

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

Lisa Wen-Jia Wang
Wen-Jia Wang

2. **Position:** State the position for which you have been nominated.

Judge, United States Court of International Trade

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

United States Department of Commerce
International Trade Administration, Enforcement and Compliance
1401 Constitution Avenue, Northwest, Suite 3099B
Washington, DC 20230

4. **Birthplace:** State year and place of birth.

1980; Beijing, China

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2003 – 2006; Georgetown University Law Center; J.D., 2006

1998 – 2002; Cornell University, College of Human Ecology; B.S., 2002

2001; Beijing Foreign Studies University; no degree received (study abroad)

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2022 – present

U.S. Department of Commerce
International Trade Administration, Enforcement and Compliance
1401 Constitution Avenue, Northwest, Room 3099B
Washington, DC 20230
Assistant Secretary of Commerce for Enforcement and Compliance (2022 – present)

2016 – 2021
Picard, Kentz & Rowe LLP
1750 K Street, Northwest, Suite 800
Washington, DC 20006
Partner (2017 – 2021)
Counsel (2016)

2014 – 2016
U.S. Department of Commerce
Office of the Chief Counsel for Trade Enforcement and Compliance
1401 Constitution Avenue, Northwest, Room 3622
Washington, DC 20230
Senior Attorney

2012 – 2014
Executive Office of the President
Office of the United States Trade Representative
600 17th Street, Northwest
Washington, DC 20006
Assistant General Counsel

2009 – 2012; Summer 2004
United States Embassy Beijing, China
Commercial Section, United States Department of Commerce
Number 55 An Jia Lou Road
Chaoyang District
Beijing, China 100600
Senior Import Administration Officer (2009 – 2012)
Legal Intern (Summer 2004)

2005 – 2009
Dewey and LeBoeuf LLP (defunct)
Washington, DC 20005
Associate (2006 – 2009)
Law Clerk (2005 – 2006)
Summer Associate (2005)

2004 – 2005
United States Department of State
Office of the Legal Adviser

2430 E Street, Northwest, South Building, Suite 203
Washington, DC 20037
Legal Extern

Summer 2004
United States Equal Employment Opportunity Commission
Office of General Counsel
1801 L Street, Northwest
Washington, DC 20507
Legal Intern

2002 – 2003
Harris, Wiltshire and Grannis LLP
1200 Eighteenth Street, Northwest, 12th Floor
Washington, DC 20036
Legal Assistant

7. **Military Service and Draft Status**: Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I was not required to register for the selective service.

8. **Honors and Awards**: List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

United States Department of Commerce Distinguished Performance Bronze Medal Award (2011)

United States Embassy Beijing, China Franklin Award (2009)

Excellence for the Future Award in International Trade, Georgetown University Law Center (Fall 2004)

National Society of Collegiate Scholars (2001 – 2002)

Kappa Omicron Nu Honor Society (2001 – 2002)

9. **Bar Associations**: List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Customs and International Trade Bar Association (2007 – 2011)

Women in International Trade (2006 – 2011)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

District of Columbia, 2007
New York, 2006

I resigned my membership in the Bar of New York in 2011 because I no longer practiced in New York and did not anticipate practicing there in the foreseeable future. There have been no other lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the Federal Circuit, 2007
United States Court of International Trade, 2007

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Interagency Working Group for the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders, United States Department of Commerce delegate (2022 – present)

Interagency Policy Committee on the U.S. Global Labor Strategy, United States Department of Commerce delegate (2022 – present)

Lighthouse Pool Club, Lewes, Delaware (2021 – present)

Georgetown University Law Center, Institute of International Economic Law, International Trade Update, Advisory Committee member (2018 – 2020)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct

states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practice implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

Hometown Heroes: Trade Specialists Shine a Community Spotlight on Manufacturing, Com. Int'l Trade Admin. Blog (Oct. 26, 2022). Copy supplied.

With Sophia J.C. Lin, *Using AD and CVD Laws to Address Unfair Labor Practices*, Picard, Kentz & Rowe L. Blog (Nov. 13, 2019). Copy supplied.

With Harry L. Clark, *Foreign Investment and National Security*, China Bus. Review, Vol. 35, No. 1 (Jan./Feb. 2008). Copy supplied.

With Bradford Ward, *Food Safety Reform: What the FDA Can Learn from Other Major Importing Countries*, Women in International Trade Newsletter (Fall 2007). Copy supplied.

With Harry L. Clark, *Foreign Sanctions Countermeasures and Other Responses to U.S. Extraterritorial Sanctions*, USA Engage and the National Foreign Trade Council (Aug. 2007). Copy supplied.

The Privacy Rule: HIPAA Standards for the Privacy of Individually Identifiable Health Information, 27 Employee Benefits Journal 3, 59 (Sept. 2002). Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and

a summary of its subject matter.

To my recollection and through searches of my records and publicly available databases, I have identified the following responsive item.

Asian Pacific Americans for Action, Cornell University, Proposals from Students to Transform the Climate of the Larger Campus Community (Nov. 2000). I do not have a copy of the policy statement, but I recall that it encouraged the administration of Cornell University to promote a climate of civility, decency, and respect for all students through better safety policies, student life activities, and a more inclusive academic curriculum.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

To my recollection and through searches of my records and publicly available databases, I have found the following responsive materials.

Letter to Representative Glenn Thompson, United States House of Representatives, Response Regarding Certain Circumvention Proceedings on Hardwood Plywood Imports from the People's Republic of China, Apr. 19, 2023. Copy supplied.

Letter to Representative Nathaniel Moran, United States House of Representatives, Response Regarding Certain Circumvention Proceedings on Hardwood Plywood Imports from the People's Republic of China, Apr. 19, 2023. Copy supplied.

Letter to Senator Tim Kaine, United States Senate, Response Regarding an Antidumping Duty Review of Quartz Imports from India, Apr. 17, 2023. Copy supplied.

Letter to the Indiana Delegation, United States Congress, Response Regarding Antidumping Duty and Countervailing Duty Investigations of Tin Mill Imports from the People's Republic of China, Canada, Germany, the Netherlands, South Korea, Taiwan, Turkey, and the United Kingdom, Apr. 17, 2023. Copy supplied.

Letter to Representative James P. McGovern, United States House of Representatives, Response Regarding Certain Circumvention Proceedings on Aluminum Foil Imports from the People's Republic of China, Apr. 7, 2023. Copy supplied.

Letter to Representative Nancy Mace, United States House of Representatives, Response Regarding Certain Lawn Mowers from the People's Republic of China,

Mar. 31, 2023. Copy supplied.

Letter to Senator John Kennedy, United States Senate, Response Regarding the Antidumping Duty and Countervailing Duty Orders on Chlorinated Isocyanurates from the People's Republic of China, Mar. 28, 2023. Copy supplied.

Letter to Senator Bill Cassidy, M.D., United States Senate, Response Regarding the Antidumping Duty and Countervailing Duty Orders on Chlorinated Isocyanurates from the People's Republic of China, Mar. 28, 2023. Copy supplied.

Letter to Representative Clay Higgins, United States House of Representatives, Response Regarding the Antidumping Duty and Countervailing Duty Orders on Chlorinated Isocyanurates from the People's Republic of China, Mar. 28, 2023. Copy supplied.

Letter to the Alabama Delegation, United States Congress, Response Regarding an Administrative Review of Wooden Cabinets and Vanities from the People's Republic of China, Mar. 27, 2023. Copy supplied.

Letter to Senator Mitch McConnell, United States Senate, Response Regarding the Circumvention Inquiries of Certain Circumvention Proceedings on Hardwood Plywood Imports from the People's Republic of China, Feb. 2, 2023. Copy supplied.

Letter to Representative Abigail Spanberger, United States House of Representatives, Response Regarding the Circumvention Inquiries of Certain Aluminum Foil Imports from the People's Republic of China, Jan. 20, 2023. Copy supplied.

Letter to Representative Bryan Steil, United States House of Representatives, Response Regarding the Circumvention Inquiries of Certain Aluminum Foil Imports from the People's Republic of China, Dec. 20, 2022. Copy supplied.

Letter to Representative Brian Fitzpatrick, United States House of Representatives, Response Regarding the Circumvention Inquiries of Certain Aluminum Foil Imports from the People's Republic of China, Oct. 27, 2022. Copy supplied.

Letter to Representative Jeff Duncan, United States House of Representatives, Response Regarding a Foreign Trade Zone Board Request, Sept. 26, 2022. Copy supplied.

Letter to Minister of Commerce Qais bin Mohammed Al Yousef, Oman Ministry of Commerce, Industry and Investment Promotion, Response Regarding a Administrative Review of the Antidumping Duty Order on Certain Steel Nail

Imports from Oman, Sept. 23, 2022. Copy supplied.

Letter to Secretary Harry M. Lightsey III, South Carolina Department of Commerce, Response Regarding a Foreign Trade Zone Board Request, June 1, 2022. Copy supplied.

Letter to Representative Ted Budd, United States House of Representatives, Response Regarding the Countervailing Duty Order on Phosphate Fertilizers from Morocco, Mar. 25, 2022. Copy supplied.

On November 16, 2021, I testified regarding my nomination to serve as the Assistant Secretary of Commerce for Enforcement and Compliance before the United States Senate Committee on Finance. Video available at <https://www.finance.senate.gov/hearings/hearing-to-consider-the-nomination-of-lisa-w-wang-of-the-district-of-columbia-to-be-an-assistant-secretary-of-commerce-vice-jeffrey-kessler>, and my opening statement and answers to questions for the record are supplied.

Letter to the U.S. Department of Commerce, Comments on Improving Administration and Enforcement of Antidumping and Countervailing Duty Laws, Sept. 14, 2020. Copy supplied.

October 1, 2007: Speaker, Public Meeting, Interagency Working Group on Import Safety. Notes supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

To my recollection and through searches of my records and publicly available databases, I have found the following responsive materials.

May 3, 2023: Presenter, Global Workshop for Heads of Investigating Authorities, World Trade Organization. Remarks supplied.

April 11, 2023: Panelist, April Roundtable, Committee to Save U.S. Trade Laws. Notes supplied.

April 6, 2023: Speaker, Business Roundtable, United States Export Assistance Center, Tulsa, Oklahoma. Notes supplied.

April 5, 2023: Panelist, ABCDs of Equitable Federal Government Hiring, Oklahoma State University School of Global Studies. Notes supplied.

April 4, 2023: Panelist, ABCDs of Equitable Federal Government Hiring, Oklahoma State University Center for Sovereign Nations. Notes supplied.

March 31, 2023: Panelist, ABCDs of Equitable Federal Government Hiring, Tennessee State University. Notes supplied.

March 29, 2023: Speaker, Women's History Month Celebration, Asian American Chamber of Commerce for Greater Philadelphia. Notes supplied.

March 28, 2023: Speaker, Conversation with the Assistant Secretary, 2023 Conference, Coalition for a Prosperous America. Notes supplied.

February 8, 2023: Speaker, Trade Overview, Joint Advanced Warfighting School. Notes supplied.

January 30, 2023: Speaker, Enforcing the Mexican Antidumping Duty and Countervailing Duty Suspension Agreements, Annual Meeting, American Sugarbeet Growers Association. Remarks supplied.

January 17, 2023: Panelist, ABCDs of Equitable Federal Government Hiring, The Ohio State University. Notes supplied.

January 17, 2023: Speaker, Business Roundtable, United States Export Assistance Center, Columbus, Ohio. Notes supplied.

November 7, 2022: Panelist, International Webinar on Trade Remedies, Japanese Ministry of Economy, Trade, and Industry. Video available at <https://www.youtube.com/watch?v=2Uo9UpsExHc>.

October 27, 2022: Panelist, Commerce, Commission, CBP – Priorities and Challenges, United States Court of International Trade Judicial Conference. Transcript supplied.

September 29, 2022: Speaker, Annual Meeting, Aluminum Association. Remarks supplied.

September 28, 2022: Panelist, ABCDs of Equitable Federal Government Hiring, Auburn University at Montgomery. Notes supplied.

September 27, 2022: Panelist, ABCDs of Equitable Federal Government Hiring, Tuskegee University. Notes supplied.

September 27, 2022: Panelist, ABCDs of Equitable Federal Government Hiring, Alabama State University. Notes supplied.

September 21, 2022: Speaker, Lunch with the Assistant Secretary, Berea College Kentucky. Notes supplied.

September 19, 2022: Panelist, ABCDs of Equitable Federal Government Hiring, University of Kentucky. Notes supplied.

September 12, 2022: Speaker, Perspectives from the Department of Commerce, Annual Meeting, National Association of Foreign-Trade Zones. Remarks supplied.

August 25, 2022: Speaker, Asian American Chamber of Commerce and Commercial Service Trade and Investment Forum. Remarks supplied.

July 20, 2022: Speaker, Business Roundtable, United States Export Assistance Center, Portland, Maine. Notes supplied.

June 8, 2022: Panelist, Addressing the Supply Chain Crunch: What Role for Trade Facilitation, Global Alliance for Trade Facilitation and the Wilson Center. Remarks supplied.

May 18, 2022: Speaker, Annual Meeting, Committee on Pipe and Tube Imports. Remarks supplied.

May 10, 2022: Panelist, Business Roundtable, United States Export Assistance Center, Pittsburgh, Pennsylvania. Notes supplied.

May 3, 2022: Speaker, Annual Meeting, Customs and International Trade Bar Association. Remarks supplied.

February 15, 2022: Speaker, Legislative Seminar, National Association of Foreign-Trade Zones, Washington, DC. Notes supplied.

November 18, 2019: Panelist, Scope: Endgame, United States Court of International Trade Judicial Conference. The panel focused on judicial opinions governing the “scope” of an antidumping duty (AD) or countervailing duty (CVD) order, or whether a particular product should be subject to AD/CVD duties based on the description of the merchandise in the order. I have no notes, transcript, or recording. The address of the United States Court of International Trade is 1 Federal Plaza, New York, New York 10278.

October 25, 2019: Panelist, International Trade Update, Fourth Fall Trade Law Update, Case Western Reserve University School of Law. The panel focused on the statutory, judicial, and administrative developments of U.S. trade remedies

law in 2019, including updates from the U.S. Department of Commerce's proceedings under section 232 of the Trade Expansion Act of 1962, U.S. International Trade Commission's injury determinations, and the Office of the U.S. Trade Representatives investigations under section 301 of the Trade Act of 1974. I have no notes, transcript, or recording. The address of the Case Western Reserve University School of Law is 10900 Euclid Avenue, Cleveland, Ohio 44106.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

To my recollection and through searches of my records and publicly available databases by persons acting on my behalf, I have found the following responsive materials.

United States Department of Commerce Press Release, U.S. Department of Commerce Assistant Secretary Wang's Visit to Oklahoma to Meet with Local Manufacturers and Students on Global Trade Issues, Apr. 3, 2023. Copy supplied.

United States Department of Commerce Press Release, U.S. Department of Commerce Hometown Tour in Nashville to Connect with Local Businesses and Students, Mar. 28, 2023. Copy supplied.

United States Department of Commerce Press Release, U.S. Commerce Department Reaches Suspension Agreements with Argentina on White Grape Juice Concentrate, Mar. 20, 2023. Copy supplied.

United States Department of Commerce Press Release, ITA Publishes New Global Aluminum Trade Monitor to Help U.S. Industry Better Track Markets, Jan. 3, 2023. Copy supplied.

United States Department of Commerce Combined Federal Campaign, CFC Conversations with Leaders – Holiday Edition, Dec. 21, 2022. Video available at <https://www.youtube.com/watch?v=UvhxSRmG9LE>.

United States Department of Commerce Press Release, Department of Commerce Statement on President Biden's Proclamation on Solar Cells and Modules, June 6, 2022. Copy supplied.

United States Department of Commerce Press Release, New Data Tool Unveiled to Help Keep American Aluminum Industry Competitive, Mar. 1, 2022. Copy supplied.

Women in International Trade, Conversation with Assistant Secretary Lisa Wang in Honor of International Women's Day, Feb. 17, 2022. Video available at <https://www.youtube.com/watch?v=bNa8yJucWHc&feature=youtu.be>.

United States Department of Commerce Press Release, Lisa Wang Sworn in as Assistant Secretary of Commerce for Enforcement and Compliance, Jan. 6, 2022. Copy supplied.

C.U. Student Stands Up to A&F T-Shirts, Cornell Daily Sun, Apr. 30, 2002. Copy supplied.

Students Rally After Recent Incidents, Cornell Daily Sun, Jan. 31, 2002. Copy supplied.

Students Develop Racism Teach-in, Cornell Daily Sun, Nov. 12, 2001. Copy supplied.

Students Continue Diversity Discussions, Cornell Daily Sun, Dec. 1, 2000. Copy supplied.

The 25 Most Influential, Cornell Daily Sun, Nov. 30, 2000. Copy supplied.

Cornell Appoints Diversity Director, Cornell Daily Sun, Nov. 20, 2000. Copy supplied.

Colleges Struggle to Stop Hate Crimes, Syracuse Herald American, Nov. 12, 2000. Copy supplied.

University to Respond Today to Bias Incidents, Cornell Daily Sun, Nov. 3, 2000. Copy supplied.

Forum of Cornell Community Members Discusses Diversity, Safety Issues, Cornell Daily Sun, Oct. 20, 2000. Copy supplied.

Students Gather to Raise Awareness of Hate Crimes, Cornell Daily Sun, Oct. 2, 2000. Copy supplied.

Asian Community to Gather, Cornell Daily Sun, Sept. 29, 2000. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict

or judgment? _____

i. Of these cases, approximately what percent were:

jury trials: _____%
bench trials: _____% [total 100%]

ii. Of these cases, approximately what percent were:

civil proceedings: _____%
criminal proceedings: _____% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed

the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

Since 2022 I have served as Assistant Secretary of Commerce for Enforcement and Compliance in the International Trade Administration at the United States Department of Commerce. I was nominated on August 9, 2021, by President Joseph R. Biden and confirmed by the United States Senate on December 16, 2021.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

None.

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation

from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have not served as clerk to a judge.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced law alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

2006 – 2009
Dewey & LeBoeuf LLP
1101 New York Avenue, Northwest
Washington, DC 20005
Associate

2012 – 2014
Executive Office of the President
Office of the United States Trade Representative
Office of General Counsel
600 17th Street, Northwest
Washington, DC 20508
Assistant General Counsel

2014 – 2016
United States Department of Commerce
Office of General Counsel
Office of Chief Counsel for Trade Enforcement and Compliance
1401 Constitution Avenue, Northwest, Room 3622
Washington, DC 20230
Senior Attorney

2016 – 2021
Picard, Kentz & Rowe LLP
1750 K Street, Northwest, Suite 800
Washington, DC 20006
Counsel (2016)
Partner (2017 – 2021)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

After graduating from law school, I joined Dewey & LeBoeuf LLP (Dewey) as an international trade associate in 2006. During my tenure at Dewey, I worked on several administrative litigation proceedings before the United States Department of Commerce, primarily on antidumping duty investigations and administrative reviews. I also drafted briefs for litigation before the United States Court of International Trade and United States Court of Appeals for the Federal Circuit on issues related to antidumping duty and countervailing duty administrative determinations. I provided counsel on the requirements of the Exon-Florio Amendment, United States sanctions programs and the export control requirements of the Export Administration Regulations administered by the United States Department of Commerce.

From 2012 to 2014, I was an Assistant General Counsel at the Office of the United States Trade Representative. In that role, I was lead counsel for the United States in a challenge brought by the government of the People's Republic of China (PRC) against the United States under the dispute settlement understanding provisions of the World Trade Organization (WTO) agreements. The United States successfully defended the PRC's challenge (WT/DS449) that a key component of the United States' countervailing duty law was not inconsistent with our international obligations before the dispute settlement panel stage and the WTO Appellate Body. I also prosecuted WTO dispute settlement enforcement proceedings against the PRC, including the United States' challenge of the PRC's export and demonstration bases (WT/DS45), which provided unfair export and other subsidies to PRC producers.

From 2014 to 2016, I was a Senior Attorney at the United States Department of Commerce, Office of General Counsel. In that role, I provided legal counsel for the enforcement and administration of the United States antidumping duty and countervailing duty laws. I represented the agency during administrative litigation hearings and drafted briefs and other filings for cases before the United States Court of International Trade and United States Court of Appeals for the Federal Circuit.

From 2016 to 2021, I was an attorney at Pickard, Kentz and Rowe LLP

(PKR), first as Counsel in 2016 and then as a Partner from 2017 to 2021. In that role, I was the lead counsel for the United States industry in the antidumping duty, countervailing duty, and injury proceedings of softwood lumber imports from Canada. This included serving as the lead counsel for the United States industry's successful defense of the International Trade Commission's material injury determination before a North American Free Trade Agreement (NAFTA) Chapter 19 dispute settlement panel. I also appeared before the CIT as counsel for the United States industry on cases that challenged the statutory authority of Commerce to conduct expedited reviews of certain countervailing duty proceedings and those that involved the scope of products that should be subject to AD/CVD duties. Finally, I provided legal counsel for United States industries adversely affected by unfair trade practices, such as those in shrimp farming and the manufacturer of stainless-steel kegs.

Since 2022, I have served as the Assistant Secretary of Commerce for Enforcement and Compliance, in which capacity I lead the federal government's efforts to support economic growth by maintaining a fair and rules-based system of international trade by enforcing the nation's antidumping and countervailing duty laws that maintain a level playing field for American industries in the face of unfair foreign trade practices and by holding United States trading partners accountable to their obligations under existing multilateral, regionals, and bilateral trade agreements.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

In private practice at Dewey and PKR, my typical clients were United States manufacturers and their industry associations. I specialized in international trade law litigation and trade policy issues.

In government service, my clients are public institutions, such as the President and the Secretary of Commerce. I specialize in trade policy issues and international trade law, including antidumping and countervailing duty litigation.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

My practice has been focused primarily on international trade law litigation, and litigation-related advice. In private practice at Dewey and PKR, I appeared frequently before administrative agencies in antidumping duty and countervailing duty proceedings, federal courts for international trade law litigation matters, and international dispute settlement panels. Specifically, I appeared before the CIT as

counsel for the United States warmwater shrimp industry on cases that involved the scope of products that should be subject to AD/CVD duties.

In government service, I appeared frequently before federal courts for international trade law litigation matters, and international dispute settlement panels. As the Assistant Secretary of Commerce for Enforcement and Compliance, I participate in litigation strategy and review trade regulations.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 25% |
| 2. state courts of record: | 0% |
| 3. other courts: | 25% |
| 4. administrative agencies: | 50% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|------|
| 1. civil proceedings: | 100% |
| 2. criminal proceedings: | 0% |

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried three cases to verdict. I was chief counsel for a dispute before a WTO dispute settlement panel, the WTO Appellate Body, and a NAFTA Chapter 19 dispute settlement panel.

i. What percentage of these trials were:

- | | |
|--------------|------|
| 1. jury: | 0% |
| 2. non-jury: | 100% |

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

a. the date of representation;

- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
 - c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.
1. *Certain Softwood Lumber Imports from Canada: Countervailing Duty and Antidumping Duty Proceedings*, C-122-858 and A-122-857 (Dep't Comm. 2016 – 2021)

Between 2016 to 2021, I served as lead counsel for the United States Lumber Coalition in the administrative proceedings before the U.S. Department of Commerce (Commerce) in the antidumping duty (AD) and countervailing duty (CVD) investigations of certain softwood lumber imports from Canada. The proceedings involved petitions filed by the United States industry alleging the unfair pricing and government subsidization of Canadian softwood lumber imports. In AD/CVD proceedings, Commerce measures the amount of unfair pricing in AD cases and unfair government subsidization in CVD cases and imposes duties that offset the value of these unfair trade practices, thereby leveling the playing field for U.S. producers. This measurement occurs on an annual basis through “administrative reviews,” which may increase or decrease the amount of AD/CVD duties depending on the behavior of the foreign producers and other factors. My representation included writing briefs, leading administrative hearings, and analyzing questionnaire responses from foreign governments and foreign respondents.

Administering Authority

United States Department of Commerce, International Trade Administration,
Enforcement & Compliance, Office III

Co-Counsel

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2. *In re: Softwood Lumber From Canada: Injury Determination*, North American Free Trade Agreement (NAFTA) Article 1904 Binational Panel Review, “Final Decision

and Order of the Panel,” Secretariat File No. USA-CDA-2018-1904-03 (May 22, 2020)

From 2017 to 2020, I served as the lead counsel for the United States softwood lumber industry in the International Trade Commission’s (ITC) injury investigation of softwood lumber imports from Canada, and the subsequent challenge of this decision by the Government of Canada to a NAFTA Chapter 19 binational dispute settlement panel. In AD/CVD proceedings, the petitioning U.S. industry must not only show that foreign producers and/or foreign governments are engaging in unfair trade practices, but also that the U.S. industry was “injured” or harmed by these imports. The ITC is the bipartisan commission charged with determining whether a U.S. industry has suffered this harm. Pursuant to the dispute settlement provisions of NAFTA, a member nation may seek redress at either the U.S. Court of International Trade or a Chapter 19 binational dispute settlement panel, which is comprised of international trade experts from the NAFTA member nations. This NAFTA panel, which was comprised of three Canadian panelists and two U.S. panelists, found that the ITC’s determination of harm to the U.S. softwood lumber industry was based on substantial evidence and in accordance with law. My representation included writing legal briefs and leading oral arguments for the United States industry before the ITC and the NAFTA Chapter 19 dispute settlement panel.

NAFTA Panelists

Stephen Joseph Powell, Chair
Stephen J. Claeys
W. Jack Millar
Andrew Newcombe
James Ogilvy

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3. *Committee Overseeing Action for Lumber International Trade Investigations or Negotiations v. United States*, 393 F. Supp. 3d 1271 (Ct. Int'l Trade 2019)

Between 2018 and 2019, I was part of a team that challenged Commerce legal authority to promulgate a provision of its regulations, 19 C.F.R. § 351.214(k). The regulation allowed for an “expedited” review of certain countervailing duty proceedings. The United States Court of International Trade found that Commerce had exceeded its authority because there was no action proposed in the authorizing legislation to implement the type of proceedings proposed by Commerce in its regulations. My representation included writing briefs and developing litigation strategy.

Judge

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4. *Irving Paper Limited v. United States*, 1:17-cv-00128-CRK (Ct. Int'l Trade) (2018)

From 2017 to 2018, I was a part of a team that authored an amicus brief arguing that the United States did not have the legal authority to conduct the underlying administrative proceeding, which was an "expedited" review of a countervailing duty order under 19 C.F.R. § 351.214(k), that was the basis of the district court challenge. Judge Kelly accepted the amicus brief, but before she issued an opinion in the case, the plaintiff filed a stipulation of dismissal in July 2018. My representation included conducting legal research and writing the amicus brief.

Judge
Claire R. Kelly

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5. *China Manufacturers Alliance, LLC, et al. v. United States*, 1:15-cv-00124-TCS (Ct. Int'l Trade 2015)

Between 2015 and 2016, I was the agency counsel for Commerce in a challenge brought by a People's Republic of China (PRC) producer of certain off-the-road tires regarding whether Commerce has the legal authority to assign a country-wide entity rate in a nonmarket economy proceeding. In an AD proceeding involving a nonmarket economy country such as the PRC, Commerce generally calculates AD duties for: (1) the individually examined companies; (2) companies that can demonstrate their independence from the government; and (3) a margin for entities that are a part of the nonmarket economy itself, or a country-wide entity rate. The case involved Commerce's legal authority to determine this last set of margins. My representation included conducting legal research, writing briefs, and developing litigation strategy with the Department of Justice attorney. The case remains ongoing.

Judge

Timothy C. Stanceu

Co-Counsel (United States)

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6. *Jiaxing Brother Fastener Co. v. United States*, 822 F.3d 1289 (Fed. Cir. 2016)

Between 2014 and 2016, I was the agency counsel for Commerce in an appeal of a decision of the CIT that affirmed Commerce's determination to select Thailand as the surrogate country for the PRC in an administrative review of an AD order on certain PRC steel threaded rod imports. A surrogate country was necessary in such a proceeding because Commerce considers the PRC a "nonmarket economy" for purposes of Commerce's application of the U.S. AD laws. In non-market economy proceedings, Commerce replaces the PRC company's home market sales and costs with a value based on a surrogate cost of production calculated using input costs taken from a country with a comparable level of economic development and other criteria. The U.S. Court of Appeals for the Federal Circuit held Commerce's determination to use surrogate values from Thailand to value certain factors of production in its calculations was in accordance with law, not arbitrary or capricious, and supported by substantial evidence. My

representation included conducting legal research, writing briefs, and developing litigation strategy with the Department of Justice attorney.

Judges

Jimmie V. Reyna, Circuit Judge
Raymond T. Chen, Circuit Judge
Kathleen M. O'Malley, Circuit Judge

Co-Counsel (United States)

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7. *China – Measures Related to Demonstration Bases and Common Service Platforms Programs*, WT/DS489/7 (Apr. 14, 2016)

Between 2012 and 2015, I was part of a team that developed an enforcement case against the PRC's use of prohibited export subsidies in its so-called "Export and Demonstration Bases." In February 2015, the United States sought consultations with the PRC to discuss its concerns about this program, which is the first step of dispute settlement resolution under the World Trade Organization (WTO). A WTO panel was subsequently established in April 2015, but before the litigation proceeded to the briefing stage, the United States and PRC entered into a Memorandum of Understanding (MOU), which settled the dispute. As part of the MOU, the PRC agreed to terminate its provision of export-contingent subsidies (e.g., cash grants for exports) to these export and demonstration bases. My responsibilities included managing an interagency team of attorneys and China policy analysts in evaluating Chinese laws, regulations, and policy directives, and developing litigation and negotiation strategy.

Co-Counsel

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Government of China

Director General Wang Hejun
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8. *CS Wind Vietnam Co., LTD. V. United States*, No. 15-1850 (Fed. Cir. 2016)

Between 2014 and 2016, I was the agency counsel for Commerce in an appeal of a decision of the CIT that affirmed Commerce's determination to use certain nonmarket economy calculation methods to determine the antidumping duty margin of the wind tower products of the plaintiff, a Vietnamese producer. Commerce considers the Socialist Republic of Vietnam a nonmarket economy for purposes of Commerce's application of the U.S. AD laws. The Federal Circuit affirmed certain aspects of the CIT's decision, including the affirmation of Commerce's treatment of subsidies received by the plaintiff, and remanded other aspects of Commerce's determination for further explanation of its calculation methodology for nonmarket economy cases. My representation included conducting legal research, writing briefs, and developing litigation strategy with the Department of Justice attorney.

Judges

Sharon Prost, Chief Judge
Richard G. Taranto, Circuit Judge
Raymond T. Chen, Circuit Judge

Co-Counsel (United States)

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9. *United States – Countervailing and Anti-dumping Measures on Certain Products from China*, WT/DS449/AB/R (July 7, 2014)

Between 2012 and 2014, I was the lead counsel for the United States in its defense of a challenge brought by the PRC to a WTO dispute settlement panel. The PRC alleged that a United States law, P.L. 112-99 (2012), was inconsistent with certain WTO publication obligations. The law allowed for the concurrent application of antidumping duty and countervailing duties to nonmarket economy countries such as the PRC and had a retroactive applicability date of 2006. The PRC claimed that the retroactive aspect of the law violated an international obligation that certain trade laws must be published before they are made effective. The dispute ultimately reached the WTO Appellate Body, and the United States prevailed in its defense against the PRC's claims. My responsibilities included writing briefs and leading oral arguments before the WTO dispute settlement panel and Appellate Body.

WTO Appellate Body Members

Ujal S. Bhatia, Presiding Member
Seung W. Chang, Member
Yuejiao Zhang, Member

Co-Counsel

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10. *Ad Hoc Shrimp Trade v. United States*, 515 F.3d 1372 (Fed. Cir. 2008)

Between 2005 to 2008, I was part of a team at Dewey and LeBoeuf that represented the Ad Hoc Shrimp Trade Action Committee (AHSTAC) in a proceeding before the CIT involving the dismissal of AHSTAC's claims against Commerce for lack of subject matter jurisdiction. The CIT ruled that it could not adjudicate AHSTAC's claim because AHSTAC had not commenced a simultaneous action against a final injury determination by the ITC. The Federal Circuit agreed with AHSTAC that it need not simultaneously commence an appeal of the ITC's final affirmative injury determination in order to have subject matter jurisdiction to challenge Commerce's final scope determination, which was a claim exclusively within Commerce's purview. The case affirmed the delineation of responsibilities between the ITC, which examines whether a U.S. industry has been injured by the imports under examination, and Commerce, which measures the amount of unfair trade. For duties to be applied to the imports under examination, a petitioning U.S. industry must obtain affirmative determinations from both the ITC and Commerce, but

the Federal Circuit held that parties to AD/CVD proceedings need not bring suit against both agencies when the relief they seek is only with one. My representation included conducting legal research and writing briefs.

Judges

Pauline Newman, Circuit Judge
Arthur J. Gajarsa, Circuit Judge
Glenn Leroy Archer Jr., Senior Circuit Judge

Co-Counsel

Bradford L. Ward
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Retired

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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

My legal career has been devoted to international trade law matters, including antidumping duty and countervailing duty trade litigation. I have served in senior positions in the federal government to ensure that the United States' trading partners are held accountable to their international obligations under existing multilateral, regional and bilateral trade agreements. In these roles, I provided counsel on the transparent and fair administration of our nation's trade remedy laws and regulations.

While at the Office of the United States Trade Representative, I was involved in the research and development of potential enforcement actions against certain WTO members for its use of industrial policies in a manner that is inconsistent with its international obligations. These efforts were either settled by bilateral engagements or did not culminate in an enforcement action or litigation. I also provided counsel on negotiations with countries seeking to join the WTO.

While at the U.S. Embassy, Beijing, China, I served as the Senior Import Administration Officer and was a part of the U.S. Foreign Commercial Service. In this role, I was the on-the-ground U.S. government official leading the United States' defense against the People's Republic of China's (PRC) first ever countervailing duty (CVD) cases against U.S. products (e.g., broiler products, certain automobiles, and specialty steel). Because CVD cases involve allegations of unfair subsidies provided by government entities, the United States government was responsible for answering the PRC's questions about programs and practices at the federal, state, and municipal level that may have benefitted certain U.S. producers. I oversaw the submission of the U.S. government's questionnaire responses to the PRC's Ministry of Commerce.

I have not performed any lobbying activities or registered as a lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

None.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

None.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

Cases most likely to present conflicts of interest would be those related to my prior service at PKR and to my service as the Assistant Secretary of Commerce for Enforcement and Compliance. If confirmed, I would determine whether to recuse myself in circumstances that present potential conflicts of interest using the procedures established under 28 U.S.C. § 455.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I would carefully evaluate any potential conflict of interest under the standards set forth in 28 U.S.C. § 455 and Canon 3(C) of the Code of Conduct for United States Judges, as well as any other laws, regulations, practices, and procedures governing such circumstances. I would further consider any judicial decisions or Judicial Conference opinions applying the rules to the particular circumstance.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

While in private practice at Dewey and PKR, I was a Legal Intake volunteer and firm coordinator for the Catholic Charities Legal Network (Legal Network). As a volunteer, I met with low-income individuals and families seeking *pro bono* legal services from the Legal Network to provide an initial assessment of their concerns and the appropriate referral. For certain cases, I assisted clients with estate planning activities, such as drafting wills. I also have spent half of my career in public-service positions, including as counsel for the Office of the United States Trade Representative and United States Department of Commerce, and as a Foreign Commercial Service officer with the United States Embassy Beijing, China.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

There is no selection commission to recommend candidates for nomination to the U.S. Court of International Trade. I was approached on March 30, 2023, by the judicial nominations team of the White House Counsel's Office regarding my potential interest in an opening on the U.S. Court of International Trade. The next day, March 31, 2023, I interviewed with attorneys from the White House Counsel's Office. Since April 20, 2023, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On June 28, 2023, the President announced his intent to nominate me.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.