

Before the  
Committee on Banking, Housing and Urban Affairs  
United States Senate

Statement of  
David W. Mills  
Nominee for  
Assistant Secretary for Export Enforcement  
United States Department of Commerce

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Chairman Dodd, Ranking Member Shelby, and Members of the Committee, I am honored to appear before you today as the President's nominee for the position of Assistant Secretary of Commerce for Export Enforcement. The President has my heartfelt gratitude for the trust and confidence he has placed in me. I would also like to express my appreciation to Secretary Locke, with whom I look forward to serving if confirmed for this position. I would be remiss if I did not also thank my parents, Eugene and Dorothy Mills of Lee, New Hampshire, for their unstinting and unwavering love and support over the course of my life, without which I would not be before you today.

I had the privilege of starting my first permanent position with the executive branch at the Department of Commerce, and served there as an Attorney/Advisor at the Bureau of Export Administration beginning in 1985. At that time, I had the opportunity to assist in the implementation of the 1985 amendments to the Export Administration Act, as well as the implementation of the South African Anti-Apartheid Act in 1986. I am delighted at the prospect of returning to this agency should I be confirmed, and in assisting its able and dedicated personnel in carrying out their continuing mission that is so vital to our national security.

If given the opportunity to serve in the capacity for which I have been nominated, I also look forward to drawing upon the experience I gained during the eighteen years I served at the

Office of Foreign Assets Control of the U.S. Treasury Department. As a member of OFAC's Chief Counsel's Office, I provided legal support and review for licensing, interpretive, and enforcement matters arising under the various economic sanctions programs for which I was responsible, working closely with Department of Justice attorneys in both the Civil and Criminal Divisions. I also served as OFAC's Chief of Policy Planning and Program Management. In that role, I was responsible for reviewing all warning letters, penalty actions, and settlements of alleged sanctions violations, and for preparing recommendations on the disposition of enforcement matters for the Director. I also supervised the drafting and issuance of OFAC's first set of comprehensive economic sanctions enforcement guidelines in 2003, as well as the semi-annual reports to Congress on the administration and enforcement of sanctions programs.

As Chief of Licensing at OFAC, I gained invaluable managerial experience ensuring the timely response to requests for licenses and interpretive rulings, coordinating interagency review when required, and reducing an initial backlog of licensing requests from 1,400 to 100 pending cases. In 2005, I was awarded the Meritorious Service medal by the Secretary of the Treasury. If confirmed, I look forward to the opportunity to coordinate compliance and enforcement efforts with my former agency, as well as other agencies with important roles to play, including the Departments of Justice, Homeland Security, State and Defense.

More recently, since 2007, I have worked in private practice first at Baker, Donelson, Bearman, Caldwell & Berkowitz, a regional law firm present in five southern states and DC, and then at DLA Piper, a global law firm with a presence in more than 60 cities throughout the United States and in more than 25 countries. Through my participation in several extensive internal investigations involving both civil and criminal matters, I have gained a deeper appreciation of the challenges that companies face, most of which are attempting in good faith to

comply with often complex regulatory regimes. I believe that the enforcement of those regimes must not only be fair and firm, but also as clear and transparent as possible, in order to advance both our national security and foreign policy interests and our economic potential through export promotion. Finally, in those instances where good faith is not a factor, I commit to vigorously enforcing our nation's laws to ensure that those who flout the rules are caught and punished.

Thank you again for this opportunity to appear before you. I would be pleased to respond to any questions you may have.