

**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
David Fogel

RANKING MEMBER MARIA CANTWELL (D-WA)

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.

Mr. Fogel, you have also voiced support for the CHIPS Act in the past, writing in an April 2023 piece for the *Atlantic Council*, “The actions taken to cut off China’s external supply chain for semiconductors, combined with the attempt to bolster US semiconductor manufacturing under the CHIPS Act, represents the complex nature of how best to combat China.”

Question 1: Mr. Fogel, why do you believe the CHIPS and Science Act is so important to these efforts?

Answer:

I agree with President Trump and Secretary Lutnick that the semiconductor industry is essential to our national and economic security as well as our technological competitiveness.

Question 2: Yes or no: Do you oppose getting rid of the CHIPS Act? If not, please explain.

Answer:

If confirmed, I will support the efforts of President Trump and Secretary Lutnick to ensure America’s technological competitiveness.

Tariffs. Mr. Fogel, the Trump Administration’s start-and-stop approach to tariffs is giving American families and businesses economic whiplash. American companies—especially small- and mid-sized businesses—need certainty and predictability in order to survive and thrive.

During your Senate Banking hearing, you made clear that you support this Administration’s tariffs agenda. But you acknowledged that even in the best-case scenario, it will, quote, “take time” for U.S. companies to adjust.

Mr. Fogel, let me tell you: American small businesses don’t have the luxury of “time.”

Question 1: Mr. Fogel, as someone who supports this Administration’s tariffs agenda, how much “time” are you willing to force American businesses to endure before there is certainty around these misguided tariffs?

Answer:

If confirmed, I will support the efforts of President Trump and Secretary Lutnick to rebalance our trading relationships.

Question 2: Do you acknowledge that this Administration's current tariffs agenda risks undermining U.S. exports and the ability for U.S. firms to access foreign markets, which you would be tasked with promoting if confirmed?

Answer:

If confirmed, I will support the efforts of President Trump and Secretary Lutnick to ensure America's competitiveness.

Question 3: Do you agree that retaliatory tariffs on American goods—which countries have already threatened—would make your job harder? If no, please explain.

Answer:

See above.

Question 4: Senator Grassley and I recently introduced the Trade Review Act of 2025, a bill that would reassert Congress's constitutional control over tariffs. This bill would require Congressional approval for tariffs and help dial back Trump's unilateral trade war. Do you support this bill?

Answer:

I believe President Trump and Secretary Lutnick have done a remarkable job of highlighting the staggering trade deficit and insidious non-tariff trade barriers we have with the rest of the world. If confirmed, I look forward to working with Congress on efforts to help combat decades of unfair trade practices that have harmed American workers and businesses.

Question 5: As a lawyer, do you agree that Congress has constitutional authority over trade policy, including tariffs?

Answer:

If confirmed, I look forward to working with Congress, including on potential legislation and efforts to help combat decades of unfair trade practices that have harmed American workers and businesses.

Question 6: Are you aware of whether the Administration intends to use tariffs primarily as a revenue generating tool or for leverage as a negotiating tool? If yes, please detail your basis for this understanding.

Answer:

The Administration has made clear that tariffs imposed by President Trump serve multiple strategic purposes, including protecting our national and economic security, combatting large and persistent trade deficits that have harmed American workers, businesses, and communities,

and supporting negotiations for more fair and reciprocal trade agreements. This strategy has already shown clear results.

Question 7: Even Secretary Lutnick has acknowledged that tariffs will cause prices to increase for consumers. Given that, do you think retailers should be required to disclose the portion of their list prices reflecting the additional cost from tariffs?

Answer:

If confirmed, I look forward to advising the Secretary on matters within my portfolio.

Secretary Lutnick's Statements regarding Elon Musk. Mr. Fogel, serious concerns have been raised regarding Secretary Lutnick's compliance with federal ethics laws. On March 19, 2025, Secretary Lutnick went on national television and urged Americans to "buy Tesla" stock and said anyone who doesn't buy a Tesla robot "is going to be silly."

As I'm sure you know from your prior federal service, federal ethics rules generally prohibit federal officials from using their public office to endorse any product or service.

Question 1: Yes or no: If confirmed, will you pledge not to publicly call for Americans to buy stock in any of Elon Musk's companies? If not, why not?

Answer:

I will follow all ethics laws and regulations.

Question 2: Yes or no: If confirmed, will you commit not to favor Elon Musk's companies or products while you promote U.S. trade internationally?

Answer:

I will follow all ethics laws and regulations.

Question 3: Yes or no: Will you commit to fully complying with all federal ethics rules?

Answer:

Yes.

SENATOR GARY PETERS (D-MI)

1. If confirmed, you will play a key role at the Department of Commerce crafting trade agreements with foreign governments to ensure our nation's economic and national security. From polysilicon for solar panels to finished steel products to dried tart cherries, I've heard from stakeholders in my state that have been severely disadvantaged due to unfair dumping and countervailing practices by Chinese companies. My fear is that given this President's desire to continue to push this chaotic tariff strategy – coupled with the Administration's efforts to reduce the federal workforce – the enforcement mission of agencies like the I-T-A will be decimated and overlooked. Yes or No - if confirmed:
 - a. Do you commit to carrying out investigations and imposing duties in a fair and transparent manner?

Answer:

If confirmed, I look forward to advising the Secretary on matters within my portfolio.

- b. Do you commit to working with members of this committee, including myself, on trade issues raised by our domestic companies?

Answer:

If confirmed, I look forward to working with Congress on efforts to help combat decades of unfair trade practices that have harmed American workers and businesses.

2. President Trump's tariffs have rattled trade relationships with our allies and partners like Canada and others. These allies and partners have historically worked with us to counter unfair Chinese trade practices. This will be especially important as it relates to Chinese electric and other vehicles, which are flooding other major markets at artificially low prices.
 - a. Do you agree that we must maintain tariff and non-tariff trade barriers against Chinese connected and electric automobiles?

Answer:

If confirmed, I will support the efforts of President Trump and Secretary Lutnick to ensure America's competitiveness.

- b. Do you believe we must cooperate with partners and allies to counter China's quest for dominance in the automotive and other key manufacturing industries and what actions would you take in your role to ensure that occurs despite Trump's current tariff disputes?

Answer:

If confirmed, I will support the efforts of President Trump and Secretary Lutnick to ensure America's competitiveness.

SENATOR BEN RAY LUJÁN (D-NM)

1. A small business in New Mexico wrote to my office and said, “We serve a worldwide market. Globalized businesses like ours create a large trade surplus for the United States and New Mexico. While we spend hundreds of thousands of dollars in China each year, we bring in millions to the U.S. from Asia, Europe, Japan, and Canada. These tariffs will force us to raise our prices significantly and are likely to put us out of business.” How is the U.S. Commercial Service going to help New Mexican small businesses export their goods and services abroad, especially when their bottom line is harmed by retaliatory tariffs and tariffs on component goods?

Answer:

The U.S. Commercial Service plays an important role in helping all American businesses—including those in New Mexico—navigate foreign markets, identify opportunities, and overcome trade barriers. If confirmed, I will assess the Commercial Service’s ability to meet these goals and will look to continue and improve its efforts to support American exporters and workers. Helping businesses diversify export destinations, understand market conditions, and access federal resources can strengthen the global competitiveness of exporters and ensure that more communities benefit from expanded trade opportunities.

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

Answer:

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

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

Answer:

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