months are estimated throughout.

- Consensys, consultant.
  - The Biden Institute (Senior Advisor and Chair of the Policy Advisory Board).
  - The Governance Project, consultant.
  - Emerson Collective, consultant.
  - City of Birmingham, Alabama, consultant.
  - Civic LLC, consultant.
  - Academy of Achievement, consultant.
  - Airbnb, employee.
  - Blackrock, employee.
  - Eton Park, employee.
  - Harvard University, Institute of Politics Senior Advisory Committee.
12. Memberships (list all current and former memberships, as well as any current and former offices held in professional, fraternal, scholarly, civic, business, charitable, and other organizations dating back to college, including dates for these memberships and offices):
- Coach, Arlington Soccer Association, 2016–2019.
13. Political affiliations and activities:
- a. List all public offices for which you have been a candidate dating back to the age of 18.
- None.
- b. List all memberships and offices held in and services rendered to all political parties or election committees, currently and during the last 10 years prior to the date of your nomination.
- None.
- c. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$50 or more for the past 10 years prior to the date of your nomination.
- Biden for President (via Act Blue), 02/11/20, \$20.
- Biden for President, 11/06/19, \$1,000.
- Biden for President (via Act Blue), 10/17/2019, \$14.
- Biden for President (via Act Blue), 10/01/2019, \$100.
- Biden for President (via Act Blue), 09/28/19, \$100.
14. Honors and awards (list all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievement received since the age of 18):
- None.
15. Published writings (list the titles, publishers, dates, and hyperlinks (as applicable) of all books, articles, reports, blog posts, or other published materials you have written):

#### **Public Writings**

Keeping a Relentless Focus on the Middle Class and the Dignity of Work, Biden Institute, September 19, 2017, <https://www.bidenschool.udel.edu/biden-institute/blog/Pages/Keeping-a-Relentless-Focus-on-the-Middle-Class-and-the-Dignity-of-Work.aspx#>.

The Many Lessons of Senator John McCain, Medium, August 29, 2018, <https://medium.com/@sarahbianchi/the-many-lessons-of-senator-john-mccain-93de850508d9>.

Life Lessons We Can All Learn from Joe Biden, Medium, June 7, 2015, <https://medium.com/@sarahbianchi/life-lessons-we-can-all-learn-from-joe-biden-eee565ee3819>.

Go Harvard Cods?, The Harvard Crimson, February 5, 1994, <https://www.thecrimson.com/article/1994/2/5/go-harvard-cods-pthe-administration-has/>.

Club Boycott About Equal Access, Not Elitism (letter to the editor), The Harvard Crimson, October 12, 1993, <https://www.thecrimson.com/article/1993/10/12/club-boycott-about-equal-access-not/>.

**Evercore Research Notes (for clients, copies provided to committee)**

May 15, 2021: Republicans to send new counter offer next week as optimism rises for a bipartisan infrastructure deal, but challenges remain.

May 12, 2021: Big week ahead for bipartisanship on infrastructure even as Republicans and Democrats point fingers on a weak jobs report.

May 7, 2021: A busy week in Washington: Debt ceiling, gig workers, vaccine diplomacy, and outlook for China bill.

May 4, 2021: Roadmap for Biden's plan—starts with bipartisanship through May.

April 28, 2021: Biden to outline American Family Plan including capital gains tax and increased top rate.

April 27, 2021: New census data and reapportionment add challenges for Democrats in the midterm elections.

April 23, 2021: Week wrap in Washington: tax hikes and health care make headlines as Biden readies for first address to Congress.

April 22, 2021: Flash Note: White House is not likely to include health care and prescription drug pricing in American Families Plan.

April 22, 2021: House Democrats to introduce prescription drug pricing reform legislation to put the issue in the spotlight ahead of Biden's American Families Plan.

April 20, 2021: Biden set to outline second package on human infrastructure and individual taxes next week while an elusive search for bipartisanship continues.

April 13, 2021: Key developments are shaping the contours of the infrastructure and tax legislation, including the corporate tax rate and dividing up the legislation.

April 6, 2021: As reactions come in on Biden infrastructure plan, Manchin clear the corporate rate shouldn't go above 25 percent.

March 31, 2021: Five takeaways from Biden's opening bid on infrastructure and taxes.

March 30, 2021: Biden's infrastructure spending plan looks to be coming in at \$2.25 trillion.

March 30, 2021: Biden goes bigger and bolder as infrastructure rollout nears.

March 29, 2021: Biden coloring in the lines on legislative strategy for the next package.

March 26, 2021: Biden set to unveil more details of Build Back Better next week—\$3 trillion to kick start legislative process.

March 22, 2021: White House considering \$3 trillion for next round but many more decisions to go for infrastructure and investment package.

March 19, 2021: White House signals break up into multiple bills is possible as early signs of challenges arise.

March 18, 2021: Filibuster reform looks more likely as Biden supports a "talking filibuster" but it won't change the trajectory on taxes.

March 16, 2021: Taxes, taxes, taxes—how Biden and then Congress might pay for the next bill.

March 11, 2021: Biden tax plan—plenty of headline risk even though it won't all become law.

March 11, 2021: The next bill: how will Democrats go about the infrastructure and investment package?

March 8, 2021: Three issues that may shape the fiscal spending debate this summer: Medicare Trust Fund, debt ceiling, and August recess.

March 4, 2021: Messy procedural processes and new fiscal questions won't stop the Senate from passing COVID relief on time.

February 25, 2021: Flash Note—Senate Parliamentarian rules against minimum wage hike.

February 23, 2021: One of the early tests for minimum wage could come this week.

February 22, 2021: Yellen signals higher taxes in the next package but Congress won't go as far as administration.

February 15, 2021: Democrats take charge in Washington: early takeaways and signposts for the road ahead.

October 13, 2020: U.S. Q4 stimulus chances waning; eyes turn to Q1 but it likely won't fully make up for Q4.

October 12, 2020: Ten trends Trump needs to turn in twenty-two days.

October 12, 2020: A compendium: the election and impact of a democratic sweep.

October 9, 2020: On again-off again-on again: fiscal stimulus negotiations resumed with Pelosi and Mnuchin speaking again.

October 8, 2020: As the chances of a larger Democratic sweep increase, Democrats could pass more of their agenda—but they still cannot legislate too far left.

October 6, 2020: Yet another October surprise: Trump tweet storm puts stimulus negotiations off for now but we'll see if it sticks.

October 5, 2020: Fiscal negotiations continue and Trump tweets support—chances of a deal are inching upward but timing is slowed due to Senate illnesses.

October 2, 2020: Trump diagnosis ups odds of a stimulus deal and a blue sweep.

October 1, 2020: Pelosi and Mnuchin both have new plans—today will be critical to determine if they can bridge the gap and bring others along.

September 29, 2020: Fiscal stimulus—renewed talks and a new House bill don't change the odds that much for a pre-election deal.

September 28, 2020: A comprehensive overview of what Democrats might do if they sweep the elections and implications for key sectors.

September 24, 2020: Speaker Pelosi and Secretary Mnuchin talks don't improve that much the outlook for a stimulus deal before the election.

September 21, 2020: A September surprise: how the death of Justice Ruth Bader Ginsburg changes the landscape for 2020.

September 16, 2020: Fiscal stimulus—some political posturing, no progress, and grim prognosis.

September 9, 2020: Fiscal stimulus harder to pass without a clear action forcing mechanism—it's in Trump's court to change the dynamics.

September 3, 2020: What is on tap for the election homestretch? And will there be an "October Surprise"?

August 24, 2020: What would a Democratic sweep mean for health care?

August 21, 2020: What to expect at the Republican National Convention: China, the economy, and more.

August 19, 2020: Flurry of activity around USPS funding and renewed legislative fiscal efforts, but no serious conversations yet.

August 13, 2020: See you in September—fiscal four negotiations break down leaving legislative action till September as Washington focuses on political conventions.

August 10, 2020: Senate Election Guide: While a Democratic sweep is an increasingly likely outcome, control of the Senate likely to move with the Presidency.

August 7, 2020: Fiscal Four negotiations stalling with some risk, but a deal is still likely and the number is moving up.

August 4, 2020: These talks are going awfully slow—we still think ultimately they will get there on legislation—and not much from Trump unilaterally.

July 30, 2020: Trump can't postpone the election—but he is setting up a narrative to call into question the results, which has the potential to cause quite a mess.

July 28, 2020: Flash Note: Republicans unveil \$1 trillion stimulus package—at least allowing negotiations to begin in earnest.

July 22, 2020: Congress is off to a slow start despite a quick time crunch to resolve Fiscal Four—a package is not likely until the first week in August.

July 7, 2020: Congress has a very tight deadline to negotiate Fiscal Package Four—that leaves economic risks.

July 1, 2020: What happens to taxes in a Democratic sweep? It depends on the economy and the Senate.

June 16, 2020: Flash Note: How does a White House Infrastructure Plan fit into our outlook for Fiscal Four and the rest of the congressional agenda? Not very well.

June 9, 2020: 2020 election series: a deep dive on the key factors that will determine the presidency.

June 7, 2020: Week in Washington wrap—large protests, good economic news, and more U.S./China tensions.

June 5, 2020: Surprisingly good jobs report makes another fiscal stimulus more challenging to pass Congress but we still expect one more this summer.

May 29, 2020: Twitter vs. Trump: The President's Executive Order on section 230 is more bark than bite—but it underscores why section 230 reform is the biggest risk facing the tech industry.

May 28, 2020: New poll shows selecting Elizabeth Warren for VP would do the most to help Biden win, but many considerations at play.

May 21, 2020: Why U.S.-China policy is critical to President Trump's reelection strategy—and what it means for investors.

May 20, 2020: Powell's comments are helping move Congress closer towards next stimulus deal.

May 14, 2020: Pelosi's ambitious \$3 trillion fiscal package unlikely to go anywhere as Republicans wait to see how existing relief works.

May 7, 2020: Battle lines are hardening making it unlikely next stimulus passes in May.

May 6, 2020: Replay and Note on Webinar: Understanding the Growing U.S.-China Tensions with Sarah Bianchi and Guest Michael Allen.

May 5, 2020: Tough China rhetoric likely to last through the election—but Trump administration won't implement the harshest policy options under discussion.

April 28, 2020: Congress is coming back to DC but given the divisions how will they move forward on the next stimulus.

April 26, 2020: Week in Washington wrap—more stimulus but what about oil, small business, housing, voting and State and local fiscal relief and the price tag!

April 21, 2020: Senate passes next fiscal package focused on small businesses—even as PPP comes under criticism.

April 21, 2020: A growing macro issue: U.S. state and local budget holes.

April 20, 2020: A really big election is coming—and how voting takes place could impact the outcome.

April 15, 2020: Flash Note: Real progress now underway on Fiscal Package #4.

April 13, 2020: Partisanship making the roadmap to stimulus #4 harder as Democrats advocate for more than just small business expansions.

April 7, 2020: Oh Right It's an Election Year—Senator Sanders to Exit Shortly and New Questions about How to Vote Amid Coronavirus Emerge.

April 3, 2020: Pelosi walks back idea of adding infrastructure to next relief package—but still pushing for it as part of recovery.

March 31, 2020: Starting on the fourth stimulus—a few places of common ground emerge—including infrastructure—but many different priorities.

March 26, 2020: The final bill! Senate passes fiscal stimulus bill—House scheduled vote tomorrow.

March 25, 2020: Half yard line—update on the (very almost final) \$2 trillion fiscal package.

March 24, 2020: At the one yard line—what is in the (almost final) \$2 trillion fiscal package.

March 23, 2020: Flash Note—No Senate votes tonight but. . . .

March 23, 2020: Ready for a rocky morning as the next Senate vote not till noon.

March 22, 2020: As cloture vote fails in the Senate—negotiations continue through the night.

March 22, 2020: Delaying Senate cloture vote till 6 p.m.—a good sign that negotiations are continuing around differences in the \$500B in corporate relief.

March 22, 2020: Congress speeding to a \$1.6 trillion + package; leaders meeting this morning to hash out agreement; first vote scheduled for 3 p.m.

March 21, 2020: Evaluating the next phase of fiscal relief from Congress: what will work, what won't, and what could.

March 21, 2020: Negotiating a \$1 trillion plus stimulus staying largely on track—because there is no other choice.

March 19, 2020: Flash Note—Enter McConnell's plan, bigger on business aid but smaller household checks.

March 19, 2020: Some parts of the White House \$1 trillion plan for fiscal package #3 will sail smoothly other ideas will hit bumps as policymakers tee up the next package.

March 17, 2020: Update on fiscal package #3—currently at \$1 trillion, will only get bigger, and will get done—but doesn't mean it will be easy.

March 17, 2020: Congress moving towards massive stimulus package—Congress likely passes next week and could exceed \$1 trillion.

March 16, 2020: Flash Note—Romney proposes \$1,000 checks; fiscal politics remain fluid.

March 16, 2020: Fiscal policy response is moving but DC still lagging on what is needed.

March 13, 2020: Flash Note—Trump declares national emergency.

March 12, 2020: Flash Note—Pelosi and Mnuchin agree on deal; House likely to vote tonight or tomorrow; Senate likely to follow Monday; no large stimulus in this bill.

March 12, 2020: Despite partisan back and forth we think Congress likely to pass some version of Pelosi bill this week.

March 11, 2020: Flash Note—Trump comes up short on stimulus, overshadowed by European restrictions.

March 11, 2020: Flash Note—Pelosi to pass her first phase legislative package this week—Senate may well follow—won't be enough to calm markets.

March 10, 2020: Flash Note—Political tensions and calendar will make fiscal package this week hard and will be limited.

March 10, 2020: Flash Note—Moving quickly we will likely see some action this week—but not enough to impress markets.

March 9, 2020: Flash Note—Washington waking up to need for stimulus—some actions like sick leave could pass quickly.

March 3, 2020: The key question for the reshaped Democratic primary: how delegates divide after Super Tuesday.

February 29, 2020: Biden's South Carolina win provides momentum and raises odds that Bloomberg gets out of the race BEFORE Super Tuesday.

February 28, 2020: Coronavirus enters center stage and could remake the 2020 political and economic environment.

February 28, 2020: It's all about the delegates—Can Bernie Sanders rack up enough delegates on Super Tuesday to make him too hard to catch?

February 25, 2020: Is Sanders stoppable starting in South Carolina? What to watch in tonight's debate.

February 21, 2020: The blasting of Bloomberg was brutal, but the bigger issue is whether anyone can keep Bernie from running so far ahead no one can catch him.

February 19, 2020: Enter Bloomberg Stage Right—And Can Anyone Stop 'the Bern'? What to Watch in Tonight's Debate.

February 14, 2020: Can anyone get 1,991 delegates? The increasingly likely path to a contested Democratic convention.

February 11, 2020: Five Takeaways from Coronavirus Webinar with White House Ebola Czar Ron Klain.

February 7, 2020: What to watch in tonight's debate that wraps up the Democrats terrible, horrible, no good very bad week.

February 6, 2020: What's Next for the Democratic Primary Post the Iowa Debacle and Heading to New Hampshire.

February 4, 2020: The loser tonight—the Iowa caucus.

February 3, 2020: Flash Note: Quick guide to watching Iowa reporting.

February 3, 2020: The impact of the Iowa caucus—will Sanders keep surging? If so, is it a two person race or a muddled mess In the middle?

January 31, 2020: Political Reset: A New Political Landscape in Washington is Coming Next Week—And It's Going to Make Some Democrats VERY Nervous.

January 27, 2020: Flash Note: Infrastructure and prescription drugs will top the likely-to-stall legislative agenda—starting with Pelosi's 2020 infrastructure plan this week.

January 24, 2020: Is Bernie Sanders surging just at the right time? Could he win the Democratic primary?

January 22, 2020: The implications of the Senate impeachment trial—for 2020 and beyond.

January 13, 2020: A comprehensive guide to the 2020 Democratic presidential primary—the path to the nomination and the policy implications.

December 12, 2019: Pelosi's busy week—Part 3: Congress reaches agreement to fund government through end of FY 2020.

December 10, 2019: Pelosi's busy week—Day 2: USMCA deal, articles of impeachment, passing prescription drugs and moving on the budget.

December 9, 2019: Outlook for health care provisions in any budget deal—Congress wants to fix the health tax issues and might kick the can on real surprise billing.

December 9, 2019: Pelosi's busy holiday season—impeachment, drug pricing, USMCA, and budget all on tap for remaining days.

December 4, 2020: It's always darkest before dawn—even if 'phase one' deal timing slows, contours remain intact and the President is highly unlikely to pull the trigger on December 15th tariffs; Speaker Pelosi still likely to pass USMCA.

November 26, 2019: Flash Note—It is hard for Mayor Bloomberg turn unlimited funds into votes—and not totally clear who he'll take them from.

November 20, 2019: Flash Note—What to watch in tonight's Democratic debate: the first four all have flaws. Whoever can best address their weakness wins the night and maybe the nomination.

November 8, 2019: Enter Bloomberg stage right? Many unknowns but the short-term winner is clear: Elizabeth Warren who welcomes a change of conversation from her Medicare for all plan.

November 1, 2019: Warren back on offense on health care—fiscally she now has an answer, but did she create more problems than she solved?

October 20, 2019: Evaluating a potential Warren presidency—starting with what Warren can do without Congress.

October 17, 2019: Flash Note—be ready for a Buttigieg boomlet.

October 16, 2019: Senator Warren feels the fire fit for a frontrunner—debate kicks off a new phase for the Democratic primary.

October 15, 2019: Warring with Warren, questioning Trump’s China deal, furious with Facebook, and beyond—a guide to the Democratic debate.

October 11, 2019: Phew! They crossed the tightrope—assessing Part I of the China trade “deal.”

October 9, 2019: Wait, what’s the strategy again? Making sense of U.S./China talks.

October 1, 2019: U.S. politics—impeachment tsunami has reset the Washington climate, but policy landscape largely intact.

September 26, 2019: Speeding towards impeachment: a brief road map.

September 24, 2019: We’re barreling towards impeachment.

September 20, 2019: Flash Note—House kicks can on budget fight until mid-November.

September 19, 2019: President Trump’s response to the Pelosi bill is not enough to overcome Senator McConnell’s resistance.

September 19, 2019: Mark Zuckerberg’s “good will” tour in Washington is a good, but small, step given the serious risks facing big tech.

September 19, 2019: Flash Note—Pelosi’s prescription drug plan is as expected; the key is still how President Trump responds.

September 17, 2019: Flash Note—Response to Saudi oil attack, good trade news, risks for big tech and more on deck in DC this week.

September 13, 2019: Flash Note—Debate takeaway on China: while Trump tries to settle down uncertainty around China, 2020 Democrats rev it up.

September 11, 2019: Flash Note—Trump’s “gesture of good will” to delay tariffs is a sign of an effort to settle the uncertainty with China.

September 10, 2019: Flash Note—Pelosi prescription drug bill: four quick points.

September 9, 2019: U.S. policy and markets: the top dozen issues + election.

16. Speeches (list all formal speeches and presentations (*e.g.*, PowerPoint) you have delivered during the past 5 years which are on topics relevant to the position for which you have been nominated, including dates. Provide the committee with one digital copy of each formal speech and presentation):

N/A.

17. Qualifications (state what, in your opinion, qualifies you to serve in the position to which you have been nominated):

For years, I have worked on a wide range of economic and domestic policy issues around American competitiveness. I co-lead the policy development process for President Obama’s 2012 State of the Union address which included developing a number of global tax policies and manufacturing initiatives designed to enhance America’s competitiveness and improve job opportunities for American workers, particularly those whose jobs were at risk or lost due to trade policies.

In addition, for the 3 years I served as Director of Economic and Domestic Policy for then-Vice President Biden much of our work focused on the loss of manufacturing jobs in the United States—both the contributing factors as well as the best path forward. I also was involved in extensive research and policy work that led to the report by Vice President Joe Biden in 2014 entitled “Ready to Work: Job-Driven Training and American Opportunity” that outlined many of the issues of how to compete in the global economy.

As a senior advisor at the Biden Institute, we worked on a range of issues around making America more competitive in the global economy, including trade. As a member of the Biden-Harris transition, I led the domestic response to COVID-19 where it quickly became clear that the supply chain vulnerabilities in the American economy were laid bare by the COVID pandemic.

Too often trade policy is considered separately from the work of creating a country with a competitive economy and a strong middle class. Trade must be intricately linked to this effort. I share President Biden's and Ambassador Tai's commitment to developing a trade agenda infused and informed by the overall goal of building back better. It is essential to America's competitiveness and a strong future for our workers that trade policy works for America's workers and is part of a comprehensive vision for the United States in the global economy.

#### **B. FUTURE EMPLOYMENT RELATIONSHIPS**

1. Will you sever all connections (including participation in future benefit arrangements) with your present employers, business firms, associations, or organizations if you are confirmed by the Senate? If not, provide details.  
Yes.
2. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, provide details.  
No.
3. Has any person or entity made a commitment or agreement to employ your services in any capacity after you leave government service? If so, provide details.  
No.
4. If you are confirmed by the Senate, do you expect to serve out your full term or until the next presidential election, whichever is applicable? If not, explain.  
Yes.

#### **C. POTENTIAL CONFLICTS OF INTEREST**

1. Indicate any current and former investments, obligations, liabilities, or other personal relationships, including spousal or family employment, which could involve potential conflicts of interest in the position to which you have been nominated.  
  
In connection with the nomination process, I have consulted with the Office of Government Ethics and the Office of the Designated Ethics Official of the Office of the U.S. Trade Representative to identify any potential conflicts of interest. Any conflict of interest will be resolved according to the terms of an ethics agreement I am entering into with the Office of the U.S. Trade Representative and that will be provided to this committee.
2. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years (prior to the date of your nomination), whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.  
N/A.
3. Describe any activity during the past 10 years (prior to the date of your nomination) in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy. Activities performed as an employee of the Federal Government need not be listed.  
N/A.
4. Explain how you will resolve any potential conflict of interest, including any that are disclosed by your responses to the above items. (Provide the committee with two copies of any trust or other agreements.)  
  
In connection with the nomination process, I have consulted with the Office of Government Ethics and the Office of the Designated Ethics Official of the Office of the U.S. Trade Representative to identify any potential conflicts of interest.

Any conflict of interest will be resolved according to the terms of an ethics agreement I am entering into with the Office of the U.S. Trade Representative and that will be provided to this committee.

5. Two copies of written opinions should be provided directly to the committee by the designated agency ethics officer of the agency to which you have been nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position.
6. The following information is to be provided only by nominees to the positions of United States Trade Representative and Deputy United States Trade Representative:

Have you ever represented, advised, or otherwise aided a foreign government or a foreign political organization with respect to any international trade matter at any time in any capacity? If so, provide the name of the foreign entity, a description of the work performed (including any work you supervised), the time frame of the work (*e.g.*, March to December 1995), and the number of hours spent on the representation.

No.

#### **D. LEGAL AND OTHER MATTERS**

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? Have you ever been interviewed regarding your own conduct as part of any such inquiry or investigation? If so, provide details, regardless of the 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? Have you ever been interviewed regarding your own conduct as part of any such inquiry or investigation? If so, provide details.  
No.
3. Have you ever been involved as a party in interest in any administrative agency proceeding or civil litigation? 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.
5. Please advise the committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.  
N/A.

#### **E. TESTIFYING BEFORE CONGRESS**

1. If you are confirmed by the Senate, are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?  
Yes.
2. If you are confirmed by the Senate, are you willing to provide such information as is requested by such committees?  
Yes.

## QUESTIONS SUBMITTED FOR THE RECORD TO SARAH BIANCHI

## QUESTIONS SUBMITTED BY HON. RON WYDEN

*Question.* Your portfolio includes Africa, and to the extent the administration chooses to continue the negotiations with Kenya, you may be charged with leading those negotiations. This is the first bilateral trade deal being negotiated with a sub-Saharan African country, so it is important that any agreement we reach be ambitious and enforceable, with high standards on issues like the environment, labor, the rule of law and digital trade.

Kenya has a unique labor environment, including a sizable informal labor market. How would you ensure that we could achieve high-standard and enforceable labor obligations with Kenya?

How do you view an agreement with Kenya fitting into the United States' overall engagement with African nations, including through AGOA?

*Answer.* I understand that the Biden-Harris administration is currently reviewing the proposed U.S.-Kenya agreement that the previous administration initiated. If confirmed, I would review the model of USMCA in order to understand how labor, environment, and human rights would be core elements of our trading relationship with Kenya and how the United States could support the newly formed African Continental Free Trade Area (AfCFTA), which began in January 2021.

*Question.* If you are confirmed, your portfolio will include competition policy. That could cover a broad variety of issues, many of them directly connected to China. In our recent bipartisan competition and innovation bill, Ranking Member Crapo and I approached this issue from two sides—both addressing ways to support U.S. innovators, workers, and businesses, and taking action to level the playing field with China and other countries that engage in unfair trade practices.

When you think about competition policy, what does that encompass, and what could USTR be doing—or doing better—to ensure American workers can compete fairly with their counterparts abroad?

*Answer.* I agree with the approach taken in the bipartisan competition and innovation bill, of thinking about both the actions we can take domestically to enhance the competitiveness of key sectors important to U.S. jobs and economic growth as well as taking strong action to ensure those sectors can compete fairly with China and other practices. USTR can and does work to ensure that trade policies support and reinforce those domestic actions. If confirmed, I will work to further those efforts.

## QUESTIONS SUBMITTED BY HON. MIKE CRAPO

## ENGAGEMENT WITH TPP COUNTRIES

*Question.* The administration has said that the Trans-Pacific Partnership (TPP) agreement needs to be reevaluated “since much has changed in the world since TPP was originally signed in 2016.” Meanwhile, China stands poised to have better market access than the United States in the region because its Regional Comprehensive Economic Partnership agreement—or RCEP—is advancing toward entry into force.

What, if any, are the specific developments since 2016 that you think have made TPP outdated—and what could be done to update TPP disciplines in response to those developments?

*Answer.* The Biden-Harris administration has taken critical steps to improve U.S. supply chain resiliency after COVID-19 revealed significant gaps in our supply chains that make us more vulnerable to crises. We realize that we cannot make or mine everything. Trade must be a component of strengthening our supply chains—and our economy. If confirmed as Deputy USTR, I will work to advance a high-standard, worker-centered trade policy that represents a viable alternative to China, reflects American values, supports U.S. manufacturing, and reduces vulnerabilities in our supply chains.

## CHINA MARKET AND CENSORSHIP

*Question.* China's market access restrictions and its censorship policies often run in parallel. For example, China imposes a quota of 34 foreign films a year, and often places pressure on our creative industries to censor the content of their works in

order to secure a seat at this limited table. This hurts American employment—and undermines our values.

What measures do you believe the administration should consider deploying in response to this problem?

Answer. The Chinese Government's censorship policies are an affront to democratic, open societies. They are deeply problematic for the Chinese people, and others around the world as the government extends its censorship extraterritorially. The denial of market access is an important commercial facet of this much larger concern. We have seen that, to date, China has a record of nominal compliance with many core trade obligations, and securing Chinese compliance with its trade commitments is an ongoing problem. President Biden has pledged to work with allies to address the adverse consequences of non-market authoritarian behavior.

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QUESTIONS SUBMITTED BY HON. MARIA CANTWELL

TRADE WITH ASIA-PACIFIC

*Question.* What is your view on multilateral trade agreements in the Asia-Pacific region?

How does USTR plan to utilize the Asia-Pacific Economic Cooperation forum (APEC) to make progress on the U.S. economic agenda and bolster the United States' position in the region?

How does USTR now intend to approach Japan? Will USTR continue bilateral trade talks or will it take a multilateral approach on agriculture and other market access issues?

How will USTR approach South Korea? How USTR help us work with allies like South Korea to ensure supply chain resiliency for critical industries?

Answer. The Biden-Harris administration is committed to investing in our multilateral relationships. If confirmed, I will make it a priority to engage with our trading partners in APEC, ASEAN, and other multilateral settings. By collaborating with our allies in the Asia-Pacific including Korea and Japan, we can advance a worker-centered trade policy and improve U.S. supply chain resiliency, while also addressing bilateral trade priorities.

301 EXCLUSIONS PROCESS

*Question.* Where does the review of the 301 tariff exclusion process stand? How long will U.S. companies have to wait for answers about whether and when the 301 tariff exclusion process might be re-instated?

Answer. The administration is currently reviewing its strategy with respect to China, in light of its Build Back Better agenda to create good-paying jobs and support American families. Similarly, USTR is reviewing the China trade policy, including the section 301 tariffs and exclusions. If confirmed, I will ensure that the approach to an exclusion process and its reinstatement is consistent with the administration's goals and a worker-centered trade policy.

*Question.* Will USTR consider reinstating 301 tariff exclusions as quickly as possible for companies that previously received them?

Answer. If confirmed, I will consider the question of past tariff exclusions, and a future exclusion process in the context of the administration's goals and furthering a worker-centered trade policy.

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QUESTIONS SUBMITTED BY HON. ROBERT MENENDEZ

*Question.* A number of my colleagues and I have been urging the administration to accelerate our trade talks with Taiwan toward the objective of negotiating a full trade agreement. Taiwan is a vibrant democracy and the right type of partner with whom the U.S. can develop the high-standard, progressive trade policy this administration is looking for. Any final agreement should also incorporate strong rules of origin and other safeguards to ensure that the PRC cannot use a U.S.-Taiwan trade agreement as a back door into the U.S. market.

How do you think we can best strengthen our trade ties with Taiwan?

Answer. Taiwan is an important economic and strategic partner for the United States. USTR recently concluded a round of TIFA negotiations with Taiwan, and, if confirmed as Deputy USTR, I look forward to building off of that progress to strengthen this critical relationship by collaborating on our shared interests, such as resilient supply chains.

*Question.* Will you commit to consulting with my office on any trade negotiations with Taiwan, if confirmed?

Answer. If confirmed, I commit to consulting closely with Congress on trade engagement with Taiwan.

*Question.* Ambassador Tai said during her confirmation hearing that she would commit to “close consultations with the Senate Finance Committee on trade negotiations” and would work closely with the committee to identify ways to “improve the flow of information in the development of trade policy.”

Do you likewise make this commitment?

Answer. Yes.

*Question.* Since USTR has committed to follow the 2015 Guidelines for Consultation and Engagement, will you commit to seek input from the Committees on Finance and Ways and Means on U.S. text proposals before sharing them with other governments and commit to provide an oral update to this committee on the status of negotiations both before and after each negotiating session?

Answer. If I am confirmed, I will follow the 2015 Guidelines for Consultation and Engagement.

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#### QUESTIONS SUBMITTED BY HON. THOMAS R. CARPER

##### MULTILATERAL TRADE AGREEMENTS

*Question.* On June 22, 2021 the Finance Subcommittee on International Trade, Customs, and Global Competitiveness held a hearing to review the benefits of a multilateral approach to trade policy in the Asia-Pacific region. We heard from experts who advised us on how the United States can get its seat back at the table and actively work with our allies to form new agreements to boost jobs and economic growth in our country.

Could you please share your perspective on the merits of a multilateral approach to trade policy in the Asia-Pacific region?

Would you agree that the United States needs a strategy for reengaging our allies in the Asia-Pacific region on trade? If yes, what are the essential elements that must be addressed to ensure that the United States can successfully reengage in the region?

Answer. If confirmed, I will work with Ambassador Tai to deepen trade engagement in the Asia-Pacific region. The Biden-Harris administration is committed to investing in our multilateral relationships. As Deputy USTR, I will make it a priority to engage with our trading partners in APEC, ASEAN, and other multilateral settings. By collaborating with our allies in the Asia-Pacific, we can advance a worker-centered trade policy and create a high-standard alternative to China’s influence in the region.

##### DIGITAL TRADE

*Question.* Today, Americans rely on the Internet for a variety of uses, including work, education, health care, commerce, and much, much more. The Internet has also inspired innovation and spurred economic development. Many of our trade agreements were written before the development and widespread use of the Internet or have not kept up with recent developments in the digital world.

What can be done to position the United States to be a leader on digital trade matters?

Answer. The responsible use of technology provides innumerable benefits to citizens all over the world. Digital trade policies can harness those benefits and, if crafted correctly, promote shared prosperity. I am also mindful, however, that irresponsible use of technology has destabilizing effects, including of democracy itself, and otherwise undermines trust in both the digital economy and in trade itself. Moreover, existing digital trade agreements fail to acknowledge the critical role of

workers in the digital economy. If confirmed, I look forward to working with members of this committee to ensure the United States can become a leader on digital trade.

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QUESTION SUBMITTED BY HON. SHELDON WHITEHOUSE

*Question.* The U.S. textiles industry employs over half a million workers nationwide, including many in Rhode Island, and is the second largest exporter of textile products in the world. The industry has played a critical role in supplying personal protective equipment throughout the COVID-19 pandemic. China's Made in China 2025 initiative includes textiles among the advanced materials it hopes to target.

What will you do to ensure our trade policies address unfair advantages enjoyed by foreign textiles manufacturers?

*Answer.* The Biden-Harris administration is committed to taking on unfair Chinese trade policies in all sectors, including textiles. The COVID-19 pandemic has shown just how important a modern textiles industry can be, and, if confirmed, I look forward to working with you on this important issue.

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QUESTION SUBMITTED BY HON. ELIZABETH WARREN

*Question.* I appreciate the commitment you expressed in the hearing to elevating labor and environmental issues across your portfolio at USTR, if confirmed. One key relevant issue is rules of origin (ROO) in trade agreements. ROO can ensure that preferential treatment is granted only to imports from countries subject to the trade agreement's rules, which should include strong, enforceable labor and environmental standards. Weak ROO, however, can force the U.S. to grant preferential treatment to products that are by value largely from countries outside of trade agreement and therefore subject to none of its commitments. The Trans-Pacific Partnership, for example, not only lacked adequate labor and environmental rules, its ROO would have applied preferential treatment to cars with components from non-TPP countries comprising more than half the vehicle's value.

Do you agree that trade agreements must include strong, enforceable labor and environmental standards, as well as robust rules of origin, so that preferential treatment is not extended to countries with poor labor and environmental practices?

*Answer.* Yes.

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QUESTION SUBMITTED BY HON. CHUCK GRASSLEY

*Question.* Iowa is a leading hub for amino acid innovation and production for use in animal agriculture throughout the United States. I am concerned that unfair Chinese subsidies to its amino acid industry have resulted in unfair increases in imports of Chinese amino acids such as Lysine and Threonine. These unfair trade practices jeopardize the vitality of U.S. amino acid producers, the U.S. amino acid supply chain, and American corn growers.

If confirmed, will you include the issue of potential Chinese unfair practices in the amino acid space as part of the Biden administration's international trade agenda with China? Will you also commit to briefing my office and the relevant Capitol Hill committees on this issue on a biannual basis?

*Answer.* China's nonmarket economy and industrial policies disadvantage U.S. companies and workers in numerous sectors. If confirmed as Deputy USTR, I commit to making it a priority to combat China's unfair trade practices, including those that harm U.S. amino acid producers. I will consult closely with Congress on these efforts.

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QUESTIONS SUBMITTED BY HON. JOHN CORNYN

*Question.* When nominee Tai appeared before us, now 3 months ago, many Senators raised questions about the 25-percent section 301 China tariffs the last administration had reimposed in January, and many of us expressed our hope that USTR would act quickly to retroactively extend the exclusions and set up a new round for

applications for exclusions. In her answers, she said, “If confirmed, I commit to assessing the section 301 tariffs and exclusion process as part of President Biden’s comprehensive approach to confronting the China challenge.”

She appeared again 5 weeks ago, and Senators pressed her on when we could expect USTR to act. She answered, “As soon as we can, and ensure that what we are doing has been thought through and is strategic and has a clear objective.”

Last week, the Senate expressed its growing frustration with USTR’s inaction by adding provisions to the Innovation and Competition Act that would compel USTR to retroactively renew exclusions and establish a new process to apply for exclusions. This legislative action comes after impacted companies and consumers have paid billions of dollars in reimposed tariffs, a full five months since the President was inaugurated, and three months after Katherine Tai was confirmed.

One specific area of complaint where an exclusion was previously granted and was raised by my constituents is the import of art to museums and exhibits here in the U.S.

If confirmed, can you commit to making the reestablishment of an exclusion process for the section 301 tariffs an immediate priority?

Answer. The administration is currently reviewing its strategy with respect to China, in light of its Build Back Better agenda to create good-paying jobs and support American families. Similarly, USTR is reviewing the China trade policy, including the section 301 tariffs and exclusions. If confirmed, I will ensure that the approach to an exclusion process and its reinstatement is consistent with the administration’s goals and a worker-centered trade policy.

*Question.* In May, USTR announced that it would support the waiving of intellectual property for COVID-19 vaccines and support text-based negotiations on a broader anti-innovation proposal from India and South Africa—longtime opponents of intellectual property protections. This was a dramatic shift from our historic and longstanding support for stronger IP protections and enforcement globally. In other words, we are usually in the business of supporting American innovation and creativity, not supporting giving it away to our competitors.

Since such a waiver of WTO/TRIPS agreement is likely to undermine—not expand—existing manufacturing capacity issues and will come months after the U.S. has already donated its excess supply for the rest of the world, as Deputy USTR will you recommit this administration to this country’s longstanding and bipartisan support for American intellectual property?

Answer. The Biden-Harris administration believes strongly in intellectual property protections. The COVID-19 pandemic presented an extraordinary circumstance that required extraordinary measures. The administration therefore supported a TRIPS waiver for COVID-19 vaccines in service of ending this terrible global pandemic. The administration’s aim is to get as many safe and effective vaccines to as many people as fast as possible. As our vaccine supply for the American people is secured, the administration will continue to ramp up its efforts—working with the private sector and all possible partners—to expand vaccine manufacturing and distribution.

*Question.* One week from today will mark the 1-year anniversary from entry into force of the USMCA. Over the last year, however, Mexico has moved backwards here—and is now either non-compliant or threatening to take action that would make them non-compliant with the agreement in a wide range of issues that includes preferential treatment for state-run energy companies, regulatory delays for U.S. ag biotech and biopharmaceutical products, and local content quotas for film and television programming, among other issues.

If this kind of disregard for the USMCA persists, will you support USTR taking enforcement action to protect America’s commercial interests in the agreement?

Answer. If confirmed, I plan to use all of the tools available to fully implement and uphold the promises and aims of the USMCA agreement to protect U.S. commercial interests and U.S. workers.

*Question.* Farmers across Texas depend on export markets to maintain farm income levels. The door has been cracked open in several emerging markets, such as Southeast Asia where U.S. nonfat dry milk/skim milk product exports have increased nearly 66 percent since 2018. With trade agreements in place with countries like Vietnam and Malaysia to reduce both tariff and nontariff barriers, there would likely be exponential growth in U.S. agricultural exports to these markets. Strong

exports are of course great in terms of supporting the milk prices the dairymen and dairywomen in Texas receive.

Could you please touch on the Biden administration's plans to engage Southeast Asian countries in future trade negotiations?

Would you support some type of a multilateral, regional agreement that accomplishes this goal such as the CPTPP?

Answer. The President is focused on making domestic investments that will boost American competitiveness. These investments will provide a solid foundation for ensuring that American goods, including dairy products as well as manufactured goods, are globally competitive. Inadequate infrastructure itself inhibits American competitiveness. The President has indicated that he will not enter into any new agreements until these investments have been made. However, it my expectation that, if confirmed, I will be in close contact with our allies in Southeast Asia to ensure that we are cooperating on a wide range of trade matters, and to ensure that we are maximizing market access opportunities already provided under the trade agreements we have in the region.

*Question.* The Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) has entered into force without the United States. The agreement represents approximately half a billion people and 14 percent of the global economy. American companies were negatively impacted when the U.S. withdrew from the TPP agreement in 2017. Joining the CPTPP would be a good opportunity for the U.S. to reclaim global leadership and write the rules of the road regarding trade, intellectual property, environmental and labor standards. It would also serve as an important foothold into key markets and help the U.S. compete against China.

Do you support the U.S. joining the CPTPP or an equivalent agreement in the Asia-Pacific region?

If not, can you explain why and what alternative you propose to help the U.S. counter China's rising influence and ensure that American exporters do not continue losing market share to their competitors?

Answer. Ambassador Tai noted in her confirmation hearing that the Trans-Pacific Partnership was a good idea in concept. I agree with that view, and I agree that it is important for the United States to engage in the region. However, Ambassador Tai also noted that we have learned many important lessons over the past decade, including during the pandemic. The pandemic in particular highlighted the problems with concentrated supply chains in China. Any U.S. engagement in the region must ensure that we do not adopt policies that unintentionally exacerbate those supply chain concerns, or otherwise do not reflect a contemporary understanding of the challenges in the region.

*Question.* This month I, along with Senators Coons and Young, introduced the Stopping and Excluding Chinese Ripoffs and Exports with U.S. Trade Secrets or SECRETS act. This bill creates an Interagency Committee on Trade Secrets to recommend the U.S. International Trade Commission (ITC) institute a National Security Exclusion Order (NSEO) to block those products containing or produced by those stolen trade secrets. It only applies in the case of trade secrets stolen by a foreign agent or instrumentality as defined in the Economic Espionage Act. The ITC can issue the NSEO within 30 days if it is more likely that not that the imports meet the criteria. This provides the U.S. government a rapid response, deterrent mechanism for IP theft by a foreign, sovereign power while providing due process through the ITC.

Can you tell me your thoughts on this bill (S. 2067)?

If confirmed, can you commit to working with me and my staff to provide technical assistance and feedback as it moves through the legislative process?

Answer. I support strong enforcement with respect to trade secret theft that disadvantages U.S. innovators and workers. Such theft is particularly concerning when sponsored or conducted by a state actor. I support the goal of this bill of deterring and countering the impact of such theft.

If confirmed, I will work with you to provide technical assistance on aspects of the bill relevant to the equities and responsibilities of USTR.

## QUESTIONS SUBMITTED BY HON. JOHN THUNE

*Question.* What trade initiatives, or potential trade agreements, should the U.S. take to strengthen our economic relations in the Asia-Pacific? Please provide at least three examples.

*Answer.* If confirmed, I will work with Ambassador Tai to deepen trade engagement in the Asia-Pacific region. Specifically, I will work with our trading partners in multilateral settings, such as APEC, as well as in bilateral settings, to advance a worker-centered trade policy that represents a high-standard alternative to China. If confirmed, I will work with Ambassador Tai to craft a trade policy in partnership with our allies that protects workers' rights and human rights.

*Question.* What are your views on the U.S. leading a digital trade agreement with countries in the Asia-Pacific? If confirmed, which countries would you prioritize for such an agreement and how would you work to advance those initiatives?

*Answer.* If confirmed, I am committed to working with the Biden-Harris administration to craft a trade policy that strengthens our economic relationships in the Asia-Pacific region.

*Question.* If the administration does not actively lead in trade in the Asia-Pacific, what type of message will it send in terms of American interest—and willpower—to remain a leader in the global economy?

*Answer.* The Biden-Harris administration is already demonstrating that the United States is back on the global stage. If confirmed, I am committed to working with the Biden-Harris administration to craft a trade policy that strengthens our economic relationships in the Asia-Pacific region and benefits American workers, farmers and ranchers, and businesses.

*Question.* At the hearing you suggested that the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) was outdated.

What specific areas of the CPTPP are outdated? Do you believe the U.S. should enter the CPTPP or some version of the agreement? What are your thoughts on China's interest in joining the CPTPP?

*Answer.* If confirmed as Deputy USTR, I will work to advance a high-standard, worker-centered trade policy that reflects American values, supports U.S. manufacturing, and reduces vulnerabilities in our supply chains. Any trade agreement must be good for U.S. workers. It must have strong labor standards and effective labor enforcement mechanisms.

China's commitment to its nonmarket economic model and unwillingness to change its industrial policies are well known. I will work to ensure U.S. trade policy represents a viable, effective alternative to China's industrial policies.

*Question.* I recently introduced a bipartisan resolution to call on the WTO to reform its special and differential treatment rules so that globally competitive countries such as China, with the world's second largest economy, can no longer self-designate as a developing country to gain unfair trade advantages. China declaring as a developing country at the WTO misidentifies its economic standing, undermines countries that are truly developing, and corrodes trust in the WTO itself.

Do you agree that the WTO should reform its special and differential treatment rules so that major economies can no longer self-designate as a developing country? Would you expand on your thoughts on this issue?

*Answer.* I agree that claiming special and differential treatment allows major global economies to exempt themselves from WTO rules, which weakens the organization's standards and effectiveness. If confirmed as Deputy USTR, I will work with Ambassador Tai and the USTR team in Geneva to reform the WTO in this and other areas.

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 QUESTIONS SUBMITTED BY HON. RICHARD BURR

*Question.* China's violations of trade laws have disadvantaged many U.S. businesses and workers. As you know, however, North Carolina's agricultural exports have been affected by China's retaliatory tariffs, and because of this China's ag purchase commitments in Phase One of the China deal are incredibly significant for farmers in my State.

If confirmed, what steps will you take to ensure these commitments are fulfilled?

**Answer.** If confirmed, I will work with Ambassador Tai to ensure China lives up to its commitments under the Phase One Agreement, and I will work with the entire USTR team to maximize market opportunities for U.S. agricultural producers, including in China.

**Question.** Last month the Senate passed the Trade Act of 2021 as an amendment to the China bill by a vote of 91–4. This amendment includes a process for companies to request exclusions from the section 301 tariffs, a process that is necessary to ensure companies are not unfairly penalized while we continue to pursue strong trade actions against China.

If confirmed, will you reinstitute the exclusion process, and if so, how soon? What actions will you take regarding previously granted exclusions which have expired?

**Answer.** The administration is currently reviewing its strategy with respect to China, in light of its Build Back Better agenda to create good-paying jobs and support American families. Similarly, USTR is reviewing the China trade policy, including the section 301 tariffs and exclusions. If confirmed, I will participate in this review and in crafting an approach in line with a worker-centered trade policy.

**Question.** A cornerstone of U.S. free trade agreements such as USMCA and CAFTA-DR is the yarn-forward rule of origin for textile and apparel products. This is critically important to the U.S. cotton, yarn spinning and textile industries, as well as to the entire North American supply chain. This production-based rule ensures that the benefits of the agreements go to manufacturing industries and workers in participatory countries—and not third country parties like China who don't play by the rules.

With this in mind, will you support a strong yarn-forward rule of origin for all future free trade agreements?

**Answer.** I expect future agreements to build on the yarn-forward rule found in the USMCA.

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#### QUESTIONS SUBMITTED BY HON. BILL CASSIDY

##### SHRIMP

**Question.** Recently, Congress took action to ensure seafood imports harvested or produced using forced labor do not enter the United States. In doing so, Congress directed USTR to engage with “interested” countries identify best practices, coordinate on data sharing, reduce barriers to trade in fairly grown or harvested fish and end the trade of products that either pose a risk of fraud or that have been harvested or produced using illegal, unregulated or unreported fishing, human trafficking or forced labor.

What countries do you believe would be interested in partnering with the United States to address these issues?

**Answer.** I believe there will be many allied countries who will want to actively engage with the U.S. on all facets of halting forced labor including fishing. I hope that all nations will join in supporting a meaningful outcome that will halt these abhorrent practices.

**Question.** What mechanisms can USTR utilize to bring countries to the table who maybe reluctant to engage on these issues?

**Answer.** The Biden administration firmly believes that there is no place for human trafficking and forced labor in any part of international trade and will do everything in its power to eliminate these elements from being exported to the United States. The administration will not hesitate to coordinate interagency efforts to block imports and launch multilateral disputes to ensure these practices are stopped. If confirmed, I look forward to supporting those efforts.

**Question.** Earlier this month, USTR announced a decision to impose an additional 25-percent tariff on imports from India valued at roughly \$119 million, effective November 29, 2021 under its section 301 authority of the Trade Act of 1974. These are retaliatory tariffs against Indian imports as a result of the digital services tax (DST). I was pleased to see certain shrimp products imported from India were included in the USTR's announcement. However, USTR's announcement refers to cold water shrimp. Cold water shrimp are not harvested in India because of its geographical location. Cold water shrimp—as the name suggests—are cultured and har-

vested from the ocean floors of the North Atlantic and Arctic Oceans. I raised this issue in May with Ms. Tai: applying duties to the cold water shrimp imports would likely be ineffective, because importers would simply switch back to warm water categories to avoid the 25-percent tariff.

Stakeholders tell me they believe that the cold water shrimp entering the U.S. from India is actually warm water shrimp that is being mislabeled in order to avoid our anti-dumping tariffs. It would be considerably more practicable and effective to instead apply additional duties to warm water shrimp from India. Warm water farmed shrimp is India's most important agricultural export, and the United States is India's most important market for warm water shrimp. Therefore, imposing duties on warm water shrimp will be a more direct and vigorous means of incentivizing the Indian Government to reform the application of its DST to U.S. digital services providers.

First, how can we fix this issue so that we are imposing tariffs on shrimp actually raised or harvested from India?

Answer. In crafting a potential action under section 301 of the Trade Act of 1974, the U.S. Trade Representative must determine what is appropriate in light of the findings that, in this case, India's Digital Services Tax is unreasonable and discriminatory and burdens or restricts U.S. commerce. USTR adopted an action with respect to 26 tariff subheadings, with an estimated trade value for calendar year 2019 of approximately \$119 million. If, in fact, these tariffs cover a product that is mislabeled, originating from a country other than India, USTR should work with Customs and Border Protection to ensure that the products covered by the 301 action enter under the correct country of origin, and if appropriate, modify the action to ensure it continues to apply to the identified level of trade.

*Question.* What are your thoughts on how we ensure the U.S. takes appropriate action to protect Americans from consuming shrimp farmed by an industry that has faced disease outbreaks, chemical overuse, and illegal, unreported, and unregulated ("IUU") practices?

Answer. In March, the U.S. International Trade Commission published a report about the challenge of illegal, unreported, and unregulated fishing in U.S. seafood imports and the impact on the U.S. fisheries industry. For 20 years, the members of the World Trade Organization (WTO) have long sought to negotiate an agreement to combat harmful fisheries subsidies. The United States has been a consistent leader in this process and recently submitted a thoughtful proposal to address the connection between forced labor and subsidies in the fishing industry and the necessity of supply chain transparency and responsibility. The WTO trade ministers are meeting this month to discuss progress on this important matter. If confirmed, I will support progress towards a meaningful agreement.

#### TRIPS WAIVER

*Question.* In May, USTR announced that it would support the waiving of intellectual property for COVID-19 vaccines and support text-based negotiations on a broader anti-innovation proposal from India and South Africa—longtime opponents of intellectual property protections. This was a dramatic shift from our historic and longstanding support for stronger IP protections and enforcement globally. In other words, we are usually in the business of supporting American innovation and creativity, not supporting giving it away to our competitors. Since such a waiver of WTO/TRIPS agreement is likely to undermine—not expand—existing manufacturing capacity issues and will come months after the U.S. has already donated its excess supply for the rest of the world.

As Deputy USTR can you please share your position on this issue, and please explain your thoughts on how you will protect property rights going forward.

Answer. The Biden-Harris administration believes strongly in intellectual property protections. The COVID-19 pandemic presented an extraordinary circumstance that required extraordinary measures. The administration therefore supported a TRIPS waiver for COVID-19 vaccines in service of ending this terrible global pandemic. The administration's aim is to get as many safe and effective vaccines to as many people as fast as possible. As our vaccine supply for the American people is secured, the administration will continue to ramp up its efforts—working with the private sector and all possible partners—to expand vaccine manufacturing and distribution.

## QUESTIONS SUBMITTED BY HON. TODD YOUNG

*Question.* I know the administration is focused on assessing and mitigating issues with our supply chain, evident by the recent report on supply chain resiliency. The report included a specific section on biopharmaceuticals and called out innovation as a key component in spurring the research and development that was needed for the COVID-19 response. Innovators must have strong intellectual property protections to increase efficiency, maintain quality, and most importantly, save lives. Without these safeguards, research and development will no doubt plummet and hinder advancements needed to reach those in need.

Do you believe that IP protections are a critical part of creating an environment conducive to innovation?

If confirmed, how will you ensure that innovators can boost their supply chain resiliency and meet the recommendations set forth in the administration's supply chain report?

*Answer.* As part of the 100-day review of critical supply chains conducted in response to President Biden's Executive Order 14017, USTR will lead a Trade Strike Force that will propose unilateral and multilateral enforcement actions against unfair foreign trade practices that have eroded critical supply chains. The trade strike force will also identify opportunities to use trade agreements to strengthen collective approaches to supply chain resilience with U.S. partners and allies.

*Question.* Recently, the White House announced a new joint initiative with the EU, the Trade and Technology Council (TTC). Among its various goals, ensuring fair competition and establishing global trade standards for emerging technologies are among the issues the TTC will focus on. Yet, the EU has taken several unilateral actions that would significantly impact American companies' ability to compete in Europe; one example is the proposed Digital Markets Act, which would prevent market dominance by forbidding "gatekeeper" companies from undertaking certain actions. If this proposal were to become law in Europe, it is highly anticipated that this would subject major U.S. digital companies to various restrictions.

How do you propose the U.S. should use the new TTC partnership as a strategic transatlantic response toward China's efforts to gain supply chain and technology dominance?

*Answer.* President Biden has often emphasized that market democracies, not China, should write global rules governing trade and technology. Transatlantic cooperation on trade in emerging technology products through the Trade and Technology Council is of particular importance for sectors that both the U.S. and the EU have identified as critical for our respective efforts to strengthen our supply chain resilience in the face of Chinese industrial policies, such as clean energy and semiconductors. If confirmed, I would work to make sure these efforts are effective.

*Question.* In late May, the Senate voted to include the Trade Act of 2021 to the United States Innovation and Competition Act, which would allow importers to obtain relief from section 301 tariffs imposed on certain products from China, including renewing and extending expired section 301 exclusions through December 31, 2022.

If confirmed, will you commit to working with U.S. stakeholders, in coordination with Ambassador Tai, to reform the exclusion process and renew expired section 301 tariff exclusions with retroactive extension and/or another opportunity for applications?

*Answer.* The administration is currently reviewing its strategy with respect to China, in light of its Build Back Better agenda to create good-paying jobs and support American families. Similarly, USTR is reviewing the China trade policy, including the section 301 tariffs and exclusions. If confirmed, I will ensure that the approach to an exclusion process and its reinstatement is consistent with the administration's goals and a worker-centered trade policy.

## QUESTIONS SUBMITTED BY HON. BEN SASSE

*Question.* If confirmed, Asia will be a part of your portfolio as Deputy United States Trade Representative (DUSTR). Given the CCP's growing influence in the region, we must continue to pursue creative economic solutions in order address this challenge. I have previously discussed with Ambassador Tai the possibility of creating a tech alliance among democracies with shared values.

Can you describe the strategic challenges for the United States posed by continued economic and technological independence with the CCP?

How do you plan to think creatively about crafting trade agreements in the tech and digital spaces with countries that share our values to jointly push back on China's techno-authoritarianism?

Will you commit to presenting this committee with a strategy for establishing critical technology and digital trade agreements with our like minded allies and partners?

Answer. I believe digital trade provides the United States with an opportunity to advance shared goals among the United States and other democracies with shared values, particular to fight techno-authoritarianism. Digital trade policies that reflect the entire digital ecosystem, from infrastructure, to workers, to market access, to consumers, will allow the United States to address the threat of digital authoritarianism more holistically. If confirmed, I would welcome the opportunity to present the committee with a strategy to achieve these goals.

*Question.* The ratification process for Regional Comprehensive Economic Partnership (RCEP) is steadily advancing and includes several large economies such as China, Australia and South Korea.

Is RCEP a threat to U.S. economic and security interest? Why or why not?

Answer. RCEP is an agreement that may prove to be more symbolic than substantive. While it does not include labor and environmental standards, it does not prohibit the parties from committing to those standards elsewhere and thus does not undermine broader U.S. goals of ensuring that trade agreements facilitate shared prosperity. As the experience of the United States and others at the World Trade Organization indicates, while China is often willing to make commitments in trade agreements, its adherence to those commitments falls well short. Notably, India chose not to sign RCEP, even after having participated in the negotiation.

*Question.* Following U.S. withdrawal from the Trans-Pacific Partnership (TPP), the remaining member countries moved on to form the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) in 2018. The current configuration of CPTPP, as well as RCEP, will likely stimulate intra-East Asian integration.

Should the U.S. consider joining the CPTPP or another TPP-like multilateral agreement? Please explain why or why not.

Answer. The promise of CPTPP is that it will stimulate intra-East Asian integration. However, the rules of CPTPP itself do not necessarily align with the premise. The industrial supply chain rules, for example, permit significant content to come from non-parties. Ambassador Tai indicated during her confirmation hearing that TPP was a good idea in concept. However, she also noted that we have learned many important lessons over the past decade, including during the pandemic. The pandemic in particular highlighted the problems with concentrated supply chains in China. Any U.S. engagement in the region must ensure that we do not adopt policies that unintentionally exacerbate those supply chain concerns, or otherwise do not reflect a contemporary understanding of the challenges in the region.

*Question.* I was pleased to hear Ambassador Tai and Taiwan Minister-Without-Portfolio John Deng's joint commitment to reconvene the Trade and Investment Framework (TIFA) talks. Taiwan has proven to be a strong U.S. economic and strategic partner.

Do you view a trade agreement with Taiwan to be an important national security approach in counteracting China?

How will you approach an FTA with Taiwan now that Taiwan has granted greater access for U.S. pork and beef?

Where does an FTA with Taiwan fall on your priority list and where do you see hurdles to an agreement?

Answer. I believe the United States and Taiwan have significant opportunities to cooperate on trade, including with respect to supply chain security and resilience. In addition to supply chains, Taiwan and the United States have agreed to cooperate on ensuring that trade promote shared prosperity, setting up a Labor Working Group, and will also cooperate on environmental issues, including climate change.

## QUESTIONS SUBMITTED BY HON. JOHN BARRASSO

*Question.* In Wyoming, we have a lot to offer the Asian-Pacific region. We produce some of the highest quality beef in the world. Wyoming wants to export our beef, our soda ash, our coal/oil/natural gas to this critical region.

Japan and Taiwan, among others continue to be major growth markets for Wyoming exports. In fact, Wyoming opened its only international trade office in Taipei, Taiwan in September 2018.

How does a multilateral approach versus a bilateral approach help Wyoming access these export opportunities in the region?

*Answer.* If confirmed, I will work with Ambassador Tai to deepen trade engagement in the Asia-Pacific region, which is critical to countering China's influence in the region. I understand how important market access opportunities are for U.S. producers, and I am committed to working with the Biden-Harris administration to craft a trade policy that benefits American workers, farmers and ranchers, and businesses.

*Question.* We are in a critical moment in the U.S.-China relations. Given China's rapid rise as an economic powerhouse and their aggressive behavior in the region and across the globe, can you discuss the importance of the strengthening U.S. trade relations with Taiwan?

If the U.S. re-engages on the Comprehensive Progressive Agreement for Trans-Pacific Partnership (CPTPP), which I believe is in our best interest, how likely is it that we can integrate Taiwan into this multilateral framework?

If we can't integrate Taiwan into a larger multilateral deal, should the U.S. pursue a bilateral deal instead?

*Answer.* Taiwan is an important economic and strategic partner for the United States. USTR recently concluded a round of TIFA negotiations with Taiwan that covered a variety of issues, and, if confirmed as Deputy USTR, I look forward to building off of that progress to strengthen this critical relationship by collaborating on our shared interests, such as resilient supply chains.

*Question.* The Trump administration used tariffs to bring China to the negotiating table.

I believe they were effective in that regard. However, I also believe tariffs have a shelf-life and there comes a point when they do more harm than good.

Can you share your thoughts about how the section 301 tariffs have impacted American companies, workers and consumers?

*Answer.* In some circumstances, the tariffs imposed on imports from China under section 301 have likely impacted U.S. companies, workers and consumers. However, analysis varies of the extent and duration of that impact. In addition, we must counterbalance other objectives, including discouraging the theft of China's predatory actions to transfer technology from U.S. companies, which has led to shutting the United States from certain supply chains. When we think of tariffs overall, we should also consider how shifting and diversifying supply chains may ultimately be a positive externality for the security and economic well-being of the United States.

*Question.* As the global economy begins to recover from the damage inflicted over the past year, many of our competitors are actively pursuing trade agreements to improve market access and secure a competitive advantage in key markets, especially in Asia.

The United States, however, is taking a very conservative approach to trade negotiations. I believe this is a mistake and one we should correct quickly.

Is it possible for the U.S. government to successfully negotiate free trade agreements without Trade Promotion Authority?

*Answer.* If an agreement has a sufficient base of support, then it may be possible for the agreement to pass both chambers without the procedural safeguards of Trade Promotion Authority. The recent passage of USMCA suggests that such an outcome is possible.

*Question.* Is there any good reason why the Senate Finance Committee should not prioritize reauthorization of TPA?

*Answer.* I defer to the committee on whether it should prioritize reauthorization of Trade Promotion Authority.

*Question.* Can the United States afford to fall behind our competitors by not securing free trade agreements?

Answer. U.S. competitiveness is a priority for the administration. Competitiveness encompasses a number of factors, including whether our domestic policies do enough to support American workers. Market access under free trade agreements is reciprocal. If we do not support American competitiveness, through infrastructure and critical investments in our people, then we will not be in a position to take advantage of any market access provisions we might negotiate through trade agreements.

*Question.* I believe we need to move quickly to reassert American influence in Asia and strengthen our economic and national security ties with our allies. While the administration continues to reassess the way we make trade deals, China running circles around us. They are signing trade deals as quickly as they can. They are expanding their influence and trying to assert economic influence in all corners of the globe.

When can we expect the administration to push for new trade deals?

And should we seek to strengthen bilateral relations while pursuing a multilateral agreement in the region?

Answer. President Biden has made it clear that he is committed to pursuing investments here at home before signing new trade agreements. Investing in our infrastructure, communities, and workers will help to make the United States more competitive. If confirmed as Deputy USTR, I look forward to supporting the Biden-Harris administration's efforts to make critical domestic investments and working with Ambassador Tai to craft the trade policies to support them.

*Question.* Strong intellectual property (IP) protections in the United States are critical for the invention and manufacturing of innovative medicines and medical technologies. It is not a coincidence, therefore, that the United States leads the world both in terms of inventing and manufacturing these products and providing intellectual property protections that incentivize innovation.

The President has called for waiving intellectual property rights (IPRs) for vaccines because of the global health crisis. I strongly disagree.

At the same time, he has made it very clear that this administration believes the world is facing a "climate crisis." On April 22nd, the President called on countries to "step up" and take further action on climate change in order to "overcome the existential crisis of our time."

Do you think the COVID-19 pandemic is a crisis?

Do you agree with the President that because of this crisis vaccine IPRs should be waived?

Do you agree with the President that there is a climate crisis?

Do you think we should waive American intellectual property rights on green technology to combat the climate crisis?

What's the difference?

Answer. Within the first full week of taking office, President Biden issued executive orders on both the COVID-19 pandemic and the climate crisis. I agree with the President on the critical nature of both issues and was glad, in particular, that Ambassador Tai joined the President's Leaders Summit on April 22nd to discuss the potential benefits of green jobs and technology to workers and the jobs of a sustainable, more equitable, and prosperous future.

*Question.* U.S. businesses are often at a disadvantage vis-à-vis state-owned enterprises (SOEs) that are not guided by market principles. Such SOEs benefit from environmental, health, and labor standards below that of publicly traded companies. The uranium miners in Wyoming know this only too well, as U.S. mining has come to a standstill at the hands of increased imports from places like Russia, Uzbekistan and other countries where the Chinese have significant mining investments. U.S. trade policy needs a clear strategy for addressing the SOE imbalance.

Can you describe in detail how you would approach the challenges facing U.S. companies with respect to SOEs?

Is USTR adequately equipped to address the SOE issue to ensure American workers and businesses have level playing field in the international marketplace? If not, can you explain where you think existing USTR authority falls short in this area?

Answer. State-owned enterprises and other industrial policies of nonmarket economies undermine U.S. companies and their workers. The President's Trade Agenda makes clear that combating unfair trade practices is a top priority of the administration. If confirmed as Deputy USTR, I will work with Ambassador Tai to fully enforce existing trade agreements and negotiate new trade rules to better combat global market distortions caused by nonmarket economies. In addition, I will seek to build support for these initiatives with like-minded U.S. trading partners. I look forward to working with Congress on these efforts.

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PREPARED STATEMENT OF HON. MIKE CRAPO,  
A U.S. SENATOR FROM IDAHO

Thank you, Mr. Chairman. Ms. Bianchi, Mr. White, and Dr. Egorin, welcome, and congratulations to all of you on your respective nominations to very important positions.

While I appreciate we have two Deputy USTR nominees before us, I am disappointed the administration has yet to nominate anyone to serve as USTR Chief Innovation and Intellectual Property Negotiator (Chief IP Negotiator), U.S. Ambassador to the World Trade Organization (WTO), or Chief Agricultural Negotiator.

The administration's failure to nominate a Chief IP Negotiator and a U.S. Ambassador to the WTO is particularly striking because the WTO is starting weekly meetings today to discuss a potential waiver to the WTO TRIPS Agreement. Not only is the decision to seek a waiver misguided, but it is also unwise to negotiate such a waiver without having the appropriate negotiators in place. The administration should promptly name qualified individuals to these roles.

Likewise, the United States needs a qualified Chief Agricultural Negotiator as soon as possible. This is particularly important for agricultural areas like Idaho, where 31 percent of gross farm income comes from exports. USDA estimates the United States will export \$164 billion in farm goods this year.

That impressive number could be much higher if we could open more markets to our world-class agricultural sector. Accordingly, the United States needs effective Deputy USTRs to tear down trade barriers and confront abusive trade practices, and today's nominees are well-qualified for their positions.

I urge each of them to remember that any strong trade policy requires a close partnership between USTR and Congress. Ms. Bianchi and Mr. White are no strangers to government service, having each served for more than a decade in various capacities. I look forward to hearing more from both of you, Ms. Bianchi and Mr. White, regarding how you would use your experience to engage the numerous challenges facing the United States, particularly those involving China's intellectual property theft, discriminatory digital services taxes, and the proliferation of trade barriers in Mexico.

Turning to Dr. Egorin's nomination, the Assistant Secretary for Legislation, or ASL, of HHS serves as a key liaison between Congress, the Department, and its sub-agencies. HHS is a sprawling department with policies affecting nearly every American, making Congress's oversight and engagement incredibly important.

Medicare and Medicaid, two of the largest programs HHS oversees, fall within this committee's jurisdiction. Together, they account for more than one-fifth of all Federal outlays. When issues arise in these programs, the ASL is one of the first phone calls members and staff make. Responsiveness, transparency, and clarity in communication are therefore key attributes of any successful ASL.

Dr. Egorin would bring substantial experience to the role from her background on the House Ways and Means Committee. As the Deputy Staff Director for the Health Subcommittee, she has partnered effectively with our staff on issues of bipartisan concern. Dr. Egorin, if you are confirmed, my staff and I look forward to our continued partnership in working to improve our health-care system.

I request that each of our three witnesses today be detailed and candid in responses to our questions, both here and in response to questions for the record following this hearing.

Mr. Chairman, thank you for holding this hearing today. I look forward to hearing from each of our nominees.

PREPARED STATEMENT OF MELANIE ANNE EGORIN, PH.D., NOMINATED TO BE ASSISTANT SECRETARY FOR LEGISLATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES

Chairman Wyden, Ranking Member Crapo, members of the Senate Finance Committee, thank you for considering my nomination to be the Assistant Secretary for Legislation. And thank you, Chairman Neal, for the gracious introduction.

It is my honor to be nominated by President Biden to serve as the Assistant Secretary for Legislation at the Department of Health and Human Services under Secretary Becerra. As someone who has worked for the Federal Government—on Capitol Hill and at the Government Accountability Office (GAO)—for more than 15 years, it is especially humbling to sit before you today. I approach this position and our conversation today with humility and a continued commitment to serving the American people.

I am the daughter of a physician-scientist who brought his collaborators home for dinner and his children to academic meetings. I grew up surrounded by my father, his colleagues, and students working to understand and treat cancer. They never forgot that each data point in their research was a person with loved ones also impacted by the disease.

When I began my own career working with women with HIV, I saw how researchers and stakeholders used evidence grounded in the patient experience to advance policy and address health equity. My commitment to this approach and these issues is what brought me to Federal service and what remains the core principle behind my career.

Throughout my 25-year career in health policy, the people helped and hurt by the health-care system are my cornerstone: my student working to complete his undergraduate degree while caring for his elderly grandparents; the nurse visiting Medicare beneficiaries to make their homes safe; the patient diagnosed with end-stage renal disease at 23 while serving in the Army; the 15-year-old boy with a pre-existing condition and his mother advocating to make sure his treatments are covered by insurance; and the coal mine workers on the precipice of losing their health coverage. I carry their voices with me and remember their stories while I do my work.

The role of Assistant Secretary for Legislation is a unique intersection of responsiveness and collaboration between the executive and legislative branches of government. Throughout my career at GAO and in Congress, I have seen firsthand how important this role is. If I am fortunate enough to be confirmed, I will bring my breadth and depth of policy knowledge and experience to be transparent and accountable as Assistant Secretary for Legislation at the Department of Health and Human Services.

I approach policy development and implementation from a pragmatic position that is filled with hope and the belief that we can do better. From my experience at GAO, and in my work at the Committee on Ways and Means, I understand the importance of taking a bipartisan, bicameral approach to policymaking. I recognize the importance of asking questions about current policies and programs to build on them and improve the health of the Nation, and our health-care system.

I want to thank Chairman Neal, members of the Ways and Means Committee, and the numerous Representatives and Senators who have allowed me to work on their behalf, and with their staff, to craft policies that make our health-care system better—in very large but also very small ways.

I understand and believe that successful bipartisan solutions help people. My colleagues—the current and former Hill staff with whom I have worked across the aisle and across the Capitol—thank you for working with me. We may not always agree on policy specifics, but we have consistently found ways to move forward on behalf of the American people. If confirmed, I look forward to continuing to work with members and their staff in this collaborative manner.

The Department of Health and Human Services faces a broad range of challenges, from expanding health coverage, to caring for our children and seniors, to supporting innovation and scientific advancement, to responding to and recovering from COVID-19, which exposed many inequities I have worked to address throughout my career.

I appreciate the opportunity that this administration has to work with Congress to tackle these challenges in a meaningful way. Given the impact the Department

has on the Nation's health and economy, if confirmed, I look forward to continuing to serve the American people.

As I conclude my testimony, I want to thank my spouse, Brian Tarleton, for building a life together that honors what is important to both of us, and our children, Atticus and Lorelei, for challenging me and forcing me to think about new ideas every day.

My mother, Karen Egorin-Yaker, and my late father, Merrill Jon Egorin, would often admonish me and my brother that our actions reflect our upbringing. I hope my actions to date, and if I am confirmed as the Assistant Secretary for Legislation, reflect their strong belief in valuing diversity of thought and experience in solving problems as well as using one's knowledge, heart, and hard work to make the world better.

Senators, I am happy to answer your questions today and, if confirmed as the Assistant Secretary for Legislation at the Department of Health and Human Services, for many years in the future.

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## SENATE FINANCE COMMITTEE

### STATEMENT OF INFORMATION REQUESTED OF NOMINEE

#### A. BIOGRAPHICAL INFORMATION

1. Name: (include any former names used): Melanie Anne Egorin.
2. Position to which nominated: Assistant Secretary for Legislation, U.S. Department of Health and Human Services.
3. Date of nomination: March 11, 2021.
4. Address: (list current residence, office, and mailing addresses):
5. Date and place of birth: September 14, 1973, Towson, Maryland.
6. Marital status: (include maiden name of wife or husband's name):
7. Names and ages of children:
8. Education: (list all secondary and higher education institutions, dates attended, degree received, and date degree granted):  
 Franklin High School.  
 Reisterstown, Maryland.  
 September 1987–May 1991.  
 High School Degree, May 1991.  
 Emory University.  
 August 1991–May 1995.  
 Bachelor of Arts and Master of Arts, May 1995.  
 University of California, San Francisco.  
 August 1995–June 2004.  
 Doctor of Philosophy, June 2004.
9. Employment record (list all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment for each job):

| Title/Responsibilities           | Employer and Location                                  | Start Date | End Date |
|----------------------------------|--------------------------------------------------------|------------|----------|
| Professional Congressional Staff | U.S. House Committee on Ways and Means, Washington, DC | 01/2014    | Present  |

| <b>Title/Responsibilities</b>                                      | <b>Employer and Location</b>                                         | <b>Start Date</b> | <b>End Date</b> |
|--------------------------------------------------------------------|----------------------------------------------------------------------|-------------------|-----------------|
| Policy Staff*                                                      | U.S. Government Accountability Office, Washington, DC                | 06/2004           | 01/2014         |
| Community Liaison Officer**                                        | U.S. Department of State, Frankfurt, Germany                         | 04/2010           | 07/2011         |
| Research Analyst                                                   | Association of American Universities, Washington, DC                 | 09/2002           | 08/2003         |
| Policy Analyst (Student Academic Services)                         | University of California, Office of the President, Oakland, CA       | 03/2001           | 08/2002         |
| Research Associate (Department of Social and Behavioral Sciences)  | University of California, San Francisco, San Francisco, CA           | 08/1999           | 08/2002         |
| Training Assistant (SRTP)                                          | University of California, San Francisco, San Francisco, CA           | 06/1999           | 08/1999         |
| Research Analyst (Office of Institutional Research)                | University of California, San Francisco, San Francisco, CA           | 08/1998           | 12/1999         |
| Research Assistant (Center for AIDS Prevention Studies)            | University of California, San Francisco, San Francisco, CA           | 09/1997           | 09/1998         |
| Adjunct Faculty/Instructor                                         | San Francisco State University, San Francisco, CA                    | 08/1998           | 12/2001         |
| Research Assistant (Commission on the Future of Medical Education) | University of California, Office of the President, Oakland, CA       | 09/1996           | 05/1997         |
| Adjunct Faculty/Instructor                                         | California State University, Hayward (now CSU East Bay), Hayward, CA | 06/1996           | 12/1998         |
| Research Assistant and Data Manager (School of Nursing)            | University of California, San Francisco, San Francisco, CA           | 09/1995           | 11/1997         |
| Intern/Data Analytics                                              | Centers for Disease Control and Prevention, Atlanta, GA              | 05/1995           | 08/1995         |
| Greeter and Server                                                 | TGI Fridays, Atlanta GA                                              | 05/1995           | 08/1995         |

\* GAO detailee to Committee on Ways and Means (July 2012–December 2013).

\*\* Concurrent appointment, no hours attributed to GAO.

10. Government experience (list any current and former advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments held since college, including dates, other than those listed above):

N/A.

11. Business relationships (list all current and former positions held as an officer, director, trustee, partner (*e.g.*, limited partner, non-voting, etc.), proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, other business enterprise, or educational or other institution):

Co-trustee of the Merrill Jon Egorin Revocable Trust (a family trust).

12. Memberships (list all current and former memberships, as well as any current and former offices held in professional, fraternal, scholarly, civic, business, char-

itable, and other organizations dating back to college, including dates for these memberships and offices):

**Professional Societies**

National Academy of Social Insurance 2021.

American Sociological Association 1995–2004 (estimated).

Pacific Sociological Association 1996–2004 (estimated).

Sociologists for Women in Society 1996–2004 (estimated).

National Association of Graduate and Professional Students 1996–1999; Program Committee 1997.

Association of Institutional Research 1999–2004.

**Educational Organizations**

Brent Elementary School PTA 2008–2019; Board Member 2011–2012 (estimated).

Stuart Hobson Middle School PTA 2016–2019.

Washington Latin PTA 2019–present.

School without Walls Home School Association 2019–present.

UCSF Graduate Student Association 1995–2003 (estimated); Chair 1999–2000.

UCSF Women in Life Sciences 1996–2004 (estimated); Seminar Series Coordinator 1998–1999.

**Pan-Hellenic Organization**

Alpha Phi, Emory University Chapter 1992–1995; Greek Life Advisor 1994–1995.

**Religious Organizations**

BethAm, Baltimore, MD 1973–2019.

Hill Havurah, Washington, DC 2013—present (estimated).

**Community Organizations**

Arcadia Farm Center for Sustainable Food and Agriculture, Alexandria, VA 2013–present.

GreenSeed Community Garden 2016–present.

Potomac Avenue Community Garden 2005–2009, 2011–2015.

DC Stitch 'n Bitch, Founder and Convener 2003–2009.

13. Political affiliations and activities:

a. List all public offices for which you have been a candidate dating back to the age of 18.

N/A.

b. List all memberships and offices held in and services rendered to all political parties or election committees, currently and during the last 10 years prior to the date of your nomination.

N/A.

c. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$50 or more for the past 10 years prior to the date of your nomination.

See table.

| Contribution Description | Date       | Amount   |
|--------------------------|------------|----------|
| BIDEN FOR PRESIDENT      | 10/08/2020 | \$98.39  |
| BIDEN VICTORY FUND       | 10/08/2020 | \$98.39  |
| BETO FOR TEXAS           | 09/28/2018 | \$100.00 |

| Contribution Description    | Date       | Amount   |
|-----------------------------|------------|----------|
| HILLARY VICTORY FUND        | 10/11/2016 | \$250.00 |
| HILLARY FOR AMERICA         | 10/11/2016 | \$250.00 |
| DCCC                        | 10/9/2016  | \$100.00 |
| HILLARY FOR AMERICA         | 10/9/2016  | \$100.00 |
| KYRSTEN SINEMA FOR CONGRESS | 04/19/2016 | \$150.00 |

14. Honors and awards (list all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievement received since the age of 18):

National Academy of Social Insurance: 2021 (elected into membership).

Women's Congressional Staff Foundation Leadership Impact Award: 2020.

Alliance for Health Policy Bipartisan Congressional Staff Award: 2018.

Aspen Institute/Commonwealth Fund Scholar: 2018.

Stuart Family Congressional Fellow (Stanford University): 2018.

Politico Emerging Health Care Leader: 2015.

GAO Managing Director's Teamwork Award: 2007.

UCSF Chancellor's Award for the Advancement of Women: 2000.

UCSF Champion of Diversity: 1999.

University of California AIDS Research Program Fellow: 1996–1998.

University of California Regents Fellow: 1995–1996.

Solomon and Sara Sutker Outstanding Undergraduate Award: 1995.

Alpha Kappa Delta (international sociology honor society): 1994.

Order of Omega (leadership honor society for members of Greek organizations): 1993.

15. Published writings (list the titles, publishers, dates, and hyperlinks (as applicable) of all books, articles, reports, blog posts, or other published materials you have written):

#### **Dissertation**

HIV Case Management Services and the Quality of Care Delivery. Submitted June 2004. [No link available].

#### **GAO publications**

Medicare Special Needs Plans: CMS Should Improve Information Available about Dual-Eligible Plans' Performance, GAO-12-864: Published: September 13, 2012. Publicly Released: September 19, 2012.

Ryan White CARE Act: Implementation of the New Minority AIDS Initiative Provisions, GAO-09-315: Published: March 27, 2009. Publicly Released: March 27, 2009.

VA Health Care: Facilities Have Taken Action to Provide Language Access Services and Culturally Appropriate Care to a Diverse Veteran Population, GAO-08-535: Published: May 28, 2008. Publicly Released: May 28, 2008.

VA Health Care: Recruitment and Retention Challenges and Efforts to Make Salaries Competitive for Nurse Anesthetists, GAO-08-647T: Published: April 9, 2008. Publicly Released: April 9, 2008.

Medicare: CMS's Proposed Approach to Set Hospital Inpatient Payment Appears Promising, GAO-06-880: Published: July 28, 2006. Publicly Released: July 28, 2006.

Medicare Outpatient Payments: Rates for Certain Radioactive Sources Used in Brachytherapy Could Be Set Prospectively, GAO-06-635: Published: July 24, 2006. Publicly Released: July 24, 2006.

Medicare Inpatient Hospital Payments: CMS Has Used External Data for New Technologies in Certain Instances and Medicare Remains Primary Data Source, GAO-07-46: Published: September 26, 2007. Publicly Released: September 26, 2007.

**Not author but named discussant in publication**

Will Federalism Improve the U.S. Health Care System? Princeton, New Jersey, May 21–23, 2019.

Addressing Health Disparities in Medicare: Convening Report. Better Medicare Alliance, December 2019.

**Original Articles and Letters**

Phillips, KA, S Fernyak, A Potosky, HH Schauffler and MA Egorin, “Do Enrollees in Managed Care Plans Obtain More Preventive Services than Enrollees in Non-Managed Care Plans: An Updated Perspective,” *Health Affairs* 19(1), January/February 2000, pages 102–116.

Phillips, KA, S Fernyak, A Potosky, HH Schauffler and MA Egorin, Response to commentary in *Health Affairs* 19(3), May/June 2000, page 285. [No link available.]

**Academic Abstracts**

“Evaluating Case Management for HIV-Positive Women with Children,” Health Research Service Administration, 2000. [No link available.]

“Ethnic and Age Disparities in Surgical Treatment among Breast Cancer Patients,” Academy for Health Services Research and Health Policy, 2002. [No link available.]

**Technical Reports**

Office of Institutional Research, University of California San Francisco. The Graduate Division: Enrollment, Time-to-Degree and Ph.D. Placement, prepared for the reaffirmation of accreditation by Western Association of Schools and Colleges, 1999. [No link available.]

Office of Institutional Research, University of California San Francisco. Institutional Quality Assurance Portfolio, prepared for the reaffirmation of accreditation by Western Association of Schools and Colleges, 1999. [No link available.]

Eversley, R and MA Egorin. HIV Case Management Needs in Alameda County, prepared for the Alameda County Ryan White CARE Act Title I and II Planning Council, 2000. [No link available.]

Eversley, R and MA Egorin. HIV Case Management Administrator Survey, prepared for the Alameda County, Ryan White CARE Act Title I and II Planning Council, 2000. [No link available.]

Eversley, R and MA Egorin. HIV Case Management Needs of Latino and Latina Clients in Alameda County, prepared for the Alameda County Ryan White CARE Act Title I and II Planning Council, 2000. [No link available.]

Student Academic Services, University of California Office of the President. Estimating the Number of Community College Students Preparing for UC Transfer: Results from an Analysis of the California Community College Student Database, 2001. [No link available.]

Student Academic Services, University of California Office of the President. A Review of the Data Concerning the Academic Performance of California Community College Students Following their Transfer to the University of California, prepared for the MOU Implementation Committee, 2001. [No link available.]

Student Academic Services, University of California Office of the President. Community College Transfer Students at the University of California: 2002 Annual Report, 2002. [No link available.]

Student Academic Services, University of California Office of the President. Information Digest 2002: A University of California Reference Guide, 2002. [No link available.]

16. Speeches (list all formal speeches and presentations (*e.g.*, PowerPoint) you have delivered during the past 5 years which are on topics relevant to the position for which you have been nominated, including dates):

As is the custom for congressional staff, I have participated in numerous panels and presentations that were “off the record” and “not for attribution.” With few exceptions, these events did not include prepared remarks, presentations or other such materials. Below is a list of my speeches during the past 5 years. Speeches with formal remarks are noted below and copies provided.

| Speech Forum                                                                         | Date    |
|--------------------------------------------------------------------------------------|---------|
| SHPYP Telehealth Summit                                                              | 03/2021 |
| Association of Community Affiliated Plans Virtual Fly-In                             | 02/2021 |
| National Minority Quality Forum                                                      | 02/2021 |
| Credit Suisse DC Healthcare Policy Day                                               | 02/2021 |
| Leavitt Partners DC Policy Forum                                                     | 01/2021 |
| Women’s Congressional Staff Foundation Awards Ceremony*                              | 12/2020 |
| BRG Health Leadership Conference                                                     | 12/2020 |
| The Four-Year Forecast for Healthcare Policy, Free the Facts                         | 11/2020 |
| American Health Law Association                                                      | 10/2020 |
| National Hospice and Palliative Care Organization                                    | 10/2020 |
| UBS Virtual Healthcare DC Day                                                        | 10/2020 |
| Winston Scholars Symposium                                                           | 10/2020 |
| Health and Aging Fellow Panel                                                        | 10/2020 |
| Employer Benefits Council                                                            | 09/2020 |
| McDonough School of Business at Georgetown University                                | 03/2020 |
| Health Systems and Policy, Duke University                                           | 01/2020 |
| Washington Innovation in Longevity Summit                                            | 12/2019 |
| SEIU Panel                                                                           | 11/2019 |
| Tax Issues for Health Care Organizations, American Health Law Association            | 10/2019 |
| Speire Healthcare Strategies, Medicare: 2020 and Beyond                              | 10/2019 |
| Robert Wood Johnson Fellowship Alumni Retreat                                        | 10/2019 |
| Winston Scholar Symposium Panel                                                      | 10/2019 |
| UBS DC Day, Congressional Staffer Panel                                              | 10/2019 |
| Medicare Advantage Summit, Better Medicare Alliance                                  | 07/2019 |
| Health and Aging Policy Fellowship Symposium Panel                                   | 06/2019 |
| Leadership Discussions on Supplemental Benefit Flexibility, Bipartisan Policy Center | 05/2019 |
| The 26th Princeton Conference                                                        | 05/2019 |
| Congressional Health Committee Series, Women in Government Relations                 | 04/2019 |

| Speech Forum                                                                                                             | Date    |
|--------------------------------------------------------------------------------------------------------------------------|---------|
| NCCMP Lawyers and Administrators Meeting Health Care Panel                                                               | 04/2019 |
| ACS CAN National Forum on the Future of Health Care                                                                      | 04/2019 |
| AdvaMed 5th Annual Payment Policy Conference                                                                             | 04/2019 |
| 23rd Annual Conference of the National Hispanic Medical Association                                                      | 04/2019 |
| Value Based Insurance Design Summit (University of Michigan)                                                             | 03/2019 |
| ACAP Congressional Panel                                                                                                 | 02/2019 |
| HIMSS National Conference                                                                                                | 02/2019 |
| Leavitt Partners Policy Forum: House Legislative Agenda Panel                                                            | 01/2019 |
| National Hospice and Palliative Care Organization and the Better Medicare Alliance Medicare Advantage Stakeholder Summit | 10/2018 |
| SNP Alliance                                                                                                             | 10/2018 |
| Winston Scholar Symposium Panel                                                                                          | 09/2018 |
| Girls in Politics                                                                                                        | 08/2018 |
| Using Medicare to Improve Chronic Care: Opportunities and Challenges, Bipartisan Policy Center                           | 05/2018 |
| Women in Government Relations Committee Series—House Panel                                                               | 03/2018 |
| National PACE Association View of the Hill                                                                               | 03/2018 |
| Employers Council on Flexible Compensation                                                                               | 03/2018 |
| HIMSS National Conference                                                                                                | 03/2018 |
| American Academy of Actuaries, Annual Meeting Breakout Session The Uncertainties in Health Care (part 1)                 | 11/2017 |
| Women in Health Policy, Milken Institute School of Public Health, George Washington University                           | 10/2017 |
| Better Medicare Alliance Convening on Achieving High Value Care for Chronically Ill Medicare Advantage Beneficiaries     | 07/2017 |
| The Jewish Federation of North America                                                                                   | 05/2017 |
| Urban Institute Risk Adjustment Summit                                                                                   | 05/2017 |
| National Renal Administrators Association                                                                                | 05/2017 |
| ML Strategies 2nd Annual Pharmacy Industry Summit                                                                        | 04/2017 |
| Employers Council on Flexible Compensation                                                                               | 03/2017 |
| Alliance of Community Health Plans Government Affairs Engagement Day                                                     | 02/2017 |
| HGPPII Best Practices Forum                                                                                              | 10/2016 |
| SNP Alliance                                                                                                             | 10/2016 |
| Premier MACRA Hill Panel                                                                                                 | 06/2016 |
| National Renal Administrators Association                                                                                | 05/2016 |

| Speech Forum                                                         | Date    |
|----------------------------------------------------------------------|---------|
| Non-traditional Career Pathways for Ph.D.s, Johns Hopkins University | 04/2016 |
| National PACE Association                                            | 04/2016 |
| American Association of Nurse Practitioners                          | 03/2016 |

\* Prepared remarks given.

17. Qualifications (state what, in your opinion, qualifies you to serve in the position to which you have been nominated):

I, Dr. Melanie Anne Egorin, am honored to be nominated by President Biden to serve as the Assistant Secretary for Legislation at the Department of Health and Human Services. I approach this position with humility and a continued commitment to serving the American people.

I have 25 years of health policy experience, including more than 15 years with the Federal Government. I would enter this role with a breadth and depth of policy knowledge of Federal health programs and the American health system; a track record of working in taking a bipartisan and data-driven approach to my work; and over a decade of experience managing complex operations.

The role of Assistant Secretary for Legislation is a unique intersection of responsiveness and collaboration between the executive and legislative branches of government. If I am fortunate to be confirmed as the Assistant Secretary for Legislation, I will leverage my expertise in Federal health policy, my deep knowledge of the legislative process, and my commitment to making policy work for the American people.

I have personally seen the role the Department of Health and Human Services can play in innovation, treatment of disease, and training of our workforce—locally and nationwide. This perspective has anchored my career of working in Federal health policy. Whether it was the NIH colleagues that collaborated with my father on cancer and HIV research, the committed CDC employees that I encountered during my time at Emory University, the communities affected by HIV and barriers to care that shaped my dissertation, or my doctoral training at the University of California, San Francisco, I learned early the importance of Federal support for innovation and research as well as the training of our future health care and scientific workforce. These early experiences of scientists, doctors, and stakeholders working to make health care better ground my commitment to following the data but not forgetting the people behind the numbers.

Over the course of my Federal Government service, I have approached policy development and implementation from a pragmatic, data-driven position. A hallmark of my work at both the Government Accountability Office (GAO) and the Committee on Ways and Means has been collaboration with stakeholders including patients, providers, and employers, others in the Government, and my colleagues across the aisle to improve the health-care system for Americans.

For almost a decade, I have worked for the Committee on Ways and Means, first as a detailee from GAO, then as professional staff, and now as a Deputy Staff Director. In this role, I work closely with members from both sides of the aisle and their staffs as well as my counterparts on other committees and leadership offices to develop, draft, and pass legislation. Working in a bipartisan manner, I have been involved in the passage of key health legislation to address the pressing needs of Americans including Medicare improvements in MACRA, addressing the opioid epidemic in the SUPPORT Act, supporting innovation through the 21st Century CURES act, and most recently the numerous bills to address the health and economic impacts of COVID-19. I have also worked in a bipartisan manner to make incremental improvements to Medicare, such as extending the comment period for Medicare Advantage, and health-tax policy, such as including menstrual care products as tax-preferred account reimbursable items. Even working on more partisan issues, such as the Affordable Care Act, as is the nature of being legislative staff on the Hill, I have maintained bipartisan working relationships.

Data-driven solutions to complex problems guide my policy work and have throughout my career. Taking this approach has allowed for bipartisan con-

versations based on shared underlying facts and policy refinement based on new data, often provided by the administration at the request of Congress. Legislation to improve access to preventive care in high-deductible health plans, to strengthen consumer protections and maintain provider networks while addressing surprise billing and make certain special needs plans permanent while moving towards value-based insurance design for Medicare Advantage are all a result of this approach.

My tenure at GAO also provided me with an understanding of the importance of taking a bipartisan, bicameral approach to policymaking and highlighted the important distinctions between the House and Senate. In addition, the work of GAO highlights the nuances between legislative intent and executive implementation. At GAO, I produced timely, responsive, nonpartisan materials that required working with both HHS and congressional offices to provide the information needed to strengthen and improve Federal health-care programs from Medicare to Medicaid to the Veterans Health Administration.

In addition to my pure policy and legislative expertise, I am an experienced—and awarded—manager, mentor, and collaborator adept at working across roles and responsibilities in complex organizations. In the course of working as, and leading, committee staff, I have developed a host of strategies for working successfully with others with whom goals are shared but reporting hierarchies are not. My past experience working with other committees, individual member offices, leadership, or often other branches of government, will prepare me to be a responsive and collaborative Assistant Secretary for Legislation at the Department of Health and Human Services.

Given the breadth and depth of the Department Health and Human Services and the impact the Department has on the Nation's health and economy, I look forward to using my expertise and experience to continue to serve the American people.

## **B. FUTURE EMPLOYMENT RELATIONSHIPS**

1. Will you sever all connections (including participation in future benefit arrangements) with your present employers, business firms, associations, or organizations if you are confirmed by the Senate? If not, provide details.  
Yes.
2. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, provide details.  
No.
3. Has any person or entity made a commitment or agreement to employ your services in any capacity after you leave government service? If so, provide details.  
No.
4. If you are confirmed by the Senate, do you expect to serve out your full term or until the next presidential election, whichever is applicable? If not, explain.  
Yes.

## **C. POTENTIAL CONFLICTS OF INTEREST**

1. Indicate any current and former investments, obligations, liabilities, or other personal relationships, including spousal or family employment, which could involve potential conflicts of interest 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 Health and Human Services 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. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years (prior to the date of your nomination), whether for yourself, on behalf of a client, or acting as an agent, that could in any

way constitute or result in a possible conflict of interest 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 Health and Human Services 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 activity during the past 10 years (prior to the date of your nomination) in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy. Activities performed as an employee of the Federal Government need not be listed.

N/A.

4. Explain how you will resolve any potential conflict of interest, including any that are disclosed by your responses to the above items. (Provide the committee with two copies of any trust or other agreements.)

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 Health and Human Services 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.

5. Two copies of written opinions should be provided directly to the committee by the designated agency ethics officer of the agency to which you have been nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position.

I understand that my ethics agreement has been provided to the committee.

#### **D. LEGAL AND OTHER MATTERS**

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? Have you ever been interviewed regarding your own conduct as part of any such inquiry or investigation? If so, provide details, regardless of the 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? Have you ever been interviewed regarding your own conduct as part of any such inquiry or investigation? If so, provide details.

No.

3. Have you ever been involved as a party in interest in any administrative agency proceeding or civil litigation? 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.

5. Please advise the committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

N/A.

#### **E. TESTIFYING BEFORE CONGRESS**

1. If you are confirmed by the Senate, are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?

Yes.

2. If you are confirmed by the Senate, are you willing to provide such information as is requested by such committees?

Yes.

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QUESTIONS SUBMITTED FOR THE RECORD TO MELANIE ANNE EGORIN, PH.D.

QUESTIONS SUBMITTED BY HON. MARIA CANTWELL

BASIC HEALTH PLAN

*Question.* Will you work with me to promote the Basic Health Plan and help more States to implement it?

*Answer.* The Basic Health Plan is an innovative option for States to improve access to care and in line with the Biden administration goals of affordability and coverage for all. If confirmed, I would be happy to work with you on this.

TELEHEALTH

*Question.* How would you approach the issue with payment parity for the various telehealth services? Which metrics would you use to evaluate the appropriate amount for reimbursements?

Which methods would you use to promote telehealth literacy and expand access to technology for people who don't have them?

How would you evaluate the quality of services provided and what do you plan to do to enforce these standards?

*Answer.* Telehealth is an important tool to improve health equity and access to health care. Health care should be accessible, no matter where you live. If confirmed, I would look forward to working with you and my colleagues at the Centers for Medicare and Medicaid Services on this issue.

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QUESTIONS SUBMITTED BY HON. SHELDON WHITEHOUSE

*Question.* Although COVID-19 increased health-care utilization in 2020 and 2021, the Congressional Budget Office's February 2021 projections estimate that Federal health spending over the next decade will be \$6 trillion lower than it predicted in August 2010 for the same budget window. While a portion of the difference in health-care spending relates to the repeal of the individual mandate and other policy changes, much of it appears to result from a sustained slowdown in health spending growth in recent years. Despite this slowdown in spending, the Congressional Budget Office recently updated their projections for the Medicare Hospital Insurance Trust Fund, now estimating that the trust fund will face insolvency in 2024.

What delivery system reforms will the administration advance to lower health-care spending and address Medicare insolvency before 2024?

*Answer.* Medicare solvency is an incredibly important, longstanding issue. If confirmed, I look forward to working with Congress, and in concert with the Centers for Medicare and Medicaid Services, on a bipartisan basis to address this. We will need both short-term and long-term strategies—including delivery system reform—to make sure Medicare remains a bedrock of our health-care system. It is essential that we protect and strengthen this program for Americans who have spent their lives paying into it.

*Question.* The Centers for Medicare and Medicaid Services, through the Medicare Care Choices Model and the Center for Medicare and Medicaid Innovation, through a number of care models including the Primary Care First—Seriously Ill Population model and the NextGen ACO program, offer a number of waivers that would make the delivery of end-of-life care more patient-focused. I've spoken with Center for Medicare and Medicaid Innovation Director Liz Fowler repeatedly about making it easier for states like Rhode Island to access the waivers available in these demos. I have legislation, the Removing Barriers to Person- and Family-Centered Care Act, to allow health agencies, ACOs, and other groups of providers to access these cur-

rent waivers and to expand Medicare payments for additional end-of-life care services.

Will you work with me to ensure that providers who take on adequate risk can deliver patient-centered end-of-life care?

Answer. Thank you for your leadership on this issue. Making sure that all Americans have access to quality, affordable health care is one of the Biden administration's top priorities. If confirmed, I commit to working with you and my colleagues at the Centers for Medicare and Medicaid Services to examine rules and other policies to ensure all Americans can access the care that they need and choose, including at the end of life. I look forward to working with you on this important issue.

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#### QUESTIONS SUBMITTED BY HON. MIKE CRAPO

##### CONGRESSIONAL CONSULTATION

*Question.* The primary responsibility of the HHS ASL is to be a conduit of information between the Department and Congress.

Will you commit to us to always communicate in a timely, clear, and responsive way to our inquiries?

Answer. I deeply respect the oversight function of this committee for improving current policies and programs. If confirmed, I am committed to ensuring that the Department is responsive to oversight requests and provides Congress with the information that it needs consistent with appropriate law and regulation.

##### ROLES OF MAJORITY AND MINORITY

*Question.* As a longtime GAO staffer and a House staffer through periods in both the majority and minority, I trust that you have well-developed views regarding the role of Congress in formulating health-care policy.

How do you see the role of Congress in influencing and shaping HHS's policymaking, including on the roles of both the congressional majority and minority of such policymaking?

Answer. From my experience at GAO, and in my work at the Committee on Ways and Means, I understand the importance of taking a bipartisan, bicameral approach to policymaking and implementing the laws consistent with congressional intent. I recognize the importance of asking questions about current policies and programs to build on them and improve the health of the Nation, and our health-care system.

##### HEALTH-CARE INNOVATIONS

*Question.* Bipartisan collaboration, particularly among committee leadership, is important during crises. We saw this last year, when a divided Congress and the Trump administration took decisive action early in the year to make possible health-care innovations to mitigate the pandemic, despite the restrictions imposed by the national lockdown.

As we approach the end of the public health emergency, which policy innovations do you think we should retain, and potentially make permanent in statute, as we continue to look to improve our health-care system?

Answer. If confirmed, I will take a careful look at these policy innovations and other responses to the public health emergency along with my colleagues across the Department. I look forward to hearing more from you about what existing flexibilities you view as especially important and working with you to determine what legislative or resource needs there may be at HHS.

##### RESPONSE REVIEW AND TIMELINESS

*Question.* Concerning the White House, we have had several instances where we have sent letters to agencies and the responses have been delayed because the White House is reviewing the drafts. In another instance, shortly after a productive bipartisan conversation with a nominee about the value of waivers, the administration rescinded a previously granted waiver without notifying Congress. That circumstance demonstrated the importance of the ASL position, and how lack of communication can exacerbate the effects of a policy decision.

Will you commit to advocate within the administration to be responsive to congressional inquiries, no matter who is asking the questions?

Answer. I deeply respect both the majority and minority members of this committee. If confirmed, I am committed to ensuring that the Department is responsive to oversight requests and provides Congress with the information that it needs consistent with appropriate law and regulation.

*Question.* Similarly, will you commit to advising Congress before sudden policy shifts to ensure the full impact of the change can be assessed, and any rationales for and against understood, before the decision becomes irreversible?

Answer. If confirmed, I am committed to working with Congress on policy developments and implementation consistent with the law and appropriate regulations.

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QUESTIONS SUBMITTED BY HON. CHUCK GRASSLEY

*Question.* I am committed to protecting access to rural health care by boosting doctor pay, expanding access to telehealth, and protecting funding for rural hospitals. Over the last decade, at least 100 hospitals across the Nation have closed. Congress recently established the voluntary Rural Emergency Hospital (REH) designation for Medicare. REH allows a Critical Access Hospital (CAHs) or a small, rural hospital with less than 50 beds to convert to an REH. The goal is to preserve access to emergency medical care in rural areas that can no longer support a fully operational inpatient hospital. It will let hospitals maintain essential medical services in their communities like 24/7 emergency care, outpatient care, ambulance services, and more. It will also let certain rural hospitals right-size their health-care infrastructure. Recently, Senator Klobuchar and I sent to the Centers for Medicare and Medicaid Services (CMS) a letter asking the agency to prioritize the implementation of this law.

Can you commit to a timely and fair implementation of the Rural Emergency Hospital Program?

Can I also have your assurance you will work with me to ensure the program is available to rural hospitals on January 1, 2023, as intended?

Answer. Thank you for your leadership on this issue. I commit that, if confirmed, I will work with the Centers for Medicare and Medicaid Services on its rulemaking regarding the Rural Emergency Hospital Program and keep you regularly updated on its implementation. I recognize that rural areas have unique needs and challenges and I look forward to working closely with you on this issue.

*Question.* On March 8, 2021, I wrote to the Department of Health and Human Services (HHS) and asked several questions relating to the origins of the coronavirus. I also asked about what, if any, oversight was done on the coronavirus grants sent by Dr. Fauci's unit within the National Institutes of Health to EcoHealth Alliance which issued sub-grants to the Wuhan Institute of Virology. According to reports, \$600,000 to \$826,000 was sent to the Wuhan Institute of Virology by EcoHealth Alliance to study bat coronaviruses. On May 21, 2021, the Department of Health and Human Services responded to my letter but failed to answer whether any oversight was done. On May 26, 2021, I wrote a follow-up letter to HHS asking again what, if any, oversight was done. I have not received a response yet and the due date was June 9, 2021. At a June 10, 2021, hearing, I asked Secretary Becerra about what, if any, oversight was done. He failed to answer. The Department has failed to explain if any oversight was done on how that money was used to ensure, as one example, that it wasn't used for gain-of-function research.

Given I was not able to get an answer from Secretary Becerra when he was before this committee on June 10th, I will ask you something related. If confirmed, what steps will you take to determine whether any oversight was done on the taxpayer money sent to the Wuhan Institute of Virology to ensure it wasn't used improperly and for gain-of-function research?

Answer. Thank you for sharing your concerns related to the origins of COVID-19. It is my understanding that Dr. Collins and Dr. Fauci have repeatedly said that the National Institutes of Health never approved funding for gain-of-function research at the Wuhan Institute of Virology. That said, there is a strong agreement for further investigation to understand the origins of COVID-19. As you know, the President has called for a report within 90 days from the intelligence community regarding the origins of COVID-19, and Secretary Becerra has requested that the

WHO conduct a thorough, independent phase 2 investigation of the virus's origins. If confirmed, I would work to support these efforts and ensure information is communicated to Congress consistent with appropriate law and regulation.

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QUESTIONS SUBMITTED BY HON. BILL CASSIDY

*Question.* Can you please describe your protocol for processing technical assistance or other requests for information? How will you prioritize Republican members on the HELP or Finance Committees who are making these requests? Trump's ASL processed TA requests by seniority on the Committees, regardless of party.

*Answer.* From my experience at GAO, and in my work at the Committee on Ways and Means in both the majority and the minority, I understand the importance of taking a bipartisan, bicameral approach to policymaking, including by providing technical assistance to make sure laws passed by Congress can be implemented by the administration. If confirmed, I will review prior protocols to make sure we are providing timely and responsive technical assistance to members and committees of jurisdiction.

*Question.* How will you prioritize filling the roles that report to you, like the Deputy Assistant Secretary for Discretionary Health Programs, Mandatory Health Programs, and Human Services? What criteria are you looking for?

*Answer.* I agree that a full team at ASL is critical to our ability to respond to the needs of Congress. It is my understanding that all the positions you mentioned are now filled, and if confirmed, I will work to ensure my team is both supported and responsive.

*Question.* The Deputy Assistant Secretary for Oversight position was vacant for all of last year. How important is a full team?

*Answer.* I agree that a full team at ASL is critical to our ability to respond to the needs of Congress and recognize that the Deputy Assistant Secretary for Oversight is an important part of that team. If confirmed, I will work to ensure the position is filled as soon as possible.

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PREPARED STATEMENT OF JAYME RAY WHITE, NOMINATED TO BE DEPUTY UNITED STATES TRADE REPRESENTATIVE (WESTERN HEMISPHERE, EUROPE, THE MIDDLE EAST, LABOR, AND ENVIRONMENT), WITH THE RANK OF AMBASSADOR, EXECUTIVE OFFICE OF THE PRESIDENT

Chair Wyden, Ranking Member Crapo, and members of the committee, I am honored to be here at this desk, in front of you. This is a truly special moment after spending many years sitting behind you on the dais.

I came to Washington in 2000 to work for my hometown Congressman, Jim McDermott. Throughout a decade of service to Congressman McDermott, I helped guide his work on trade policy as a member of the House Committee on Ways and Means, and I learned valuable lessons about how trade affects working people.

Since 2009, I have served this committee under Chair Wyden. I have represented this committee's legislative agenda and international trade priorities during three presidencies and in front of leaders around the world.

I grew up in West Seattle, which is on the waterfront and home to the Port of Seattle, a gateway of international trade. As a kid, I delivered newspapers across the area and got a bird's eye view of the positive and harmful aspect of trade policy. The region is home to everything from trains and trucks to container ships and grain containers—all representing the hopes and dreams of workers, farmers, and families.

I have never forgotten where I came from and the people I grew up with. I'm keenly aware of how the policy made here in Washington has a direct impact on the lives of people back in West Seattle. And if confirmed as a Deputy United States Trade Representative, I will continue to fight for American workers, the environment, and our economic prosperity.

President Biden and Ambassador Tai have laid out a historic new policy approach centered around workers. Historically, trade, labor, and regulatory policy has been tilted in favor of corporations and the wealthy. Workers have not always benefited

from government policy. The promises often didn't reach the factory floor and wages didn't go up, creating deep skepticism about the efficacy of trade policy.

Ambassador Tai believes we need a different approach that gives workers a seat at the table—so their perspectives and voices are incorporated into the policy we develop.

Recent history shows that this approach can bear fruit. Next week marks the 1-year anniversary of the United States-Mexico-Canada Agreement. USMCA proved that bringing *all* stakeholders to the table—labor, workers, the business community, and members of Congress—can produce stronger trade agreements. The result was a bipartisan trade deal with overwhelming support from Congress that includes strong and enforceable labor and environmental standards; a new tool known as the rapid response mechanism that, when used, allows us to promptly raise concerns with the Mexican or Canadian Government when there are allegations of worker rights violations; and necessary and long-overdue intellectual property reforms to increase access to life-saving medication.

I had the pleasure of working with Ambassador Tai during the USMCA negotiations while she worked for the House Committee on Ways and Means. When she talks about putting workers front and center in our trade policy, it isn't shallow rhetoric. It's a genuine commitment to lift up voices and communities we don't often hear from—or worse, that we overlook and exclude.

That commitment was highlighted last week when Ambassador Tai and members of the Biden-Harris administration negotiated a resolution with the European Union and the United Kingdom to end the long-running Boeing-Airbus dispute. The deal suspends the tariffs related to the dispute for 5 years. And it will help American workers and American companies compete fairly, while we work with our allies to address common challenges from China and other non-market economies.

As the son of two Boeing employees, this welcome news hits close to home, but I also know that many of the workers who will benefit from the deal are your constituents. You and your staff hear from them frequently—and you know how difficult this dispute has been. They should know that the deal shows how we can work with our allies and trading partners to confront the threats of this new age and shape trade policies that lift up workers, people, and communities that are often overlooked.

If confirmed, I look forward to working with all of you to develop a worker-centered trade policy that boosts our competitiveness and creates good-paying jobs. Together, we can prove that trade doesn't need to exclude certain factions and communities. It can be inclusive, create shared prosperity, and help us build back better.

Thank you for considering me for this position. I look forward to answering your questions.

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## SENATE FINANCE COMMITTEE

### STATEMENT OF INFORMATION REQUESTED OF NOMINEE

#### A. BIOGRAPHICAL INFORMATION

1. Name (include any former names used): Jayme Ray White.
2. Position to which nominated: Deputy United States Trade Representative.
3. Date of nomination: June 9, 2021.
4. Address (list current residence, office, and mailing addresses):
5. Date and place of birth: February 22, 1973; Seattle, WA.
6. Marital status (include maiden name of wife or husband's name):
7. Names and ages of children:

8. Education (list all secondary and higher education institutions, dates attended, degree received, and date degree granted):

Georgetown University, August 2005–October 2009. Master of Public Policy Management. October 31, 2008.

Georgetown University, August 2001–May 2003. Bachelor of Arts in Liberal Studies. May 17, 2003.

University of Washington, March 2000–June 2000.

Seattle Central Community College, September, 1997–March 1999. Associate of Arts. March 24, 1999.

Highline Community College, Fall 1993–Fall 1995.

South Seattle Community College, General Equivalence Degree (GED). December, 1990 (estimate).

Mount Rainier High School, Fall 1989.

West High School, Spring 1989.

Highline High School, Fall 1988.

Bartlett High School, Spring 1988.

Chief Sealth High School, Fall 1987.

I did not take courses at South Seattle Community College; I just took the GED exam.

9. Employment record (list all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment for each job):

**August 2009–present: United States Senate, Washington, DC.**

January 2014–present: Chief Advisor for International Competitiveness and Innovation, U.S. Senate Committee on Finance. Responsibilities: Lead advisor to the Chair on all trade-related legal and policy matters.

February 2013–February 2014: Legislative Director to Senator Ron Wyden. Responsibilities: Lead advisor to the Senator on all legislative activity before the U.S. Senate.

August 2009–February 2014: Staff Director, U.S. Senate Committee on Finance Subcommittee on International Trade. Responsibilities: Lead advisor to the Chair of the subcommittee on trade-related legal and policy matters, in addition to special projects related to other matters, including banking, tax, and technology.

**June 2000–August 2009: U.S. House of Representatives, Washington DC.**

October 2006–August 2009: Legislative Director, Representative Jim McDermott. Responsibilities: Managed and supervised the Congressman's legislative agenda in general, but particularly his efforts on trade, tax, and human resources matters as a senior member of the House Committee on Ways and Means and as a chair of one of its subcommittees.

July 2001–October 2006: Legislative Assistant, and Senior Legislative Assistant, Representative Jim McDermott. Responsibilities: Led the Congressman's agenda on trade and tax issues as part of his portfolio as a senior member of the House Committee on Ways and Means.

June 2000–July 2001: Staff Assistant, Representative Jim McDermott. Responsibilities: Responded to stakeholders and conveyed the Congressman's views to stakeholders and constituents.

10. Government experience (list any current and former advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments held since college, including dates, other than those listed above):

N/A.

11. Business relationships (list all current and former positions held as an officer, director, trustee, partner (*e.g.*, limited partner, non-voting, etc.), proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, other business enterprise, or educational or other institution):

Sole proprietor and owner in a landscaping business, White House Landscaping, April 1993–April 1994.

12. Memberships (list all current and former memberships, as well as any current and former offices held in professional, fraternal, scholarly, civic, business, charitable, and other organizations dating back to college, including dates for these memberships and offices):

The Golf and Country Club at Woodmore, June 2016–July 2017.

Norbeck Golf and Country Club July, 2017–June 2020.

13. Political affiliations and activities:

- a. List all public offices for which you have been a candidate dating back to the age of 18.

April 2000–May 2000, candidate to be a WA State delegate for the 2000 presidential election. I dropped out of the race after Representative McDermott offered me a job in Washington, DC at the Capitol and I moved to DC.

- b. List all memberships and offices held in and services rendered to all political parties or election committees, currently and during the last 10 years prior to the date of your nomination.

N/A.

- c. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$50 or more for the past 10 years prior to the date of your nomination.

N/A.

14. Honors and awards (list all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievement received since the age of 18):

N/A.

15. Published writings (list the titles, publishers, dates and hyperlinks (as applicable) of all books, articles, reports, blog posts, or other published materials you have written):

Seattle PI, Letter to the Editor, “Elian Gonzalez—Boy may be catalyst to restart strained U.S.-Cuba relations,” April 9, 2000. Attachment A.

I wrote a few other Letters to the Editor that appeared in a local neighborhood newspaper, the *Magnolia News*, and one in the *Seattle Times*. Those letters, to my recollection, espoused the benefits derived from trade liberalization. One to the *Times* lamented the U.S. Senate’s inability to approve an updated Nuclear Test Ban Treaty.

16. Speeches (list all formal speeches and presentations (*e.g.*, PowerPoint) you have delivered during the past 5 years which are on topics relevant to the position for which you have been nominated, including dates):

I gave informal, off-the-record comments throughout my career to represent the views of Chair Wyden in my capacity as his chief trade advisor. Our office policy is to represent those views already expressed by Senator Wyden. I adhered to that policy.

I identified two panels that I spoke on at CSIS whose excerpts appear online: [https://www.youtube.com/watch?v=bTlu9M\\_RqxQ](https://www.youtube.com/watch?v=bTlu9M_RqxQ).  
<https://www.csis.org/events/csis-roundtable-series-digital-trade>.

17. Qualifications (state what, in your opinion, qualifies you to serve in the position to which you have been nominated):

The Deputy U.S. Trade Representative (DUSTR) assists the U.S. Trade Representative in the development and coordination of U.S. trade policy and conducting international trade and trade-related investment negotiations. The DUSTR assists in negotiations at bilateral and multilateral levels, and coordinates trade policy with other government agencies. In addition to being an advisor to the USTR, the Office of the U.S. Trade Representative was created by Congress to be directly accountable to both the President and the U.S. Congress.

I have been a professional staff member in the U.S. Congress for over the past 20 years, working on nearly every trade matter that has come before Congress in that time. My experience includes both trade committees of jurisdiction—House Ways and Means and Senate Finance. As the lead advisor to the chairman of the Senate Committee on Finance, I engaged in trade policy oversight and trade negotiations consultations with two different administrations, including on the Trans-Pacific Partnership, the Transatlantic Trade and Investment Partnership, the Trade in Services Agreement, the Environmental Goods Agreement, the U.S.-UK negotiations, and the renegotiation of the North American Free Trade Agreement.

My experience on behalf of the U.S. Congress has prepared me to assume the responsibilities of the DUSTR.

#### **B. FUTURE EMPLOYMENT RELATIONSHIPS**

1. Will you sever all connections (including participation in future benefit arrangements) with your present employers, business firms, associations, or organizations if you are confirmed by the Senate? If not, provide details.  
Yes.
2. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, provide details.  
No.
3. Has any person or entity made a commitment or agreement to employ your services in any capacity after you leave government service? If so, provide details.  
No.
4. If you are confirmed by the Senate, do you expect to serve out your full term or until the next presidential election, whichever is applicable? If not, explain.  
Yes.

#### **C. POTENTIAL CONFLICTS OF INTEREST**

1. Indicate any current and former investments, obligations, liabilities, or other personal relationships, including spousal or family employment, which could involve potential conflicts of interest in the position to which you have been nominated.  
  
In connection with the nomination process, I have consulted with the Office of Government Ethics and the Designated Ethics Official at the Office of the U.S. Trade Representative to identify any potential conflicts of interest. Any conflict of interest will be resolved according to the terms of an ethics agreement I am entering into and that will be provided to this committee.
2. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years (prior to the date of your nomination), whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.  
N/A.
3. Describe any activity during the past 10 years (prior to the date of your nomination) in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy. Activities performed as an employee of the Federal Government need not be listed.  
N/A.
4. Explain how you will resolve any potential conflict of interest, including any that are disclosed by your responses to the above items. (Provide the committee with two copies of any trust or other agreements.)

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Designated Ethics Official at the Office of the U.S. Trade Representative to identify any potential conflicts of interest. Any conflict

of interest will be resolved according to the terms of an ethics agreement I am entering into and that will be provided to this committee.

5. Two copies of written opinions should be provided directly to the committee by the designated agency ethics officer of the agency to which you have been nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position.

Copies have been provided to the committee.

6. The following information is to be provided only by nominees to the positions of United States Trade Representative and Deputy United States Trade Representative:

Have you ever represented, advised, or otherwise aided a foreign government or a foreign political organization with respect to any international trade matter at any time in any capacity? If so, provide the name of the foreign entity, a description of the work performed (including any work you supervised), the time frame of the work (*e.g.*, March to December 1995), and the number of hours spent on the representation.

No.

#### **D. LEGAL AND OTHER MATTERS**

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? Have you ever been interviewed regarding your own conduct as part of any such inquiry or investigation? If so, provide details, regardless of the 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? Have you ever been interviewed regarding your own conduct as part of any such inquiry or investigation? If so, provide details.

No.

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

Yes. In 1991, I was named as a plaintiff in a small claims court case in Washington State related to a car accident. The case was decided in my favor. The judgement was less than \$5,000 and I was never able to collect any money from the respondent.

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 1992, I received a summons and a fine in Oregon State for using a fake ID in a bar to drink under-age when I was 20 years old.

5. Please advise the committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

N/A.

#### **E. TESTIFYING BEFORE CONGRESS**

1. If you are confirmed by the Senate, are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?

Yes.

2. If you are confirmed by the Senate, are you willing to provide such information as is requested by such committees?

Yes.

## Attachment A

**Elian Gonzalez—Boy May Be Catalyst to Re-start Strained U.S.-Cuba Relations***The Seattle Times* April 9, 2000, Sunday Final Edition

Elian Gonzalez may be the best thing that has happened to Cuba. The spotlight is once again now on U.S.-Cuban relations and it is time to re-evaluate foreign policy toward Cuba.

If the 20th century taught the U.S. anything, it is that democracy and capitalism have prevailed and America no longer needs to live in fear of communism and socialism. Fear is not the hereditary trait of an American.

The strategy behind the embargo was to make life so difficult for the Cubans that they would rise up and oust their leader, President Fidel Castro. That was more than 40 years ago. In actuality, our policy led to Cuba's isolation, crippled its economic development and solidified the perception that this misfortune is the doing of the United States, not their leader.

The economic embargo on Cuba needs to be lifted. It is a failed foreign policy that has only hurt those it intended to help, the Cuban people. Lifting the embargo and allowing Cubans to see for themselves how Castro's economic and political system work in the new millennium will allow the Cubans to see the devil in the daylight.

The people of Washington need to think about how the U.S. is treating Cuba and decide if, in good conscience, we should continue to repress Cubans because of our distaste for Castro.

Jayme White  
Seattle

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QUESTIONS SUBMITTED FOR THE RECORD TO JAYME RAY WHITE

QUESTIONS SUBMITTED BY HON. RON WYDEN

*Question.* If confirmed, in addition to covering labor, your portfolio will cover the environment. Environment is critical in trade—both because we cannot allow a race to the bottom on environmental standards, which upends the playing field for American workers, and because environmental goods are a potential competitive opportunity for innovative American businesses.

Can you describe how you see trade policy supporting the Biden administration's climate goals?

How can USTR improve enforcement of environmental trade obligations?

*Answer.* The President's 2021 trade agenda outlined and Ambassador Tai further reinforced that trade policy will provide the technical expertise and support for the whole-of-government efforts to combat climate change and realize the administration's goals of achieving net-zero global emissions by 2050. If confirmed, I plan to review the environmental mechanisms outlined in our trade agreements to see how the United States can maximize their implementation and how to build upon models like the U.S.-Peru FTA's Annex on Forest Sector Governance that sought to increase governance, sustainable management, and enforcement of preventing illegal logging and trade in timber and wildlife products and the USMCA's Environment Cooperation and Customs Verification Agreement that expanded enforcement coordination and information sharing processes.

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QUESTION SUBMITTED BY HON. MIKE CRAPO

G7 TAX ANNOUNCEMENTS

*Question.* The administration continues to highlight that one of its major achievements is the G7 agreement regarding a global minimum tax. While there are limited details, the G7 press release states that members will remove digital services taxes in exchange for the reallocation of taxing rights of global companies, in addition to implementing a global minimum tax of 15 percent.

I am deeply skeptical of the administration's reliance on other countries to enact a 15-percent global minimum tax. Critically though, I am also deeply disappointed that none of the countries have taken any serious action to roll back implementation or to suspend collection of their digital services taxes.

How do you think the United States should respond if our trading partners make no effort to stop collecting discriminatory digital services taxes on U.S. firms?

Answer. The Biden administration remains determined to resolve the digital taxation dispute in the context of the OECD/G20 process. I was pleased to learn of last week's agreement of 130 countries representing more than 90 percent of global GDP to support a global minimum tax of at least 15 percent. Secretary Yellen has called this a historic accomplishment that provides the opportunity to build a global and domestic tax system that lets American workers and businesses compete and win in the world economy. To provide more tax certainty, the agreement at the OECD calls for there to be appropriate coordination of the application of the new international tax rules and the removal of digital service taxes and other similar measures. I understand that discussion of these and other implementations issues will continue through October.

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#### QUESTIONS SUBMITTED BY HON. MARIA CANTWELL

##### BOEING-AIRBUS

*Question.* What steps will you and USTR take to ensure the full implementation of the agreements with the EU and UK addressing government support for large civil aircraft programs? How will USTR monitor compliance?

Answer. The frameworks for cooperation agreed to with the European Union and United Kingdom establish working groups to overcome disagreements that may arise regarding the principles set out in those instruments. This includes the principle that each side intends to provide financing to large civil aircraft producers on market terms. If confirmed, I will make robust use of that mechanism to ensure that the EU and UK are living up to the high standard we have set.

*Question.* What can USTR do to ensure that future European governments' supports to aerospace companies are administered on commercial terms, including those targeted to reduce aircraft emissions?

Answer. Through the framework's working group, USTR can hold European governments to the principles set out to ensure that each side contributes to a level playing field, establishing fair competition for U.S. workers and producers. If confirmed, I will work to make this mechanism an effective and meaningful way to ensure that future government support programs are consistent with the findings in the underlying disputes.

##### EUROPE AND DIGITAL TRADE

*Question.* Beyond dealing with foreign digital service taxes (DSTs), what is USTR's strategy on digital trade in Europe and how do we create new opportunities for American digital exporters?

What is USTR doing to counter moves towards digital protectionism in Europe?

Answer. My expectation is that USTR will, as part of the Biden-Harris administration's focus on a foreign policy for the middle class, explore the ways in which digital trade rules can advance export opportunities for U.S. firms and U.S. workers. The United States and the European Union share the goal of combating digital authoritarianism. Trade rules that promote fair competition, including non-discrimination, allow parties with shared values to open markets and foster innovation.

*Question.* What role will USTR play in the newly created U.S.-Europe Trade and Technology Council that was announced during President Biden's recent visit?

Answer. Ambassador Tai is one the U.S. co-chairs of the Trade and Technology Council, along with Secretary Blinken and Secretary Raimondo. USTR will also participate actively in the working groups of the Trade and Technology Council, and expects to lead the working group on global trade challenges.

## QUESTIONS SUBMITTED BY HON. ROBERT MENENDEZ

*Question.* As I said to Ambassador Tai in May, if the United States is going to successfully diversify away from China we'll need to deepen our trading relationships with our neighbors in the Western Hemisphere. And when it comes to addressing the challenges of migration in Central America, it's critical that we use all the tools at our disposal, including trade and economic development. If confirmed as the Deputy in charge of the Western Hemisphere, you will have a key role to play in that effort.

What aspects of the CAFTA-DR agreement do you think need to be reevaluated so we can make the agreement more successful?

*Answer.* CAFTA-DR is one of the United States' oldest and first FTA with a group of developing countries. It does not include the modern improvements of USMCA, especially as it relates to labor and enforcement. If confirmed, I would look for opportunities to maximize the full potential of the agreement.

*Question.* Will you commit to consulting with my office on any review of the agreement or changes you might seek?

*Answer.* Yes.

*Question.* In the last month, Nicaragua's Ortega regime has arrested four presidential candidates and over a dozen prominent leaders from the private sector and civil society. We have not seen an authoritarian crackdown of this nature in our hemisphere in decades.

Do you believe we should reconsider whether to continue to extend the benefits of CAFTA-DR to countries like Nicaragua that take such authoritarian actions?

*Answer.* There are a number of actions that the United States could take against countries that take authoritarian actions and experience alarming declines in human and civil rights. Reviewing trade capacity building and assistance available under a trade agreement could be a part of that review.

*Question.* Do you believe that the United States needs to incorporate standards into future free trade agreements to safeguard against the deterioration of democratic governance and the proliferation of corruption and human rights abuses?

*Answer.* Yes.

*Question.* Ambassador Tai said during her confirmation hearing that she would commit to "close consultations with the Senate Finance Committee on trade negotiations" and would work closely with the committee to identify ways to "improve the flow of information in the development of trade policy."

Do you likewise make this commitment?

*Answer.* Yes.

*Question.* Since USTR has committed to follow the 2015 Guidelines for Consultation and Engagement, will you commit to seek input from the Committees on Finance and Ways and Means on U.S. text proposals before sharing them with other governments and commit to provide an oral update to this committee on the status of negotiations both before and after each negotiating session?

*Answer.* I commit to follow the 2015 Guidelines for Consultation and Engagement, if confirmed.

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 QUESTIONS SUBMITTED BY HON. THOMAS R. CARPER

## MULTILATERAL TRADE AGREEMENTS

*Question.* On June 22, 2021, the Finance Subcommittee on International Trade, Customs, and Global Competitiveness held a hearing to review the benefits of a multilateral approach to trade policy in the Asia-Pacific region. We heard from experts who advised us on how the United States can get its seat back at the table and actively work with our allies to form new agreements to boost jobs and economic growth in our country.

Could you please share your perspective on the merits of a multilateral approach to trade policy in the Asia-Pacific region?

Would you agree that the United States needs a strategy for reengaging our allies in the Asia-Pacific region on trade? If yes, what are the essential elements that must be addressed to ensure that the United States can successfully reengage in the region?

Answer. If confirmed, I will work with Ambassador Tai to deepen trade engagement in the Asia-Pacific region. Specifically, I will work with our trading partners in multilateral settings, such as APEC, as well as in bilateral settings, to advance a worker-centered trade policy that represents a high-standard alternative to China's race-to-the-bottom approach.

#### USMCA, THE ENVIRONMENT, AND MEXICO'S ENERGY REFORMS

*Question.* Concerns have been raised about Mexico's recently enacted electricity reform legislation and its potential to undermine new private investment in Mexico's renewable energy sector by American companies and others, and its potential to violate agreements set out in the United States Mexico Canada agreement.

If confirmed, what steps will you take to ensure that environmental commitments in USMCA are upheld? Further, will you commit to monitoring this issue and to keeping Congress informed about any further action needed to address this issue?

Answer. Full realization of the labor and environmental commitments of the USMCA are key to the agreement's success. If confirmed, I will meet with concerned stakeholders, review the status of implementation discussions, and connect with my counterparts in both Mexico and Canada to fulfill the intent and obligations of the agreement. Given the gravity of this important environmental work, I will consult with Congress.

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#### QUESTION SUBMITTED BY HON. SHELDON WHITEHOUSE

*Question.* The Trump administration failed to pair happy talk about the international fight against marine debris with meaningful action. I've been told that on several occasions, the U.S. government stood in the way of substantive international action on marine debris despite consensus among the other parties. While I was heartened by the inclusion of a marine debris provision in United States-Mexico-Canada Agreement, I am concerned that we still are not using our commercial power effectively as we work to combat marine debris.

How do you plan to use the trade tools at your disposal to help with the fight against marine debris?

Answer. I understand the importance of marine debris to you and other members of Congress, and if confirmed, I would welcome your advice on the opportunities and challenges of what role USTR may play in supporting broader U.S. government's efforts to reduce and prevent marine debris.

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#### QUESTION SUBMITTED BY HON. ELIZABETH WARREN

*Question.* The Internet is a large and growing force in the U.S. economy and global trade. Big tech companies provide valuable products but also wield enormous power over our commerce, discourse, and data. As Congress and the administration address competition, privacy, and other issues with big tech companies domestically, it is important that our trade rules do not undermine our efforts, or those of like-minded countries like our European trading partners.

Do you agree any digital trade policies must not undermine or forestall privacy regulation, disinformation prevention, or antitrust actions by the United States and its trading partners? Will you commit to engaging robust consultation with civil society actors on digital trade issues, as well as administration colleagues at the Federal Trade Commission and Department of Justice?

Answer. I agree. While my portfolio would not include digital trade, my expectation is that USTR would engage in robust consultations with a wide array of stakeholders, including civil society, as well as government regulators, including agencies such as the Department of Justice that are part of the statutory interagency process, and the Federal Trade Commission, which is not.

## QUESTIONS SUBMITTED BY HON. JOHN CORNYN

*Question.* When nominee Tai appeared before us, now 3 months ago, many Senators raised questions about the 25-percent section 301 China tariffs the last administration had reimposed in January, and many of us expressed our hope that USTR would act quickly to retroactively extend the exclusions and set up a new round for applications for exclusions. In her answers, she said, “If confirmed, I commit to assessing the section 301 tariffs and exclusion process as part of President Biden’s comprehensive approach to confronting the China challenge.”

She appeared again 5 weeks ago, and Senators pressed her on when we could expect USTR to act. She answered, “As soon as we can, and ensure that what we are doing has been thought through and is strategic and has a clear objective.”

Last week, the Senate expressed its growing frustration with USTR’s inaction by adding provisions to the Innovation and Competition Act that would compel USTR to retroactively renew exclusions and establish a new process to apply for exclusions. This legislative action comes after impacted companies and consumers have paid billions of dollars in reimposed tariffs, a full five months since the President was inaugurated, and three months after Katherine Tai was confirmed.

Most of us would be happy for USTR to act administratively to address this issue in the very near term.

Can you commit to addressing an exclusion process for these tariffs an immediate priority upon your confirmation?

*Answer.* The U.S. policy toward China touches many facets of our engagement in international trade, including with respect to the regions—Western Hemisphere, Europe, the Middle East—and topic areas—labor and environment—that, if confirmed, would be under my responsibility as Deputy U.S. Trade Representative. In that capacity, I will work to support the efforts of this administration and the USTR to pursue a China policy that achieves the goals of the Build Back Better agenda and a worker-center trade policy, including with respect to any tariff exclusions.

*Question.* In May, USTR announced that it would support the waiving of intellectual property for COVID-19 vaccines and support text-based negotiations on a broader anti-innovation proposal from India and South Africa—longtime opponents of intellectual property protections. This was dramatic shift from our historic and longstanding support for stronger IP protections and enforcement globally. In other words, we are usually in the business of supporting American innovation and creativity, not supporting giving it away to our competitors.

Since such a waiver of the WTO/TRIPS agreement is likely to undermine—not expand—existing manufacturing capacity issues and will come months after the U.S. has already donated its excess supply for the rest of the world, as Deputy USTR will you recommit this administration to this country’s longstanding and bipartisan support for American intellectual property?

*Answer.* The Biden-Harris administration has affirmed its support for strong intellectual property rules. COVID-19, as with prior global health crises, poses a particular challenge, both from a humanitarian perspective, as well as from an economic one. I share the Biden-Harris administration’s goal of promoting strong rules that incentivize innovation, while doing all we can to ensure that to the extent those rules inhibit access to medicines, and the global economic recovery, we make appropriate adjustments.

*Question.* One week from today will mark the 1-year anniversary from entry into force of the USMCA. Over the last year, however, Mexico has moved backwards here—and is now either non-compliant or threatening to take action that would make them non-compliant with the agreement in a wide range of issues that includes preferential treatment for state-run energy companies, regulatory delays for U.S. ag biotech and biopharmaceutical products, and local content quotas for film and television programming, among other issues.

If this kind of disregard for the USMCA persists, will you support USTR taking enforcement action to protect America’s commercial interests in the agreement?

*Answer.* This January marked 27 years since NAFTA’s entry into force. The USMCA includes new tools to address modern issues, and if confirmed, I plan to work closely with Ambassador Tai to fully implement the agreement and explore how the agreement’s tools can be used to ensure that the parties fulfill their obligations.

*Question.* During President Biden's visit to Europe, the White House announced it would participate in the U.S.-EU Trade and Technology Council (TTC). Ensuring fair competition is among the issues the TTC will focus on. Yet the EU has taken several unilateral actions that would significantly impact American companies' ability to compete in Europe; one example is the Digital Markets Act (DMA).

As part of the TTC, are you prioritizing engaging with the EU on all unilateral regulatory actions to ensure American companies aren't unfairly discriminated against by DMA and other actions?

*Answer.* Engagement with European partners on a broad range of trade issues is a priority of the Biden-Harris administration. Measures that appear to single out U.S. companies are always a concern of USTR, and I would expect both the Digital Services Act and the Digital Markets Act to be part of the discussion of digital governance in the Trade and Technology Council. It will be important to see if democracies can regulate the digital economy in a way that promotes fair competition, democratic values, and respect for human rights. If confirmed, I will consult closely with you as the administration works through these important issues.

*Question.* The Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) has entered into force without the United States. The agreement represents approximately half a billion people and 14 percent of the global economy. American companies were negatively impacted when the U.S. withdrew from the TPP agreement in 2017. Joining the CPTPP would be a good opportunity for the U.S. to reclaim global leadership and write the rules of the road regarding trade, intellectual property, environmental and labor standards. It would also serve as an important foothold into key markets and help the U.S. compete against China.

Do you support the U.S. joining the CPTPP or an equivalent Asia-Pacific regional trade agreement? If not, can you explain why and what alternative you propose to help the U.S. counter China's rising influence and ensure that American exporters do not continue losing market share to their competitors?

*Answer.* The Biden administration is prioritizing domestic investments to improve American competitiveness. I support this emphasis. The administration is also pursuing a worker-centric trade policy. By focusing on American competitiveness and ensuring that our trade policy achieves a broader base of support, the administration will, in my view, provide a foundation for pursuing innovative trade policies that achieve the twin goals of expanding opportunities for American exports, while ensuring that we address the harm to domestic workers and businesses from unfair trade practices. Striking that balance will lead to more durable agreements that facilitate our national security goals, in the Indo-Pacific region, and elsewhere.

*Question.* Last week, I, along with Senator Tom Carper of Delaware, Senator Pat Toomey of Pennsylvania, Senator Dianne Feinstein of California, Senator Chris Coons of Delaware, and Senator James Lankford of Oklahoma, introduced the U.S.-Mexico-Canada Foreign Trade Zone Modernization Act of 2021 or USMCA FTZ Modernization Act of 2021.

This bill would require an investigation by the ITC on the NAFTA-era, U.S. law restriction preventing products produced in FTZs that otherwise meet the rules of origin under that agreement from qualifying for reduced tariff benefits. This restriction places products manufactured in U.S. FTZs at a disadvantage compared to their equivalent counterparts in Canada and Mexico.

If confirmed, would you be willing to initiate this investigation (precluding enactment of the bill) per the authority granted USTR under section 332 of the Tariff Act of 1930?

*Answer.* The President has delegated the power under section 332 of the Tariff Act of 1930 to request reports and investigations of the U.S. International Trade Commission to the U.S. Trade Representative. If confirmed, I would advise Ambassador Tai on utilizing this mechanism to understand how trade policies can support the administration's agenda, including priorities such as promoting an inclusive economic agenda, the development and reinforcement of resilient manufacturing supply chains and the creation of good-paying jobs that support working families.

## QUESTIONS SUBMITTED BY HON. JOHN THUNE

*Question.* Intellectual property protection promotes innovation, job creation, and economic development. It also provides a range of other benefits, such as helping develop the advances necessary for fighting COVID-19.

You do not formally have IP enforcement in your portfolios but the administration has so far failed to nominate a chief IP negotiator. As a result, protecting U.S. innovators' IP and enforcing international IP rules will be part of your job.

If confirmed, how will you ensure that American innovators and workers are not harmed by other countries undermining their IP protections?

*Answer.* The United States is a supporter of strong intellectual property protections. The annual Special 301 report provides an inventory of intellectual property practices around the world that undermine these protections, and I intend to work to ensure that our trading partners address those concerns.

*Question.* I remain concerned about the European Commission's inflexibility on new export certificate requirements on meat and dairy products. Given the requirements are set to take effect on August 21, 2021, it is critical that USTR engage on the issue to best protect American farmers, processors, and exporters.

If confirmed, will you commit to prioritizing this matter and updating me on USTR's progress on a resolution? How will you work to address this issue?

*Answer.* I share your concern and your sense of urgency. If confirmed, I would push the European Commission to work toward an outcome that does not disrupt trade, such as an extension of the August deadline to allow more time for technical discussions.

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 QUESTION SUBMITTED BY HON. RICHARD BURR

*Question.* July 1, 2021 marks the 1-year anniversary of USMCA's entry into force. Over the last year, however, I have heard many concerns about Mexico's failure to implement its commitments on issues ranging from preferential treatment for state-run energy companies to regulatory delays for U.S. ag biotech and biopharmaceutical products to local content quotas for film and television programming.

If these actions continue, what actions will you take to ensure Mexico is upholding its obligations under the agreement?

*Answer.* U.S. companies continue to encounter market access and regulatory barriers in a number of different Mexican sectors. I noticed that Ambassador Tai already met with her Mexican counterpart twice this year, most recently in a bilateral meeting in advance of the inaugural USMCA Free Trade Commission meeting. If confirmed, I plan to continue robust engagement with both Mexico and Canada in full implementation of the agreement.

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 QUESTIONS SUBMITTED BY HON. BILL CASSIDY

## CAFTA

*Question.* I believe it is in the U.S. interest for Central American countries to have stronger economies with greater job development. Among other things, this has the potential to decrease irregular migration to the US. Since the US has a trade agreement with Central America that includes standards for environmental and worker protections but not with China, our Central American trading partners are at a competitive disadvantage.

Do you think there might be ways to improve CAFTA to promote prosperity in Central America? If so, what are your thoughts?

Do you have any other ideas about how we can promote stability and prosperity in our hemisphere?

*Answer.* Resiliency and stability must be a hemispheric priority, and trade has a role to play. In February 2021, President Biden signed an "Executive Order on Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Throughout North and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border." The so-called Root Causes of Migration Executive Order specifically named USTR as an

agency to explore how DR-CAFTA could be used to discourage unfair labor practices and increase security, stability, and inequality in the region. The United States has free trade agreements with 20 countries, 13 of which are in the Western Hemisphere. If confirmed, I plan to review the agreements and use all the existing tools to advance environmental and worker protections to support the economic opportunity and the competitiveness of the United States and our neighbors.

## RICE

*Question.* Haiti is the number one market for U.S. milled rice, the majority of which comes from Louisiana producers. The capital, Port-au-Prince, is currently experiencing its worst civil unrest in 15 years. Trucks and warehouses with U.S. rice are being looted, and vessels discharging U.S. rice are unable to dock. If future vessels are unwilling to call on Haiti, the result will be a disaster for the people of Haiti as well as for U.S. rice farmers.

Does the U.S. Government have any plans to help Haiti settle the unrest?

Is there any other information you can share with Louisiana rice farmers to help them navigate the situation?

*Answer.* The political situation and the gravity of the pandemic have only exacerbated a very trying period in Haiti. Last month, the State Department issued a Level Four travel warning, which makes it more difficult for U.S. businesses exporting to Haiti, and for the people in Haiti trying to keep their loved ones safe, healthy, and fed. I continue to closely monitor the developments. If confirmed, I will work with my colleagues in the U.S. State Department and the U.S. Department of Commerce to better understand what trade tools and options are available.

## USMCA AND MEXICO

*Question.* One week from today will mark the 1-year anniversary from entry into force of the USMCA. Over the last year, however, Mexico has moved backwards here—and is now either non-compliant or threatening to take action that would make them non-compliant with the agreement in a wide range of issues that includes preferential treatment for state-run energy companies, regulatory delays for U.S. ag biotech and biopharmaceutical products, and local content quotas for film and television programming, among other issues.

If this kind of disregard for the USMCA persists, will you support USTR taking enforcement action to protect America's commercial interests in the agreement?

*Answer.* It is critical that the United States not only negotiate trade agreements that benefit U.S. workers, manufacturers, farmers, ranchers and fishers, but also that we fully enforce those agreements so that the benefits are realized. USTR has already taken strong action on that score, by initiating two reviews under the new rapid response mechanism for labor violations, requesting a panel proceeding with respect to Canada's compliance with dairy obligations, and engaging with both parties on a range of concerns with their implementation. If confirmed, I will support using all available tools under the agreement to advance U.S. interests.

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 QUESTIONS SUBMITTED BY HON. TODD YOUNG

*Question.* I know the administration is focused on assessing and mitigating issues with our supply chain, evident by the recent report on supply chain resiliency. The report included a specific section on biopharmaceuticals and called out innovation as a key component in spurring the research and development that was needed for the COVID-19 response. Innovators must have strong intellectual property protections to increase efficiency, maintain quality, and most importantly, save lives. Without these safeguards, research and development will no doubt plummet and hinder advancements needed to reach those in need.

Do you believe that IP protections are a critical part of creating an environment conducive to innovation?

If confirmed, how will you ensure that innovators can boost their supply chain resiliency and meet the recommendations set forth in the administration's supply chain report?

*Answer.* If confirmed, I would work with Congress to enact the supply chain report's call for increased funding for research and development in a number of priority sectors. The report also highlights how there are strong synergies between do-

mestic manufacturing production and innovation, highlighting the importance of making needed investments in the priority sectors.

*Question.* Recently, the White House announced a new joint initiative with the EU, the Trade and Technology Council (TTC). Among its various goals, ensuring fair competition and establishing global trade standards for emerging technologies are among the issues the TTC will focus on. Yet, the EU has taken several unilateral actions that would significantly impact American companies' ability to compete in Europe; one example is the proposed Digital Markets Act, which would prevent market dominance by forbidding "gatekeeper" companies from undertaking certain actions. If this proposal were to become law in Europe, it is highly anticipated that this would subject major U.S. digital companies to various restrictions.

How do you propose the U.S. should use the new TTC partnership as a strategic transatlantic response towards China's efforts to gain supply chain and technology dominance?

*Answer.* Working more closely with fellow democracies to confront the economic and technological challenges posed by China is a core part of the Biden administration's strategic vision. The Trade and Technology Council is intended to help the world's two largest market-based economies strengthen their cooperation on global trade and technology issues, with policies based in shared democratic values. Achieving this vision will require working through a number of difficult issues around data flows and the governance of digital platforms. Yet it is important to remember that a path that results in new forms of cooperation could generate a larger transatlantic market for products and services derived from new technologies that would help both the U.S. and the EU respond more effectively to competition from China.

*Question.* In late May, the Senate voted to include the Trade Act of 2021 to the United States Innovation and Competition Act, which would allow importers to obtain relief from section 301 tariffs imposed on certain products from China, including renewing and extending expired section 301 exclusions through December 31, 2022.

If confirmed, will you commit to working with U.S. stakeholders, in coordination with Ambassador Tai, to reform the exclusion process and renew expired section 301 tariff exclusions with retroactive extension and/or another opportunity for applications?

*Answer.* The U.S. policy toward China touches many facets of our engagement in international trade, including with respect to the regions—Western Hemisphere, Europe, the Middle East—and topic areas—Labor and Environment—that, if confirmed, would be under my responsibility as Deputy U.S. Trade Representative. In that capacity, I will work to support the efforts of this administration and the USTR to pursue a China policy that achieves the goals of the Build Back Better agenda and a worker-center trade policy, including with respect to any tariff exclusions.

*Question.* The administration recently announced suspension of tariffs for 5 years on a variety of U.S., EU and UK distilled spirits; however, the 25-percent tariff is still in place on American whiskey. As you know, adverse action on the distilled spirits industry harms job creators and employees in Indiana and many other states. Many of these jobs are located in rural communities in my State, like Borden, Lawrenceburg, and New Albany. With businesses attempting to recover from the pandemic, we should be looking to strategies that minimize harm to industries while seeking to hold countries accountable for unfair actions that hurts American manufacturers.

If confirmed, how will you work to ensure a comprehensive solution that does not continue to harm the distilled spirits industry?

*Answer.* The tariffs the United States placed on EU and UK distilled spirits were related to bilateral WTO disputes related to large civil aircraft and the counter-measures approved through that mechanism. The United States suspended those tariffs after coming to a framework understanding for addressing concerns in the sector and working cooperatively to counter non-market practices that undermine the industry on both sides of the Atlantic. The tariffs imposed on U.S. whiskey were imposed in response to the tariffs adopted under section 232 of the Trade Expansion Act of 1962. This administration has started a dialogue with the EU on the mutual resolution of concerns in this area that addresses steel and aluminum excess capacity and the deployment of effective solutions, including appropriate trade measures, to preserve our critical industries. If confirmed, I will work toward a solution that

maximizes the benefit to U.S. industry and minimizes any harm to unrelated sectors.

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QUESTIONS SUBMITTED BY HON. BEN SASSE

*Question.* Trade Promotion Authority (TPA) expired on July 1st. TPA provides an important framework for the legislative branch and executive branch to work together to effectively negotiate free trade agreements, and other trade agreements.

As DUSTR, will you support TPA renewal?

Answer. USTR's worker-centered trade policy is designed to ensure that our foreign economic policies are responsive to the needs to everyday Americans, whether they work in the manufacturing, retail, agricultural, or services sectors. The goal of this approach is to establish a much broader base of support for trade, which in turn will create a more stable, durable system. It is my hope that this approach would, like USMCA, pass Congress with broad enough support that Trade Promotion Authority would be unnecessary. That said, whether to renew Trade Promotion Authority is within Congress' discretion.

*Question.* The Biden administration has publicly said that their primary focus will be on a domestic agenda.

If confirmed as Deputy United States Trade Representative, how will you outline the U.S. position with our trading partners and your counterparts in the Western Hemisphere, Europe, the Middle East?

Answer. The administration is pursuing a worker-centric trade policy. To do that, we must begin with economic security for workers at home. The American Rescue Plan and the American Jobs Plan are designed to do that. The President has been clear that we will not enter new trade agreements until the necessary domestic investments have been made. It is my understanding that USTR is regularly engaged with our trading partners, and based on readouts of those meetings, our trading partners share our interest in devising trade policies that work for workers. I believe the various mechanisms available for engagement, including existing trade agreements and fora, provide opportunities for us to collectively build a broad base of support for globalization by ensuring that it works for all.

*Question.* Have you thought about your first 100 days at USTR, and can you share your views on how you will prioritize issues?

Answer. If confirmed, my focus in the first 100 days will be on engaging with our trading partners as part of the President's overall message that America is back. The President has emphasized the importance of bringing democracies together to address threats posed by non-market, authoritarian regimes. I intend to work with our allies to develop and execute trade policies that promote shared prosperity and contribute to a sustainable economic recovery. A worker-centric trade policy is essential to building trust in international trade, which is a prerequisite for creating durable policies that promote stability in our relationships with allies.

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QUESTIONS SUBMITTED HON. JOHN BARRASSO

*Question.* As the global economy begins to recover from the damage inflicted over the past year, many of our competitors are actively pursuing trade agreements to improve market access and secure a competitive advantage in key markets, especially in Asia. The United States, however, is taking a very conservative approach to trade negotiations. I believe this is a mistake and one we should correct quickly.

Is it possible for the U.S. government to successfully negotiate free trade agreements without Trade Promotion Authority?

Is there any good reason why the Senate Finance Committee should not prioritize reauthorization of TPA?

Can the United States afford to fall behind our competitors by not securing free trade agreements?

Answer. The President has made it clear that he will not sign any new trade agreements until the United States makes necessary investments here at home. Building back better will allow us to improve our competitiveness; our very ability

to compete is a critical component of not falling behind others, but one that has not gotten sufficient attention in recent decades.

USTR is pursuing a worker-centered trade policy. This policy is designed to ensure that our foreign economic policies are responsive to the needs of everyday Americans, whether they work in the manufacturing, retail, agricultural, or services sectors. The goal of this approach is to establish a much broader base of support for trade, which in turn will create a more stable, durable system. This approach would be premised on the view that, were Congress to vote, the margins in both Houses would be sufficient such that Trade Promotion Authority would be unnecessary. That said, whether to renew Trade Promotion Authority is within Congress's discretion.

*Question.* The current world sugar market has incredible challenges, including trade distorting practices. It is more important than ever that the United States maintain sugar policies that stabilize the economic environment U.S. producers of sugar.

If confirmed, and especially in light of the fact there is not yet a USTR Chief Agricultural Negotiator in place, will you work with your counterparts at the U.S. Department of Agriculture to prevent excessive importations of foreign sugar and unnecessary foreign access to domestic sugar markets?

Can you describe, in detail, the decision-making process across USTR and the U.S. Department of Agriculture respect to sugar importation decisions?

Answer. If confirmed, I commit to working with my counterparts at USDA to maintain the current practices that insure there is not excess imports of sugar into the United States. I will work very closely with my counterparts at USDA through formal interagency decision-making channels to coordinate on these efforts.

*Question.* Strong intellectual property (IP) protections in the United States are critical for the invention and manufacturing of innovative medicines and medical technologies. It is not a coincidence, therefore, that the United States leads the world both in terms of inventing and manufacturing these products and providing intellectual property protections that incentivize innovation.

The President has called for waiving Intellectual Property Rights (IPRs) for vaccines because of the global health crisis. I strongly disagree.

At the same time, he has made it very clear that this administration believes the world is facing a "climate crisis." On April 22nd, the President called on countries to "step up" and take further action on climate change in order to "overcome the existential crisis of our time."

Do you think the COVID-19 pandemic is a crisis?

Do you agree with the President that because of this crisis vaccine IPRs should be waived?

Do you agree with the President that there is a climate crisis?

Do you think we should waive American Intellectual Property Rights on green technology to combat the climate crisis?

What's the difference?

Answer. There are crises due to both the COVID-19 pandemic and the alarming and unsustainable rate of climate change. They are separate but sadly and disproportionately impact underserved communities both in the United States and around the world. The President placed addressing these crises, enhancing relationships with our friends and allies around the world, and building a better, more resilient and equitable economy as priorities of the administration's whole-of-government work. This is the reason why all of these matters were included as core values and goals in the President's 2021 trade agenda.

*Question.* U.S. businesses are often at a disadvantage vis-à-vis state-owned enterprises (SOEs) that are not guided by market principles. Such SOEs benefit from environmental, health and labor standards below that of publicly-traded companies. The uranium miners in Wyoming know this only too well, as U.S. mining has come to a standstill at the hands of increased imports from places like Russia, Uzbekistan, and other countries where the Chinese have significant mining investments. U.S. trade policy needs a clear strategy for addressing the SOE imbalance.

Can you describe in detail how you would approach the challenges facing U.S. companies with respect to SOEs?

Is USTR adequately equipped to address the SOE issue to ensure American workers and businesses have level playing field in the international marketplace? If not, can you explain where you think existing USTR authority falls short in this area?

Answer. State-owned enterprises, particularly those in nonmarket economies, deny American businesses and their employees a level playing field. If confirmed as Deputy USTR, I commit to fully enforcing U.S. trade laws and agreements to address SOE unfair trade practices. I will also work with our trading partners in bilateral and multilateral settings to coordinate our trade enforcement efforts and negotiate new standards as necessary to discipline SOEs that do not operate according to market consideration.

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PREPARED STATEMENT OF HON. RON WYDEN,  
A U.S. SENATOR FROM OREGON

This morning, the Finance Committee meets to discuss three nominations for important roles in the Biden administration.

Dr. Melanie Egorin is nominated to serve as the Assistant Secretary for Legislation at HHS. There aren't many people out there who know more about America's Federal health programs than Dr. Egorin does, particularly Medicare. Currently a top staff member at the Ways and Means Committee, Dr. Egorin also served as a Senior Analyst at the Government Accountability Office. That's a job that gives you a close look under the hood when it comes to Federal programs and agencies—experience that will be highly valuable as Assistant Secretary.

The Finance Committee is going to do our part to keep Dr. Egorin busy, if and when she's confirmed. For example, this committee is hard at work on legislation built around the proposition that every American must have mental health care when they need it. Tens of millions of Americans are living with a mental illness today. Half don't get any treatment. There's a lot of work to be done, as the committee discussed in an excellent hearing last week.

The committee is also working on bringing down the cost of prescription drugs. Americans are still getting clobbered every time they walk up to the pharmacy window. The committee is also hard at work on expanding home and community-based services across the country. All of these issues are going to require collaboration between this committee and HHS.

Next are two nominees to serve as Deputy United States Trade Representatives. I'll begin with Sarah Bianchi, who is a longtime member of the Biden economic team. She's served in the Office of the Vice President, the Domestic Policy Council, the Office of Management and Budget, and here in the Senate as a staff member. She's played a key role in developing a strong Biden agenda focused on making the U.S. more competitive in the world and giving working people in this country a better chance to get ahead. The breadth of her policy experience is going to be a big asset for Ambassador Tai and USTR overall.

Finally, somebody named Jayme White is also nominated to serve as Deputy USTR. Rumor has it he's a familiar face around here. Kidding aside, it's a pleasure for me to speak a little bit about why I believe Jayme is an excellent nominee—and it's not just because Jayme also hails from the Pacific Northwest, the son of union workers at Boeing.

Jayme has worked on trade policy for more than 20 years on Capitol Hill. In 2009 I was fortunate to lure him away from his job working for his hometown representative, Congressman Jim McDermott. Since 2014 Jayme has been the top trade and competitiveness advisor for the Senate Finance Committee Democrats. All in all, for more than a decade, I've had a front-row seat to watch Jayme move every trade negotiation and legislative proposal in a direction that gets better results for workers, for the environment, and for good government.

For example, Jayme was focused on strengthening America's trade enforcement long before that topic was in vogue. He was the key individual building support for the ENFORCE Act in 2015 and 2016. Since it passed, Customs has used it to launch over 130 investigations into trade cheating that undercuts American workers. When the Trump administration's new NAFTA was weak on enforcement, Jayme and Ambassador Tai worked to make huge improvements. As a direct result of their work, USMCA raises the bar over any other trade agreement in the past in terms of enforceable commitments on labor rights and the environment.

Jayme has been a leader when it comes to setting standards for digital trade that protect American jobs and innovation. He's also been a real champion of transparency and accountability in trade policy. It used to be that members of Congress, myself included, knew less about what was going on during trade negotiations than well-connected reporters and industry insiders. If members of Congress didn't have much access, then the American people were totally in the dark. We said that wasn't good enough, and to a great extent, Jayme is the person responsible for changing it.

Among a host of improvements, members now have access to negotiating text while negotiations are happening, and pending agreements must be publicly available for at least 60 days before they can go to Congress for approval. That represents big progress that this committee can continue to build on.

Bottom line, if you've got Jayme White on your team, you're running with the right crowd. He likes scoring trade policy wins for American workers, farmers, and businesses even more than he enjoys a good IPA. If and when he's confirmed, Oregon's loss will be the rest of the country's gain.

So I want to thank all of our witnesses for joining the committee today and for their willingness to serve. I'll look forward to questions.

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## COMMUNICATION

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*Office of the President*

June 22, 2021

The Honorable Ron Wyden  
Chairman  
The Honorable Mike Crapo  
Ranking Member  
U.S. Senate  
Committee on Finance  
219 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Wyden and Ranking Member Crapo:

On behalf of the American Forest and Paper Association (AF&PA), I am pleased to write in support of the confirmation of Jayme White as Deputy United States Trade Representative (USTR).

AF&PA serves to advance U.S. paper and wood products manufacturers through fact-based public policy and marketplace advocacy. The forest products industry is circular by nature. AF&PA member companies make essential products from renewable and recycle resources, generate renewable bioenergy and are committed to continuous improvement through the industry's sustainability initiative—Better Practices, Better Planet 2030: Sustainable Products for a Sustainable Future. The forest products industry accounts for approximately four percent of the total U.S. manufacturing GDP, manufactures nearly \$300 billion in products annually and employs approximately 950,000 people. The industry meets a payroll of approximately \$60 billion annually and is among the top 10 manufacturing sector employers in 45 states.

Over the years, AF&PA has worked with the Office of the USTR on many trade-related issues. We believe that Mr. White is well-qualified to serve as Deputy USTR, with his two decades of experience working on nearly every major trade issue and trade legislation. We look forward to working with him on free and fair trade policies that advance the competitiveness of the U.S. pulp, paper, packaging, tissue, and wood products manufacturing industry and its workers.

Thank you for your consideration. If you have any questions, please feel free to contact me.

Kind regards,  
Heidi Brock  
President and Chief Executive Officer

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