

Testimony of Leslie B. Kiernan
Nominee for General Counsel, U.S. Department of Commerce
April 21, 2021
Before the Senate Committee on Commerce, Science and Transportation

Chair Cantwell, Ranking Member Wicker, and Members of the Committee, I am honored to appear before you today as President Biden's nominee to serve as General Counsel of the Department of Commerce. I am grateful for and humbled by the trust and confidence that President Biden and Secretary Raimondo have placed in me. If confirmed, I will work hard to justify that trust. I would also like to thank the Committee for considering my nomination, and I appreciate the opportunity I have had to meet with members of your staff before this hearing.

I also want to thank my husband Paul and our four children, Caroline, Kate, Christopher, and William for their encouragement and support.

The Department of Commerce has approximately 47,000 employees working across a wide range of offices and bureaus. The people of the Commerce Department are working on communications policy, international trade, weather, fisheries, and patents. They help foster innovation by setting standards and conducting foundational research. They are united by the mission of promoting the conditions for economic growth and opportunity. Their work touches the lives of every American—probably every day.

The Department's ability to fulfill its mission is critically important as the country seeks to recover from the economic damage caused by the pandemic and to protect American competitiveness from the unfair trade practices from China and other nations.

Together with the more than 300 career lawyers and other professionals who make up the Office of General Counsel, the Commerce Department General Counsel plays a critical role in advancing the Department's mission by providing high-quality legal advice and counsel to the Secretary and officials throughout the Department. As the Department's Chief Legal Officer, the General Counsel is responsible for ensuring that the laws Congress has enacted are faithfully implemented and enforced. The General Counsel represents the Department before other agencies, works with the Department of Justice to represent the Commerce Department in court, and provides leadership, guidance, and support to the many talented and committed lawyers who work at the Department.

I believe my experience in the private sector and in government has prepared me for this position and given me an understanding of the appropriate role of a General Counsel. I have worked for over 30 years in private practice and in government. Early in my career I worked on the staff of the House Committee on Banking, Finance, and Urban Affairs. I have private practice and government experience in a wide range of legal matters, providing leadership and advice on litigation, enforcement, ethics, and compliance.

I also had the privilege of serving as Deputy Counsel to the President in the Obama-Biden Administration, where I provided advice on a variety of legal, policy, and oversight issues and worked closely with the general counsels and other senior lawyers of departments and agencies through the government. I have seen how important it is that agencies work together and that everyone is guided by doing what the law and the Constitution require. Rigorous legal analysis and good lawyering are essential if government is to work best for the people.

Through my experiences in government and in the private sector I have learned a lot about leadership, problem-solving, and the importance of collaboration. I am a strong believer in the importance of teamwork and, if confirmed, pledge to seek opportunities to work closely with this Committee and to be responsive to your requests for information and assistance.

This is a particularly interesting and exciting time to work in the Commerce Department as it supports innovation and opportunities for all Americans and businesses. The Department requires and deserves the best possible legal advice as it navigates the challenges it faces and the opportunities it is presented. If confirmed, I commit to you that I will do my best to provide that advice and counsel.

Thank you again for the opportunity to appear before you. I look forward to your questions.