Questions for the Record to Mr. Daniel Huff
U.S. Senate Committee on Commerce, Science, and Transportation Committee
Full Committee Nominations Hearing
November 10, 2020

Written Questions Submitted by the Hon. Maria Cantwell to Mr. Daniel Huff.

Current Role at the International Trade Administration. In a letter to the Committee dated November 5, 2020, you noted that you are currently serving as Deputy Chief of Staff at the International Trade Administration (ITA) while also being detailed back to the White House as an Advisor in the Office of Presidential Personnel (OPP).

Question 1. Please detail your current responsibilities at ITA.

Answer. I am entirely focused on my White House detail and therefore not involved in the day to day operations of ITA.

Question 2. Please specify the amount of time, during your term as an employee of ITA, that you have spent working on matters at ITA and the amount of time you have spent working on matters at OPP.

Answer. I am focused entirely on the White House detail until it ends.

Question 3. As part of your detail at OPP, do you play any role in recommending or vetting any nominees, Schedule C, on non-career SES appointees for positions at the Department of Commerce? If so, please detail specific nominees you have been involved with including their names and the positions for which they have been considered.

Answer. My role at PPO is focused on legal issues and strategy. I am not involved in recruitment or vetting. However, I did pass on the resume of an acquaintance, Trey Mayfield, to the team that handles recruitment, and I believe he is now a lawyer in the GC’s office at Commerce.

Question 4. In your position at either ITA or OPP, have you been involved in the creation of any new Schedule C or non-career SES positions? If so, please list each position, when that position was created, and the name of the person (if any) currently occupying the position.

Answer. No.

Question 5. In your position at either ITA or OPP, have you been involved in the conversion of any Schedule C or non-career SES positions to positions in the career civil service. If so, please
list each position, when that position was converted, and the name of the person (if any) currently occupying the position.

Answer. No.

**Question 6.** Please explain your role, if any, in the vetting or hiring of Nathan Simington to serve as a Senior Advisor at the National Telecommunications and Information Administration (NTIA).

**Answer.** None. As noted above, I focus on legal issues and strategy at PPO.

**Question 7.** Please explain your role, if any, in the vetting of Nathan Simington in connection with his nominations to serve as Commissioner on the Federal Communications Commission (FCC).

**Answer.** As noted above, I focus on legal issues and strategy at PPO. However, I do recall that I sat in on his interview with PPO.

**Repeal of Fair Housing Rule at HUD.** Your resume indicates that, prior to assuming your current duties, you served as the General Deputy Assistant Secretary, Office of Fair Housing and Equal Opportunity, at the U.S. Department of Housing and Urban Development (HUD). In this position, your resume indicates that you “developed and oversaw key HUD policy initiatives featuring innovative approaches.”

**Question 8.** Please detail any role you had in the July 2020 repeal of a 2015 Obama Administration rule (the “Affirmatively Furthering Fair Housing” or AFFA” rule) that required communities receiving housing grants to take steps to eliminate segregation in their communities.¹ Under the new rule, communities would be allowed to just self-certify these efforts.²

**Answer.** I helped advise on and draft the rule. I recognize that not everyone agrees with it, but the legal and policy justifications set forth in the rule’s preamble are persuasive.

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² Id.
Transparency in the Release of Scientific Information and Data. On October 27, 2020, the *New York Times* reported that the Department of Commerce issued a memorandum in August 2020 that prohibits the release of any “internal or external communications” unless they are “approved by political staff at the department at least three days before being issued.”

According to the article, this policy applies to “social media posts, news releases and even agencywide emails.”

**Question 9.** Please detail any role you had in the drafting of this memorandum.

*Answer.* None.

**Question 10.** Please detail any role you currently have, either in your position as Deputy Chief of Staff at ITA or as an Advisor in OPP, in the enforcement of the policy in this memorandum.

*Answer.* None.

**Question 11.** Does the policy announced in this memorandum also apply to communications, including e-mails and telephone calls, with Members of Congress or Congressional staff?

*Answer.* Because I am not involved in enforcing it, I am afraid I am not in a position to provide the answer to this. However, if confirmed, I would be pleased to work to get you a prompt reply.

**Question 12.** Does this memorandum have any exceptions that allow for Department employees to exercise their whistleblower rights with regard to the Office of Inspector General or Congress?

*Answer.* Because I am not involved in enforcing it, I am afraid I am not in a position to provide the answer to this. However, if confirmed, I would be pleased to work to get you a prompt reply.

**Question 13.** Please provide a copy of this memorandum. If you refuse to provide the memorandum, or any portion thereof, please provide a detailed explanation of this refusal, including the any specific privilege you are invoking and the name of the official directing you to invoke such privilege.

*Answer.* I understand that the Department is waiting for a formal request by letter from Ranking Member Cantwell for the memorandum. I appreciate why that formality may frustrate you, but because I am not yet confirmed, and the President’s term is almost over, I have no leverage to pressure the Department to release it otherwise. That said, if confirmed, I would do my utmost to get you the document promptly.

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