

## **Senate Commerce Committee Nominee Questionnaire, 116<sup>th</sup> Congress**

Instructions for the nominees: The Senate Committee on Commerce, Science, and Transportation asks you to provide typed answers to each of the following questions. It is requested that the nominee type the question in full before each response. Do not leave any questions blank. Type “None” or “Not Applicable” if a question does not apply to the nominee. Return printed answers to Committee. Begin each section (i.e., “A”, “B”, etc.) on a new sheet of paper.

## A. BIOGRAPHICAL INFORMATION AND QUALIFICATIONS

1. Name (Include any former names or nicknames used): Michael John Walsh, Jr. (Mike)

2. Position to which nominated: General Counsel, Department of Commerce

3. Date of Nomination:

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

Home: 

Work: 1401 Constitution Avenue, NW, Washington, DC 20230

5. Date and Place of Birth: September 21, 1977; Waterbury, CT

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

Emily Walsh, N/A



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

Boston College, B.A., 1999

Columbia Law School, J.D., 2002

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

Brenner Saltzman & Wallman, LLP, Summer Associate (2000, 2001)

Hale & Dorr, LLP, Summer Associate (2001)

Hunton & Williams, LLP, Associate (2002)

O'Melveny & Myers LLP, Associate (2003-2007), Counsel (2008-2012), Partner (2012-2018)

U.S. Department of Commerce, Deputy General Counsel (January 2018-October 2018)

U.S. Department of Commerce, Chief of Staff (October 2018-August 2019)

U.S. Department of Commerce, Chief of Staff; Performing the Delegated Duties of the General Counsel (August 2019-present)

Beginning at O'Melveny & Myers and continuing through the present, all of my employment involved managing large teams of lawyers. As Deputy General Counsel at the Department of Commerce, I, along with the then-General Counsel, managed the Office of General Counsel. As Chief of Staff at the Department of Commerce, I manage the Office of the Secretary and together with the Deputy Secretary, I am responsible for overseeing all of the Department's component bureaus on behalf of the Secretary of Commerce.

9. Attach a copy of your resume.

Attached.

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

None.

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

I was an equity partner at my former law firm, O'Melveny & Myers LLP, from February 1, 2012 through January 7, 2018.

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization. (For this question, you do not have to list your religious affiliation or membership in a religious

house of worship or institution.). Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or disability.

Hidden Creek Country Club, Reston, VA (2008-2011)

Army Navy Country Club, Arlington and Fairfax, VA (2011-present)

Barefoot Resort & Golf Club, North Myrtle Beach, SC (2013-present)

These clubs do not restrict membership on the basis of sex, race, color, religion, national origin, age, or disability.

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

No.

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

In 2016, I volunteered to assist the president's campaign with vetting potential Vice Presidential candidates. I also provided volunteer assistance to the transition team.

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

I have not made any political contributions to any individual, campaign organization, political party, or similar entity over the past 10 years. I did contribute \$1,120 to my former law firm's political action committee between April 2013 and December 2016.

16. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

I received scholarships from the Waterbury Country Club, the Knights of Columbus and the Middlebury Lions Club for my undergraduate studies at Boston College. I graduated from Boston College magna cum laude. I also received a partial merit scholarship to attend Columbia Law School.

In private law practice, I received the following recognitions and awards:

Super Lawyers, Rising Star, 2013-2018

Legal 500, Leading Lawyer, Securities: Shareholder Litigation, 2015-2018

Friend of Children (for pro bono work), Justice for Children, 2011

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

Seth Aronson, Robert Stern, and Michael Walsh, "Courts Deny Plaintiffs Over Section 304 Suits," *International Financial Law Review*, March 2006.

Jeffrey Kilduff, Robert Stern, Michael Walsh, and Julia Schiller, "Digimarc: The Final Nail in the SOX 304 Coffin," *Securities Law 360*, January 2009.

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

LinkedIn: <https://www.linkedin.com/in/mike-walsh-8563ab>

Twitter: @m\_j\_w\_j\_r

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

None.

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

I have served at the Department of Commerce since 2018. As Deputy General Counsel, Chief of Staff, and now performing the duties of the General Counsel, I oversee all mission critical legal matters within the Department, including litigation, export enforcement, AD/CVD and other trade compliance issues, GDPR, CFIUS, and supply chain risk management. I provide legal and strategic advice to the Secretary, Deputy Secretary, and other senior Department leaders. I also coordinate closely with other senior lawyers in the executive branch through the interagency process. I am deeply familiar with the operations of the Office of General Counsel and the Department.

In private practice, I provided clients with strategic legal advice on cutting edge legal issues. If confirmed, I look forward to continuing to do so at the Department of Commerce.

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

The role of the General Counsel is to provide legal advice to support the strategic vision and policies set by the Secretary of Commerce as informed by the President's agenda. If confirmed, I will ensure that the execution of this strategic vision complies with the law. Proper management and accounting controls are critical to the health of any large organization, and, if confirmed, I will continue to work with the Secretary, Deputy Secretary, and Chief Financial Officer to ensure those controls are maintained and remain strong.

I have managed large teams of people for more than a decade, first as counsel and partner at my former law firm, and next as Deputy General Counsel and Chief of Staff at the Department of Commerce.

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

The top challenge facing the Department is conducting a complete and accurate 2020 Decennial Census in the face of unprecedented attempts to misinform the public and disrupt or otherwise undermine the count. The Department must successfully implement and integrate all operations and information technology systems and complete non-response follow up operations in an uncertain environment as the federal government battles the COVID-19 virus. The Department must also ensure data quality, motivate hard to count populations to respond, and effectively monitor contracts to validate performance, control costs, and achieve 2020 Census goals.

Second, the Department must continue to pursue free, fair, and reciprocal trade policies for the United States. The continued focus on anti-dumping and countervailing duties investigations alongside the Department's trade promotion efforts will continue to reinvigorate domestic industry and provide economic prosperity for all Americans.

Third, the Department must continue to refine existing processes and personnel allocation to continue to ensure protection of economic and national security. From the administration of the Section 232 exclusion process to the implementation of ECRA and FIRRMA, the Department must continue to ensure it is well placed to protect our nation's economic and national security.

## **B. POTENTIAL CONFLICTS OF INTEREST**

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

I do not have any financial arrangements, deferred compensation agreements, or other continued dealings with my former law firm. I rolled my former employer sponsored Keogh retirement account into an IRA in 2018.

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

No.

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

I am not aware of any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which I have been nominated.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

Under the Trump Administration Ethics Pledge, I was subject to a two-year bar on participating in matters directly involving my former law firm and my former clients. That bar expired on January 8, 2020.

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

In connection with the nomination process, I have consulted with the Office of Government Ethics and Department of Commerce ethics officials to identify any potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of my ethics agreement. I understand that my ethics agreement has been provided to the Committee. I am not aware of any potential conflict of interest.

6. Describe any activity during the past ten years, including the names of clients represented, in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

None.

## C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group? If yes:
  - a. Provide the name of agency, association, committee, or group;
  - b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
  - c. Describe the citation, disciplinary action, complaint, or personnel action;
  - d. Provide the results of the citation, disciplinary action, complaint, or personnel action.

No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain.

In approximately June 2011, I was charged with violating Virginia Code 46.2-862 for traveling 81 mph in a 70 mph zone. The charge was reduced to “defective equipment,” a non-criminal, non-moving, non-point violation on August 2, 2011.

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain.

No.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain.

No.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain.

No.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination.

None.

#### **D. RELATIONSHIP WITH COMMITTEE**

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

Yes.

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

Yes.

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

Yes.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?

Yes.

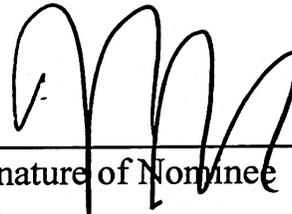
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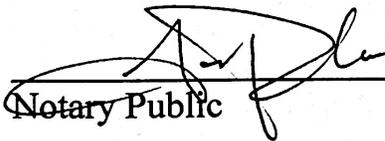
(Nominee is to include this signed affidavit along with answers to the above questions.)

**F. AFFIDAVIT**

Michael J. Walsh, Jr. being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.

  
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Signature of Nominee

Subscribed and sworn before me this 6<sup>th</sup> day of May, 2020.

  
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Notary Public

