

**NOMINATION OF DON GRAVES,
NOMINEE TO BE DEPUTY SECRETARY,
U.S. DEPARTMENT OF COMMERCE**

HEARING

BEFORE THE

**COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION
UNITED STATES SENATE**

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

MARCH 10, 2021

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

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**NOMINATION OF DON GRAVES,
NOMINEE TO BE DEPUTY SECRETARY,
U.S. DEPARTMENT OF COMMERCE**

WEDNESDAY, MARCH 10, 2021

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Committee met, pursuant to notice, at 10 a.m., in room SR-253, Russell Senate Office Building, Hon. Maria Cantwell, Chair of the Committee, presiding.

Present: Senators Cantwell [presiding], Klobuchar, Blumenthal, Peters, Tester, Hickenlooper, Wicker, Thune, Cruz, Scott, and Lummis.

**OPENING STATEMENT OF HON. MARIA CANTWELL,
U.S. SENATOR FROM WASHINGTON**

The CHAIR. Good morning. The Commerce committee—Commerce, Science, and Transportation Committee will come to order. This morning, we are reviewing the nomination of the Deputy Secretary position for Mr. Don Graves. Welcome to the Committee and we look forward to hearing from you this morning and hearing your testimony. Before I begin, or before we begin I should say, I want to take a moment to acknowledge what is really a solemn milestone.

Today marks the two year anniversary of the Ethiopian Airlines Flight 302 crash. And we honor and remember the 157 victims and their families, along with 189 lives lost on the Lion Air Flight 610. These tragedies remind us that there is still much at stake in aviation safety policy. In December, Congress passed important safety reform legislation, and these comprehensive safety reform laws now must be implemented by the FAA. It requires the disclosure of new and novel systems and requires those systems like MCAS to be fully vetted by the FAA. The new law also requires manufacturers to adopt safety management systems, create safe reporting structures, and make sure that new whistleblower protections are in place.

So I am grateful to the families for their tireless advocacy in this effort and clearly for the great work that our committee did in trying to address the crisis. Now, I will turn—

Senator WICKER. Will the Chair yield on that?

The CHAIR. Yes.

Senator WICKER. I thank Senator Cantwell for mentioning this and indeed this is one of the most gripping, one of the saddest se-

ries of events that we have had to deal with. I think this committee rose to the occasion, and it was a pleasure to collaborate with you, Senator Cantwell, and with other members of this committee. I think we ended up with a great product.

We ended up in our oversight function, finding a lot of deficiencies that come with human nature and we have legislative legislation in place to address that. And so it is appropriate that we pause on this solemn anniversary, but also for me to thank you and members on both sides of the dais and our terrific staff for coming together with a product that should provide much of the answer. So, thank you.

The CHAIR. Well, thank you, Senator Wicker. And thank you. Thank you for your leadership. And we will look forward to continuing to work with you on our oversight role of the FAA. But thank you for that statement. We will now turn to the nomination of Mr. Graves. So welcome again to the Commerce committee. I am excited to have this nominee as Deputy Secretary of the Department of Commerce before us today, because I am confident he will be a strong partner for the Committee, and our efforts, and all of our efforts to help support an innovation and growth to our economy.

Mr. Graves, thank you for your willingness to serve and we look forward to hearing your vision. If confirmed, you would bring tremendous experience to the role both from public and private sector experience. He is focused on supporting local communities, developing workforce to compete in the today's environment, helping to support good paying jobs, helping entrepreneurs, and making sure that we continue to tackle some of the many challenges that our Nation faced. He has served as Deputy Secretary for the Small Business—Secretary for Small Business and Policy Advisor at the Department of Treasury. He has served as Director of Public Policy at the Business Roundtable where he saw firsthand what makes some of our most successful businesses work in the private sector.

And he has been the Executive Director of President Obama's Council on Jobs and Competitiveness, a critical role in the economic recovery after the Great Recession. Also has been Executive Vice President, head of Corporate Responsibility and Community Relations for Key Bank, where he led sustainable economic development initiatives, and I would just support—I appreciate their efforts. One of the institutions that used the EXIM Bank pretty fully and so we appreciate that because that is very supportive of an export economy. And he also served as President Obama's point person for the Federal Detroit Working Group and then on Vice President Biden, Beau Biden Cancer Moonshot Initiative.

Not unlike the other roles you have had, Mr. Graves, this is a big job under any circumstances, but right now it seems like an immense challenge. Our country is reeling from the deadly pandemic. Our economy is still picking up the pieces from the economic fallout that has pursued because of that. To recover, we must focus on empowering workers throughout the country to compete and thrive in a 21st century economy.

When I talk to people throughout the State of Washington, I hear the same message over and over again. Our workers need the tools and resources to compete, and our businesses need to have

the opportunities that trade relationships offer for them. They would like to open up markets. They get that 95 percent of consumers that live outside the United States and that we have crossed the threshold of a population that is middle class, and it is a growing economic opportunity for American goods and products. So, we want to know how the Department is going to use its opportunity there to help with the American economy. It plays a key role in export promotion through the International Trade Administration's U.S. Commercial Service.

American jobs depend on trade and growing trade is essential. In 2019, our state exported over \$60 billion worth of goods to countries all over the world. So that is planes and cloud services and cherries and apples and wheat and fish, and just to mention a few, but our state is a very trade dependent state. I actually point out to people that I am pretty sure that we were already trading with China before Lewis and Clark showed up. So we want to continue that effort. In the previous Administration, unilateral approaches cost us 245,000 American jobs, and companies at least \$1.7 trillion in market capitalization. So I hope that the Biden Administration and your team, particularly at the Department of Commerce, will set a goal to help us grow U.S. exports and make sure we meet that.

I know the Obama Administration had a goal of increasing exports by 50 percent over 5 years. And while they fell short, it was you know, they still had a very robust goal. I think they had something like a 60 or 65 percent increase of where they were—I mean, they got 65 percent of their goal. And so I think this is a very good goal and I hope that we will look at that. I also hope you prioritize the U.S.-EU Privacy Shield Agreement and the free flow of data across borders. My colleague, Ranking Member Wicker, has been consistently pointing out how critical this Agreement is and to get an agreement where we can move forward. I also want to Biden Administration to elevate the role of science in decisionmaking. Over the last 4 years, we saw science ignored and undermined and we can't afford that. Our Pacific Northwest fisheries continue to need a science-based fisheries management system. And this is so important for sustainable fisheries, for the economic impact that they have on our communities.

In 2018, commercial fishermen caught more than 9.8 billion pounds of seafood, and that in turn supported seafood processors, shipbuilders, trade, and restaurant jobs total. There is more than a million jobs across the United States supported by the seafood sector. And I am sure you probably know from your previous jobs that there is a lot of international issues here, a lot of market access issues here. But I believe that our sustainable fisheries policy is the idea that we should be exporting, not the—so that people understand what sustainable fisheries around the globe really look like and what we can do.

Another area of science will be weather forecasting and weather forecasting infrastructure. The United States must be a leader in predicting and forecasting weather. Another crucial investment is just the fact that that information, on whether it makes so many other decisions for shipping, for maritime, for agriculture, all depend—aero—actually space, NASA, everybody needs this informa-

tion. So I hope we can count on you to help bridge that gap. You will also, as oversight, be given additional responsibility to help bridge the digital divide, particularly in tribal communities.

A 2019 report from the FCC said that less than half of those households in Indian country have high speed broadband service—27 percent gap from non-tribal areas. So we tried to enhance that in the December COVID package, and we will look forward to working with you on that. And I will have questions about the census when we get to our Q&A, because we certainly think of that is a priority as well. So now I will turn to my colleague, Senator Wicker, for his opening statement.

**STATEMENT OF HON. ROGER WICKER,
U.S. SENATOR FROM MISSISSIPPI**

Senator WICKER. Thank you, Senator Cantwell, for holding this hearing today on the nomination of Don Graves to serve as Deputy Secretary of Commerce. I want to welcome Mr. Graves to his first appearance, but undoubtedly not his last appearance before this committee. Mr. Graves has experience in both public and private sectors, and so I hope that his prior Government service and positions such as Director of Domestic and Economic Policy for then Vice President Joe Biden, leadership roles at the U.S. Department of the Treasury during the Obama Administration, and his past work as Senior Manager for a major bank based financial services company will give him a balanced view of the proper cooperative relationship between the Government and free enterprise.

It is imperative that we get this balance right as we respond to the economic damage caused by the pandemic and work together to build a stronger economy for the future. I am very interested in hearing from Mr. Graves this morning on his plans to assist Secretary Raimondo and President Biden in addressing the many and varied challenges which are pending before the Department of Commerce. And Senator Cantwell outlined quite a number of those very capably. I believe this pressing list of policy issues has a broad scope and includes a fair resolution of an interest—an issue that is of interest to us in the Gulf of Mexico, red snapper catch limits, and expanding NOAA's use of un-crewed maritime systems.

Additionally, through the work of the National Telecommunications and Information Administration, NTIA, the Commerce Department must remain engaged on Federal spectrum management issues while promoting 5G deployment and increasing rural broadband access into many of the areas mentioned by the Committee Chair. The Department's role in advancing space commerce should also continue, and I hope we will not retreat from the ambitious schedule set up by the previous Administration with regard to putting a woman on the Moon by the year 2024 and Americans on the surface of Mars by the year 2029. We need to continue capturing the imagination of the American people on this issue that unites us.

The Department's role in advancing space commerce should also continue, and cybersecurity controls must be strengthened. These are just a few of the wide ranging matters on which Mr. Graves will have the opportunity to contribute, if and when he is confirmed as the Deputy Secretary of Commerce. I am grateful for his

willingness, again, to take on significant assignments, and I appreciate his testimony as the Committee considers his nomination. Thank you, ma'am.

The CHAIR. Thank you, Senator Wicker. And now we will turn to the Nominee. Mr. Graves, again, welcome to the Committee and we look forward to your testimony.

**STATEMENT OF DON GRAVES, NOMINEE TO BE DEPUTY
SECRETARY, U.S. DEPARTMENT OF COMMERCE**

Mr. GRAVES. Chair Cantwell, Ranking Member Wicker, and members of the Committee, I am honored and humbled to be here today. I want to begin by thanking President Biden for his faith and confidence in nominating me for the position of Deputy Secretary of the U.S. Department of Commerce. I also want to thank my family for their support, without which my career and this nomination would not have been possible. My career in Government, the private sector, and nonprofits has been dedicated to ensuring that economic opportunity is inclusive and broad based, supporting working families and strengthening the communities in which they live.

From my work in community development to my time of the President's Jobs Council and the Cancer Moonshot Initiative, my experiences took me to small towns in the Mississippi Delta, to the urban core in Milwaukee, from the colonias in Texas to tribal communities in the Dakotas. I have heard from manufacturing workers who lost their jobs, parents struggling to educate their kids during the pandemic because they lack broadband access, and scientists tackling the pernicious impact of cancer, something far too many American households, including my own, have had to deal with. For each of us who commit to public service, this is personal. I come from a long line of entrepreneurs and educators who worked hard to carve out a small piece of the American dream for their family and their community.

My personal and family history is tied closely to the Department of Commerce. It includes my four times grandparents who were former slaves but were able to build a successful horse and buggy taxi business here in Washington. The property they acquired for that business and their home is today the site of the Commerce Department headquarters. Their son owned and operated the Nation's premier hotel during the 1800s mere blocks away. This first generation descendant of slaves went on to design a life preserver for use on boats and ships that plied our Nation's waterways, becoming one of the Nation's first patent holders of color through the U.S. Patent and Trademark Office.

I grew up between Cleveland, Ohio, on the banks of one of the world's greatest sources of fresh water and the Maryland shore, where I enjoyed fishing and crabbing. I spent countless weekends with my grandmother in her farming community running through the hills and woods in rural Ohio, where a special day could include a trip to the Five and Dime or the weekly quilting bee at the local church. I witnessed firsthand one of the world's greatest environmental success stories, that of the Cuyahoga River, which went from being known as the river that burned to a travel destination and the site of the Nation's best urban kayaking, a result of exten-

sive local, state, and Federal partnerships that leveraged data and science to drive decisionmaking and tourism investments.

Growing up and working in these different places, I have met Americans from all walks of life and geographies, people pursuing dreams for themselves and their families. While they are important differences between them, including the challenges of systemic inequities, Americans by and large want the same thing. As President Biden said, we all just want a fair shot. But for far too many people, the promise of the American dream to start and grow a business, to develop an idea into a product that can be sold all over the world, to work hard at a job that fulfills us and allows us to raise a family in relative comfort and stability remains elusive. Too many Americans begin their journey without the tools or support necessary to get past the hoping and dreaming stage. I believe that it is our duty to help provide the opportunity to turn these dreams into lives of dignity.

We know that Federal, tribal, state, territorial, and local Governments, their resources, data, and research and their most important assets, the experienced and capable civil servants who devote their lives to serving our nation, are critical to ensuring the American people and our economy can reach their full potential. It is also our duty to ensure a level playing field for American workers and businesses as we compete around the world, that we invest in strong international partnerships to bolster our domestic economic growth.

And if confirmed, I will focus on recovering from the economic crisis caused by the COVID-19 pandemic, protecting our critical infrastructure and our National Security, and taking strong actions to ensure bad actors are held accountable for illegal and anti-competitive actions that hurt American companies and the American people.

If confirmed, I will put people and communities first, data and science will always drive my decisionmaking, and I will rely on the deep expertise of the Department's and its bureaus career staff. Thank you for the opportunity to testify today and I look forward to your questions.

[The prepared statement and biographical information of Mr. Graves follow:]

PREPARED STATEMENT OF DON GRAVES, NOMINEE TO BE DEPUTY SECRETARY,
U.S. DEPARTMENT OF COMMERCE

Chair Cantwell, Ranking Member Wicker, and Members of the Committee, I am honored and humbled to be here today.

I want to begin by thanking President Biden for his faith and confidence in nominating me for the position of Deputy Secretary of the U.S. Department of Commerce. I also want to thank my family for their support, without which my career and this nomination would not have been possible.

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and scientists tackling the pernicious impact of cancer, something far too many American households, including my own, have reckoned with.

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I witnessed firsthand one of the world's greatest environmental success stories: that of the Cuyahoga River, which went from being known as the river that burned to a travel destination and the site of the Nation's best urban kayaking; a result of extensive local, state and Federal partnerships that leveraged data and science to drive decision making and tourism investments.

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But for far too many people, the promise of the American dream: to start and grow a business; to develop an idea into a product that can be sold all over the world; to work hard at a job that fulfills us and allows us to raise a family in relative comfort and stability, remains elusive. Too many Americans begin their journey without the tools or support necessary to get past the hoping and dreaming stage.

It is our duty to help provide the opportunity to turn those dreams into lives of dignity. We know that federal, tribal, state, territorial and local governments—their resources, data and research, and their most important assets, the experienced and capable civil servants who devote their lives to serving our nation—are critical to ensuring the American people and our economy can reach their full potential.

It is also our duty to ensure a level playing field for American workers and businesses as we compete around the world, that we invest in strong international partnerships to bolster our domestic economic growth. If confirmed, I will focus on recovering from the economic crisis caused by the COVID-19 pandemic, protecting our critical infrastructure and our national security, and taking strong actions to ensure bad actors are held accountable for illegal and anti-competitive actions that hurt American companies and the American people.

If confirmed, I will put people and communities first. Data and science will always drive my decision making and I will rely on the deep expertise of the Department's career staff.

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

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used):

Donet D. Graves, Jr.
Don (nickname)

2. Position to which nominated: Deputy Secretary, U.S. Department of Commerce.

3. Date of Nomination: January 20, 2021.

4. Address (List current place of residence and office addresses):

Residence: Information not released to the public.
Office: Information not provided.

5. Date and Place of Birth: April 11, 1970; Garfield Heights, OH.

6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).

Melissa Tessmer Graves, Chief Executive Officer, Journey Center for Safety and Healing (formerly known as Domestic Violence and Child Advocacy Center)

7. List all college and graduate degrees. Provide year and school attended.

Williams College, BA (Political Science, History), 1992
Georgetown University Law Center, JD, 1995

8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

KeyBank, N.A., Executive Vice President & Head of Corporate Responsibility and Community Relations. (2018–2020)—management level

KeyBank, N.A., Senior Vice President & Senior Director, Corporate Community Initiatives and Relations. (2017–2018)—management level

The White House, Deputy Assistant to the President & Counselor to the Vice President. (2014–2017)—management level

Executive Director, Federal Detroit Working Group, (2013–2014)—management level

Executive Director, President's Council on Jobs and Competitiveness, (2011–2014)—management level

U.S. Department of the Treasury, Deputy Assistant Secretary for Small Business, Community Development and Housing Policy, (2010–2014)—management level

Graves, Horton, Askew & Johns, LLC Member, (2009–2010)—management level

Graves & Horton, LLC, Attorneys at Law, Partner (2005–2009)

Business Roundtable, Director of Public Policy (2003–2005)

Director of Strategic Partnerships, (2000–03)—management level

United States Department of the Treasury, Policy Advisor, 1999–2000—advised on policy positions relevant to the Commerce Department

Graves & Horton, LLC, Associate, (1995–1998)

Organization for a New Equality (1995–1998), Director, Washington Office

9. Attach a copy of your resume. Attached as Appendix A.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years.

FDIC, Advisory Committee on Economic Inclusion (10/2019–9/2020)

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last ten years.

MetroHealth Foundation, Inc., Board of Directors (9/2017 to present)

Community Reinvestment Fund, USA, Board of Trustees (10/2017–9/2020)

JumpStart, Inc., Vice Chairman, Board of Directors (3/2019–9/2020)

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization. (For this question, you do not have to list your religious affiliation or membership in a religious house of worship or institution.). Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or disability.

Bass Center for Placemaking, Brookings Institution, Advisory Board Member (11/2018–9/2020)

Commission on Economic Inclusion, Greater Cleveland Partnership, Advisory Board Member (5/2018–9/2020)

Cuyahoga Community College, Board of Visitors (9/2019–9/2020)

Cleveland Rising, Co-Chair (6/2019–9/2020)

Sigma Pi Phi, Tau Boule, member (7/2019 to present)

Leadership Cleveland, Class of 2019 (Cleveland, OH)

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt.

No.

14. List all memberships and offices held with and services rendered to, whether compensated or not, any political party or election committee within the past ten years. If you have held a paid position or served in a formal or official advisory position (whether compensated or not) in a political campaign within the past ten years, identify the particulars of the campaign, including the candidate, year of the campaign, and your title and responsibilities.

Democratic National Committee, 2020 Platform Drafting Committee Member.

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years.

Peters for Michigan, 10/28/19, \$2000

KeyCorp Advocates Fund, biweekly until 9/18/20 (\$115.38), totaling \$4961.34

Biden for President, multiple commitments, totaling \$1358.82

Ken Harbaugh for Congress, 6/30/18, \$1000

16. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements. None.

17. Please list each book, article, column, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

Publications

"Dealing all of our communities into the bargain", Biden Forum, Biden Foundation, August 8, 2018. (<https://bidenforum.org/dealing-all-of-our-communities-into-the-bargain-199d30cc4906>)

"Fostering Innovation Across America," March 2011. (<https://www.treasury.gov/connect/blog/Pages/Fostering-Innovation-Across-America.aspx>)

Speeches/Interviews

During my tenure as an appointed Federal official and while in private life, I have delivered informal remarks in a variety of forums on job creation, economic growth, and other topics related to the work of the Deputy Secretary of Commerce. Below is a list of speeches and addresses which I have been able to identify from my records and electronic searches.

CAMEO Summit on Microenterprise, May 2, 2011

Vermont Business and Industry EXPO, Leahy Business Breakfast, May 25, 2011.

POLITICO's Jobs of the Future Event, Washington, DC, July 26, 2011 (available at <https://www.politico.com/video/2011/07/don-graves-at-politicos-jobs-of-the-future-event-013619?o=48&filterVideo=>)

HOPE Global Summit: The Future of Global Jobs, December 11, 2012 (available at https://www.youtube.com/watch?v=U-JqT_kGfNo)

Association for Enterprise Opportunity, One in Three Campaign Keynote, May 29, 2012

Annual Meeting, Women Impacting Public Policy, July 18, 2012.

Discussion on Microenterprise, Aspen Institute, November 25, 2013.

Rainbow Push Wall Street Plenary, February 13, 2014.

AI3 in DC: Developing a Policy Framework for Impact Investing, Aspen Institute, February 27, 2014 (speech available at <https://www.aspeninstitute.org/videos/ai3-dc-developing-policy-framework-impact-investing/>)

Inclusiv 40th Anniversary Conference, May 14, 2014.

Detroit Public Television, Interview, June 3, 2014

(available at <https://www.youtube.com/watch?v=SiUtnR1j8Js>)

Remarks to the Levine Cancer Institute, Charlotte, NC, November 30, 2016 (available at <https://www.facebook.com/LevineCancerInstitute/videos/mr-don->

graves-better-known-as-the-cancer-czar-counselor-to-the-white-house-came- / 11773 10942360459 /)

PBS/Frontline, Interview for “The Choice 2020,” July 27, 2020, available at <https://www.pbs.org/wgbh/frontline/interview/don-graves/>

Announcement of Nomination for Deputy Secretary, U.S. Department of Commerce, Wilmington, DE (speech available at <https://www.youtube.com/watch?v=Gi46WiN3M8>)

18. List digital platforms (including social media and other digital content sites) on which you currently or have formerly operated an account, regardless of whether or not the account was held in your name or an alias. Include the name of an “alias” or “handle” you have used on each of the named platforms. Indicate whether the account is active, deleted, or dormant. Include a link to each account if possible.

All of the following accounts are active.

LinkedIn: www.linkedin.com/in/don-graves-8668887

Facebook: <https://www.facebook.com/don.graves.3158>

Instagram: <https://instagram.com/dgravesjr>

Twitter: <https://twitter.com/dgravesjr>

19. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

Senate Committee on Small Business and Entrepreneurship, Hearing on Small Business Jobs Act, May 19, 2011.

House Committee on Financial Services, Hearing on Diversity in the Financial Services Sector, February 7, 2008.

20. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

I have spent the bulk of my career, inside and outside the Federal government, focused on ways to support economic growth and development for all of our communities—urban, rural, tribal and everything in between—and supporting American workers and entrepreneurs. During that time, I have prided myself on my ability to achieve results and deliver for people, businesses and communities. I led the President’s Council on Jobs and Competitiveness during the Obama administration, bringing together the business community, labor and academia to identify strategies and policies that could drive national competitiveness.

21. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

An organization the size and scale of the Commerce Department requires ongoing monitoring and assessment. Ensuring strong oversight and accounting is essential to the functioning of the Department and something for which I have experience through my career. At the U.S. Department of the Treasury, I was tasked with overseeing the creation and stand up of new multiple billion dollar programs as well as oversight of the Community Development Financial Institution Fund for which I developed strong controls to ensure responsible management of taxpayers’ dollars. These programs were reviewed by both the Treasury Inspector General and outside, independent auditors who found the programs to have been managed appropriately and effectively. I was also President Obama’s lead for the recovery of the City of Detroit, including coordinating the work of a large Federal interagency effort and more than \$300M in investments in a variety of agencies in the city. Additionally, I led the development of the Cancer Moonshot on behalf of then-Vice President Biden, coordinating efforts across agencies, laboratories, research facilities and private companies aimed at significantly advancing progress on cures for cancers.

22. What do you believe to be the top three challenges facing the department/agency, and why?

First, the combined crises of the ongoing global pandemic and its impact on the department’s ability to carry out its mission at the same time as an economic crisis affecting communities, families and businesses across the country is the top challenge facing the Department.

Second, we must also recommit ourselves to ensuring science is at the core of Department of Commerce’s actions and policies, without regard for politics.

Finally, protecting our national security and American access to global markets in a time of growing global competitiveness will be a key challenge facing the Department.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

In September 2020, I resigned from my position with KeyBank, N.A. which is the primary subsidiary of KeyCorp. I currently hold restricted stock. I do not own stock, unvested restricted stock units, unvested restricted stock or stock options in KeyCorp. (KEY). As soon as practicable but not later than 120 days after confirmation, I will divest my unrestricted stock. I will forfeit any stock in KEY that remains restricted 120 days after my confirmation. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of KEY, until I have divested it, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). In addition, pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, for a period of one year after my resignation from KEY, I will not participate personally and substantially in any particular matter involving specific parties in which I know KEY is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain.

No.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

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

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, 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. Explain how you will resolve each potential conflict of interest.

Any potential conflicts of interest have been identified in my ethics agreement, which will be provided to the Committee, and will be resolved in accordance with the terms of that ethics agreement.

5. Identify any other potential conflicts of interest, and explain how you will resolve each potential conflict of interest.

I am not aware of any other potential conflicts of interest that may arise other than those identified in my ethics agreement. However, should a conflict arise during my appointment, I will consult with the Commerce Department's ethics officials and take the actions necessary to resolve the conflict.

6. Describe any activity during the past ten years, including the names of clients represented, in which you have been 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.

On April 8, 2020, I provided comments (on behalf of my employer, KeyBank) on a proposed rulemaking from the Office of the Comptroller of the Currency regarding revisions to the Community Reinvestment Act of 1977.

A copy of those comments are available at <https://www.fdic.gov/regulations/laws/federal/2020/2020-community-reinvestment-act-regulations-3064-af22-c-715.pdf>

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, adminis-

trative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group? If yes:

- a. Provide the name of agency, association, committee, or group;
- b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
- c. Describe the citation, disciplinary action, complaint, or personnel action;
- d. Provide the results of the citation, disciplinary action, complaint, or personnel action.

No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain. No.

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain. 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, please explain. No.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain. No.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination. None.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees, and that your department/agency endeavors to timely comply with requests for information from individual Members of Congress, including requests from members in the minority? Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.

4. 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.

APPENDIX A

DON GRAVES, JR.

EXPERIENCE

KeyBank*Executive Vice President & Head of Corporate Responsibility and Community Relations. 2018-2020*

- Lead corporate responsibility team, including the bank's \$16.5B National Community Benefits Plan, the bank's sustainability work, shareholder engagement and outreach, and oversees the KeyBank Foundation and First Niagara Foundation

Senior Vice President & Senior Director, Corporate Community Initiatives and Relations. 2017-2018

- Focuses on strengthening relationships with legislative, agency and community leaders at national, state and local levels
- Connects KeyBank's capabilities with agencies and community needs, while also identifying strategic opportunities to expand and enhance Key's lines of business

The White House*Deputy Assistant to the President & Counselor to the Vice President. 2014-2017*

- Served as Director of Domestic and Economic Policy for Vice President Joe Biden, including overseeing the Federal Cancer Moonshot Task Force
- Advisor to the Vice President, assisting with day-to-day management of Office of the Vice President operations and serving as traveling Chief of Staff

United States Department of the Treasury*Deputy Assistant Secretary for Small Business, Community Development and Housing Policy, 2010-2014*

- Provided policy support and guidance to the Secretary and senior Treasury leadership
- Managed teams of more than one hundred staff while overseeing the Small Business Lending Fund (\$4 Billion investment fund), the State Small Business Credit Initiative (\$1.5 Billion funding program for state credit programs), making all investment decisions, as well as the Community Development Financial Institutions (CDFI) Fund, which included \$14 Billion in New Markets Tax Credit awards and standing up the \$1 Billion CDFI Bond Guarantee Program

Executive Director, Federal Detroit Working Group, 2013-2014

- Coordinator of all federal agency activities and more than \$300 million in grants and investments for the City of Detroit
- Assembled and led Federal Working Group focused on the recovery of Detroit, including providing guidance to the Mayor and city officials on economic and community development
- Convened and coordinated activities of local philanthropies, non-profits, corporations and agencies

Executive Director, President's Council on Jobs and Competitiveness, 2011-2014

- Advised President Obama on strengthening the nation's economy, the competitiveness of American businesses, and on ways to support American employees
- Developed detailed reports to the President for job creation and growth, skills development and regulatory streamlining, and coordinated the implementation of 35 specific executive actions
- Led Council of corporate CEOs, leading academics and labor union presidents
- U.S. Representative to the G7 Task Force on Social Impact Investment

Graves, Horton, Askew & Johns, LLC

Member, 2009-2010

- Practice included corporate and commercial transactions, non-profit organizations, government relations and public affairs, public and private finance, with a strong focus on small business matters

Graves & Horton, LLC, Attorneys at Law

Managing Partner, 2005-2009; Associate, 1995-1998

- Practice included corporate and commercial transactions, financial institutions, government relations and public affairs, public and private finance, with a strong focus on small business matters

Business Roundtable

Director of Public Policy, 2003-05

Director of Strategic Partnerships, 2000-03

- Managed activities on major issues pending before Congress and the Administration, including Health Care, Retirement, Economic Development, Business Development, Security and Digital Security
- Led national BusinessLINC program aimed at creating opportunities for small, disadvantaged businesses and linkages between small businesses and major corporations

United States Department of the Treasury

Policy Advisor, 1999-2000

- Provided guidance and direction on domestic policy issues with a focus on community development policy
- Represented the Department on the Community Empowerment Board, the National Economic Council's New Markets Working Group, the White House Task Force on Livable Communities, the White House Task Force on Insular Areas, the Coordinating Committee of the White House Initiative on Asian Americans and Pacific Islanders, and the White House Native American Issues Working Group

EDUCATION

Georgetown University Law Center

Juris Doctor, 1995 – Dean's Award recipient

Williams College

Bachelors of Arts, Political Science & History, 1992

PREVIOUS & CURRENT COMMUNITY INVOLVEMENT

Vice Chairman, Board of Directors, Jumpstart (*previous*)
 Executive Committee, Board of Directors, MetroHealth Foundation
 Advisory Committee on Economic Inclusion, FDIC (*previous*)
 Advisory Committee, Bass Center on Placemaking, Brookings Institution (*previous*)
 Board of Trustees, Community Reinvestment Fund (*previous*)
 Cleveland Rising, Co-Chair (*previous*)
 Advisory Board, Commission on Economic Inclusion (*previous*)
 Board of Directors, Metropolitan Community Development Corporation (*previous*)
 Tutor & Mentor, For Love of Children (*previous*)

The CHAIR. Thank you, Mr. Graves. Thank you for your testimony. And again, thank you for your past service. Let me just start, I mentioned the Census. While it is important that we have accurate data, the Federal delay that I think now is being set to several months will cause many states to—it makes challenges for them as they try to meet their constitutional duties on redistricting.

So some are already struggling with how to get meaningful public input with a truncated timeline. So if confirmed, will you work to address these State issues and address the accuracy and timeliness of the census?

Mr. GRAVES. Thank you, Madam Chair. I absolutely will work on that issue. I will also listen to the experts, the career experts at the Department and not allow politics to impact the accuracy and timeliness of the of the census.

The CHAIR. Thank you. There are several pending fishery disaster determinations for my state, such as Washington, Puget Sound Coho Salmon Fishery. They have been pending for years. Senator Wicker and I are planning to reintroduce our bipartisan bill, which is about reform of the fisheries disaster process, including deadlines to ensure that fishery disasters are elevated and declared in a reasonable timeframe.

Let me be blunt, our fishermen are tired of waiting. Dealing with NOAA on these fisheries has taken literally years to receive, you know, the disaster determination, let alone the funding. So we need a solution, and we need reform. How will you help turn the tide on what seems like an endless cycle of fishery disaster timing?

Mr. GRAVES. Thank you, Madam Chair. You and I have talked about this in the past, and I appreciate how critical it is for the fisheries around the country and especially for the fishing industry. Sustainably managed fisheries are critical to our economy, to our culture, to the fishing industry.

I will absolutely work with the career staff at NOAA to make certain that we get these disaster dollars out the door and supporting those communities that have been most critically impacted by the pandemic and by the challenge to our fisheries.

The CHAIR. Well, I look forward to working with you and the Secretary in your roles also on salmon recovery and to boost the impacts of salmon caused by, you know, challenges of infrastructure investment and the fact that we need infrastructure for them as well. So but let me turn to a couple of other things. You know, I mentioned our export economy and how important it is to the State of Washington. Obviously, the Department plays a critical key role.

You have people all over the world really as U.S. Commercial Service Officers and you are on the front line. But I think today's anniversary reminds me how much we need Commerce to play a role in the advocacy for safety, and standards, and open markets. Aviation, as we get out of this pandemic, is going to be a very competitive marketplace and the United States has to help us in the implementation of this legislation, advocate for the safety standards around the globe, and for open markets to make sure that people understand that we want competition.

It has to be an open and fair competition. And so you can comment on that but let me just throw one I think, because it is going

to take both of these as a question. Yesterday, I think the airlines presented to the White House an idea of some sort of vaccination card. Now, as somebody who's traveled abroad at times and been asked for my yellow fever vaccination card, it has played a key role to tourism and certain nations around the globe.

So should we be considering, we have more than 92 million vaccinations, which has been about 18 percent of the U.S., and I know that we are going to continue to be as rampant as we can in getting the vaccines into people's arms.

So, but obviously getting tourism open to other countries at some moment is going to be a pretty key issue. So what do you think of this? What do you think the Department of Commerce should be doing to look at this issue and to further evaluate it?

Mr. GRAVES. Thank you, Madam Chair. I agree that tourism is absolutely critical for our economic growth and our recovery. I believe strongly that we should do all that we can to help ensure that these industries know that the airline workers, the pilots, the flight attendants and all the rest of the airline workers rely on us making sure that these standards are applied across the globe.

And I would certainly, if confirmed, work with the White House, the CDC, the Department of Health and Human Services, to ensure that we can get the tourism back on track, get our travel going, and make certain that they have every precaution that they need, but make certain that travel is open and that the United States is open for business.

The CHAIR. Well, I hope that you will look at this. And I hope that our subcommittee, Senator Rosen and Senator Scott, will look at both the legislation that Senator Scott and I introduced on helping our airport infrastructure have temperature check architecture. That is pretty standard around the globe. And also have a hearing on this issue of some sort of information that helps us stabilize, at the right point, access to travel markets around the globe. Thank you. Ranking Member Wicker.

Senator WICKER. Thank you very much, Madam Chair. The Chair mentioned the decision should be science-based, and that includes, I think, data concerning fishing data that is important not only to the commercial fishing industry, but also to the sport fishing industry. I introduced, and we passed in the last Congress, the bipartisan Modern Fish Act, which is still in the process of being implemented. The theory—the truth behind this legislation is that commercial fishing and sport fishing can, in fact, do a better job of coexisting.

In the Gulf of Mexico, states like Mississippi have invested significant time and money to develop a more accurate understanding of how much recreational fishermen harvest. Despite this effort, NOAA is rejecting the high quality State data. And instead, the agency is prioritizing the less accurate Federal data from the Marine Recreational Information Program. Now, we have a program in Mississippi called "Tails and Scales," and it is known to be the strongest survey of red snapper fish in the country.

The fact that it is done by a State Government rather than by the Federal Government does not diminish the fact that it is highly accurate and better than the data we have been going by. I am concerned that the Federal Government's response to this could un-

fairly decrease Mississippi share of the red snapper fishery by some 60 percent this year. This is particularly frustrating in light of the recent great snapper count, which suggests that the actual abundance of red snapper in the Gulf is three times higher than that which NOAA has estimated.

So, will you work with me to ensure Mississippi's not unfairly punished for collecting high quality fishery data, and will you commit to ensuring NOAA uses the data from the great red snapper account to update catch limits as soon as possible?

Mr. GRAVES. Thank you, Senator, very much. And I appreciate the conversation that we had a few weeks ago about this very issue. You raised the importance of this issue to both the commercial and recreational industries in your state. I believe, as I have said, that sustainable, managed fisheries is really important. And to your point, data is critical in doing that. And certainly there's the balance of the conservation and the jobs in the fishing industry.

But these fishermen provide food to the American families and we need to make sure that we do have the best data, so absolutely, I would be very interested in working with you on this and making certain that the talented staff at NOAA have the very best data as they are making these decisions.

Senator WICKER. Sport fishing and commercial fishing are huge job creators in this country. And I—it has been great to have had the Chairmanship for the last two years, but have been on this committee for some time now, to have a chance to go to these boat shows. One of the largest boat shows in the world is in Miami. It is so big, it takes 3 days. It is far larger than the economic impact of having a Super Bowl. This is huge money for small businesses, for manufacturers, for everyone in the sport fishing industry, and it doesn't take a thing away from the commercial fishing industry, which is also very, very important.

Again, I would say get the facts right, get the data right. Look at the methodology that we have come up with the great snapper count and Tails and Scales in Mississippi. And I challenge anyone to tell me that the old method of collecting data done by the Federal Government is better. In regard to our commercial fishing friends, let me say that I am pleased that we have had some success in getting assistance to the restaurant business. As Senator Sinema and I introduced the Restaurants Act, and we got—we got an amendment, the first amendment added to the budget, the reconciliation portion of the budget in our first voterama.

And it may very well be signed by—the legislation part may very well be signed by the President today or tomorrow. So we finally have some restaurant relief. Most of the fish caught by commercial fishermen in the United States is eaten at restaurants. And they have been severely, severely impacted by this COVID pandemic. What do you expect to be the lasting impacts of the pandemic on the U.S. seafood industry, including our fine commercial fishermen? What will it take for the industry to recover?

Mr. GRAVES. Well, thank you very much, Senator, for that question. As you know, small businesses have been at the heart of my career, the core of everything I have done. And I know exactly the type of impact that the pandemic has been having on our restaurants and our fishing industry. I think that we can certainly use

the Economic Development Administration to make it easier to grow back these industries.

I know that many of these restaurants have closed, but people still have the desire to be in that industry, they have the expertise, and people want to go out and get to a restaurant again as we get the pandemic under control. So it is my hope that we can get the economy back going where it needs to be, use the resources in the Relief Act, as well as the existing resources through the Economic Development Administration at NOAA—I mean, excuse me, at Commerce and the support of NOAA to make sure that the fishing industry has everything that it needs to be able to get fish to the tables or to the kitchens and the restaurants, and the restaurants, what they need to serve the customers throughout this country.

Senator WICKER. Thank you very much. Madam Chair, point of personal privilege. Our distinguished nominee mentioned his family history here in Washington, D.C., including the spot of land that they previously owned and where they started their business. I would ask unanimous consent to insert into the record in light of Mr. Graves testimony, a column written by Courtland Milloy, dated February 23, 2021 expanding on this very interesting and inspiring story.

The CHAIR. Without objection.

[The information referred to follows:]

A COMMERCE NOMINEE'S FORMERLY ENSLAVED ANCESTORS RAN A TAXI SERVICE
WHERE THE DEPARTMENT IS NOW HEADQUARTERED

By Courtland Milloy, Columnist

Feb. 23, 2021 at 7:01 p.m. EST

In 1821, Lynch and Polly Wormley started a horse-and-buggy taxi service in the District. They'd come from Albemarle, Va., after being freed from enslavement by their plantation owners. Their business included a stable, with living quarters attached, located on muddy flatlands now occupied by the Commerce Department.

The business thrived in the growing nation's capital. Being close to the White House, the clientele included the Nation's political elite, military leaders and foreign dignitaries. The Wormley children, who also worked in the livery, would develop friendships that helped to foster even more business success.

Today, the Wormley horse-and-buggy business is long gone. But the family saga continues with a sweet symmetry: President Biden has nominated Don Graves Jr., who is Lynch and Polly Wormley's four-time great-grandson, to be deputy secretary of commerce.

If confirmed, Graves, 50, will report to work at the same location where the family seeds of commerce were first planted 200 years ago.

"It's obviously very exciting," Graves told me.

Before traveling to Wilmington, Del., where Biden made the announcement, Graves drove through downtown Washington to savor some of that family history. At 15th and H streets NW, there had been a hotel, the Wormley, built in 1871 by his three-times great-grandfather James Wormley. The hotelier also had built a horse racetrack in D.C.'s Tenleytown.

There was the Treasury Department, where Wormleys had been hired to help clean after construction was completed in 1869. And, of course, there was the Commerce Department at 1401 Constitution Avenue NW. The place where a formerly enslaved Black couple had laid the groundwork for the success he enjoys today could be the site of a homecoming of sorts.

"I was reminded that everybody has hopes and dreams," Graves said.

The appointment would make him No. 2 in charge of a department with more than 46,600 employees, an estimated \$9.6 billion annual budget, and a mission to help rebuild the Nation's pandemic-stricken economy. Make it more inclusive. Or, as Biden puts it, "Build back better."

Biden has already proposed doubling the \$333 million budget for the Commerce Department's Economic Development Administration, which would help establish

new manufacturing and information technology in disadvantaged communities. “Hopefully, I will be in a position to make sure people from all communities are dealt into the bargain,” Graves said.

Graves is a Georgetown Law graduate and served as executive director of the President’s Council on Jobs and Competitiveness during the Obama administration. He led the Federal effort to revitalize Detroit when the city went bankrupt in 2013. He’s been an economic adviser to Biden since 2014, and also led the then-vice president’s cancer research initiative.

In those jobs, he gained experience and wisdom. For insight and inspiration, Graves says, he draws on the lessons of his family history.

Lynch and Polly Wormley received support from some unlikely sources. In those days, just to get a hack license in the District, a Black man needed a White man to declare he was not a runaway enslaved person. Lynch Wormley had been vouched for by Francis Scott Key. The two had met at a plantation in Virginia.

Key had penned “The Star Spangled Banner” in 1814, which happened to be the same year Lynch and Polly came to D.C.

Their eldest son, James Wormley, would become close friends with abolitionists Charles Sumner and *Frederick Douglass*. Together, they would fight for better schools in the District, the right to vote, fair labor practices and an end to “Black Codes” that sought to enforce Black subservience to Whites.

For relief from the stresses of their civil rights efforts, Wormley and Douglass helped establish a summer resort for the Black elite at Highland Beach on the Chesapeake Bay. Graves would spend many a summer vacation there.

After the Civil War, James Wormley capitalized on civil rights laws enacted during Reconstruction to open his hotel. For a brief period, Black Americans could vote, seek public office, acquire the land of former enslavers, seek their own employment and use public accommodations.

Then, in 1876, Democratic and Republican representatives began meeting at the Wormley hotel to negotiate an end to the disputed Tilden-Hayes presidential election. The deal they struck, known as the “Wormley Compromise,” called for an end to Reconstruction.

After James Wormley’s death, his eldest son took over management of the hotel. But a climate of economic uncertainty and resurgence of racial hostilities in the post-Reconstruction era made it impossible for Wormley to get financing for much-needed renovations.

The property was eventually sold, and the deteriorating building later razed.

“That deal to end Reconstruction, struck at the Wormley Hotel, set back racial progress for decades and decades and left a stain on our collective history,” Graves said. “Access to the credit and capital needed to start and grow a business hasn’t been an option for many people, especially African Americans. That would change in an economy that was more inclusive.”

In 1919, when racial animus in D.C. erupted in race riots, some of the Wormleys moved to Cleveland. Graves was born there. The family continued to emphasize the importance of education and entrepreneurship. And their successes have continued, as well. Thinking back on his family’s roots, Graves said it takes ambition to live a life of dignity.

“But even that is not enough,” he said. “You also need help—from your family, your community. You need government help, with more opportunities, with getting capital and investments, and other assistance to make the playing field a little more level, like we do with international trade.”

On the drive to Wilmington where Biden would announce his nomination, Graves had seen the sign to Fort McHenry as he passed through Baltimore—and he thought of Key, who had been inspired to write the national anthem after witnessing the defense of the fort during the War of 1812.

He recalled how Key had vouched for Lynch Wormley, helping at a critical time to get a license to work. And that happened even though Key had also been an enslaver and spoke of Black people as a “distinct and inferior race.” It is a paradox that has always haunted Black progress, in a land of the free, home of the enslaved.

Graves has a recording of “The Star Spangled Banner” that he plays at the start of his daughter’s soccer games. Now he was listening to it again, en route to be nominated by the president to help create a more equitable society.

“I was getting a little choked up, thinking, in this country, you can achieve anything you want—with a little help,” he said.

The CHAIR. Thank you for including that in the record. And I think I would say ditto to Senator Wicker’s comments on about fish and boating. Seattle has more boats per capita than anybody else

in the Nation. And clearly we plan entire weeks or months around copper river salmon. So we definitely, definitely agree with the Senator about this as a very big part of our economy and the challenges that we face. So we need to honor our fishermen.

When we have had testimony before this committee, I know we had an actress in front of us. I can't remember what we were talking about—ocean's economy. But the fishermen who showed up articulated the needs of this issue more than anybody, and so I hope we will listen to them. And they are telling us they need some more help. So anyway, we will turn to Senator Klobuchar. I am sure she can tell us about walleye in Minnesota. But, you will find that fish are very important issues for all of us.

**STATEMENT OF HON. AMY KLOBUCHAR,
U.S. SENATOR FROM MINNESOTA**

Senator KLOBUCHAR. Chairwoman Cantwell and Senator Wicker, you stole my opening line. I was going to tell Mr. Graves that there is nothing better for Minnesotans than following a discussion on fishing. But I did want to tell you, Mr. Graves, how excited I am about your nomination. You have spent time in my state. You understand our community development organizations, and your mix of public and private experiences is going to be so great as well as your enthusiasm for this job. So I just thought I would start with tourism, kind of part of fishing, part of the restaurants that Senator Wicker was talking about. Senator Blunt and I have long lead the bill for Brand USA.

We got it reauthorized back in, I think, 2019 up to 2027. As you know, that allows our country to advertise itself, not with taxpayer money, but with a mix of fees that foreign visitors pay as well as private sector money. And it has been a really, a positive, positive for bringing in more guests to our country that spend an average of \$5,000 when they come here.

And with the pandemic coming to a close, with light at the end of the tunnel, I can finally ask about tourism. So, Mr. Graves, could you comment about that?

Mr. GRAVES. Well, thank you very much, Senator. And I really appreciated the opportunity to talk with you over the last few weeks. You have raised this issue before. I believe it is absolutely critical, as I said earlier to the Chair, that we get our tourism, travel and tourism industry back up and running the way that it should be, attracting folks from around the globe back into the United States. That we do everything that we need to do to get our arms around the pandemic.

But we also need to make sure that we are promoting tourism to the U.S. Every state in the country has a wonderful tourist attraction, including my own state of Ohio. And I think that I would certainly want to work with you and other members of the Committee to make certain that the Department is doing everything that it can to promote tourism to the United States and get folks traveling again.

Senator KLOBUCHAR. Very good and I would love to get more detail on that later when you get into the job. U.S. Commercial Service, we talked briefly about that. 95 percent of our world's customers are outside of a border. Again, when we see the light at the

end of the tunnel, I think we are going to see an increase in exports.

I know it is a priority by the Biden Administration. Could you talk about what your plans are to expand, improve the U.S. Commercial Service Program to help our smaller businesses? And the Chairwoman has done such great work on the export bank and exports, to help our small businesses export abroad.

Mr. GRAVES. Thank you for that question, Senator. I have spent a lot of time speaking with small businesses and medium-sized businesses around the country who were talking about the very issue that you raise, the need to make certain that they can navigate the waters of exports, that they can get to—get their products and services out around the globe.

And you have my commitment to working closely with you and the staff in the Commercial Service and across the Department to make sure that everything we do is focused on our clients, our customers, which is the U.S. taxpayers, U.S. businesses, that they are able to navigate our programs to use our resources so they can get their products to market. It is something that I have spent a lot of time in my career on is helping small businesses and helping make sure that they are able to navigate agencies and resources like the Department of Commerce. So you have my commitment to work with you on that.

Senator KLOBUCHAR. Good. 80 percent of venture capital is going to three metropolitan areas in the country. We would like to see some of that money going to other hubs and areas where we can allow new ideas to be unleashed. And I think we are better off if that money is spread across the country.

So I have a bill, the New Business Preservation Act with a number of other Senators that would allow the country to start pushing some of that funding in a good way. Could you talk about your plans to help to make sure that ideas and venture capital is spread across the country as well as help to minority and women owned businesses?

Mr. GRAVES. Thank you, Senator. I have spent a significant part of my career focused on making sure that businesses in this country, particularly small businesses, have the needed access to credit and capital. And I look forward to working with you on your legislation. I think that the Department of Commerce is in a great place to be able to advance the cause of capital all across the country, making certain that our small businesses have what they need to grow and create jobs, so I look forward to working with you on the legislation.

Senator KLOBUCHAR. Thank you. And Madam Chair, I will be asking the questions on the record about steel dumping, really important to Northern Minnesota. The work that has been done over the last few years to allow our iron ore mines to reopen, as well as the work Commerce does with regard to broadband since Representative Clyburn and I are introducing, reintroducing our bill today for some significant investment in broadband. Thank you.

The CHAIR. Thank you for your leadership on those things. Senator Thune.

**STATEMENT OF HON. JOHN THUNE,
U.S. SENATOR FROM SOUTH DAKOTA**

Senator THUNE. Thank you, Madam Chair. Mr. Graves, welcome to the Committee. As you know, responsible and effective spectrum management between NTIA and the FCC has enormous consequences for the United States' ability to compete with China and other countries in the race to 5G. Do you support freeing up spectrum currently held by the Federal Government?

Mr. GRAVES. Senator, thank you for that question. I believe that the Department of Commerce should be working very closely with the FCC to make certain, and with our—all of our Federal agencies, to identify ways to free up spectrum for use by the private sector so long as it does not negatively impact our National Security needs or the needs of our First Responders.

Senator THUNE. And on that point, with the development of new technologies like 5G, the spectrum demands are going to increase. And that is going to result, as I said, in Government agencies and others competing for those resources. So if confirmed, how would you—or maybe ask it more this way, what steps should the Department take to prevent interagency disputes relating to spectrum management issues?

Mr. GRAVES. Thank you, Senator. Part of this is having conversations and making certain that each agency is brought to the table and is transparent about the way that they are using their data. And at the end of the day, we can certainly enlist the help of the White House in this. But the Department will be working very closely, as I have said, with the FCC and other agencies.

And we need—as you point out, 5G is critical to our long term economic prospects. We have to maintain our technological advantage there, particularly given everything that China is doing. So you have my commitment to working very closely with all of the agencies and really pushing them to make sure that we are finding every amount of spectrum that we can free up for use to maintain our edge on 5G.

Senator THUNE. I hope you really will focus on that. We can be way more efficient and there is a lot of spectrum out there that are currently in the hands of Government agencies that I think could be effectively deployed for commercial use in a way that doesn't harm, as you point out, National Security. Congress provided NTIA with \$1 billion to support broadband access in tribal areas. Will you commit to ensuring that NTIA coordinates with the FCC and USDA to see that those funds are targeted to truly underserved areas?

Mr. GRAVES. Senator, absolutely. I have spent a significant part of my career working with tribal Governments and tribal communities and know and have seen, certainly given the pandemic, the impact that lack of access to broadband is having on communities all across the country, but especially our tribal communities. So you have my commitment on that one. That is a top priority for me.

Senator THUNE. As you know, FirstNet, which acts as an independent authority under NTIA, is to build out, operate, maintain a public safety network. They have made significant progress in deploying that network and I particularly appreciate the coverage ex-

pansion of rural areas like my home state of South Dakota. If confirmed, will you commit to ensure that FirstNet's deployment milestones will continue to be met? And second, do you believe that this can be done without additional funding from Congress?

Mr. GRAVES. Senator, you have my commitment on the former, making certain that we are doing everything we can to meet those goals and objectives. And it is my understanding that FirstNet is able to do everything based on fees and does not at this time need additional funding to do—to take care of all of those, all of the work that it is doing.

Senator THUNE. In your testimony, you say that you will focus on recovering from the economic crisis caused by the COVID-19 pandemic, protecting our critical infrastructure, our National Security. What role does cybersecurity play in ensuring success in these areas and how can the United States strengthen its approach moving forward?

Mr. GRAVES. Well, protecting our networks, our systems, and our data is one of the most important roles of the Federal Government. It is vital to maintaining the confidence in our Government. And I am committed to working with all of our agencies, particularly our National Security agencies, working with our research institutions, and the private sector stakeholders to make sure that we are doing all that we can to protect our cybersecurity. And that includes also making certain that our private sector businesses have what they need to protect their assets. Because we have seen with China and others who are infiltrating our systems, Russia, and stealing our intellectual property and our data, and frankly, we can't stand for that.

Senator THUNE. Madam Chairman, my time has expired. Thank you, Mr. Graves.

The CHAIR. Thank you, Senator Thune. Senator Blumenthal.

**STATEMENT OF HON. RICHARD BLUMENTHAL,
U.S. SENATOR FROM CONNECTICUT**

Senator BLUMENTHAL. Thank you, Madam Chair. Good morning, Mr. Graves. Welcome to the Committee and thank you for your public service. I am interested in the supply chain. I know it is also a concern of yours and President Biden's. I welcome his Executive Order on America supply chains issued recently which concerns shortages of micro boards and semiconductors and essential components that go into the supply chain. The Order calls for a sweeping review of our dependency on foreign producers. But the need is really urgent, for example, for semiconductors because our automobile manufacturers are threatened. Recently, a bipartisan group of us wrote to the White House about the shortage of semiconductors, particularly affecting the automobile industry.

But I saw it at a smaller scale at a company called Micro Board, which produces medical equipment and defense items in Seymour, Connecticut. And the shortage of semiconductors is threatening their ability to meet consumer demand for these essential products. What can we do about that shortage and more generally about the supply chain?

Mr. GRAVES. Thank you very much, Senator, for that question. Thank you for the conversation that we had a few weeks ago. And

you have raised this very important issue. Supply chain resiliency is critical to our ability as a nation to compete. And frankly, if we have strong supply chain resiliency, we will outcompete the rest of the world, even when it comes to situations like the pandemic. The semiconductor industry I know has had challenges meeting demand as we come out of the pandemic, especially the auto industry getting access to the semiconductors.

As President Biden has done with his EO, and as you likely have seen, we need to review our entire supply chain. We also need to use all of the tools at the disposal of the Department of Commerce to make certain that we are getting access to things like semiconductors for our vital industries and that we are investing appropriately to grow our industries here and make certain that we are also keeping a fair and level playing field across the globe.

Senator BLUMENTHAL. The supply chain involves one industry that I think is very important to our future, commercial drones. Senator Scott and I have focused on the issue of commercial drones in Connecticut. We have a few drone companies like Aquiline and Ratico that offer alternatives to the insecure drones that are coming from China.

A major part of our drone market comes from China. Those drones raise very serious security concerns. There is a lot that the Department of Justice can do to help drone companies grow and innovate. I am interested in what you would do, assuming you are confirmed.

Mr. GRAVES. Thank you, Senator. And if confirmed, I would certainly want to make use of the Department's resources to invest in research and development in the space to make sure that we have that, working with the Labor Department and the Education Department, make sure that we have the workforce to meet the needs of the industry.

And as I said, to make sure that we have the resiliency of the supply chain to ensure that that industry is successful. But I would look forward to working closely with you and learning more about the industry and the businesses to see in what additional ways we might be able to help.

Senator BLUMENTHAL. Do you have any insights as to why the United States has surrendered so large part of the market to Chinese production?

Mr. GRAVES. Well, Senator, I am not an expert on that. I would just say that I would work with the career staff to understand what they see as the challenge and would want to speak with stakeholders in the industry to learn a bit more. But I think that generally we have to take a very firm stance with China. It is clear that they don't share our values, that they threaten our economy and our technology lead. And we have to take a firmer stance as we can, using our defensive and offensive tools to protect the industry.

Senator BLUMENTHAL. My time has expired, but I would like a commitment from you that once you are confirmed, as I believe you will be, you can give us a report, preferably in writing, using your professional staff as to what our strategy should be on drones to build a better supply chain, but also increase output so that we are relying on American drones, not Chinese drones.

Mr. GRAVES. Well, Senator, you have my commitment to do that. The CHAIR. Thank you. Senator Cruz.

**STATEMENT OF HON. TED CRUZ,
U.S. SENATOR FROM TEXAS**

Senator CRUZ. Thank you, Madam Chair. Mr. Graves, welcome. Congratulations on your nomination. On Election Day 2020, U.S. regular retail gas was selling at an average cost of \$2.31 per gallon. On January 27, President Biden issued an Executive Order that ordered the Department of the Interior to pause new oil and gas leases on public land or offshore waters. Today, gas is selling at \$2.91 a gallon.

That is nearly a 28 percent increase in gas prices over just a few short months, which will cost American families nearly \$400 more per year in added fuel costs. That is, in effect, a tax on the American people brought on by the President's leasing moratorium and his shutting down the Keystone Pipeline.

In today's economy with millions of Americans out of work and millions more scared of losing their jobs and with their families struggling, if you had been consulted about this action prior to it being taken, would you have recommended the moratorium?

Mr. GRAVES. Well, thank you very much, Senator. I very much appreciate the question. I would certainly have wanted to talk with the data experts at the Department. As you know, science shows that our climate is changing significantly. And it is my understanding that the President took those steps as a first step toward ensuring long term reduction in greenhouse gases and getting our arms around climate change. But I absolutely would have wanted to work closely with the Department of Energy and Department of the Interior and understand what they are seeing relative to gas costs.

Clearly, we as Government need to make sure that we understand the long term downstream impacts of those decisions on our businesses. So I would leave it to the Department of the Interior and Energy, who are the experts on these issues. But I would also want to make sure that I am bringing to the table the input from all stakeholders.

Senator CRUZ. I would note your answer today is not entirely consistent with your previous record. In January 2012, while you were Executive Director of the Obama Jobs Council, the Council released a road map to renewal, which had more than 60 recommendations to improve the economy. The first recommendation in the energy chapter reads as follows, "First, we should allow more access to oil, natural gas, and coal opportunities on Federal lands.

Where sources of shale natural gas have been uncovered, Federal, State and local authorities should encourage its safe and responsible extraction." The report goes on to say, "further expanding and expediting the domestic production of fossil fuels, both offshore and onshore, will reduce America's reliance on foreign oil. And additionally, policies that facilitate the safe, thoughtful, and timely development of pipeline transmission and distribution projects are necessary to facilitate the delivery of America's fuel and electricity

and maintain the reliability of our Nation's energy system." Do you still agree with what your task force wrote then?

Mr. GRAVES. Well, thank you, Senator. I will just note that the members of the Jobs Council were independent external advisors who prepared the report. So that was their statement. That said, I do believe that the science and data have advanced significantly and are showing that the impact of climate change is having a massive impact and it is affecting people's lives and livelihoods. And that if we shift, as the President has called out, to a green energy and clean energy set of economies and investments, we actually will create millions of new jobs and we will also continue to bring down energy costs.

Senator CRUZ. Mr. Graves, are you telling this committee that you were the Executive Director of the Jobs Council and you didn't agree with the recommendations from the Jobs Council?

Mr. GRAVES. Senator, I am just telling you that they—I was merely a coordinator—

Senator CRUZ. Did you agree with the recommendation or not?

Mr. GRAVES. Senator, the members made their own statement. They came together as a group to make that report.

Senator CRUZ. Did you have a role in drafting that?

Mr. GRAVES. I merely provided advice and support to the members and they made their own judgment.

Senator CRUZ. So my question is simple, did you agree with that recommendation in 2012? You might say that we are a few years later. You might say you have decided you were wrong. My question is, when the recommendation was issued—and this was not the Trump's Jobs Council, this was the Barack Obama's Jobs Council. You were the Executive Director. Did agree with the Jobs Council's recommendation?

Mr. GRAVES. Senator, I believe that we should look to a wide range of sources of energy and including increasing the amount of renewable energy sources at that time. Again, the Jobs Council's recommendations were their own. And I was—

Senator CRUZ. So you are not going to answer if you agreed?

Mr. GRAVES. I agreed in part and disagreed in part.

Senator CRUZ. So what did you disagree with?

The CHAIR. Senator Tester.

STATEMENT OF HON. JON TESTER, U.S. SENATOR FROM MONTANA

Senator TESTER. Thank you, Madam Chair. I don't know whether to respond to Senator Cruz's line of questioning or not, but it is interesting that he intended to leave out an incident that happened in Texas in the storm that shut down the industry, which had impacts on the crisis, by the way, and wasn't due to wind or solar. It was due to no regulation of the electrical grid in Texas and the fact that demand is up for a while. But we will let that go. I want to stick with Mr. Graves here. Appreciate you being here at this committee hearing.

I want to talk to you a little bit about broadband, because if this pandemic has taught us anything is how important broadband is both from a health care standpoint, an education standpoint, and an economic opportunity standpoint. I come from rural America,

where, quite frankly, the broadband coverage is not where it needs to be.

And I live fairly close to an Indian reservation where the broadband coverage isn't what it needs to be. If you are confirmed to this position, can you tell me how you are going to prioritize rural America and Indian country too?

Mr. GRAVES. Well, Senator, thank you very much. And I appreciate the chance to speak with you a few weeks ago and where you raise these very issues. We have seen clearly, as a result of COVID-19, the need for access to affordable, high-speed broadband is critical to every community in the country, especially to our rural areas and tribal communities, which have limited access. It is important for business. It is important for access to medical care. It is critically important for access to services.

So my belief is that we should do everything in our power to make certain that broadband is expanded into every community in the country and that we get the NTIA grants expedited. That we are increasing the amount of broadband access in rural, and I would look forward to working with you closely on this issue going forward.

Senator TESTER. Well, I look forward to that opportunity. I will tell you that if we don't prioritize the areas that are underserved or not served at all, I don't think we are going to have the economy that is going to work for all parts of this country. And so I hope that is a priority for you. I want to talk about EDA because I think the Economic Development Administration is a great resource.

We addressed it in the CARES Act that we passed nearly a year ago and we addressed it in the American Rescue Plan that we passed last week. And the fact is, is that the ability for EDA to deal with the unprecedented challenges of this pandemic is critical and it is how we retain businesses across this country. Tell me, because I think the American Rescue Plan allocated 25 percent of the \$3 billion going to communities suffering from job loss from travel, tourism or the outdoor recreation sector. Can you tell me how you are going to implement that?

Mr. GRAVES. Well, thank you, Senator, for that question. I think it is vital for us to get these dollars out the door and make sure that the hardest hit communities by the pandemic are getting the resources as quickly as possible. I will tell you that I know from my own experience and some of the programs that I have run, that it is absolutely the most important to have close coordination between the Federal Government agencies that implement, in this case EDA, and our partners across the Federal, state, and local Governments, and working with local stakeholders.

So having ongoing conversations and using the expertise that the career staff have, not just at EDA who are fantastic, but also staff across the Federal Government to make certain that the dollars are going quickly, are being used effectively and efficiently, and that most importantly, we are getting our local economies going again.

Senator TESTER. Thank you for that. Last question very quickly. Agriculture got pounded because of the trade wars of the previous Administration. And I mean pounded. The prices still are not where they need to be and is the reason why 40 percent of farm income came from the Federal Government last year. Can you tell

me how you are going to work with USTR to expand new markets, not only for agriculture, but for everybody?

Mr. GRAVES. Thank you, Senator. I completely agree with you that we need to do more for agriculture and making certain that we are dealing with the trade challenges that we are facing across the globe. I would commit to working closely with USTR and with our partners at the Department of State and utilizing all of the tools at the Department's disposal to bring down barriers across the globe to our produce and our products and ensuring that we are making the right types of investments for our farms, for agriculture, making necessary infrastructure investments so we can make certain that their products are getting to market in a timely fashion.

Senator TESTER. Thank you, Mr. Graves. Thank you, Madam Chair.

The CHAIR. Thank you, Senator Tester. We now have Senator Blackburn.

**STATEMENT OF HON. MARSHA BLACKBURN,
U.S. SENATOR FROM TENNESSEE**

Senator BLACKBURN. Thank you, Madam Chairman, and Mr. Graves, thank you for being with us today and congratulations to you on your nomination. Couple of topics quick, yes or no. Do you support the nationalization of 5G telecommunications network?

Mr. GRAVES. Senator, thank you. I do not.

Senator BLACKBURN. Thank you. Do you believe Huawei Technologies should remain on the Commerce Department's entity list?

Mr. GRAVES. Thank you, Senator, for that. Based on all information, public information that I provided, I have no reason to believe that Huawei should be removed from the entities list at this time.

Senator BLACKBURN. OK. And you had—Senator Blumenthal mentioned supply chain to you, and there are a group of us that were at the White House a few weeks back on meeting with the President and Vice-President on supply chain issues and looking at repatriation. So very quickly, how would you put emphasis on repatriating and bringing back pharmaceuticals, microprocessors, semiconductor chips?

Mr. GRAVES. Thank you, Senator. As you know, the President has done an Executive Order recently focusing on supply chain resiliency, conducting a review across all of the agencies over the next 100 days on that. I would certainly want to have the Department of Commerce working closely to be a part of that supply chain review, making sure that we see where there are gaps, where there are challenges, and again, using all of the tools at the Department's disposal, including our defensive tools, protecting against trade barriers, but investing in critical infrastructures like the semiconductor industry.

Senator BLACKBURN. Sounds good. OK, Privacy Shield. How do you plan to proceed with the Privacy Shield negotiations with the Europeans?

Mr. GRAVES. Thank you, Senator. The—I was dismayed by the European Court of Justice's ruling about data. Data and privacy and free flow of data and privacy are critical to our businesses. And I believe that we should do everything in our power to speed up

the negotiations with the European Union and member countries so that we can ensure that continued free flow of data to deal with the Privacy Shield issue.

Senator BLACKBURN. And likewise, AI is going to be important to us over the next couple of decades. And NIST has some credible and important work going on in this realm. How do you plan to prioritize the work at NIST?

Mr. GRAVES. Thank you for that question. The work that the career staff at NIST does can't be understated. We must maintain our lead in technology as a country. And leading our global standard setting is something that we should be continuing to pursue and push. And I think that the staff that at NIST, I would like to work with them closely to make sure that they are prioritizing AI and our technological advantage—

Senator BLACKBURN. Yes, let me ask you one more thing in conjunction with that. It is important—and you mentioned standard settings which is vital because China is pushing to grab that position right now. So how would you engage our allies in sharing this work with them?

Mr. GRAVES. Thank you, Senator. We need to rebuild our relationships with all of our allies, bringing them along with us. I think that NIST and other parts of the Department should be working closely with our allies on these issues and on the standard setting. If we can spend the time working closely with the experts in industry and experts in research institutions, supporting the career staff at NIST, I believe that we will come up with standards that our European allies—excuse me, our allies across the globe will want to join in on, and that will continue to allow us to lead the way.

Senator BLACKBURN. And I appreciate that you make it across the globe. Of course, Japan has been a wonderful partner to us, and also has pushed the clean network plan. Thank you, Madam Chairman. Yield back.

The CHAIR. Thank you. Senator Rosen.

**STATEMENT OF HON. JACKY ROSEN,
U.S. SENATOR FROM NEVADA**

Senator ROSEN. Thank you, Chair Cantwell, Ranking Member Wicker, and for holding this hearing, and of course, to Mr. Graves, for your willingness to serve in this very important role. And we have a lot of important roles. But in my state, travel, tourism and hospitality are major economic drivers and job creators—like I said in my state of Nevada. In 2019, our states saw nearly 50 million visitors and tourism spending in the Las Vegas area supported nearly a quarter of all jobs. Our outdoor tourism industry from Northern Nevada, Lake Tahoe all the way down Southern Nevada, Lake Mead, Red Rock, Canyon, they bring billions of dollars and jobs and visitors to Nevada year-round. But the pandemic has hit Nevada's tourism economy particularly hard.

Recovery for travel and tourism has been extremely slow. It is slower than the rest of the economy. So I am grateful to be Chair of the new Subcommittee on Tourism, Trade, and Export Promotion. And I am looking forward to working with you to rebuild all of these critical sectors going forward. So, Mr. Graves, the De-

partment's National Travel and Tourism Office, you are tasked with enhancing the competitiveness of the U.S. travel and tourism industry.

So if you are confirmed, I hope you will commit to ensuring that you prioritize travel and tourism and that you would also commit to working with me to develop a national strategy focused on improving domestic tourism during and post pandemic?

Mr. GRAVES. Well, Senator, thank you for that. As someone who spent a lot of time in your state, touring different parts of your state, I fully understand the need for focusing on travel and tourism. I would commit to doing both certainly. I commit to working with you and other members of the Committee to ensure that our tourism, travel and tourism industry has the necessary resources and that we can get it back to the place that it needs to be. So, yes, absolutely.

Senator ROSEN. Thank you. I appreciate that. And of course, nothing else happens much without broadband these days. We have seen, particularly in the pandemic, that broadband is the basis for everything. So I represent as well one of the fastest growing states in the United States. Like I said, home to Las Vegas and Reno. Vast rural areas where more than 80 percent of our land in Nevada is federally owned, and unfortunately, 65 percent, 65 percent of Nevada's rural population lacks access to high speed Internet.

Last December's COVID relief package included a number of broadband provisions, included \$1 billion to the National Telecommunications and Information Administration for tribal and rural broadband. So how are you going to ensure the agency under your jurisdiction has the resources needed to manage these new great programs, including your grant making authority, make sure you are coordinating with other agencies important to us in the West, like BLM, the Bureau of Indian Affairs, and USDA? Like I said, 80 percent of our land, federally owned or managed.

Mr. GRAVES. Thank you, Senator. I couldn't agree more about the need for broadband access all across the country, particularly in those areas that are unserved or underserved, such as in your state. I would certainly want to rely on some of the expertise that I gained in standing up new programs coming out of the Great Recession during the Obama Administration, new grant programs that we deployed those funds very quickly, very efficiently, and I would seek to do the same.

But I would certainly want to work closely with the staff of NTIA and also engage stakeholders across the country, tribal leaders, local Government officials, and of course, business to make sure that we are doing everything in our power to expedite broadband access across the country.

Senator ROSEN. Thank you. I appreciate that. And I guess I am going to keep it real Nevada specific, because one thing we have plenty of in Nevada is sunshine. What does that mean? It means you have a robust solar industry, and it is incredibly important because we have lost the most solar jobs per capita than any other state in the country. And before her confirmation hearing of Secretary Raimondo, I expressed my serious concerns with Section 201

tariffs on imported solar panels and cells. These misguided tariffs have cost us an estimated 62,000 solar jobs across the U.S.

And when these tariffs increase to about 18 percent, they are going to cause more job losses already on top of the economic crisis has been caused by the pandemic. And so we really have to move our solar industry forward and Section 201 tariffs will simply kill more American jobs. So will you commit to working with me and my team to address this pressing and time sensitive issue as we work to roll back the current tariffs on imported solar panels and hopefully improve our solar industry in general?

Mr. GRAVES. You absolutely have my commitment to work with you and your team on that issue and make certain that unintended impacts when using our tariffs are not occurring in industry. I think I would completely agree with you that we need to do everything we can to protect our industries. And in keeping with the President's commitment on climate change, this is something that we should definitely take a look at so we will commit to working with you on it.

Senator ROSEN. Thank you so much, and I yield back.

The CHAIR. Thank you. Senator Lummis. I will give Senator Lummis a second here. I will just say on that last point that Senator Rosen was making, I hope the Administration will really look at a reset, you know, as it relates to tariffs. We have had some of the same disputes that are still ongoing.

So we didn't resolve anything. And these actually, you know, what she is referring to started with the Obama Administration. So we lived through that and 4 years of the Trump Administration and we still have the same—we have not gotten off the dime. So the tariffs haven't resolved the issue. So we hope that we will have a more engaged Department of Commerce in trying to help us on these important issues. Senator Lummis.

**STATEMENT OF HON. CYNTHIA LUMMIS,
U.S. SENATOR FROM WYOMING**

Senator LUMMIS. Thank you, Madam Chairman. I really appreciate the opportunity to ask some questions today. Making sure economic opportunity is inclusive is really important to me as well. And in order for economic opportunity to be inclusive of rural and tribal communities in my home state of Wyoming and across the country, closing digital divides must be a priority. So I have a few questions on that issue. As you know, one of the challenges that comes with providing service to rural and hard to reach areas is overbuild. What do you envision is the best way to counter overbuild and ensure that funding for rural broadband is going to truly underserved areas?

Mr. GRAVES. Well, thank you, Senator, for that question. I too share a commitment and focus on broad economic inclusiveness, inclusivity, and closing the digital divide is clearly one of the top issues. I would want to work closely with the staff at NTIA on this issue to make sure that we are fully understanding the impact of overbuild on areas like rural areas which are unserved or underserved. I would want to work with you as well and your staff on making sure that we are finding ways to get broadband access to those unserved and underserved areas.

Senator LUMMIS. Well, that is music to our ears. And we would love to take you up on that. And I appreciate your willingness to engage with us on that. Innovation is also an important part of solving the digital divide, but with the importance of getting reliable connections to communities and the huge expense of doing so, do you believe Federal funding should be going to broadband technologies that are in beta testing rather than ensuring Federal funding goes to technologies that are proven?

Mr. GRAVES. Senator, thank you for that. I think it is always a balance when you are talking about new technologies versus proven technologies. I would want to work with the wonderful career staff at NTIA to get a better understanding of what is the best and most effective, balanced approach. As you point out, innovation is critical for this country. It has been really important for us to have the type of economy that we have been able to grow over these many hundred years.

And so I would certainly want to make sure that the Federal Government is doing what it can to invest in ways that—in areas that the market may not be able to make appropriate investments in, but at the same time, making sure that we are providing resources to ensure that proven technologies are being used to bridge gaps like in rural and other underserved areas.

Senator LUMMIS. And switching gears a little bit. Wyoming was fortunate during the pandemic to have a really robust outdoor recreation, tourism opportunity for people, and they took advantage of it. So we had a decent end of season, but our hospitality industry was still hit hard. A recently released report from the World Tourism and Travel Council stated that the uncertainty in the travel and tourism industry will continue for months to years. What do you envision the Commerce Department's role being in the recovery of the American tourism industry over the long term?

Mr. GRAVES. Thank you, Senator. I too believe that we need to do more and quickly to support the travel and tourism industry. It is a critically important part of our economy. I would certainly want to work with the Travel and Tourism Advisory Board, work with stakeholders across the country, and work with members of this committee to use all of the resources that the Department of Commerce has to deal with this issue, including the Economic Development Administration and the Minority Business Development Agency, to make sure that the small businesses and mid-sized businesses that have been so adversely affected by the pandemic have the resources that they need to come back and come back in a strong way.

Senator LUMMIS. That Tourism Board has some—the Advisory Board has some heavy hitters on it, so that is a great answer. Madam Chairman, thank you. I yield back.

The CHAIR. Thank you, Senator Lummis. Senator Peters.

**STATEMENT OF HON. GARY PETERS,
U.S. SENATOR FROM MICHIGAN**

Senator PETERS. Well, thank you, Madam Chair. And Mr. Graves, it is great to see you here before us on the Committee. So I want to say, I will start off for the record and for my colleagues to share my appreciation for the work that we did together when

I was a member of the House and certainly know your passion for small business. And together we collaborated to pass the State Small Business Credit Initiative, which, after its creation, is responsible for over 10,000 jobs in Michigan and thousands of jobs all across the country. We did that together in 2010. Now, here we are a decade later and we are about to further realize again, once again, the success of that program with a \$10 billion investment in the America's Rescue Plan, which I am confident will continue to be successful and create more jobs.

And the work that you do in the small business community I think bodes well for your work here at the Department of Commerce. So, again, thank you for that effort on your part and look forward to, if confirmed, to continuing to work with you. And as you know, one of my passions is manufacturing. Coming from Michigan and a manufacturing state, and as someone who in my core believes that you can never be a great country if you don't actually make things and manufacturing is the core of our economy, you and I have had the opportunity to discuss my proposal for a National Institute of Manufacturing, which will elevate manufacturing, coordinate all of the 58 plus programs dealing with manufacturing across 11 different Federal agencies, in that proposal will create a chief manufacturing officer, develop a national strategic plan for manufacturing, revive and elevate the National Manufacturing Council that currently exists, as well as a host of other initiatives.

So my question to you, Mr. Graves, is can you speak to what you believe the Department of Commerce role should be in manufacturing? And how can we improve the manufacturing environment in this country?

Mr. GRAVES. Thank you, Senator. I very much have enjoyed our conversations recently and over the years and thank you for everything that you have done to support the State Small Business Credit Initiative and small businesses. And as it relates to your question, I completely agree that manufacturing is vital to this Nation's economy, to our long term prospects, that we need to do more to increase the support for manufacturers. And that includes a balance of ensuring that we have a fair and level playing field across the globe using the export controls that the Department has. At the same time, making sure that we are investing in research and R&D and innovation.

That we are creating the jobs of the future, and that we are also using the Economic Development Administration, the Minority Business Development Administration, to support those small and mid-sized manufacturers at critical times in their growth. And I would, if confirmed, would also want to work with the Departments of Education and Labor to ensure that we are supporting the American workers, getting them the training that they need so they can be successful.

But I would absolutely want to work closely with you on your proposal. And as you know, I have spent a lot of time with manufacturers in Michigan as well as in my home state of Ohio, so this is near and dear to my heart.

Senator PETERS. Well, I know that, Mr. Graves, and I look forward to having that opportunity. You know, one thing that we also

have to focus on as we compete globally is that we have to make sure the rules are fair. We know we have the best manufacturing firms in the world. We have got the best workers in the world. We can outcompete anybody in the world, but we have to make sure the rules are fair. And sometimes it is very difficult if you are in a small industry or—and trying to take on nation states that are engaged in predatory trade actions. The issue in Michigan, we have our cherry growers, for example, who are right now hanging on for their lives because of dumping from Turkey of cherries that could very well put them out of business. It is one of our iconic agricultural products.

In fact Traverse City area is cherry capital of the world for tart cherries, and we want to make sure there is a level playing field. But they can't hire the army of lawyers and an economist necessary to bring a trade action. So I have introduced legislation with Senator Burr to create a team at the Department of Commerce dedicated to monitoring trade flows and producing self-initiation recommendations so that the Federal Government can help these small producers, these small manufacturers, stand up for their rights and their ability to compete globally.

So my question to you, Mr. Graves, if confirmed, will you work with me to advance this bipartisan self-initiation legislation to provide an avenue for small trade exposed sectors to have the Government self-initiate trade cases and basically go to bat for them?

Mr. GRAVES. Well, Senator, you absolutely have my commitment. And you have talked with me extensively about the challenge that the cherry growers are having in Michigan and other businesses. And I think that we need to use the tools at our disposal, including the anti-dumping and countervailing duties, laws, rules to ensure a fair competition because our workers and our businesses can outcompete the world as long as we are playing on a fair playing field.

Senator PETERS. Right. Thank you, Mr. Graves.

Mr. GRAVES. Thank you.

The CHAIR. Senator Scott.

STATEMENT OF HON. RICK SCOTT, U.S. SENATOR FROM FLORIDA

Senator SCOTT. Thank you, Chair Cantwell. Mr. Graves, thank you for being here. Thank you for your willingness to serve. I grew up in a family that struggled for work and so I was Governor of Florida for 8 years and I put most of my time into figuring out how we got more jobs. And we were able to do that. We added 1.—well, Government didn't. The private sector added 1.7 million jobs. And so I am very concerned about where we are right now and any policy that would impact job growth. One of my biggest concerns up here is the role that communist China has been has played in a variety of things. I mean, they clearly don't comply with any agreements. They don't comply with trade agreements. They are not they are not living up to their last trade agreement. They don't live up to the obligations under the WTO. I mean there is not—I am not seen one thing that they have ever done that they said they are going to do, unless—other than bad things.

And on top of that, you know, they are a horrible human rights abuser with the Uyghurs, taking away the basic rights of Hong Kong citizens. So my question for you is, and I have talked to Bob Lighthizer about this quite a bit when he was the trade rep is, how do you—how are we going to get them to comply with anything and who is going to do it?

I mean, we don't hold them accountable for their violations of the WTO and we don't hold them accountable for their violations of the trade agreements. So what would be your plan to hold communist China accountable?

Mr. GRAVES. Thank you, Senator. And I appreciated our conversation on this topic as well. As we have discussed, China is a threat to our security and our prosperity and our values. And as we have seen, they have already hurt American workers and businesses. They have blunted our technological advantage. They have challenged our National Security. And as you have pointed out, committed gross human rights violations. So in answer to your question, I would want to, if confirmed, use all of the tools at our disposal, both defensive and offensive, to protect American businesses and prevent China from this type of illegal practices and illegal actions.

I think that it requires a whole of Government approach working with the foreign policy team, the National Security team, and our economic policy agencies to develop a whole set of practices for ensuring that the Chinese are held accountable for their actions. And that includes working with our allies and partners around the globe to help them understand that a threat to us is not just a threat to us, it is also a threat to them.

Senator SCOTT. I think we talked about that—thank you very much. We talked about this also, you know, seasonal produce farmers especially, I think throughout the Southeast, but for sure at the state of Florida—it seems like Mexico has picked the tomatoes first and strawberries and blueberries for basically whatever we grow, they dump. And it is really unfair, and it impacts jobs and livelihood of people in my state.

And I am sure it is true in other parts of the Southeast. This was unfortunately not addressed in the USMCA. I worked with the USTR in the past couple of years to see what we could accomplish, you know, and they put some effort into it. So what do you think we ought to—how are we ever going to help our seasonal produce farmers in Florida and throughout the Southeast, and do you have any plans for doing that?

Mr. GRAVES. Well, thank you, Senator. I would certainly want to work with the career staff at Commerce, but also work closely with USTR and utilize the anti-dumping and countervailing duties rules to make certain that there is fair competition. And you have made it very clear that the challenge that the seasonal produce farmers are having. And I think that that is a challenge not just in your state, but other states as well.

We need to make certain that there is a fair and level playing field across the globe for our industries, for our workers, and that I would certainly want to work with, as I said, with U.S. trade reps, but also the Department of Homeland Security to make sure that foreign companies aren't evading the laws because we need to

make certain that our industries are protected as best as they can be.

Senator SCOTT. Thank you. So one of the roles of the Department Commerce is to make sure, as you know, we get more jobs. And I don't know if that will ever end. So the need for more jobs as we continue to grow our country and more people want to come here because of our job opportunities.

One concern I have is the \$15 minimum wage and the impact that will have on jobs. The—some of the reports say it is over, what, 1.4 million people are going to lose their job if we raise it to \$15, which—and I know you have got the other—you will be you will be responsible for trying to make sure we get more jobs. How do you view the minimum wage and what would you do?

Mr. GRAVES. Thank you. Well, if confirmed, I would certainly look to the lead of the President on this, but I think that what we need to do is certainly follow his recommendations that we move to \$15 minimum over time. It is clear that that brings millions of people out of poverty. At the same time, we need to make investments to ensure that our industries have the support that they need to grow. And also, as I mentioned, that we are working with a fair and balanced—excuse me, a fair and level playing field across the globe, because that is really the challenge. If we can get our competitors across the globe to play by the rules, it will make it easier for us to bring up the wages of our employees here in the United States.

Senator SCOTT. Thank you, Mr. Graves. Thank you, Chair Cantwell.

The CHAIR. Thank you, Senator Scott. Senator Luján.
Senator Hickenlooper.

STATEMENT OF HON. JOHN HICKENLOOPER, U.S. SENATOR FROM COLORADO

Senator HICKENLOOPER. Let me make sure I am unmuted. Mr. Graves, thank you for a very enlightening testimony. I am very excited about the work you can do with the SBA. I am a small business veteran myself. I want to ask you a little bit about the Minority Business Development Agency. Over the last 10 years, they have generated something close to \$40 billion in contracts and capital. This should be an easy question, I hope. Should Congress make this agency permanent?

Mr. GRAVES. Thank you, Senator. Well, I believe strongly in the importance of the Minority Business Development Agency. I think that there is a lot that we can do. I leave it up to this body to make that determination. But I believe very strongly in the mission of the Minority Business Development Agency. And certainly if you made the determination that it should be—that it should have statutory authority, we would certainly want to do everything in our power to expand its use and its resources and reach.

Senator HICKENLOOPER. Great, thank you. Very politically astute. Now let's switch to the connection, the nexus between small business and cybersecurity and certainly the Internet has dramatically expanded the access of small businesses to markets they couldn't imagine 20 years ago.

But it has also made them uniquely vulnerable to the increasing number of hacks that take place often on—in widespread environments. There is a statistic I find deeply troubling that 60 percent of small businesses, once they have been hacked, end up failing because of that hacking episode. So is there some way that the National Institute for Standards and Technology, NIST, can help provide some resources for small businesses, both to deal with hacks once they have happened, but also to do a better job of preventing hacks?

Mr. GRAVES. Thank you, Senator. That is a great question. I am very concerned about our Nation's cybersecurity, particularly the cybersecurity of our small, mid, and large businesses. But even more so the small businesses, as you point out, that don't have the resources to take the type of protective steps that they might—that larger businesses might. I believe that the very talented staff at NIST can certainly work closely with external stakeholders, including the research institutions, our local and State Governments, to provide greater information, to provide information about the types of standards and practices that those businesses can take and should be taking for their cyber health. And I also would like the Department of Commerce, if confirmed, to work closely with the Small Business Administration and other parts of the Administration to ensure that resources are provided to those small businesses so that they can take the precautionary steps that they need to avoid cyber intrusions.

Senator HICKENLOOPER. Great. Well, we agree on that. Continuing on small businesses, certainly small businesses are vulnerable to the challenges and effects of not being able to attract talent. And in Colorado, we have embraced the apprenticeships and career technical education, CTE. We have a program called Career Wise, which is a pilot on these apprenticeships that are not just in the trades, but include banking, insurance, advanced manufacturing, pretty much everything.

What can Commerce do to partner with the states to help accelerate the skills transfer that we are going to need—you know, each wave of automation and artificial intelligence, these waves change our professional landscapes? How can the Commerce help be a better partner with the states?

Mr. GRAVES. Well, certainly there are very few issues that are as important as this issue, the need for growing our talent inside the United States and also attracting talent and keeping talent from around the globe. Small businesses rely on that talent and have far fewer resources than larger firms do. I would certainly, if confirmed, want to work closely with the Department of Labor and the Department of Education on this. But to your point, also working closely with the states and local Governments, with stakeholders.

As I have seen in the work that I have done, if you have those conversations, you can get at the specific needs of the small businesses and not end up producing workers and folks who have, who were trained in one area, but that area is no longer relevant to the needs of the businesses. So but I would certainly want to work with you closely on that issue as well.

Senator HICKENLOOPER. Well, thank you and we agree. I look forward to working with you. Thank you very much.

The CHAIR. Thank you, Senator Hickenlooper. Thank you. Mr. Graves. I have a few more questions. We may have a couple of other members here check in. We will find out, but if not, we will—after this we will excuse you. But I wanted to follow up. You know, we talked about science and climate a little bit.

And you mentioned in your testimony, too. Obviously, we want to see very strong science integrity out of the Department of Commerce. And the mission of NOAA on weather forecasting is critically important. So we want to see an enhanced collaboration between NOAA and the research entities across the Federal Government to make sure that we are working collaboratively, that we are on the same page. You were the head of the Cancer Moonshot, so you worked, you know, to break down barriers and improved collaboration.

I am very big on collaboration. I see it work all the time in the State of Washington on things that people really don't agree on. I mean, literally vehemently opposed but sit down and figure out how to make progress. Why? Because you live in an information age and you have new data and information.

So if you can get people to the table, chances are you are going to get some collaboration off of that data. So what can you do to help elevate that experience that you had at NOAA to help us on the science and technology related to weather forecasting?

Mr. GRAVES. Chair Cantwell, thank you for that. The integrity of science and data, particularly in the climate field, is vital to our long term economic interests. And I would first say that the expert staff of the National Weather Service and more broadly at NOAA are doing a fantastic job. We know that there are positions that need to be filled at the National Weather Service so I would prioritize getting those positions filled as quickly as possible because they are stretched thin.

But I also completely agree with you on the need for greater collaboration, breaking down of silos, as we saw with the Cancer Moonshot. Too often cancer labs—it is in their interest to keep information to themselves because then it means that if they have a success, they get a big win and they get notoriety and more funding. That shouldn't be the case certainly in cancer initiatives, but it definitely shouldn't be the case as it relates to weather prediction and modeling.

And we should work with every stakeholder across the Federal Government, but also our local and State partners to ensure that we have the best data science, that we are doing everything in our power to break down those silos, and remind folks that it is the American taxpayer, it is the American consumer, it is American businesses that are our clients, and that that is where our interests should be aligned.

The CHAIR. Well, I am glad to hear you say that. But I do think there is—we have this example in December where the Weather Service launched a new website that was based on radar imagery that I would just say was subpar. And so for us, I mean, we have so much traffic, we need to know whether Snoqualmie Pass is going to be shut down and whether you have to make alternatives.

We need to know whether we are going to have these power outages.

Whether that is caused by, you know, fire or—we have done great work in enhancing the law as it relates to smoke forecasting, because this is critically important to with the level of fires that are out there. So I just I hope that you guys will—I think you are exactly right. This is about the taxpayers getting a fair return and getting the best technology. And we don't want to keep constantly hearing that, well, here is what the U.S. model says and then here is what the European model says. Why? Because the Europeans have just put more data or big computing behind the information.

So we hope that the United States will do that as well. I mentioned salmon earlier. We would like to see a strategy to obviously make an impact on the decline in salmon. And so as we talk about an infrastructure bill, we need to also think about habitat restoration and bold scientific initiatives around that. So would you work with us to boost salmon efforts and with a clear eye on how they are being impacted by climate?

Mr. GRAVES. Well, I couldn't agree more with you. And let me, if I may Madam Chair, just go back and just say I completely agree with you on the weather data. The United States deserves the gold standard in weather prediction and in modeling. So I completely agree with you on that. And on the infrastructure, yes, I agree with you as well. We should be doing all that we can to invest in a robust salmon infrastructure and more broadly in our fisheries management. You have my commitment to work closely with you on that issue.

The CHAIR. Great. Well, I think that concludes our questions. I want to thank all our colleagues for their input. And we had a lot of subjects covered. As you can see, this job is a very broad portfolio, but we appreciate, as I said at the beginning, your willingness to serve and look forward to conversations with you on an ongoing basis.

The record here will remain open for two weeks until March 24, 2021. Any Senators who would like to submit questions for the record—Mr. Graves, so he can answer, should do so by March 24. And we ask you to submit your response to those questions as quickly as possible in case—no later than 2 weeks after you have received them, because that helps us in our Committee process and our hearings. So unless there is any other business before the Committee, we are adjourned.

[Whereupon, at 11:44 a.m., the hearing was adjourned.]

A P P E N D I X

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. AMY KLOBUCHAR TO DON GRAVES

Economic Steel Dumping. Iron ore mining has been a way of life for families in northern Minnesota, but illegal practices such as steel dumping unfairly harm our workers. Our workers deserve to know everyone is playing by the same rules, and I have long called for tough actions to address Chinese steel dumping.

Question 1. How do you plan to collaborate with the United States Trade Representative to enforce fair trade practices, especially with regard to steel dumping?

Answer. The Biden Administration and the Department are committed to strong enforcement of U.S. trade remedy laws, including with respect to unfairly traded steel imports from China and other trading partners. If confirmed, I will work with Commerce staff and, when appropriate, the Office of the United States Trade Representative, to expeditiously address non-compliance matters and refer for dispute settlement as needed.

Broadband. As co-chair of the Senate Broadband Caucus, I lead broadband infrastructure legislation with House Majority Whip Clyburn—the *Accessible, Affordable, Internet for All Act*. Our legislation authorizes major investment in broadband infrastructure to help close the digital divide.

Question 2. What are your plans to help expand broadband access as the Deputy Secretary of Commerce?

Answer. The Department of Commerce's National Telecommunications and Information Administration (NTIA) has three new programs: 1) the \$1 billion Tribal Broadband Connectivity Program; 2) the \$300 million Broadband Infrastructure Program; and 3) the \$285 million Connecting Minority Communities Program. These programs will play a vital role in bringing broadband to tribal lands, along with other unserved areas of the country, and the Connecting Minority Communities Program will be focused on connecting underserved communities through Historically Black Colleges and Universities and other Minority-Serving Institutions. If confirmed, I look forward to assisting in ensuring these programs are implemented effectively and efficiently.

And of course, as you know the President's Jobs Plan proposes an up to \$100 billion investment to bring affordable, reliable, high-speed broadband to every American. Broadband Internet is the new electricity. It is necessary for Americans to do their jobs, to participate equally in school learning, health care, and to stay connected. I'm excited to work with Congress to pass the Jobs Plan so that we can finally close the digital divide.

Question 3. What are your plans to promote digital equity and inclusion, and will you work with me to help address this need?

Answer. I have spent my career working on equity and inclusion issues so if confirmed, I look forward to working with you to address this important need. I will also work to ensure that NTIA leverages its knowledge and best practices to promote digital equity and inclusion. The President's Jobs Plan also commits to addressing not only lack of broadband infrastructure, but also to tackling the digital divide—to addressing the adoption and affordability problem.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BRIAN SCHATZ TO DON GRAVES

Papahānaumokuākea Marine National Monument. The expansion of the establishment and expansion of the Papahānaumokuākea Marine National Monument (PMNM) marks an extremely consequential development in the U.S. conservation portfolio because it obligates the United States to a course of environmental stewardship, scientific exploration and research, and cultural/historical preservation. The National Marine Sanctuary Foundation (Foundation) has presented a spectrum of

funding priorities in its letter to Secretary Raimondo dated February 16, 2021, and to the Biden Administration, dated March 2, 2021. Letters attached for reference. These letters describe the resources needed to support not only the PMNM, but the entire network of marine national monuments and national marine sanctuaries.

Question 1. Do you support the Papahānaumokuākea Marine National Monument? Why or why not?

Answer. I support Papahānaumokuākea Marine National Monument, which has a long history of bipartisan support and Presidential protection by both Democratic and Republican Administrations. The monument encompasses coral islands, seamounts, banks, and shoals that are both ecologically significant for their extraordinary biodiversity and of great cultural and spiritual importance to Native Hawaiians. If confirmed, I look forward to working with you and Congress to conserve such special places.

Papahānaumokuākea Sanctuary Designation. In recognition of the importance of the site, the Congress included language in the Joint Explanatory Statement of the Managers to the FY21 omnibus appropriations legislation that directed the National Oceanic and Atmospheric Administration (NOAA) to commence the Sanctuary designation process for the PMNM: Papahānaumokuākea Sanctuary Designation.—NOAA is directed to initiate the process under the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) to designate the Papahānaumokuākea Marine National Monument as a National Marine Sanctuary to supplement and complement, rather than supplant, existing authorities. NOAA shall provide the Committees an update on this designation before the end of Fiscal Year 2021.

Question 2. May I have your commitment to work with me on NOAA's efforts to implement this language?

Answer. Yes. If confirmed, I will support NOAA's initiation of the process to designate Papahānaumokuākea Marine National Monument as a National Marine Sanctuary, and ensure NOAA provides an update by the end of this Fiscal Year.

NOAA Budget Support. In order to fulfill the stewardship responsibilities for the PMNM, and to implement the Congress's mandate on sanctuary designation, NOAA will need significant resources, such as those described in the Foundation's letters to the President and Secretary Raimondo.

Question 3. May I have your commitment to work with the Congress and external partners to ensure strong support for both marine national monuments and national marine sanctuaries in the budget and appropriations process for FY22?

Answer. If confirmed, I commit to working with Congress and stakeholders to determine appropriate resources for marine national monuments and national marine sanctuaries that are managed or co-managed by NOAA.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. TAMMY BALDWIN TO
DON GRAVES

Environmental, Social, and Governance (ESG). Mr. Graves, I have question with respect to the growing emphasis on environmental, social and governance (ESG) performance by our Nation's businesses. Over the last several years I have been working closely with several entities in Wisconsin including The Water Council, Marquette University and Wisconsin Center for Manufacturing & Productivity to support their expanding national leadership with respect to water technology, sustainability, and sustainable finance.

Question. With the President's emphasis on strengthening American manufacturing, addressing climate change and attention to ESG, can I get your commitment to work with me and our Wisconsin entities to improve the resilience of U.S. supply chains and business competitiveness with respect to ESG?

Answer. If confirmed, I will work with NIST and encourage continued support of the efforts of the Wisconsin MEP Center, WCMP, and the NIST MEP National Network on initiatives like this in Wisconsin and other states to build resilient U.S.-based supply chains that contribute to business competitiveness.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JACKY ROSEN TO
DON GRAVES

Manufacturing. Manufacturing has always been an important part of the American economy and while some of the products we used to make now are produced overseas, America still leads the way in producing semiconductors, the microelectronics that serve as the brains for everything from PCs, to phones, to modern med-

ical devices. These tiny instruments are the keystone upon which the entire digital economy is built. They have applications for civilian and defense purposes and it is critical that we continue to lead the world in chip manufacturing. But American firms are at a disadvantage vis-à-vis foreign firms since foreign governments provide so many incentives to their companies that a Boston Consulting Group study found that it's almost 30 percent more expensive for a company to build a fab in the United States than it is overseas.

Last year, Congress passed landmark legislation aimed at strengthening the American semiconductor industry. The CHIPS Act is critical to America since it will help our Nation continue to lead the way in semiconductor manufacturing. The Department of Commerce is responsible for the act's main grant programs. While the bill is silent as to which bureau will lead the grant program, it would make sense to me that it would be led out of NIST, since NIST leads advanced manufacturing efforts within the Department and across the government.

Question 1. Mr. Graves, as Deputy Secretary of Commerce you will be the Chief Operating Officer of the Department. What steps will you take to ensure the bill is implemented properly?

Answer. Successful implementation of the CHIPS Act will be one of the highest priorities for me if I am confirmed. I believe the implementation of this legislation is critical to regain U.S. semiconductor technology and R&D leadership, increase market share in bleeding-edge logic fabrication, and maintain market share in overall fabrication capacity including older-generation logic and memory chips.

It is my understanding that the Department has actively been engaging with its bureaus to implement the CHIPS Act. If confirmed, I will seek briefings to ensure I am quickly brought up to speed on the Department's progress to implement the Act, and I look forward to working with our bureaus, including NIST, to ensure that the grant program is administered appropriately.

National Weather Service. There are over 400 vacant positions in the National Weather Service (NWS), many of which are characterized as emergency-essential employees.

Question 2. What is your understanding or the reason why the NWS hasn't backfilled these vacancies and will you make doing so a priority?

Answer. The National Weather Service should be gold standard for weather prediction worldwide. We have some of the best scientists in the world in NOAA and the National Weather Service.

The increase in extreme weather events only highlights the importance of having a first-rate weather prediction service. Protects lives, businesses, property with timely provision of reliable data. As a result, it is important to fill vacancies as expeditiously as possible.

However, it is my understanding that while NOAA's National Weather Service has had a history of staffing difficulties, these issues have been largely addressed.

If confirmed, I will work to ensure that NOAA, and all of bureaus at the Department of Commerce, execute their budget and staffing in accordance with Congressional funding and direction.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KYRSTEN SINEMA TO
DON GRAVES

Semiconductor Manufacturing Grants. Semiconductors play a crucial role in our economic and national security. The 2021 defense authorization law included important provisions to incentivize domestic semiconductor manufacturing and reverse the decline in American semiconductor manufacturing jobs. I am committed to working with my colleagues in the Congress to fund the CHIPS for America Act grants.

Question 1. Will you commit to depoliticize the grant process and to establish a procedure that reviews applications and distributes grants based on the benefits to domestic semiconductor manufacturing and not based on politics or the location of the project?

Answer. If confirmed, I am committed to running a process that adheres to the requirements outlined in the Fiscal Year 2021 National Defense Authorization Act (NDAA) and that is oriented at ensuring that the U.S. is able to regain semiconductor technology and R&D leadership, increase market share in leading-edge logic fabrication, and maintain market share in overall fabrication capacity.

Semiconductor Research. In addition to the grants to expand domestic manufacturing of semiconductors, the 2021 National Defense Authorization Act calls on the Department to establish a National Semiconductor Technology Center (NSTC). The

NSTC is intended to conduct research, development and prototyping to maintain U.S. leadership in this critical technology.

Question 2. What role do you envision your Department playing in funding research in critical technologies, such as semiconductors?

Answer. The Department of Commerce plays a critical role in advancing R&D for the manufacture and production of next generation semiconductor technologies. If confirmed, I will encourage Commerce to work across the government to create opportunities for advanced manufacturing, design and packaging research, and prototyping and workforce training to develop the next generation of engineers and technicians.

Broadband Interagency Coordination. The National Telecommunications and Information Administration (NTIA) can play a major role in expanding broadband throughout Arizona. In addition to the programs designed to expand access into rural and tribal areas of Arizona, the COVID relief bill also sets up a one-stop shop at NTIA to coordinate broadband development opportunities across the executive branch.

Question 3. Will you commit to quickly establish that office and help state and local governments identify all the opportunities for Federal assistance for broadband deployment?

Answer. I strongly agree that NTIA can play a major role in expanding broadband throughout Arizona, and the establishment of better interagency coordination. If confirmed, I commit to working to quickly to improve coordination that program.

Cross Border Trade. Cross border trade is an economic driver of Arizona's economy. A University of Arizona study shows that Mexican tomato imports support 33,000 U.S. jobs. Agribusiness supply chains derived from these imported tomatoes account for nearly \$3 billion in U.S. gross domestic product.

With trade agreements in place, such as USMCA, the North America supply chain provides consumers with the opportunity for choice and affordable produce while supporting our domestic growers. USTR has recently initiated a number of trade investigations having to do with imported produce, specifically related to seasonality concerns. These investigations destabilize the supply chain and open the door to potential damaging retaliations from our trade partners. That's why I joined with Senator Moran and other members of Congress to send a letter to USTR, urging them to consider the potential impacts when making these decisions.

Question 4. In your opinion, how do we continue to foster a strong trade supply chain while not disrupting the USMCA and ensuring our domestic growers are supported and consumers are given affordable choices throughout the year?

Answer. The Department will continue to use the tools available to help ensure that domestic producers/farmers of seasonable and perishable goods are competing on a level playing field. If confirmed, I can assure you that those tools will be applied in a fair and transparent matter, in line with U.S. law.

Commercial Space. The commercial space industry is growing at an incredible speed—creating jobs, innovating, and fostering public-private partnerships across the country. Yuma, Arizona is currently going through the process to establish a spaceport that would have the ability to launch mini and nano satellites. If the spaceport moves forward, it will grow Yuma's economy and help the United States remain a leader in space.

Question 5. As the commercial space economy expands and more technology is sent into space, how will you work with entities to ensure the National Airspace System is able to support additional launch and reentry points as well as increased traffic?

Answer. I understand the importance in providing space situational awareness and traffic management to ensure safe and productive development in the space economy. If confirmed, I look forward to working with NOAA, other Federal agencies, and Congress on this important topic.

Space Traffic Management. Given the exponential growth in numbers of satellites and the increasing amount of debris in orbit, the Office of Space Commerce is charged with protecting the space-based services that are critical to our Nation's infrastructure, sustaining U.S. space sector leadership globally, and international space cooperation. Last year Congress provided increased funding for the Office of Space Commerce and direction to initiate a Space Traffic Management (STM) pilot program in collaboration with industry.

Question 6. What are your thoughts on the importance of Space Traffic Management?

Answer. Successful and collaborative space traffic management will be essential if the U.S. and the world are to realize the potential benefits of a healthy and growing space economy. If confirmed, I look forward to working with NOAA, other Federal agencies, and the Congress on this important topic.

Privacy Shield. In July of 2020, the European Court of Justice struck down the Privacy Shield program, invalidating a critical mechanism for transferring personal data to the United States from the European Union. This has raised significant concerns about the continued viability of trans-Atlantic data flows, which are estimated to generate more than \$7 trillion in economic activity.

Question 7. As Deputy Secretary of Commerce, will you support and prioritize the on-going negotiations to replace the Privacy Shield program with the goal of ensuring the continued viability of trans-Atlantic data flows?

Answer. Negotiating an enhanced Privacy Shield and restoring stability to trans-Atlantic data flows is a top priority for me if I am confirmed to be the Deputy Secretary of the Department of Commerce.

Bioscience and IP Rights. In Arizona, our bioscience and biotech industries fuel new jobs, and delivering life-changing innovations. We've worked hard in Arizona to leverage smart public sector investments to attract next generation start-ups, as well as global companies looking to build out manufacturing and research facilities. Arizona inventors have been awarded more than 2,000 bioscience-related patents since 2016. Never have the benefits of strong IP been as relevant as they are today. We have seen how pharmaceutical researchers have worked so quickly to develop COVID vaccines and therapeutics, and the importance of going after stolen IP and fraudulent medical products.

Question 8. In order to continue driving discovery and to maintain the global competitiveness of American and Arizonan companies, how will the Commerce Department use trade enforcement tools to create a level playing field and protect millions of American jobs?

Answer. If confirmed, I will support Secretary Raimondo's commitment to leverage the Department's extensive expertise and resources, including the U.S. Patent and Trademark Office and the International Trade Administration, to promote the protection and enforcement of Intellectual Property (IP) rights around the world by providing training and technical advice to foreign trading partners. This includes continued outreach and assistance to U.S. IP owners, including small businesses, in the protection and licensing of their patented inventions and copyrighted works, including through our network of Intellectual Property Attaches in embassies, consulates, and missions around the world.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RAPHAEL WARNOCK TO
DON GRAVES

FCC. The COVID-19 pandemic has highlighted existing inequalities families and communities have faced for too long. One issue in particular pertains to broadband as we have seen our children struggle with significant learning loss due to remote learning. In Georgia, 1 in 5 rural Georgians are without high-speed Internet access. Thankfully, before I arrived in the Senate, \$3 billion in broadband subsidies were included in the December 2020 package to help Americans afford Internet access. Then, the *American Rescue Plan Act*, which was passed and signed into law with my support, included over \$7 billion in E-Rate funds for schools and libraries.

Question 1. How will you support the Federal Communications Commission to ensure these funds are distributed as quickly and efficiently as possible?

Answer. Coordination among Federal agencies is critical to addressing your concerns about the loss of learning and additional difficulties families and children in particular have faced in dealing with the COVID-19 pandemic. If confirmed, I commit to leveraging resources of the Department to address the issues associated with connecting Americans to affordable Internet access for learning and earning, as well as coordinating with the Federal Communications Commission (FCC), the U.S. Department of Agriculture, and other Federal departments and agencies to close the digital divide in our country.

MBDA. I would be remiss to not also mention the many businesses that have shuttered because of the pandemic. My father was a small businessman who worked tirelessly to support me and my siblings. Because of him, I'm particularly interested in the Minority Business Development Agency (MBDA) and its work to promote private and public sector investments in minority businesses. The Atlanta business

and advanced manufacturing MBDA centers are housed at Georgia Tech and have helped thousands of entrepreneurs and manufacturers.

Question 2. Given your family's entrepreneurial spirit, do you have a vision for what that agency can accomplish not just in response to COVID but broadly?

Answer. My vision for the Minority Business Development Agency (MBDA) is to expand its reach and impact on underserved communities. There are more than 9.2 million minority business enterprises but only 2 percent have more than one employee. This is lost opportunity for our Nation's economy. MBDA is uniquely qualified to lead the Federal government's efforts to equip and empower the Nation's minority business enterprises (MBEs) for the domestic and global economies. The Agency has worked with the minority business community for over 50 years and has the expertise, nationwide presence, and strategic partners to ensure that taxpayer investments produce sustainable outcomes for the minority business community.

MBDA promotes the growth of minority business enterprises through the mobilization of public and private sector partnerships, programs, policy, and research. If confirmed, I will work to ensure MBDA can accomplish its goals and maximize the resiliency and success of MBE firms.

Question 3. Also, how do you feel about codifying the MBDA as a permanent agency to ensure long-term, consistent impact? How can Congress be of assistance to support those goals?

Answer. The establishment of statutory authority for MBDA would elevate the importance of racial equity within our Nation's business community. It would go a long way towards demonstrating community investment and engagement in making our economy more inclusive.

NOAA. Climate change has increased the severity and variability of natural disasters that impact Georgia and other Southern states. In 2019, the National Oceanic and Atmospheric Administration (NOAA) awarded a contract to Gulfstream Aerospace Corporation located in my hometown of Savannah for the purchase of a new Gulfstream G550. This "Hurricane Hunter" aircraft is important to improve weather service reliability and capabilities. An administration that supports scientific integrity is paramount, and incidents like "Sharpiegate" are unacceptable and mislead the public about the potential impacts of harmful natural disasters. It is important to me that my constituents are getting accurate and timely weather information and that NOAA has the resources to do so.

Question 4. How will you work to ensure NOAA's scientific policies are enforced and Georgians are more prepared for the impacts on natural disasters and climate change?

Answer. On January 27, 2021, President Biden issued the Presidential Memorandum on *Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking*, which requires scientific agencies to coordinate with a new Scientific Integrity Task Force to ensure, among other things, that their scientific integrity policies are consistent with scientific principles. It is my understanding that NOAA already has one of the strongest Scientific Integrity policies in government—we simply must work to ensure it is followed and enforced. If confirmed, I will ensure that NOAA and the Department conduct reviews to determine what additional steps are needed to be in full compliance with the President's Executive Order, including by implementing a robust scientific integrity policy at the Department to improve trust and accountability.

Tackling climate change is a priority for the Biden Administration. On January 27, 2021, President Biden released the Executive Order on *Tackling the Climate Crisis at Home and Abroad*. If confirmed, I will work through the expertise in bureaus like NOAA to help Georgians and all Americans be more prepared in the face of natural disasters and climate change.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROGER WICKER TO
DON GRAVES

Question 1. Impact of the COVID-19 Pandemic on the Travel and Tourism Industry

The COVID-19 pandemic has devastated the travel and tourism industry, resulting in hundreds of billions of dollars and millions of jobs lost. Many are concerned that travel and tourism will be one of the last sectors of the economy to recover fully. The Department of Commerce has a number of tools at its disposal, including the National Travel and Tourism Office, to support the travel and tourism industry. What do you believe is the proper role of the Department of Commerce in supporting travel and tourism in the United States, and, if confirmed, how will you

work to get the travel and tourism industry back up and running as we come out of the pandemic? Do you believe the National Travel and Tourism Strategy needs to be updated in light of the challenges the sector has faced in the past year, as well as looking forward?

Answer. The travel and tourism industry has been disproportionately affected by the COVID-19 restrictions on travel that have been put in place to protect public health. The Department of Commerce plays a leading role with respect to this sector. If confirmed, I will work with the National Travel and Tourism Office and the Commercial Service (both in the International Trade Administration), the Economic Development Administration, and public health authorities to help the industry recover.

The Secretary of Commerce chairs the Tourism Policy Council, an interagency council whose purpose is to coordinate policies and programs to support the sector. Secretary Raimondo has expressed her commitment to actively supporting the recovery of travel and tourism and, if confirmed, I will support her in those efforts.

Question 2. Office of Space Commerce/Space Policy Directive-3/SPACE Act

Today, the services offered by over 2,000 active satellites underpin much of our modern economy—such as communications, weather prediction, and GPS. But those satellites, as well as astronauts aboard the International Space Station, are threatened by hundreds of thousands of pieces of “junk” or space debris. In June of 2018, the National Space Council announced Space Policy Directive 3, which designated the Department of Commerce as the lead civil agency for space situational awareness and notification of satellite operators of potential conjunctions or collisions. Last year, Senator Cantwell and I introduced the SPACE Act to codify much of this directive. The Office of Space Commerce should be appropriately staffed and resourced to provide timely and accurate tracking and collision warning notifications to the growing number of commercial and international space operators.

Do you agree that the Office of Space Commerce can play an important role in fostering American economic leadership and opportunities in space? Can you assure the committee that it will be appropriately prioritized and resourced?

Answer. I understand that NOAA and the Office of Space Commerce (OSC) play a key role in working with the U.S. commercial space industry. If confirmed, I look forward to learning more about the OSC and to working with Congress to ensure that it is properly resourced and can serve this important function.

Question 3. Senator Cantwell and I plan to reintroduce the SPACE Act soon. Will you review that legislation and work with us to protect the space environment?

Answer. I understand the importance of providing space situational awareness and traffic management to ensure safe and productive development in the space economy. If confirmed, I look forward to working with you to discuss legislation in this important area, including by communicating the Department’s recommendations on areas of mutual interest and concern.

Question 4. Cybersecurity and SolarWinds Cyberattack

As highlighted by the recently disclosed SolarWinds nation-state cyberattack, improving our Nation’s cybersecurity requires working closely with industry to develop and adopt best cybersecurity practices. We can start to address some of our cybersecurity challenges with swift implementation of the HACKED Act, focused on enhancing the National Institute of Standards and Technology’s role in advancing the cybersecurity workforce and the CYBER LEAP Act, which directs the Department to carry out competitions to tackle cybersecurity challenges. I sponsored both pieces of legislation and am proud they were included in the Fiscal Year 2021 National Defense Authorization Act. Going forward, it is important to take into account the good work that the Department of Commerce has undertaken on these issues as the Executive Branch develops its cybersecurity strategy for all Federal agencies. How would you advance the Department of Commerce’s role in strengthening our Nation’s cybersecurity?

Answer. Strong and effective cybersecurity measures are needed to ensure that the private and public sector can rely on robust and trustworthy systems, and an expansion and transformation of our Nation’s workforce is needed to address current and projected severe shortages of cybersecurity-savvy workers.

If confirmed, I would support NIST’s role in developing cybersecurity and privacy standards, guidelines, best practices, and other resources to meet the needs of U.S. industry, Federal agencies, and the broader public essential to economic security and growth.

Question 5. Semiconductor Shortage

The global semiconductor shortage highlights the fragility of our Nation’s supply chains. Many manufacturers, including automotive, trucking, and power tool manufacturers in Mississippi and across the country, are facing setbacks due to the chip

shortage. There may be near-term steps the Administration can take to address this shortage, but in the recent defense authorization bill, Congress also directed the Department of Commerce to incentivize longer-term investment in semiconductor fabrication, assembly, and research and development in the United States. What can the Department of Commerce do in the near and long-term to address the semiconductor shortage?

Answer. The Department of Commerce plays a key role in facilitating discussions with industry regarding the impact of the semiconductor chip shortage on the U.S. automotive manufacturing industry, as well as other key economic sectors. As you indicate, the NDAA, passed with overwhelming bi-partisan support, authorized a fund at Commerce to make the long-term investments we need to remain competitive in the semiconductor industry and shore up a supply chain critical to national and economic security. If confirmed, I will work to ensure that the Department works closely with the White House and Congress on plans for implementing a plan to address the semiconductor shortage.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TED CRUZ TO
DON GRAVES

Question 1. Entity List

The Bureau of Industry and Security's Entity List is a valuable tool of the Federal government to punish companies and nations that undermine the U.S.' economic and national security interests. I asked now-Secretary Raimondo about the Entity List extensively and she refused to provide specific answers on whether specific companies would remain on the list.

The Chinese government is currently engaged in an ongoing systemic genocide against Muslim Uighurs in Xinjiang, China. In recent years the United States has successfully utilized non-sanctions economic pressure to prevent the People's Republic of China from exploiting American technology and innovation to conduct human rights abuses and other malign activities. This is an area the prior administration was particularly active in.

- What role should the Department of Commerce play in combating Chinese economic espionage and utilizing the full extent of the Entity List to protect American companies?

Answer. It is my understanding that the U.S. government has utilized tools, like the Entity List, to prohibit U.S. exports that could be used to further the Uighurs' repression amidst ongoing systemic genocide.

If confirmed, I will support Secretary Raimondo's review of how the Bureau of Industry and Security's (BIS) authorities can continue to be leveraged to promote the protection of human rights, as Congress directed in the Export Control Reform Act (ECRA), including through review of license applications for human rights concerns and additions to the Entity List in connection with human rights abuses. I will also support Secretary Raimondo's efforts to ensure any proposed additions or removals from the Entity List comply with the policies and procedures of the Export Administration Regulations (EAR).

Finally, if confirmed, I will support the Secretary's efforts to encourage the use of the Entity List, the Military End User List, and other appropriate tools within the scope of Commerce authorities to protect U.S. national security and foreign policy interests.

Question 2. In 2019 I led an effort to add to the Entities List companies that the Chinese Communist Party uses to conduct their surveillance campaigns of the Uighurs in Xinjiang and other nefarious activities, and even introduced legislation mandating that some of those companies be listed, the TIANAMEN Act. In the fall of 2019 and in 2020, the Trump administration did so, adding batches of Chinese technology companies to the Entities List.

I remain very concerned about the Biden administration's coziness with China. In answers for the record provided after her nominations hearing, Secretary Raimondo declined again to commit to keeping Chinese technology companies hostile to American democratic values on the Entities List.

- Do you believe Chinese tech companies like Huawei and ZTE should remain on the Entities List? If you disagree, why?
- What is the risk to American companies if Chinese companies are allowed access to the U.S. telecom network?

Answer. Telecommunications equipment made by untrusted vendors like Huawei is a threat to the security of the United States and our allies. I understand that

parties are placed on the Entity List and the Military End User List generally because they pose a risk to U.S. national security or foreign policy interests. I currently have no reason to believe that entities on those lists should not be there.

If confirmed, I look forward to a briefing on these entities and others of concern. Furthermore, if confirmed, I will support the Secretary's efforts to encourage the use of the Entity List, the Military End User List, and other appropriate tools within the scope of Commerce authorities to protect U.S. national security and foreign policy interests.

Question 3. 2020 DNC Platform Committee

One of the core missions of the Department of Commerce is to promote economic growth and the free flow of commerce.

- Would you agree or disagree with that statement? If you disagree, please explain the core mission of the Department of Commerce.

Answer. I agree that the Department of Commerce is an instrumental entity in promoting economic growth and the free flow of commerce. If confirmed, I am committed to furthering the Department's role in this regard.

The work of the 2020 DNC Platform Committee does not relate specifically to the duties and responsibilities of the role for which I have been nominated. While the 15-person platform committee's work spanned a cross-section of issues, my role as a member of the committee was primarily to help manage the process for the platform's development.

The Deputy Secretary of Commerce's role is, by statute, to serve as the Chief Operating Officer for the Department, which includes but is not limited to the day-to-day management of the Department's bureaus. The role requires the incumbent to serve as the principal deputy to the Secretary in all matters affecting the Department and perform the continuing and special duties as the Secretary may assign from time to time. If confirmed, I am committed to carrying out these responsibilities and supporting the important work of the Department.

Question 4. You served as a member of the Platform Drafting Committee for the Democratic National Convention last summer. That platform endorsed following California's example and pursuing extreme executive actions like emissions standards, "accelerating the adoption of zero-emission vehicles," and eliminating plastic waste and food waste (pg. 52).

The platform also says "we will immediately convene California and other states with labor, auto industry and environmental leaders to inform ambitious executive actions. . ." (pg. 52). California is one of the most out-of-touch and liberal states in the country. For example, last year, Governor Gavin Newsom signed an executive order banning the sale of combustion-engine vehicles in 2035.

- Was it your personal opinion while you served on the Committee that California is a role model for executive actions?
- Should the United States ban internal-combustion vehicles?
- If you answered yes, when should such a ban go into effect?
- If you answered yes, what would this do to affect road-based travel?
- If you answered yes, how would travelers refuel to complete their journey?
- If you answered yes, what would be the cost to retrofit homes and businesses to recharge EVs, and who would bear those costs?
- If you answered yes, has the Federal government considered the environmental harm associated with mining metals necessary for EV batteries? What about the ethical concerns relating to the slave and child labor in parts of the supply chains for many EVs?

Answer. As a general matter, the work of the 2020 DNC Platform Committee did not relate specifically to the duties and responsibilities of the role for which I have been nominated. While the 15-person platform committee's work spanned a cross-section of issues, my role, as a member of the committee, was primarily to help manage the process for the platform's development, rather than its content.

The Deputy Secretary of Commerce's role is, by statute, to serve as the Chief Operating Officer for the Department, which includes but is not limited to the day-to-day management of the Department's bureaus. The Deputy Secretary additionally serves as the principal deputy to the Secretary in all matters affecting the Department and performs any continuing and special duties as the Secretary may assign from time to time. If confirmed, I am committed to carrying out these responsibilities and supporting the important work of the Department.

Question 5. The platform, and the Committee that you sat on, called President Trump's national emergency on the border "fabricated."

- Was it your personal position while you served on the Committee that the national emergency on the border was “fabricated”?
- If not, did you disagree with the DNC position that the border crisis is fabricated while you served as a committee member?
- Is it your position now, that the situation we are witnessing at the border today is neither a crisis and/or that it is fabricated?

Answer. As a general matter, the work of the 2020 DNC Platform Committee did not relate specifically to the duties and responsibilities of the role for which I have been nominated. While the 15-person platform committee’s work spanned a cross-section of issues, my role, as a member of the committee, was primarily to help manage the process for the platform’s development, rather than its content.

The Deputy Secretary of Commerce’s role is, by statute, to serve as the Chief Operating Officer for the Department, which includes but is not limited to the day-to-day management of the Department’s bureaus. The Deputy Secretary additionally serves as the principal deputy to the Secretary in all matters affecting the Department and performs any continuing and special duties as the Secretary may assign from time to time. If confirmed, I am committed to carrying out these responsibilities and supporting the important work of the Department.

Question 6. The platform says “Democrats believe we need to overhaul the criminal justice system from top to bottom. . .” and calls for investment in “education, jobs, healthcare, and housing” instead of “overpolicing.” (pg. 35).

- The platform also calls for “reimagining public safety.” What does “reimagining public safety” mean?
- Do you agree with the statement “we need to overhaul the criminal justice system from top to bottom”? If so, why? If not, why not?
- How would you define “defund the police”?
- Do you support defunding the police?
- Did you support the riots perpetuated by Antifa in the name of the “Defund the Police” movement that occurred the summer of 2020? Why or why not?
- Many Democratic politicians endorsed donating to bail funds to help rioters get out of jail, including then-Senator and now Vice President Harris. In fact, the bail fund pushed by then-Senator Harris ended up bailing out not just rioters, but alleged murderers, attempted murderers, and a twice convicted rapist.¹ Did you donate to any bail relief funds this summer? If so, please disclose the recipient(s) of your donation(s) and the amount(s).

Answer. As a general matter, the work of the 2020 DNC Platform Committee did not relate specifically to the duties and responsibilities of the role for which I have been nominated. While the 15-person platform committee’s work spanned a cross-section of issues, my role, as a member of the committee, was primarily to help manage the process for the platform’s development, rather than its content.

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Question 7. The platform says “democrats will decriminalize marijuana use. . .” (pg. 37).

- Do you support this position?
- What other illegal drugs do you support making legal by executive action?

Answer. As a general matter, the work of the 2020 DNC Platform Committee did not relate specifically to the duties and responsibilities of the role for which I have been nominated. While the 15-person platform committee’s work spanned a cross-section of issues, my role, as a member of the committee, was primarily to help manage the process for the platform’s development, rather than its content.

The Deputy Secretary of Commerce’s role is, by statute, to serve as the Chief Operating Officer for the Department, which includes but is not limited to the day-to-day management of the Department’s bureaus. The Deputy Secretary additionally serves as the principal deputy to the Secretary in all matters affecting the Depart-

¹ <https://www.fox9.com/news/minnesota-nonprofit-with-35m-bails-out-those-accused-of-violent-crimes>

ment and performs any continuing and special duties as the Secretary may assign from time to time. If confirmed, I am committed to carrying out these responsibilities and supporting the important work of the Department.

Question 8. Spectrum

The Department of Commerce's Office of Spectrum Management and NTIA manage the Federal government's use of radio spectrum, an extremely valuable commodity that is in high demand.

- What is your philosophy regarding government-held spectrum and how do you plan to make more available for commercial use?
- How would you approach agency disagreements about spectrum allocation?

Answer. The National Telecommunications and Information Administration (NTIA) is the President's principal advisor on telecommunications and information policy matters including spectrum. NTIA has been successful over the past three decades in balancing the spectrum requirements of Federal government agencies with the need to provide more spectrum resources for commercial network deployments.

If confirmed, I will continue to rely on NTIA as I work closely with the White House, other Federal agencies, the Federal Communications Commission, the commercial sector, and other stakeholders to understand requirements and find win-win solutions for government and industry.

In terms of agency disagreements over spectrum allocations, if confirmed, I will ensure that our longstanding interagency spectrum coordination processes are working at their full potential, and that we expedite and resolve any disputes through this process.

Question 9. One issue I have been continually concerned about is the nationalization of 5G. My concerns stem from the fact that this idea has yet to die. High profile individuals such as former Google CEO, Eric Schmidt, had high level meetings with the Trump administration in an effort to try and revive the push to nationalize 5G. Schmidt continues to enjoy access to senior government officials in the Biden administration. Late last year the Department of Defense issued a Request for Information on spectrum sharing, inquiring about the "potential issues with DoD owning and operating independent networks for its 5G operations."

To combat this initiative, last Congress I reintroduced the E-FRONTIER Act with Senator Cortez-Masto—a bill which enjoys broad, bipartisan support—to explicitly prohibit the nationalization of 5G. That bill was unanimously passed out of this Committee shortly thereafter, was reported to the full Senate, and but for the hold of one Senator, would have passed unanimously out of the Senate. Bottom line is, stakeholders and members of Congress agree that the United States does not need to behave like China in order to beat China in the race to 5G.

- Do you support the principles of the E-FRONTIER Act and would you support its passage and enactment into law, to prohibit the nationalization of our commercial broadband networks? If not, why?
- Do you believe it would be a bad idea for the Biden administration to move forward with plans to nationalize 5G?

Answer. If confirmed, I would be happy to examine legislation and legislative proposals on this issue and work with the Department to provide technical assistance on this issue.

However, I personally do not support the nationalization of commercial broadband networks.

Question 10. Duplicative Programs

One issue I am particularly interested in is wasteful spending of taxpayer dollars through similar FCC, NTIA, and USDA broadband subsidy programs. Overbuilding undermines private competition and makes providers more reliant on Federal subsidies. In a recent Commerce Committee hearing on Federal broadband spending, several broadband experts were unable to fully quantify the amount of money the Federal government has spent on broadband programs since it began trying to connect all Americans.

- Are existing programs effective?
- What more can be done to promote targeted assistance to rural and economically disadvantaged areas?
- How can this be achieved without throwing taxpayer dollars to providers and projects that have received subsidies through similar programs?

Answer. Coordination among Federal agencies is a critical component of addressing duplicative programs. If confirmed, I look forward to reviewing programs within the Department of Commerce to find additional efficiencies.

As you may know, I have spent much of my career working to assist rural and economically disadvantaged communities.

If confirmed, I look forward to working with you on the matter of targeting assistance to communities across the country that need it most.

- Why does the United States lack a dominate communications infrastructure supplier, and do you believe this is to the national detriment?
- Does a software-based infrastructure give the United States a competitive advantage if it proves to be viable?

Answer. The United States is home to some of the world's leading technology firms, including telecommunications equipment and service providers. If confirmed, I will actively work to ensure that U.S. telecommunications companies are able to compete and win on a level playing field both domestically and globally.

Question 11. How should the U.S. incentivize domestic production? Are tax incentives a viable option?

Answer. If confirmed, I will work within the Administration to consider options to incentivize domestic production of 5G infrastructure. To this end, it is my understanding that the Department of Commerce's National Telecommunications and Information Administration (NTIA) hosted two industry listening sessions focused on market incentives for 5G security and vendor diversity to hear feedback from industry on actions that the U.S. government can take to support these objectives. If confirmed, I look forward to working with industry, the White House, and Congress to review these proposals.

Question 12. Trade enforcement

Approximately 40 million jobs in the U.S., and over 3 million in Texas, depend on international trade. Given that, it is vital that the United States do all it can to ensure a level playing field for American businesses.

- What do you plan to do in your role to protect Americans from unfair trade practices which put them at a disadvantage at home and abroad?

Answer. The Department of Commerce is committed to holding our trading partners accountable when they violate our laws and trade agreements. If confirmed, I will ensure that the Department continues to proactively monitor, identify, and resolve trade barriers and work with allies and likeminded trading partners to promote policies that support U.S. exports and encourage foreign investment into the United States.

Question 13. The Trump Administration made a concerted effort to combat China's egregious trade violations.

- Will you commit to continuing that effort in protecting American businesses from China's trade abuses, especially with regard to intellectual property theft and the unfair use of State-Owned Enterprises (SOEs)?

Answer. If confirmed, I will work with Congress to protect U.S. intellectual property and to protect U.S. businesses and consumers against the unfair use of State-Owned Enterprises (SOEs).

Question 14. Obama Jobs Council

In 2012, while you were executive director of the Jobs Council, the council issued dozens of recommendations intended to improve American competitiveness and strengthen the economy. In your nominations hearing, I asked you about the recommendations included in the year-end report and you declined to answer whether you agreed or disagreed with the recommendations when you were the executive director. You said "... the Jobs Council's recommendations were their own ... I agreed in part and disagreed in part."

- Please explain the duties of your role as executive director, and what role you had in the final recommendations.
- If you disagreed with the recommendations, did you regularly disagree with recommendations and other policy decisions put forward by the Obama administration? If so, please specify which ones.

Do you agree or disagree with the following initiatives from the Council's report?² If you agree, please explain why. Similarly, if you do not agree, please explain why.

- *“accelerating investment in infrastructure and energy”* (pg. 6).
- *“Igniting entrepreneurship and increasing the number and scale of small businesses and high-growth firms”* (pg. 6).
- *“Boosting job-creating inward investment into the United States through a National Investment Initiative”* (pg. 6).
- *“Simplifying regulatory review and streamlining project approvals”* (pg. 6).
- *“Ensuring that America has the talent to fill existing job openings and boost future job creation”* (pg. 6).

Answer. In 2012, I was proud to serve my country as the non-member executive director of President Obama's Council on Jobs and Competitiveness. The Jobs Council was created to provide non-partisan advice to the President on continuing to strengthen the Nation's economy and ensure the competitiveness of the United States and on ways to create jobs, opportunity, and prosperity for the American people.

The Jobs Council was made up of members appointed by the President who were distinguished citizens outside the Federal government, including citizens chosen to serve as representatives of the various sectors of the economy to offer the diverse perspectives of the private sector, employers, and workers on how the Federal Government can best foster growth, competitiveness, innovation, and job creation.

The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 15. The report states “[skills gaps] start in primary and secondary school, where the United States trails its peers in academic achievement, scoring lower in math than 30 of the other 65 countries and lower in science than 22 of the countries that participated in PISA tests for 15-year-olds” (pg. 6).

- Would you agree that school choice, which would allow students to escape under-performing schools and receive a quality education elsewhere, is important for closing the academic achievement gap?
- What lessons should the Federal government learn from the remote learning that millions of students experienced during the pandemic?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 16. In 2011, the statutory corporate tax rate was 39.2 percent—“substantially higher than the average for other advanced nations” (pg. 7). The Tax Cuts and Jobs Act (TCJA) lowered the statutory corporate tax rate to 26 percent in FY 2020.

- Did the lower statutory corporate tax rate that resulted from the TCJA improve U.S. competitiveness?
- President Biden recently stated his tax plan will increase the corporate tax rate to 28 percent. Would raising the corporate tax rate from 21 percent to 28 percent damage U.S. business competitiveness?³

Would a higher corporate tax rate slow onshoring of manufacturing jobs?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 17. The report states “the United States has a low-cost electricity advantage over many of its competitors due to our Nation's diverse sources of energy, including recent breakthroughs in shale gas” (pg. 8).

- Do you agree breakthroughs in shale gas have improved both the United States' energy competitiveness and brought about a reduction in emissions as power plants have converted from coal to natural gas?

²President's Council on Jobs and Competitiveness. Road Map to Renewal. 2011 Year-End Report.

³<https://www.cnn.com/2021/03/18/politics/biden-tax-plan-explainer/index.html>

- Would a leasing moratorium, of any kind on any source of energy, undermine energy competitiveness?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 18. The report also states “in energy, we need an ‘all-in’ strategy that harnesses our natural resource advantage and our gift for innovation. . .” (pg. 9).

- Do you agree with this statement? If so, why? If not, why not?
- If confirmed, will you commit to continue to harness our natural resource advantage?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 19. The “Play to Win” recommendations focus on enhancing U.S. competitiveness (pg. 9). Do you agree with the following policies recommended? If so, please explain why, and if not, why not.

- “we need to cut corporate taxes” (pg. 9).
- “we need to . . . broaden the [tax] base” (pg. 9).
- “we need to . . . improve the competitiveness of our tax code” (pg. 9).
- “we need to emphasize smart and efficient regulation that protects people and the environment while unleashing economic growth” (pg. 9).

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 20. The report states “worker training is not tied closely to employer needs” (pg. 11) and “we know that workforce training that focuses on a particular industry and that provides longer-term training yields better outcomes, especially for low-income adults” (pg. 14).

- Do you support a tax credit to encourage individuals and businesses to donate to nonprofit scholarships for elementary, secondary, and vocational education opportunities? If not, why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 21. The report’s education chapter also states “today, only one-quarter of America’s 52 million K–12 students are performing on par with the average performance of the best five school systems in the world. . .” (pg. 12).

- To what degree are public schools responsible for this problem?
- Do you agree allowing families to escape underperforming schools and instead choose to send their students to schools where they can receive a quality education would improve educational achievement?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 22. The report states “every day, about 7,000 students drop out of school” and notes that “all of [the dropouts] are less likely to succeed in the workplace” (pg. 16). This is a tragedy and a failure of the public education system.

- Studies suggest there may be an additional 1 million high-school dropouts in the U.S. by fall 2021 if schools do not resume in-classroom instruction soon.⁴ Teachers Unions have repeatedly opposed full reopening and refute scientific

⁴ <https://www.statista.com/statistics/1197422/estimated-number-high-school-dropouts-covid-19-scenario-us/>

evidence (and CDC guidelines)⁵ that conclude in-person schooling is safe. Do you agree with the scientific consensus that schools should be reopened for full-time in-person instruction?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 23. The report states “we therefore need a competitive tax policy that incentivizes companies to locate their R&D, production and employment in the United States” (pg. 23). Do you agree with this statement? If so, please explain how you reconcile your agreement with President Biden’s desire to hike corporate taxes. If you do not, please explain why not.

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 24. The report also mentions the need to “guarantee private-sector inventors the fruits of their invention” (pg. 23).

- If confirmed, how would you protect U.S. inventor’s intellectual property from economic espionage?
- If confirmed, how would you support the commercialization of new frontiers? Specifically of space?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 25. The report calls the cost of a college degree “outsized” (pg. 25).

- Is the cost of higher education too high?
- If so, to what degree is the capitalization of Federal dollars (Pell grants, Federal Student Aid, etc.) into the price of education responsible for the high price of higher education?
- What impact does a unionized workforce have on:
 - Workforce bloat in higher education?
 - The increased cost of higher education?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 26. The energy chapter of the report notes “our nation has an abundant supply of natural resources, and recent innovations in drilling have unlocked a century’s worth of natural gas supply and enormously increased the production of unconventional oil” (pg. 28).

- Do you support taking advantage of the “abundant supply of natural resources?”
- Should the Federal government continue to reap the benefits of “a century’s worth of natural gas supply” made possible by technological innovation?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 27. Do you agree with the following excerpt: “continuing to deliver inexpensive and reliable energy is going to require the United States to optimize all of its natural resources and construct pathways (pipelines, transmission and distribution) to deliver electricity and fuel” (pg. 29)? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

⁵ <https://reason.com/2021/03/19/everybody-except-teachers-unions-loves-the-cdcs-revised-school-distancing-guidelines/>

Question 28. Do you agree with the following excerpt: "The Council recognizes the important safety and environmental concerns surrounding [pipeline, transmission, and distribution projects], but now more than ever, the jobs and economic and energy security benefits of these energy projects require us to tackle the issues head-on" (pg. 29)? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 29. Do you agree with the following excerpt: ". . . expeditiously, though cautiously, move forward on projects that can support hundreds of thousands of jobs" (pg. 29)? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 30. Do you agree with the following excerpt: ". . . regulatory and permitting obstacles that could threaten the development of some energy projects negatively impact jobs and weaken our energy infrastructure need to be addressed" (pg. 29)? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 31. Do you agree with the following excerpt: "[coal, oil, natural gas, wind, solar, geothermal, uranium, and hydro] resources combined with technological advances presents an opportunity to develop a broad mix of fuel supplies, reduce emissions and help limit fuel price fluctuations" (pg. 29)? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 32. Do you agree with the following excerpt: "while we believe the United States . . . needs to move deliberately and cost-effectively towards greater proportions of renewable and low carbon forms of energy, we recognize that this will be a long-term transition and that traditional forms of fossil energy will continue to be important to our economy. . . ." (pg. 30)? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

[Note: No question 33 was submitted.]

Question 34. Do you agree with the following excerpt: "As a nation, we need to take advantage of all our natural resources to spur economic growth, create jobs and reduce the country's dependence on foreign oil" (pg. 30)? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 35. Do you agree with the following excerpt: "First, we should allow more access to oil, natural gas, and coal opportunities on Federal lands" (pg. 30)? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 36. Do you agree with the following excerpt: "Where sources of shale natural gas have been uncovered, federal, state and local authorities should encourage its safe and responsible extraction" (pg. 30)? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 37. Do you agree with the following excerpt: "further expanding and expediting the domestic production of fossil fuels both offshore and onshore will reduce America's reliance on foreign oil. . . ." (pg. 30)? Why or why not?

- Do you agree the U.S. should reduce reliance on foreign oil? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 38. Do you agree with the following excerpt: "policies that encourage rapid lease development while emphasizing the highest safety standards will ensure companies responsibly drill for natural gas or oil and mine for coal or other our minerals in Federal areas in a timely manner" (pg. 30)? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 39. Do you agree with the following excerpt: ". . . the U.S. government should make more areas available for renewable energy development" (pg. 30)? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 40. Do you agree with the following excerpt: "The Federal government should also streamline the permitting process. . . ." (pg. 30)? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 41. Do you agree with the following excerpt: "The Council recognizes that providing access to more areas for drilling, mining and renewable energy is controversial . . . we believe it's necessary to tap America's assets in a safe and responsible manner" (pg. 30)? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 42. Do you agree with the following excerpt: "Additionally, policies that facilitate the safe, thoughtful and timely development of pipeline, transmission and distribution projects are necessary to facilitate the delivery of America's fuel and electricity and maintain the reliability of our Nation's energy system" (pg. 30)? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 43. Do you agree with the following excerpt: "We must reduce our overall energy dependence through bold and achievable efficiency gains" (pg. 30)? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 44. Do you agree with the following excerpt: "We can reduce our dependence on oil . . . by promoting alternative vehicle technologies, ranging from fully electric vehicles to hybrids to natural gas and alternative fuels" (pg. 31)? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 45. Do you agree with the following excerpt: "Rapidly evolving technologies in areas like natural gas drilling, 21st-century nuclear power, renewable energy, energy storage, coal gasification, electric vehicles, the smart grid and carbon capture, utilization and storage have enormous potential" (pg. 31)? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members

and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 46. Do you agree with the following statement: “*regulations correct market failures and are sometimes essential for markets to function*” (pg. 41)? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 47. Do you agree with the following statement: “*regulatory reform efforts—just like regulation itself—should provide net benefits to society*” (pg. 41)? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 48. Do you agree with the following statement: “*regulations have both costs and benefits*” (pg. 41)? Why or why not?

- If yes, how does President Biden’s memorandum *Modernizing Regulatory Review*,⁶ which added environmental stewardship and racial justice as cost consideration, affect the accuracy of cost-benefit analyses?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 49. Do you agree with the following statement: “*regulations should maximize net benefits*” (pg. 42)? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 50. Do you agree with the following statement: “*no single element of cost or benefit should predetermine the regulatory outcome*” (pg. 42)? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 51. Do you agree with the following statement: “*regulatory review should account for uncertainties and changing circumstances*” (pg. 42)? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 52. Do you agree with the following statement: “*the regulatory process should promote predictability and confidence in government*” (pg. 42)? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 53. Do you agree agencies should disclose data and costs, as suggested on page 43 of the report?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 54. Do you support a regulatory portal, as recommended on page 43? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members

⁶ <https://www.federalregister.gov/documents/2021/01/26/2021-01866/modernizing-regulatory-review>

and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 55. Do you agree the transparency behind guidance documents needs to be improved, as recommended on page 43? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 56. Do you support a permitting program management office, as recommended on page 44? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 57. Do you support a permitting “one-stop shop,” as recommended on page 44? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 58. Do you agree with the following statement: “*public confidence in government analysis is improved when it is reviewed by an independent party*” (pg. 45)? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 59. Do you agree the “*system of corporate taxation [in 2012] hurts both business competitiveness and American workers, and cries out for reform*” (pg. 46)? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

Question 60. Do you agree with the following statement: “. . . as a society we must commit to . . . long-run deficit reduction” (pg. 46)? Why or why not?

Answer. The recommendations made by the Jobs Council were offered by the citizens sitting on the panel. They were meant to represent the views of the members and did not necessarily represent my personal views. I would welcome a discussion in person with you about the reports.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JERRY MORAN TO
DON GRAVES

Question 1. Section 232 Tariffs

As a candidate, President Biden committed to reviewing all tariffs put in place by the previous administration, including Section 232 national security tariffs that the Commerce Department oversees. In early February, President Biden re-imposed Section 232 tariffs on aluminum imports from the UAE, which President Trump removed before he left office. As part of the proclamation re-imposing tariffs on these imports, President Biden stated, “I consider it is necessary and appropriate in light of our national security interests to maintain, at this time, the tariff treatment applied to aluminum article imports from the United Arab Emirates.”

- Is this statement representative of a belief of President Biden’s that steel and aluminum imports are harmful to the US?
- Is the re-imposition of Section 232 tariffs on these aluminum imports a sign that President Biden’s administration plans to maintain tariffs on steel and aluminum imports for the foreseeable future?
- Will you commit to me that you will take the increased input costs for manufacturers into account when reviewing Section 232 tariffs on steel and aluminum?

Answer. The Department of Commerce is charged with confronting unfair trade practices, whether those by China or other countries. If confirmed, I will work with the Department to employ all relevant and appropriate trade enforcement mechanisms to protect U.S. interests while aggressively promoting U.S. exports that ben-

effit American workers and businesses, particularly our small and medium sized businesses.

In addition, if confirmed, I will support the efforts of the Department to continue to rigorously enforce the U.S. trade laws, including the Antidumping and Countervailing Duties (AD/CVD) laws, to help ensure that U.S. workers, farmers and businesses are not harmed by unfair imports from China or other countries. The Department has expressed that it is committed to helping all U.S. companies, and that it will work diligently to ensure U.S. companies have the market access and proper protections provided by our trade agreements.

It is my understanding that the Biden Administration is undertaking a review of the steel and aluminum Section 232 tariffs and that the President has the authority to make revisions to the tariffs. While it would be the President's prerogative, if confirmed, I will support the efforts of the Department to provide advice and technical assistance in that review and decision.

Question 2. NIST and Cybersecurity

NIST plays a critical role in the Federal government's cybersecurity efforts, including through providing cybersecurity voluntary guidance to the private sector and coordinating interagency efforts in cybersecurity education, training, and workforce development.

How do you plan to support NIST's role in the Federal government's cybersecurity efforts?

Answer. The National Institute of Standards and Technology (NIST) plays a unique role in cybersecurity by carrying out a broad range of cybersecurity assignments. It is critical that the Federal government do an even better job of prioritizing, coordinating, and meeting the needs of agencies and companies.

If confirmed, I would work to help NIST tackle cybersecurity programs in discussions with leaders in other agencies and in the business world. And I would work to make certain that NIST has the appropriate resources needed to get the job done.

Question 2a. What will you do to ensure NIST's cybersecurity functions are being fully utilized, given the serious cybersecurity challenges facing the Federal government and private sector in this country today?

Answer. With so many cybersecurity-related challenges, organizations simply cannot afford to manage their risks one by one or to treat them in isolation. Cybersecurity risks must be managed at the enterprise level and by using practical standards and guidelines. If confirmed, I plan to help NIST to identify the most valuable and timely tools and information to better inform enterprise risk management. Moreover, I would make it my business to spread the word about these solutions so that they are put into practice even more widely and with a greater sense of urgency.

Question 2b. Would you agree that the Department of Commerce, primarily via NIST, should take a more proactive role in encouraging adoption of cybersecurity standards & best practices—particularly around supply chains (last published in 2016) and digital identity (last published in 2017)?

Answer. There is no doubt that government and the private sector organizations alike must place a greater emphasis—and act—on cybersecurity issues, including digital identity and supply chain issues. If confirmed, I will work to strengthen the Department of Commerce's role in enabling and encouraging adoption of cybersecurity standards and best practices.

Question 3. Privacy Shield and Data Privacy

As you know, the EU-US Privacy Shield framework was invalidated last July, placing commercial data transfers between the U.S. and our European partners in jeopardy.

- How do you think the Department should proceed in working with our European counterparts on a new agreement to support data transfers?
- On a related note, how do you think having a Federal data privacy standard would impact the adequacy concerns related to data transfers with our EU partners?

Answer. It is my understanding that negotiating an enhanced Privacy Shield and restoring stability to trans-Atlantic data flows are top priorities for the Department of Commerce. If confirmed, I will work on efforts to ensure negotiations continue for an enhanced Privacy Shield that addresses the Court of Justice of the European Union (CJEU) concerns and enables Privacy Shield to once again serve as a valid transfer mechanism for U.S. firms to receive personal data from the EU.

Question 4. Economic Development Administration:

I am a staunch supporter of the Economic Development Administration (EDA) within the Department of Commerce. The grant programs that EDA administers, such as the Regional Innovation Strategies program, are critical for supporting American innovation and promoting economic competitiveness. However, I continue to be concerned that the vast majority of growth within the U.S. innovation sector—90 percent by some accounts—is occurring in only five metropolitan areas, all of which are located on the coasts.

- Do you agree that the agglomeration of the U.S. innovation sector is a troublesome trend? And, as Deputy Secretary, how would you ensure that EDA's programs are being used to expand the geographic extent of the innovation economy and best support all of our Nation's innovators?

Answer. The Economic Development Administration's investment policy is designed to establish a foundation for sustainable job growth and the building of durable regional economies throughout the United States.

I have spent my career fighting to get funding for distressed communities. If confirmed, I can also assure you the staff at EDA will continue to assist communities across the country and not a handful of locations.

Question 5: SolarWinds Federal Breach

On December 13, 2020, Reuters reported an alarming cyberattack campaign organized by Russian actors had breached multiple Federal agencies. The Department of Commerce was one of the first departments to be identified as being breached as part of this cyberattack.

The SolarWinds compromise was as much of an attack on our economic security as our national security—and the situation demands a swift and deliberate response by Federal agencies to harden cyber defenses and protect sensitive data.

What will be your plan, as Deputy Secretary, to address the need to strengthen the Department of Commerce's internal cyber defenses?

Answer. Strong and effective cybersecurity measures are needed to ensure that the private and public sector can rely on robust and trustworthy systems, and an expansion and transformation of our Nation's workforce is needed to address current and projected severe shortages of cybersecurity-savvy workers.

If confirmed, I would support NIST's role in developing cybersecurity and privacy standards, guidelines, best practices, and other resources to meet the needs of U.S. industry, Federal agencies, and the broader public essential to economic security and growth.

Question 6. COVID-19 Cybersecurity and Data Privacy

Due to the COVID-19 pandemic, a majority of Americans are working remotely. This presents a number of challenges for the cybersecurity of companies that have shifted to remote work, and opportunities for bad actors to take advantage of businesses operating in an unfamiliar posture.

Will you commit to strengthening cybersecurity workforce capabilities to secure and defend information infrastructure?

Answer. The shift to remote work and other changes brought on by the COVID-19 pandemic have reinforced the importance of, and need for, strong and effective cybersecurity practices and a strengthened cybersecurity workforce to secure and defend the Nation's information infrastructure. If confirmed, I commit to reinforcing NIST's leadership and efforts to bolster the Nation's cybersecurity workforce capabilities to meet the needs of U.S. industry, Federal agencies, and the broader public.

Question 7. Spectrum Allocation

The Department of Commerce, through NTIA, manages the use of electromagnetic spectrum for the entire country. Vital operations of the Federal government, ranging from National defense, to weather forecasts, to scientific discovery all utilize electromagnetic spectrum, and involve coordination efforts across multiple Federal agencies and departments. At the same time, companies and industries are finding and creating new applications that would use the same spectrum to increase economic opportunity and productivity.

- How will you balance the interests of the Federal government activities with industries that would like to utilize the finite resources of radio spectrum?
- What role will you take as Deputy Secretary to coordinate efforts with other Federal interests, like the Federal Communications Commission, that will protect national interests and also further economic growth?

Answer. NTIA is the President's principal advisor on telecommunications and information policy matters including spectrum. NTIA has worked over the past three

decades to balance the spectrum requirements of Federal government agencies with the need to provide more spectrum resources for commercial network deployments.

If confirmed, I will continue to rely on NTIA as I work closely with the White House, other Federal agencies, the Federal Communications Commission, the commercial sector, and other stakeholders to understand requirements and find win-win solutions for government and industry.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARSHA BLACKBURN TO
DON GRAVES

Question 1. Regulatory Reform

The Department of Commerce's website states "Accelerating the development of new manufacturing plants and equipment, and infrastructure improvements are fundamental to our mission. We will be at the forefront of Federal efforts to reduce regulations and shorten the time-frame for Federal review of projects."

How do you plan on accelerating the deployment of infrastructure projects in America's rural communities? Can I trust that you will cut burdensome regulatory hurdles that impede infrastructure projects across this nation?

Answer. If confirmed, I look forward to working with the Department and Members of Congress to accelerate the development and deployment of new manufacturing plants and equipment, and to support infrastructure improvements to America's rural communities through existing and proposed Department programs, including regulatory reform efforts underway in response to the President's Executive Order 14005.

Question 2. Manufacturing

The biggest obstacle to bringing advanced manufacturing jobs back to states and communities is educating new workers.

How do you plan to work with businesses, states, and local entities to promote advanced manufacturing education?

Answer. If confirmed, I look forward to working with the Department and members of Congress on legislation to bring back manufacturing jobs to our states and communities. As part of that, the Commerce-led Manufacturing USA network, including institutes sponsored by the Departments of Commerce, Defense, and Energy, will continue to maintain a focus on education and workforce development in advanced manufacturing. The institutes work with U.S. manufacturers, universities, community colleges, and K-12 schools to organize programs both to upskill existing workers and to create a pipeline of new skilled workers, including training and educating underrepresented minorities, returning veterans, and underserved regions of the United States.

Question 3. Artificial Intelligence (AI)

Artificial intelligence (AI) technology is proliferating and important considerations are being brought to light about both the benefits of the technology as well as the challenges.

If confirmed, how will you work with key stakeholders, U.S. companies, & domestic experts on implementing AI standards processes?

Answer. If confirmed, I will support and strengthen the Department's efforts in maintaining U.S. leadership in development of Artificial intelligence (AI) standards. Specifically, I will support and strengthen NIST's current efforts in engaging the research community to strengthen the needed scientific foundation for development of technically sound standards; work with entities in the public and private sector in building institutional capacity to understand and engage in standardization processes; and most importantly, actively participate and lead development of technical standards for trustworthy AI.

Question 4. China

Trade talks with China will be continuing under the new administration.

- Do you support the current round of Tariffs? If so, do you plan to make changes to the exemption process?
- How do you plan to confront Chinese attempts to steal intellectual property?

Answer. If confirmed, I will work with Secretary Raimondo to ensure the Department continues to apply appropriate measures to counter anti-competitive behavior by China that hurts American workers and companies. It is my understanding that the Department is continually reviewing the process and scope of the 232 Exclusions Process to increase its efficiency and transparency. Regarding intellectual property,

if confirmed, I will work to ensure that the Department will continue to recognize protection and enforcement of U.S. intellectual property rights as a trade policy priority.

Question 5. Semiconductors

China has targeted 5G and advanced telecommunications infrastructure equipment as key part of its global strategy, and the tactics the Chinese government adopted have disrupted key global supply chains in the information communications technology sector—including semiconductor manufacturing.

- What tools are available to Commerce prevent further disruptions in these markets?
- Furthermore, what can the Department of Commerce do to prevent deployment of Chinese components, particularly optical transmission components, in our communications networks?

Answer. It is my understanding that the Biden Administration is undertaking a comprehensive review of U.S. trade policy towards China as part of its overall China strategy and is committed to using all available tools to counter the range of China's unfair trade practices. The Department, through NIST, ITA, BIS, NTIA, and USPTO, has a broad array of tools that can be deployed to ensure the United States is positioned to outcompete China in key areas of research and development, strengthen U.S. engagement in standards development for emerging technologies, partner with U.S. allies, and protect U.S. intellectual property globally. If confirmed, I look forward to helping advance these important efforts.

Question 6. Through the NDAA, Congress took steps to support the on-shoring of the semiconductor industry; this included a R&D investment, public-private partnerships, and notably a grant program for the construction and expansion of manufacturing facilities. Given the critical importance of this industry and the chip shortages abound, how do you envision this Commerce Department-led grant program working?

Answer. If confirmed, I look forward to working across the Department and with the White House and Congress to fully implement the programs authorized in the Fiscal Year 2021 National Defense Authorization Act (NDAA). The goal of these programs is to regain U.S. semiconductor technology and R&D leadership, increase market share in bleeding-edge logic fabrication, and maintain market share in overall fabrication capacity, including older-generation logic and memory chips.

If fully funded, the Department will provide grants as authorized in the NDAA to support the construction of new fabrication facilities, including those at the leading edge (7nm and 5nm nodes) as well as expanding capacity at fabs producing memory chips, as well as older generation plants to ensure the U.S. retains its current 12 percent share of global fab capacity. In addition to the incentives for fab construction, if fully funded, the Department will work with the Department of Defense to establish a National Semiconductor Technology Center that would be a public private partnership that invests in new metrology, advanced packaging, worker training, and R&D investments to test and validate the next generation of design and production technology.

Question 7. Blockchain

If confirmed, how would you support a national strategy for blockchain technology to spur growth of American businesses?

Answer. If confirmed, I look forward to working with NIST to explore options for a national strategy for blockchain technology and ensure that economic security and the needs of American businesses are reflected.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MIKE LEE TO
DON GRAVES

Question 1. As Deputy Secretary of Commerce, you will have an important role in managing the National Telecommunications and Information Administration (NTIA), which manages spectrum assignments among Federal government users.

- Do you think Federal agencies currently use their spectrum efficiently?
- Should government agencies be immune from oversight of their use of the electromagnetic spectrum?
- I think Congress and Executive Branch agencies need the best available data to identify inefficiencies in both the Commercial and Government contexts. Will you support my legislation, the Government Spectrum Valuation Act, which

would require NTIA to calculate the value or the “opportunity costs” associated with Federal spectrum so that we can make more informed decisions?

Answer. Federal agencies must use spectrum, which is a limited national resource, both efficiently and effectively in order to meet the missions and mandates that Congress has enacted—ranging from national defense and homeland security to law enforcement, transportation safety, space exploration and many others.

Efficient and effective government use of spectrum can allow additional spectrum to be shared with, or otherwise repurposed, for the kinds of advanced commercial wireless services that have spurred economic growth and technological innovation over the past three decades. If confirmed, I will work with NTIA as it coordinates the efforts among the Federal agencies, and with the Federal Communications Commission (FCC) to continue making spectrum available without compromising the government operations that protect our economic and national security.

Question 2. Should NTIA or a Federal agency be able to “veto” an FCC decision to license a band for a commercial purpose, even after those Federal agencies have been able to weigh in on the FCC’s review?

- How would you handle disputes with the FCC over the licensing of a band for a commercial purpose?
- In making spectrum determinations, should NTIA defer to a Federal agency’s spectrum findings or should NTIA make their own independent, scientific judgments?
- In your opinion, is the current FCC/NTIA Memorandum of Understanding sufficient to govern interagency spectrum decision-making?

Answer. Under the Communications Act, the FCC has the authority to license and regulate non-Federal uses of spectrum. So, the Executive Branch, including the NTIA, does not have authority to veto an FCC decision to allocate or license commercial services in a band. However, the Communications Act does give the Executive Branch authority to assign and manage spectrum allocated for use by Federal government agencies. In the national interest, NTIA does express the views of the Executive Branch and the Federal agencies in FCC proceedings where Commission actions could affect spectrum-dependent Federal operations. If confirmed, I believe that the existing processes, if followed in good faith by the FCC and Federal agencies, can be used to lessen the need for escalating adjudications or for public disagreements over FCC decisions.

Question 3. Can you commit, as Secretary Raimondo did during her hearing, that you will oppose efforts to authorize or promote a nationalized 5G network?

Answer. Yes, I can commit to opposing efforts to authorize or promote a nationalized 5G network, as Secretary Raimondo has stated during her confirmation hearing.

I do not support or promote the idea of a nationalized 5G network. The private sector has developed and deployed wireless networks, including those based on 5G that make the U.S. the world leader in global wireless technology and services. Existing law and policy prevent agencies from competing with U.S. industry and I support maintaining these policies.

Question 4. Do you agree that China poses both economic and security threats to the United States?

- Why has China had such success attracting U.S. businesses—particularly U.S. manufacturing? And what recommendations will you make to revive U.S. manufacturing?
- We know U.S. manufacturing costs are generally higher than China as well as other Asian markets. What contributes to these costs? Do U.S. regulations? Do U.S. labor costs? Are there areas of our domestic laws that make the United States an unattractive market for manufacturing?

Answer. I look forward to working with the Department and members of Congress on legislation to enact the President’s campaign promise to Build Back Better, and in so doing improve our Nation’s global competitiveness. As part of that, the NIST MEP National Network of Centers will continue to focus on helping small and medium manufacturers grow and compete by adopting new technology and processes to innovate products and improve productivity. In parallel, the Manufacturing USA program will continue to connect people and ideas to develop new technologies and solve industry-related advanced manufacturing challenges. These actions will contribute to reviving U.S. manufacturing and attracting U.S. manufacturers to expand operations domestically instead of in China or other nations.

With respect to your second question, there are U.S. costs that can increase production costs such as labor and services relative to lower wage nations. NIST MEP and NIST help manufacturers identify opportunities to reduce these costs and maintain key regulation compliance through a combination of adopting best practices and adopting the latest innovative technologies.

Question 5. Article 1, Section 8 of the Constitution clearly gives Congress the authority to “lay and collect taxes, duties, imposts and excises” and “to regulate commerce with foreign nations.” How do you view Congress’ role in levying tariffs and duties on trade, and would you support Congress exercising increased control over the approval process for such measures?

- When should tariffs be imposed? And how do you weigh the costs of increasing such a trade barrier as opposed to the benefits of free trade?
- Do you agree that any broad-based increase in U.S. tariffs tend to have the biggest negative impact on low-income American households, which spend a larger share of their budgets on imported shoes, clothing, food, and household goods?

Answer. I share President Biden’s and Secretary Raimondo’s commitment to international trade that benefits all Americans and that creates high paying jobs here in the United States. If confirmed, I commit to working with Congress on tariffs and other trade issues to create a more prosperous America where the benefits of trade are shared equally by all Americans.

Question 6. One of President Biden’s first executive actions was to reverse President Trump’s July memorandum ordering the U.S. Census Bureau to exclude illegal aliens from the census count. Recently, the Supreme Court declined to decide the case because it was not ripe. During oral arguments, it was admitted that the Census Bureau at the time did not know whether the number of illegal aliens would affect apportionment. Do you support President Biden’s decision?

- If the illegal alien population of a particular state was sufficient enough to affect apportionment, would you at all be concerned that this illegal activity could benefit certain states with additional representation in the House of Representatives over others?
- Do the American people deserve an answer as to whether the illegal alien population affects the proportion of members in the U.S. House of Representatives?

Answer. Like Secretary Raimondo, if confirmed, I would support the President’s Order on this topic and believe that the 2020 Census should count everyone. I agree that reapportionment be consistent with the Constitution and based on the total number of persons residing in the several states, without regard for immigration status. I also believe that it is essential that the 2020 Census count must be accurate and based on as reliable high-quality data as possible.

Question 7. States oftentimes use Federal money only for simple projects, for compliance reasons, and they tend to use their own funds for difficult, complex projects because the regulatory burden that comes with Federal requirements can raise the cost of the project by 20 percent. This is especially challenging in my home state of Utah where most of Utah’s land is owned by the Federal government. As governor, you appeared to champion cutting red tape and slashing regulations that were getting in the way of private entrepreneurship and innovation. How would you bring this deregulatory philosophy to the Department of Commerce?

- Can you identify any regulations or areas of policymaking at the Department you would like to see reduced?

Answer. If confirmed, I plan to take a comprehensive look at the Department’s rulemaking process and would welcome a further discussion on this issue.

Question 8. The Biden Administration has announced it is conducting a comprehensive agency-wide review of the U.S. supply chain for critical sectors. The review is largely focused on the U.S./China bilateral relationship. What guidance will you offer to Secretary Raimondo and President Biden on how this comprehensive review should inform the current review periods of the International Trade Commission (ITC)? And what metrics will guide you in determining whether to extend or maintain an existing ITC review period?

Answer. If confirmed, I look forward to reviewing further President Biden’s Executive Order on America’s Supply Chains. It is my understanding that the Secretary of Commerce is assigned lead responsibility for the report identifying risks in the semiconductor manufacturing and advanced packaging supply chains.

If confirmed, I plan to take a comprehensive look at the Department’s ongoing work on this subject and would welcome a further discussion on this issue.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICK SCOTT TO
DON GRAVES

Question 1. Communist China continues to openly flout U.S. laws and refuse to hold up their ends of trade deals with the United States. They are dead-set on being the dominant world power, and can't be trusted to play fair. Every single U.S. dollar spent in China supports a regime that jails its people for religious beliefs and denies basic human rights to its citizens.

- What is your plan to ensure that U.S. citizens and taxpayer dollars are protected from Communist China, and how do you plan to hold them accountable in any future trade commitments?

Answer. China's aggressive, anticompetitive, and coercive trade policies hurt American workers and businesses. Holding China accountable in future trade commitments and ensuring that U.S. workers and firms benefit from trade agreements signed with other countries require a whole-of-government approach, in partnership with the U.S. Trade Representative, the Department of State, and other U.S. government agencies. If confirmed, I will work diligently to ensure U.S. exporters have the market access and proper protections provided by our trade agreements.

Question 2. I've been fighting to protect American national security and intellectual property by preventing the U.S. government from purchasing technology, like drones, with American tax dollars. I was glad to see the Department of Commerce add Chinese drone company, DJI, to the Entity List because of national security concerns. And earlier this year, former President Trump issued an EO directing U.S. agencies to prioritize removing Chinese-made drones from our government's fleets due to security risks. I also recently introduced the *Entity List Verification Act* (S. 568) which requires the Secretary of Commerce to provide certification to Congress that an entity is not a national security risk before it is removed from the Entity List.

- Can you confirm that you intend to keep DJI on the Entity List?
- What further action can the Department of Commerce take against companies like DJI, and any other Chinese-based company, that pose such obvious national security threats?

Answer. The United States is engaged in strategic competition with China, and technology is a central domain of that competition. We should have no illusions about China's objectives, which I believe are to undercut America's longstanding technological advantage and to displace America as the global leader in cutting-edge research and development and the industries of the future. The national security and economic consequences of allowing that to happen are simply unacceptable. That is the bottom-line perspective I will bring to this role, if confirmed.

With respect to the Entity List, I understand that parties are placed on the Entity List and the Military End User List generally because they pose a risk to U.S. national security or foreign policy interests. I currently have no reason to believe that entities on those lists should not be there. If confirmed, I look forward to a briefing on these entities and others of concern. I further understand that the Department has an ongoing process in place to identify and review activities of the Chinese government as well as commercial entities and their affiliates to determine whether placement of additional entities on the Entity List and/or the Military End User List is warranted. I understand that this is an interagency process. If confirmed, I will support the Secretary's efforts to encourage the use of the Entity List, the Military End User List, and other appropriate tools within the scope of Commerce authorities to protect U.S. national security and foreign policy interests.

Question 3. Our nation is competing against known adversaries like Communist China and Russia in the space launch industry, and we must put American interests and national security first. I co-sponsored the American Space Commerce Act to bolster the domestic space industry and to ensure the U.S. remains a leader in space exploration. What is your plan to continue growing the domestic space industry?

Answer. The Department and the Administration have a role to play in supporting the domestic space industry, while ensuring safe and productive development in this shared domain. If confirmed, I look forward to working with you as you develop legislation in this important area and to communicating the Department's recommendations on areas of mutual interest and concern.

Question 4. One of the main roles of the Department of Commerce is to promote job creation and economic growth, but the Biden Administration has called for a new national minimum wage of \$15 an hour. Reports indicate this mandate would

cost as many as 1.4 million Americans their jobs. Small businesses in America are struggling like never before—especially in liberal states where repeated lockdowns have left them fighting to stay open. They’re competing against big-box stores that are experiencing record sales. It is disappointing that President Biden seems to believe now is the time to create another mandate on their back and drive even more Americans chasing the dream of this country out of business.

- Can you explain your view of a federally-mandated \$15 minimum wage, and if implemented, how you’d work to mitigate the effects on small businesses, so they can afford to keep their doors open?

Answer. As I noted at my confirmation hearing, if confirmed, I would follow the lead of President Biden in this area. I believe that an increase in the minimum wage would bring millions of people out of poverty and help grow further prosperity.

Question 5. I’m proud to be the Ranking Member of the tourism, trade, and export promotion subcommittee alongside my colleague, Senator Rosen. The travel and tourism industry is an important role in interstate commerce and the U.S. economy, especially in my state of Florida, and I’m extremely concerned about the effects that COVID has placed on this industry and the jobs that depend on it.

- What is your recovery plan for the travel and tourism industry?

Answer. The travel and tourism industry has been disproportionately affected by the COVID-19 restrictions on travel that have been put in place to provide for public health. The Department of Commerce plays a leading role with respect to this sector. If confirmed, I will work with the National Travel and Tourism Office and the Commercial Service (both in the International Trade Administration), the Economic Development Administration, and public health authorities to help the industry recover.

The Secretary of Commerce chairs the Tourism Policy Council, an interagency council whose purpose is to coordinate policies and programs to support the sector. Secretary Raimondo has expressed her commitment to actively supporting the recovery of travel and tourism and, if confirmed, I will support her in those efforts.

Question 6. In 2019, the Department of Commerce finalized a Suspension Agreement on Fresh Tomatoes from Mexico, which according to the Department, “completely eliminates the injurious effects of unfairly priced Mexican tomatoes” and “protects U.S. tomato producers from unfair trade.”

However, it is my understanding that there is a growing list of violations of the Agreement by Mexican tomato producers and their importer partners in the U.S., and that, to date, the Department of Commerce has taken no disciplinary action against those violators. This inaction will only embolden the Mexican tomato industry to ignore the terms of the Tomato Suspension Agreement, and violations will quickly grow to the point where the Suspension Agreement is useless in preventing injury to the U.S. tomato industry.

- Will the Biden Administration enforce U.S. unfair trade laws aggressively, so they will be effective in remedying the injury caused to U.S. companies, workers and farmers by unfairly traded imports?
- Under the Biden Administration, will the Commerce Department take immediate action to stop violations of the Tomato Suspension Agreement?

Answer. I understand that the Department of Commerce’s Enforcement & Compliance unit is vigorously enforcing and monitoring the 2019 Suspension Agreement on Fresh Tomatoes from Mexico. It is also my understanding that this agreement contains unprecedented tools for enforcing the agreement, including inspections by the U.S. Department of Agriculture for quality and condition defects of certain tomato types near the border after entering the United States and the ability to perform special audits of up to 40 Mexican signatories and up to 40 selling agents each quarter.

I can assure you that, if confirmed, I will ensure that the Department continues its rigorous enforcement of this agreement, including fully examining alleged non-compliance and possible violations, as well as by consulting closely with USDA, its Perishable Agricultural Commodities Act division, and U.S. Customs and Border Protection, as appropriate.