

U.S. Senator Maria Cantwell

Opening Statement at Senate Commerce Committee Hearing entitled, "Nominations Hearing."

Witnesses: The Honorable Bill Nelson, to be National Aeronautics and Space Administration Administrator,

Ms. Lina Khan, to be Commissioner of the Federal Trade Commission

Ms. Leslie Kiernan, to be General Counsel of the Department of Commerce

April 21, 2021

Cantwell: The Commerce, Science, and Transportation Committee will come to order. I want to welcome all our witnesses joining us today. Today is a very important hearing date, we are going to be joined by, obviously welcoming back our colleague, and former colleagues. Both Senator Nelson in his position to be nominated as NASA Director and our former colleague, Senator Hutchison who I think is going to join us virtually. So, I can't think of two more active members, ranking members in the past on this committee, so we certainly welcome them. And certainly we have our former Commerce Secretary who's going to be joining us virtually. So, it's a very big Commerce day for those of us in the Commerce family and long standing members of this committee to see our colleagues and people we've worked with on so many policy issues. And obviously a lot of enthusiasm by members who want to join in in support these nominations, so we'll be joined by a variety of senators here and Senator Rubio, who is with us already.

So, I want to say welcome to the families, to Grace and Nan, and to all of those who are here to discuss today's nominees. We're covering everything from the digital and natural, to the commercial worlds, and into space today, so a very broad topic area. And we are going to be talking a lot about innovation. First, I'm pleased to consider the nomination of a dear friend, Bill Nelson, to be NASA Administrator. I welcome you, as I said, your wife Grace and daughter Nan, you will be formally introduced by Senator Rubio and our former colleague Senator and Ambassador Hutchison. But first I'd like to say a few words.

Senator Nelson has been a leader in space policy and has been an integral driver of NASA strategic direction for decades. His commitment to public service and passion for space policy has been long known and makes him an incredible choice for this important role. He has a well respected legacy on space policy, and that has, I think, today led to an endorsement by a litany of individuals, including former NASA Administrator Jim Bridenstine, Senator Rubio, Senator Hutchison, and many others. His reputation as a tireless advocate for the space program is well deserved. And at this moment NASA needs a great advocate that we all can be competent in. Today NASA is at a critical juncture on the Artemis program, we are working towards an eventual crewed mission to Mars, where no nation has gone before, and right now we need certainty, it's paramount for the agency. And we need steady thoughtful leadership, and undoubtedly I think you will fit that role well. I have to say I was surprised last week about the Human Landing System Development contract but I'll ask questions about that, and I have questions about how we reduce risk management in general at NASA. Also important in innovation, and a leader, I believe, are important things on the endless technological possibilities that we see at NASA. I have to say as a senator from a state that has now been dubbed the "Silicon Valley of space," I welcome you to come and visit the Pacific Northwest. And I also would say, while you're there you can look at the various aeronautics issues that are part of NASA's mission as well. Aeronautic research and development is a very important aspect of the NASA mission. So, I look forward to hearing your comments, Senator Nelson, on all of those issues. And I hope that we will get a chance to work together on these important missions.

Next, we will hear from Lina Khan, nominated to be the Commissioner for the Federal Trade Commission. I understand your husband Shah Ali and your parents Tariq and Ulya are here, very much welcome you, if you're out there, thank you. Oh there you are, you look too young parents, okay. She will be fully introduced by Senator Blumenthal, but first I want to briefly speak about Ms. Khan's, dedication and her qualifications in this important role that she will be nominated to fill. Lina Khan is Associate Professor of Law at Columbia Law School. Her scholarship has received several awards and has been published by Yale Law Review, Harvard Law Review, Columbia Law Review, University of Chicago Law Review. Previously, Ms. Kahn served as an adviser to the FTC Commissioner Chopra, and counsel to the House Judiciary Committee Subcommittee on Antitrust, Commercial, and Administrative Law. As Commissioner of the FTC, Ms. Kahn will serve as the nation's, one of the nation's leading antitrust officials and consumer advocates. One of the key questions where the leadership of the FTC is, I believe, how do you fulfill that mission that the FTC has: to protect consumers in the information age, a very big challenge. We know that Section Five of the FTC on unfair and deceptive practices for competition, and in an information age how much that's been challenged. So, we look forward to exactly how you can help us keep on track on the support mission. In 2011, John Perry Barlow observed as he watched Google and Facebook establish dominance, "if you're not paying for it, you're the product." I think we all have to absorb exactly what that has meant for all of us over the last decade. I believe in the promise of the internet and the information age, but I also believe that we need a policeman, or in this case a policewoman, on the beat. We need to make sure these markets function and function correctly, and that is what a major role of the FTC is, obviously in partnership with DOJ. As an American legal scholar, Lina Khan has been following anti-monopoly research for years, and she has become one of the leading legal experts on these issues. So I think it would do all of us a great deal of good to have her on the FTC. So, I'm grateful for your willingness to serve and the important work that you've done in the past.

Finally, I'm pleased to consider the nomination of Leslie Kiernan, who President Biden nominated to be General Counsel for the Department of Commerce. She's accompanied by her husband Paul Kiernan, welcome, and former Secretary of Commerce, as I mentioned earlier Penny Pritzker will be providing a formal introduction for Ms. Kiernan. But I'd like to also say a few words about her experience. Ms Kiernan has decades of experience representing and providing counsel for big public and private entities, both big and small. During the Obama administration, she served as White House Deputy Counsel to the President, where she advised on a wide range of compliance risk management policy oversight issues. In addition to our government service, she has worked for 20 years as a litigation partner at a national law firm and serves on the board of the Children's National Medical Center, a nationally recognized Children's Hospital here in D.C.. So, her confirmation comes at a time when the Department of Commerce is undertaking a very big task as it relates to our competitive avenues with the President's Build Back Better plan, and with the economic challenges of an information age, in a global economy, responding to a COVID pandemic. So, all of those things are big cross currents, so whether it's providing COVID-19 relief, including commercial and charter and tribal fishermen issues as one of the things you'd have to deal with, or administering and bolstering the new broadband program, the Minority Development Agency, or many of the other roles that Commerce might be given in the next several weeks, this will be a very big challenge. But simply put, we need the role of the U.S. Department of Commerce in our economic recovery to be as robust as possible and I'm confident your nomination will help us do that. As General Counsel, your most important job, I believe, though, will be to protect the scientific integrity of our agencies, to keep politics out of science and decision making, and to make sure that we continue to make progress on good science. Science is what holds all of us together, when we have to make difficult decisions. So, you have much experience here, decades of interpreting these laws and analysis, so I look forward to those issues and I just might note, the NOAA oversight of the Commerce Department, there are a lot of science and legal issues. And so we look forward to your input

and oversight of that. So, with that I'll turn to my colleague Senator Wicker, who's joining us remotely today.