

Statement by Scott Blake Harris
Before the Senate Committee on Energy and Natural Resources
April 23, 2009

Mr. Chairman, Senator Murkowski, distinguished Members of the Committee, thank you for considering my nomination and for the opportunity to appear before you today.

Let me begin by expressing my sincere appreciation to President Barack Obama for his confidence in asking me to be part of his Administration as General Counsel of the U.S. Department of Energy. I am honored to have been nominated.

I also want to thank Secretary Steven Chu for asking me to serve as counsel to the Department of Energy. Secretary Chu is an extraordinary scientist and an extraordinary man. I would be thrilled to have the opportunity to advise him and his management team as they develop and implement policies needed to make our country more energy secure while, at the same time, preserving and protecting our environment.

As you know, the General Counsel is responsible for providing legal advice and counsel to the Secretary, Deputy Secretary, and all operating DOE units (except for the Federal Energy Regulatory Commission), for effectively representing the Department as counsel before other Federal governmental agencies, and for working with the Department of Justice to represent the agency before the courts. Most importantly, the General Counsel assures that the Department operates in compliance with all applicable laws and regulations.

Mr. Chairman, I come before this Committee with what I believe is the experience necessary to allow me to handle the challenges of the general counsel position for which I have been nominated.

I have practiced law in Washington for thirty-three years, both in the private sector and in the government.

I have been a partner at two large firms, Williams & Connolly and Gibson Dunn & Crutcher. Eleven years ago I started my own law firm, Harris, Wiltshire & Grannis, and have been the managing partner since its inception.

I have also spent several years – the most rewarding years of my career – in the government. I worked for a federal judge, the Hon. Gerhard A. Gesell, immediately after graduating from law school. Following sixteen years in private practice, I served as Chief Counsel for Export Administration at the U. S. Department of Commerce, and then as the first Chief of the International Bureau at the Federal Communications Commission.

In these various positions in both the private and public sectors, I've had a great deal of experience with litigation, administrative law, trade law and national security law.

More importantly for the position to which I have been nominated, I have spent the last sixteen years working at the intersection of law, technology, and policy. The core of my experience over the last decade and a half is in providing legal advice to scientists, engineers and policy-makers. Additionally, I have managed divisions of key federal agencies at moments when they simply had to step up their game.

The result of practicing law as long as I have, in the public and private sectors, in as many different areas as I have, is that there are few issues I am likely to encounter that I have not seen before in one guise or another.

While the words of the relevant statutes may vary, the key issues of statutory interpretation are remarkably alike. And regardless of the federal agency involved, I have learned that a deep respect for Congress and the laws it creates, including, critically, the Administrative Procedure Act, provides the public with important safeguards against arbitrary government action. This means, as I long ago learned, that to provide good counsel, sometimes you have to tell clients – whether in the private sector or the public sector – what they might not want to hear. I know from both inside the government and outside the government how important it is that agencies act within the law at all times in all things, large and small, and how important legal counsel is in making that happen.

Simply put, a good general counsel needs more than a good mind and good training. A good general counsel must have the experience, wisdom and strength to provide unwelcome advice.

In summary, if confirmed, I will bring to the Department of Energy a wide range of experience in a variety of legal disciplines, all of which will allow me to provide the agency with informed, clear and direct advice – and, above all, advice which is faithful to the laws that Congress has enacted.

Finally, I understand how important it is for government agencies to have open and honest lines of communication with the Congress. If confirmed, I hope to have many opportunities to work closely with you and members of your staffs over the next few years.

Mr. Chairman, I want to thank you and the committee once again for this opportunity to appear before you and I am prepared to answer any questions you may have.