

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

Full Committee Nomination Hearing
Tuesday, May 13, 2025, at 10:00 A.M.

DEMOCRATIC QUESTIONS FOR THE RECORD

COVER PAGE
Pierre Gentin

RANKING MEMBER MARIA CANTWELL (D-WA)

Congressionally mandated programs and agencies. Mr. Gentin, as a lawyer, I presume you are familiar with our Constitution and separation of powers. So you know that, under our Constitution, Congress has the power to pass laws, and the Executive Branch executes the laws as Congress enacted.

Question 1: Do you agree that the President must comply with the law?

Answer: Yes.

Question 2: If you are confirmed as General Counsel at the Department of Commerce (DOC, Commerce, Department), will you advise the Secretary to comply with the law?

Answer: Yes.

Question 3: Do you agree that the Executive Branch cannot lawfully eliminate an agency unilaterally that Congress authorized and appropriated funding for?

Answer *The Executive Branch is required to faithfully execute the law. If confirmed, I commit to advising the Department to adhere to the law.*

Question 4: Do you agree that the Department has a legal obligation to comply with its contractual commitments?

Answer: *The Department has an obligation to follow the law.*

CHIPS and Science Act. At our last confirmation hearing, I was pleased to see Mr. Paul Dabbar, nominee to serve as Deputy Secretary of Commerce, reaffirm his support for the CHIPS and Science Act, which I believe is essential to U.S. national security and economic leadership.

Question 1: Mr. Gentin, you have been serving at the Department as a senior advisor in the Office of the Secretary since February 2025. Are you aware of any effort to get rid of the CHIPS Act?

Answer: *I am unaware of any efforts to get rid of the CHIPS Act.*

Question 2: Mr. Gentin, if confirmed, will you commit to ensuring the Department's contractual obligations to companies under the CHIPS Act are honored?

Answer: *If confirmed, I commit to advising colleagues in the Department to follow the law.*

Secretary Lutnick's Absent Leadership. I fear one reason we have seen so much chaos at the Commerce Department is that Secretary Lutnick appears to be focused on priorities that fall outside the Department's core mission.

According to reports from the *Wall Street Journal* on April 7 and the *New York Times* on April 28, Secretary Lutnick is at the White House more than any other Cabinet Secretary, and he is telling people that he plans to spend most of his time at the White House moving forward — not

at the Commerce Department. Meanwhile, inside the Department, employees say morale has plummeted as leadership has left them rudderless.

Question 1: Mr. Gentin, how many hours per week is Secretary Lutnick working at the Commerce Department?

Answer: *The Secretary works tirelessly and is fully focused on the Department's mission to create the conditions for economic growth and opportunity for our country.*

Question 2: Has Secretary Lutnick ever told you that he plans to spend most of his time at the White House?

Answer: *No.*

Question 3: We have all seen Secretary Lutnick regularly on TV and at the White House. If confirmed, how will you help fill this leadership void at the Department?

Answer: *There is no leadership void at the Department. The Secretary is fully focused on the Department's mission to create the conditions for economic growth and opportunity for our country.*

Question 4: If confirmed, will you commit to spend the majority of your time at the Commerce Department working on the programs and policies that fall squarely in its remit?

Answer: *If confirmed, I commit to focusing on the Department's mission to create the conditions for economic growth and opportunity for our country.*

Senior Advisor. Mr. Gentin, you have been working at the Department of Commerce since February 2025.

Question 1: How often do you meet with Secretary Lutnick?

Answer: *I meet with the Secretary on a regular basis.*

Question 2: I understand you told my staff that your current job consists of spending time familiarizing yourself with programs and bureaus at the Department. Which programs and bureaus have you focused on?

Answer: *I have been focused on developing an understanding of each of the bureaus in the Department.*

Question 3: As of May 14, 2025, you still have not completed your financial disclosure information as specified in the Committee's questionnaire—even after my staff identified these omissions in an email on May 2, 2025, and reiterated these omissions in subsequent emails and raised them with you in person on May 8, 2025. When were you first made aware that your questionnaire was incomplete?

Answer: I submitted my questionnaire in March 2025 and understood it to be a complete submission. In response to questions from your staff in May, I submitted addenda on May 12 and May 16, 2025.

Question 4: You had well over a week to address the omissions in your questionnaire identified by my staff before your confirmation hearing. Why didn't you submit a complete questionnaire by your hearing, as is expected of all nominees?

Answer: I submitted my questionnaire in March 2025 and understood it to be a complete submission. In response to questions from your staff in May, I submitted addenda on May 12 and May 16, 2025.

Question 5: Do you think fully responding to the items in the Committee's questionnaire is optional?

Answer: I submitted my questionnaire in March 2025 and understood it to be a complete submission. In response to questions from your staff in May, I submitted addenda on May 12 and May 16, 2025.

DOGE. During your confirmation hearing, you stated that you attended a meeting with Elon Musk at the White House. You also stated that you met two DOGE representatives at the Commerce Department. I have serious concerns about the extent to which Elon Musk and DOGE are driving the chaos we're seeing at the Department.

Question 1: Please describe what you discussed with Elon Musk at the White House.

Answer: I attended an informal meeting at which Mr. Musk was present. I did not speak with anyone during that meeting.

Question 2: Are you aware of other DOGE members, beyond the two individuals you met, working at the Department? If so, please identify these individuals and describe their portfolios as you understand them.

Answer: I was introduced in passing to two individuals affiliated with DOGE. I do not recall their names and do not know what, if any, their portfolios are in the Department.

Question 3: At the hearing, you testified that you did not know the names of the two DOGE members you were introduced to. You also testified that neither of these individuals was Nate Cavanaugh, who also is a member of DOGE working at the Department. However, you told my staff that you have never met or spoken with Mr. Cavanaugh. So, how do you know that neither of these two DOGE members was Mr. Cavanaugh?

Answer: I was introduced in passing to two individuals affiliated with DOGE. My best recollection is that neither of them was introduced as Mr. Cavanaugh.

Question 4: Please confirm whether you have met or spoken with Mr. Cavanaugh. If you have, please provide details of any such encounter.

Answer: I have no recollection of meeting or speaking with Mr. Cavanaugh.

Question 5: Yes or no: If confirmed, will you commit not to allow members of DOGE to access systems or information at the Commerce Department that they are not legally permitted to access?

Answer: If confirmed, I will advise colleagues in the Department to follow the law when making decisions regarding access to its systems and information.

Minority Business Development Agency (MBDA). Congress statutorily authorized MBDA in 2021. We passed a law appropriating money to fund the agency. But the Administration acknowledged “fully eliminated” the agency in its recommendations on discretionary funding levels for fiscal year (FY) 2026.

Question 1: Where in the Constitution does it give the Commerce Department the authority to overrule laws passed by Congress?

Answer: There is a Presidential Executive Order directing various federal departments to take action regarding certain subagencies, including MBDA. My understanding is that Executive Order is currently the subject of ongoing litigation to which the Department is a party.

Question 2: My Commerce Committee colleagues and I have sent three letters to the Department regarding the dismantling of the MBDA. You were present at Mr. Dabbar’s confirmation hearing where these letters were raised. Nonetheless, you testified that you were “not aware of those letters.” How is this possible?

Answer: I have no awareness of the detail of any letters that have been sent to the Department regarding MBDA or of the Department’s responses

Question 3: You testified that you would “go back to the Department of Commerce” after your hearing and “try to get those letters responded to.” What specific steps have you taken to accomplish this?

Answer: It is my understanding that the Department of Commerce previously responded in a letter dated April 24, 2025.

Question 4: Who at the Department is responsible for responding to these letters?

Answer: It is my understanding that responding to Congressional letters is a collaborative effort involving multiple offices within the Department.

Question 5: If confirmed, will you commit to examining the legality of the Department’s actions to “fully eliminate” the MBDA unilaterally and advise Secretary Lutnick on any illegalities you identify?

Answer: If confirmed, I will advise colleagues in the Department to follow the law.

Question 6: If you identify any illegalities with the Department's actions toward MBDA, do you believe Congress should be notified?

Answer: If confirmed, I will advise the Department to follow the law with respect to any required Congressional notifications.

National Oceanic and Atmospheric Administration (NOAA). The Trump Administration is pursuing a FY 2026 budget proposal that would reduce NOAA's budget by more than 25 percent, eliminate Congressionally mandated programs, and transfer part of the National Marine Fisheries Service to the Interior Department.

During his confirmation hearing, Secretary Lutnick told me that he has, "no interest in separating" NOAA and that breaking up NOAA, "is not on my agenda." Yet, that is exactly what the Administration is trying to do.

Question 1: Yes or no: Have you been to any meetings where NOAA was discussed? If so, what was the topic of the meeting?

Answer: Yes. I have attended meetings to educate myself about the various bureaus in the Department, including NOAA.

Question 2: Yes or no: Have you discussed any plans to break up NOAA with Secretary Lutnick or anyone else?

Answer: No.

Question 3: Do you agree it would be illegal for the Administration to eliminate or transfer part of NOAA outside the Commerce Department without Congress's approval? Why or why not?

Answer: If confirmed, I will commit to advising the Department to follow the law with respect to any required Congressional notifications.

Bipartisan Infrastructure Law. During your confirmation hearing, you indicated that you were not aware of the Bipartisan Infrastructure Law (BIL), which is one of the most consequential bipartisan laws in modern history. This is deeply concerning for any nominee, especially one vying to be the General Counsel of the Commerce Department.

Question 1: If confirmed, will you familiarize yourself with the BIL and faithfully execute the law as Congress intended?

Answer: If confirmed, I will commit to familiarizing myself with legal authorities relevant to the advice I am being called upon to deliver.

Digital Equity Act. On Thursday, President Trump posted on Truth Social that he and Secretary Lutnick were ending the Digital Equity Act (DEA) "IMMEDIATELY." Congress passed the DEA in 2021 as part of the Infrastructure Investment and Jobs Act and appropriated \$2.5 billion for the program, including \$1.4 billion to be distributed to all 50 states according to a statutorily determined formula.

Despite the clear words of the law, last Friday (May 7, 2025) state broadband offices across the country, including in Washington, received letters telling them their grants had been canceled.

Question 1: You testified at your confirmation hearing that you would follow the law. Yes or no: Is DEA the law?

Answer: The Digital Equity Act is a statute that was passed by Congress in 2021.

Question 2: What provision of the DEA allows the President and the Secretary to ignore its statutorily determined formula?

Answer: I have not been confirmed as General Counsel of the Department and have not conducted a legal analysis of the Digital Equity Act. If confirmed, I will advise colleagues in the Department to follow the law.

Question 3: Do you believe it is lawful for the government to withhold formula-funded grants to states even where Congress has expressly set out the amount of money a state is to receive?

Answer: If confirmed, I will advise colleagues in the Department to uphold the U.S. Constitution.

Question 4: Can you commit not to leave any of the statutory “covered populations” outlined in the DEA behind and implement the Act fully, as intended by Congress?

Answer: If confirmed, I will advise colleagues in the Department to uphold the U.S. Constitution.

Spectrum. Section 1062 of the 2000 National Defense Authorization Act requires that before the Department of Defense is required to turn over spectrum that it uses, the Secretary of Defense, Chairman of the Joint Chiefs, and Secretary of Commerce must jointly certify the alternative band of spectrum “provides comparable technical characteristics to restore essential military capability that will be lost as a result of the band of frequencies to be so surrendered.”

Question 1: Mr. Gentin, as General Counsel of the Commerce Department, will you ensure that the DOC complies with this law?

Answer: If confirmed, I will advise colleagues in the Department to follow the law.

Question 2: Are you aware that no such joint certification was made by during the first Trump Administration when Department of Defense spectrum was identified for auction?

Answer: I am not aware of what certifications were or were not made during the first Trump Administration.

Question 3: Did the lack of a joint certification during the first Trump Administration violate the law?

Answer: I am not aware of what certifications were or were not made during the first Trump Administration.

BEAD Program. The BIL requires that after the Assistant Secretary of Communications and Information approves a state’s final proposal in the BEAD Program, the Assistant Secretary “shall make available to the eligible entity the remainder of the grant funds allocated to the

eligible entity.” Three states have had their final proposals approved but no funds have been released.

Question 1: What provision of law allows DOC not to follow the clear text of the BIL and “make available” BEAD funds to the three states with approved plans?

Answer:. *If confirmed, I look forward to working with the Secretary, the leadership of NTIA, and counsel at the Department, to effectively implement the BEAD Program in an efficient and effective manner.*

SENATOR AMY KLOBUCHAR (D-MN)

1. For years, I've worked to combat the unfair dumping of foreign steel into the U.S. market—a persistent threat to Minnesota's iron ore industry and the communities that depend on it. While duties have been imposed on countries like China, we're now seeing exporters shift to third-party countries to transship or lightly process steel products in order to evade those trade remedies. To maintain a level playing field, our enforcement tools must keep pace with these increasingly sophisticated circumvention tactics.

- How would you ensure that the Department of Commerce robustly enforces anti-dumping and countervailing duty orders in cases where steel products are being routed through third countries to evade existing duties?

Answer: While this is not an issue I will directly oversee, if confirmed as General Counsel, I agree that we must defend U.S. businesses and workers, including the U.S. steel industry, against unfair trade practices. If confirmed, I will work with my colleagues at Commerce to help ensure that our antidumping and countervailing duty laws are enforced and that third countries are not being used to avoid existing trade requirements through transshipment schemes.

- Would you support strengthening the Department of Commerce's use of circumvention findings, including expanding investigations where there is credible evidence of transshipment or minor alterations to avoid duties?

Answer: Yes.

2. Last month, the U.S. Department of Commerce notified Manufacturing Extension Partnership (MEP) programs in 10 states that their grants would not be renewed. Additionally, the Department notified MEP programs with contracts up for renewal later in the year — including the Minnesota MEP partner, Enterprise Minnesota — to not submit applications for renewal until future notice.

- Do you commit to ensuring that congressionally appropriated funding for MEP is spent properly and in accordance with Congress's intent?

Answer: If confirmed, I commit to looking into the legal issues associated with the Manufacturing Extension Partnership programs.

SENATOR GARY PETERS (D-MI)

1. Were you aware of the decision to cancel the Manufacturing Extension Partnership renewals due April 1 before it was made?

Answer: No.

- a. Will you commit to advising the Secretary to provide certainty to MEP programs if confirmed?

Answer: If confirmed, I commit to looking into the legal issues associated with the Manufacturing Extension Partnership programs.

2. Were you aware of or did you provide any advice related to the decision to cancel the State Digital Equity Grants?

Answer: No. I was not aware of and did not provide any advice related to State Digital Equity Grants.

3. Without input from Congress, is it legal for the administration to simply cancel funding for authorized and appropriated programs like these?

Answer: If confirmed, I commit to looking into the legal issues associated with the Digital Equity Grants and I will advise my colleagues in the Department to follow the law.

4. If confirmed, will you advise the Secretary that it is legal to withhold funds from entities once a grant agreement has been signed and the funds are obligated?

Answer: If confirmed, I will advise colleagues in the Department of Commerce to uphold the U.S. Constitution.

SENATOR TAMMY DUCKWORTH (D-IL)

Question Topic: Refired Probationary Employees

Question 1: In March, the Department of Commerce reinstated a number of probationary employees after a temporary restraining order issued by the U.S. District Court of Maryland. However, after the temporary restraining order was lifted in April, the Department of Commerce refired many probationary employees.

- A. Last month, when the Department of Commerce refired probationary employees, did the Department of Commerce follow all applicable statutes and laws?

Answer: I have had no role in advising on or implementing Department actions regarding probationary employees.

- B. Last month, when the Department of Commerce refired probationary employees, did the Department of Commerce conduct any review of prior performance to determine whether employees should be refired?

Answer: I have had no role in advising on or implementing Department actions regarding probationary employees.

- C. Last month, when the Department of Commerce refired probationary employees, did the Department of Commerce review whether the firings would be detrimental to any essential functions of the department?

Answer: I have had no role in advising on or implementing Department actions regarding probationary employees.

- D. Last month, when the Department of Commerce refired probationary employees, were any supervisory employees consulted on whether to fire each probationary employee?

Answer: I have had no role in advising on or implementing Department actions regarding probationary employees.

SENATOR BEN RAY LUJÁN (D-NM)

1. The Bipartisan Infrastructure Law (BIL), also known as the Investment Infrastructure and Jobs Act (IIJA), or Public Law 117 – 58 was passed in 2021 on a bipartisan basis.

- a. Will you commit to implementing this law as written?

Answer: If confirmed, I will advise colleagues in the Department to follow the law.

2. Yes, or no, does Article III of the Constitution say, “[t]he judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish”?

Yes.

3. Did *Marbury v. Madison*, a Supreme Court Case from 1803 establish the principle of judicial review? Explain the principle of judicial review.

Answer: Yes. Judicial review permits courts to review the lawfulness of actions of the legislative and executive branches of government.

4. Yes or no, does the judicial branch have the sole power to declare a law unconstitutional?

Judicial review permits courts to review the lawfulness of actions of the legislative and executive branches of government.

5. The Digital Equity Act provides \$2.75 billion to establish three grant programs that promote activities consistent with the Act. They aim to ensure that all people and communities have the skills, technology, and capacity needed to reap the full benefits of our digital economy. President Trump declared these funds unconstitutional on Truth Social on Thursday May 8, 2025. The next day, on May 9, 2025, the states received notices that the Digital Equity Act was unconstitutional and their grants were terminated. Yes or no, does the President have the power under the United States Constitution to nullify entire sections of laws passed by Congress?

Answer: I have not been confirmed as the General Counsel for the Department, and I have not conducted a legal review of the Digital Equity Act. If confirmed, I will advise colleagues in the Department to follow the law.

- a. Yes or no, if confirmed, will you commit to reversing this unlawful action and release and distribute these funds?

Answer: If confirmed, I will advise colleagues in the Department of Commerce to follow the law.

6. Sec. Lutnick is calling on states to use the lowest cost option when building out broadband under the BEAD Program. Although satellite is cheaper and quicker to deploy in the short-term, it will be more expensive in the long-term. Fiber is considered the gold standard in

internet connection. Yes or no, do you support deprioritizing fiber in favor of fixed wireless or LEO satellites?

Answer: If confirmed, I look forward to working with the Secretary, the leadership of NTIA, and counsel at the Department, to effectively implement the BEAD Program in an efficient and effective manner

- a. Are you aware of any small LEO operators that satisfy IIA's 100/20 mbps speeds and low latency conditions?

Answer: I am not familiar with the specific capabilities of small LEO operators.

7. Earlier this month, Secretary Lutnick put out a statement saying that the Commerce Department is "revamping the BEAD program to take a tech-neutral approach that is rigorously driven by outcomes, so states can provide internet access for the lowest cost." Yes or no, do you support requiring states to overhaul and resubmit their BEAD plans?

Answer: I have not been involved in discussions or decisions related to revamping the BEAD program.

8. Did Joe Biden lawfully win the 2020 presidential election?

President Biden was sworn in as President on January 20, 2021.

9. Did Donald Trump lawfully win the 2024 presidential election?

President Trump was sworn in as President on January 20, 2025.