

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

**Statement of
Eric L. Hirschhorn,
Nominee for
Under Secretary for Export Administration
United States Department of Commerce**

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Chairman Dodd, Ranking Member Shelby, and Members of the Committee, I am honored to be here today. I appreciate the expression of confidence in me by President Obama and Secretary Locke, and I am hopeful that I can gain your confidence as well. I want to thank the Committee members and staff for making time for this nomination hearing in the midst of a busy legislative session. Should I be confirmed, I look forward to continuing to work with you.

At the outset, I'd like to introduce my wife, Leah Wortham, who teaches law at Catholic University here in Washington; our son, Alex Hirschhorn; and my brother-in-law, Henry Howard. Our two daughters, Elizabeth and Anne, and my sisters Victoria and Jessica, are out of town and so cannot be with us. My family's support is very important to me.

I had the privilege of working on export control, antiboycott compliance, and Defense Production Act issues at the Department of Commerce in 1980 and 1981, so this would be a return for me. I found the career staff who administer the system—not only at Commerce but also the other involved agencies—to be extremely capable and one hundred percent committed to the interests of our country. Should I be confirmed, I will be delighted to be working with them again.

As Secretary Locke has noted, the Bureau of Industry and Security, or BIS, “has a unique mission at the intersection of international trade and national security.” Working closely with the Departments of State, Defense, and Energy, BIS evaluates thousands of export license applications each year to ensure that items proposed to be sold abroad are going to suitable end users for appropriate end uses. Getting this right is *very* important. It is equally important to have an enforcement program ensuring that those who flout the rules are caught and punished. I am committed to ensuring that BIS does the best possible job of performing these important functions as well as overseeing its important role in ensuring an effective treaty compliance system and promoting continued U.S. leadership in strategic technologies.

Further, President Obama has asked the agencies to take a hard look at the existing system in an effort to see whether it can be improved consistent with our national security. Of course, this Committee will be involved significantly in that process. I hope you will give me the opportunity to help carry it out.

Since leaving the government for private law practice, I have spent a good deal of my time advising clients whose activities are subject to United States export control and embargo regulations. My practice also has included considerable litigation, much of it involving railroad issues. I also have served as an internal ethics counselor for my law firm, and as a member of the D.C. Bar’s Ethics Committee and Rules Review Committee.

Most of my export control and embargo practice has involved explaining how the often complex regulations work, analyzing whether a proposed course of action requires advance government permission, and, if a license is required, assisting the client in preparing the application. I have assisted clients with their internal compliance programs and have represented some regarding enforcement issues. I also have acted as an advocate for clients who believe that

our export control system can be improved. I frequently have written and spoken in the area; my writings include a number of articles and a book whose third edition will be published early next year. I think this experience will help me in what I hope will be my new job.

If confirmed, my goal will be to perform this job competently and objectively. That includes hearing and considering all viewpoints.

I recently read the remarks that my law school's dean delivered to this fall's incoming class. He spoke of two "fundamental truths." "First," he said, "excellence is its own reward." Second, "integrity is the bedrock of any successful career." I promise that if confirmed, I will strive to bring those qualities to my work.

Again, thank you. I would be pleased to respond to any questions you may have.