

September 28, 2021

Ms. Thea D. Rozman Kendler  
Assistant Secretary of Commerce Designate  
United States Department of Commerce  
1401 Constitution Ave. NW,  
Washington, DC 20230

Dear Ms. Kendler:

Thank you for testifying before the United States Senate Committee on Banking, Housing, and Urban Affairs on September 21, 2021, at the nominations hearing.

To complete the hearing record, we would appreciate your answers to the enclosed questions by September 28, 2021 at 12:00PM. When formatting your response, please repeat the question, then your answer, single spacing both question and answer. Please do not use all capitals.

Send your reply to Mr. Cameron Ricker, the Committee's Chief Clerk. He will transmit copies to the appropriate offices, including the Committee's publications office. Due to current procedures regarding Senate mail, it is recommended that you send replies via e-mail in a Microsoft Word or PDF attachment to [Cameron.Ricker@banking.senate.gov](mailto:Cameron.Ricker@banking.senate.gov).

If you have any questions about this letter, please contact Mr. Ricker at (202) 224-5587.

Sincerely,

Sherrod Brown  
Chairman

SB/cr

**Committee on Banking, Housing, and Urban Affairs  
Nominations Hearing  
September 21, 2021**

**Questions for Ms. Thea D. Rozman Kendler, of Maryland, to be an Assistant Secretary of Commerce, from Chairman Sherrod Brown:**

- 1) Where have you excelled in past positions in attracting, hiring, and promoting people of color in positions in your organization/s? Where might there be room for improvement?
- 2) What specific measures will you use to evaluate the success of the U.S. Department of Commerce in understanding and addressing the needs of Black, Indigenous and people of color (BIPOC)? And, will you work with the Secretary and senior officials to keep Congress apprised, as appropriate, on the progress being made on these measures?
- 3) What is your plan for creating an inclusive working environment for employees within your office?

**Answer (for questions 1-3): I began working on export controls in September 2001 in private legal practice, then for ten years in the Chief Counsel’s Office for the Bureau of Industry and Security (BIS), and for the last seven years, in the Counterintelligence and Export Control Section of the Justice Department’s National Security Division. Throughout my career, I have committed myself to diversity, equity and inclusion in the workplace.**

**I support President Biden’s “Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce” and “National Security Memorandum on Revitalizing America’s Foreign Policy and National Security Workforce, Institutions, and Partnerships,” and I share President Biden’s and Secretary Raimondo’s commitment to the values of equal opportunity, diversity, equity and inclusion. If confirmed, I will work with our leadership team to actively advance equity, civil rights, racial justice, and equal opportunity for all employees and applicants, by implementing measures to root out systemic racism and strengthen civil rights programs while building trust within and outside of BIS.**

Committee on Banking, Housing, and Urban Affairs  
Nominations Hearing  
September 21, 2021

**Questions for Ms. Thea D. Rozman Kendler, of Maryland, to be an Assistant Secretary of Commerce, from Ranking Member Patrick J. Toomey:**

*Congressional Oversight*

- 1) Please provide your philosophy on how the Office of the Assistant Secretary for Export Administration at the Department of Commerce (Commerce) will approach and respond to Congressional information requests (both for documentary information and oral testimony), if you are confirmed.

**Answer: I respect the oversight role of the Senate Banking, Housing, and Urban Affairs Committee and the Congress as a whole, and take the statutory requirements of the Export Control Reform Act of 2018 (ECRA) seriously. My understanding is that information submitted or obtained in connection with export license applications is subject to Section 1761(h) of ECRA, and that requests for information protected from disclosure by 1761(h) of ECRA are honored when appropriately submitted by either the Chair or Ranking Member of a committee or subcommittee of appropriate jurisdiction. If confirmed, I will work diligently to expeditiously comply with appropriately submitted requests by Members of Congress consistent with the constitutional and statutory obligations of the executive branch.**

- 2) If confirmed, do you intend to respond to information requests differently depending on who is making the Congressional information request (whether it's the chair of the Congressional committee, the ranking member, or another member of Congress)? Please answer "yes" or "no." If your answer is "yes," please explain.

**Answer: I deeply respect the oversight role of the Senate Banking, Housing, and Urban Affairs Committee and the Congress as a whole and will respond to requests for information, consistent with the constitutional and statutory obligations of the executive branch. It is my understanding that information submitted or obtained in connection with export license applications is subject to Section 1761(h) of Export Control Reform Act of 2018 (ECRA), and that requests for information protected from disclosure by 1761(h) of ECRA are honored when appropriately submitted by the Chair or Ranking Member of a committee or subcommittee of appropriate jurisdiction.**

- 3) Will you commit that, if confirmed, you will respond in a timely manner and fully comply with all information requests from me? Please answer "yes" or "no." If your answer is "no," please explain.

**Answer: If confirmed, I will work diligently to respond, consistent with the constitutional and statutory obligations of the executive branch, to requests for information from Congress.**

**Committee on Banking, Housing, and Urban Affairs**  
**Nominations Hearing**  
**September 21, 2021**

- 4) Will you commit that, if confirmed, you will make yourself and any other Office of the Assistant Secretary for Export Administration employee expeditiously available to provide oral testimony (including but not limited to briefings, hearings, and transcribed interviews) to the Committee on any matter within its jurisdiction, upon the request of either the Chairman or Ranking Member? Please answer “yes” or “no.” If your answer is “no,” please explain why.

**Answer: If confirmed, I will work diligently to respond, consistent with the constitutional and statutory obligations of the executive branch, to requests for information from Congress**

- 5) Commerce Acting Under Secretary for Industry and Secretary Jeremy Pelter said in a recent hearing before the U.S.-China Economic Security Review Commission that Congress can request access to certain BIS information about export license applications and rejections. Will you commit to timely and comprehensive responses to Congressional requests for this information?<sup>1</sup>

**Answer: I respect the oversight role of the Senate Banking, Housing, and Urban Affairs Committee and the Congress as a whole and will respond to requests for information, consistent with the constitutional and statutory obligations of the executive branch. It is my understanding that information submitted or obtained in connection with export license applications is subject to Section 1761(h) of the Export Control Reform Act of 2018 (ECRA), and that requests for information protected from disclosure by 1761(h) of ECRA are honored when appropriately submitted by the Chair or Ranking Member of a committee or subcommittee of appropriate jurisdiction.**

*China*

- 6) In shaping export control policy, BIS’s mission is central to the United States’ high-tech rivalry with China. Do you agree that China’s technological, military, and economic rise poses one of the greatest current challenges to the safety and well-being of the United States?

**Answer: Yes. The Government of the People’s Republic of China (PRC) poses one of the most difficult challenges for U.S. national security and foreign policy objectives, including our ability to maintain U.S. technological leadership in critical areas.**

- 7) Please detail your understanding of the national security threat posed by the Chinese Communist Party (CCP), including your assessment of the CCP’s military modernization

---

<sup>1</sup> The U.S.-China Economic and Security Review Commission, Hearing on “U.S.-China Relations in 2021: Emerging Risks,” September 8, 2021, <https://www.uscc.gov/hearings/us-china-relations-2021-emerging-risks>.

**Committee on Banking, Housing, and Urban Affairs**  
**Nominations Hearing**  
**September 21, 2021**

ambitions, intellectual property theft campaign, and coercion targeting United States allies and partners.

**Answer: Many of our foreign adversaries, such as the Government of the People’s Republic of China (PRC), act in an irresponsible manner, including through: diversion of dual use technologies to military uses; theft of intellectual property; human rights abuses; and anti-competitive, unfair and coercive trade practices. These activities threaten our national security, foreign policy, and economic security, as well as that of our allies and partners.**

- 8) If a company requests a license or a waiver to export an item to Huawei:
- a. What factors would you weigh in considering such a request?
  - b. What would make you more likely to grant the request?
  - c. What would make you less likely to grant that request?

**Answer: My understanding is that the Bureau of Industry and Security (BIS) works with its interagency partners to consistently apply the licensing policies articulated in the Export Administration Regulations (EAR) to restrict Huawei’s access to technology or software for activities that could harm U.S. national security and foreign policy interests. All export license applications for exports to Huawei are reviewed by the Departments of Commerce, Defense, State, and Energy. Based on publicly available information, It is my understand that the policy for license applications involving exports to Huawei and its listed affiliates for items capable of supporting systems, equipment, or devices below the 5G level (e.g. 4G and 3G) are reviewed by the interagency on a case by case basis. All other license applications are reviewed under a presumption of denial.**

- 9) A BIS interim final rule, entitled “Release of ‘Technology’ to Certain Entities on the Entity List in the Context of Standards Organizations,” issued last year authorizes the release of certain technology to Huawei and its affiliates on the Entity List without a license if such release is made for the purpose of contributing to the revision or development of a “standard” in a “standards organization.”<sup>2</sup> According to reports, Nokia recently opted to suspend its activity with the O-Ran Alliance standards organization out of concern that some participants were added to the Entity List.<sup>3</sup> This example highlights the lingering confusion over whether U.S. companies’ participation in technical standards development activity is being chilled and, because of that, whether U.S. and multinational

---

<sup>2</sup> Federal Register, “Release of “Technology” to Certain Entities on the Entity List in the Context of Standards Organizations,” June 18, 2020, <https://www.federalregister.gov/documents/2020/06/18/2020-13093/release-of-technology-to-certain-entities-on-the-entity-list-in-the-context-of-standards>.

<sup>3</sup> Matt Kapko, “Nokia Freezes O-RAN Alliance Work Over Chinese Meddling Worries,” SDX Central, Aug. 30, 2021, <https://www.sdxcentral.com/articles/news/nokia-freezes-o-ran-alliance-work-over-chinese-meddling-worries/2021/08/>.

**Committee on Banking, Housing, and Urban Affairs  
Nominations Hearing  
September 21, 2021**

companies are at risk of losing ground in setting global standards to Chinese companies and other competitors. If confirmed, how will you address this ambiguity and facilitate clarification of navigating participation in international standards organizations that include entities on the Entity List?

**Answer: I believe it is important to our national security that U.S. companies (and those in allied countries) participate in standards organizations to help develop the standards that guide the interoperability and functionality of many types of technologies, including those related to the open radio access network technologies represented by the O-RAN Alliance. The Department of Commerce continually evaluates its export controls to protect US national security and foreign policy interests, including technology leadership in international standards development. For example, I understand the Department previously exempted releases -- through standards organizations and for the purpose of contributing to the revision or development of a standard -- to Huawei of low-level of technology designated as to EAR99 or listed on the Commerce Control List for Anti-Terrorism (AT) reasons only. As noted in the Office of Management and Budget's (OMB)'s public Unified Regulatory Agenda, the Commerce Department is preparing a revision to the Export Administration Regulations (EAR) to clarify the applicability of the EAR to releases of technology for standards-setting or development in standards organizations. It is my understanding based on public information that no export enforcement penalties have been imposed upon parties in connection with standards development.**

*Emerging and Foundational Technologies*

10) The Export Control Reform Act of 2018 (ECRA) mandates BIS to identify and control emerging and foundational technologies. Please describe how you will go about implementing this provision. Will you commit to prioritizing the expeditious implementation of this provision?

**Answer: If confirmed, I will prioritize identifying and implementing appropriate controls on exports of emerging and foundational technologies, consistent with the Export Control Reform Act of 2018 (ECRA). In addition, I will work to identify such technologies based on the criteria provided in Section 1758(a)(2)(B) of ECRA, which requires that the interagency effort take into account: (i) the development of emerging and foundational technologies in foreign countries, (ii) the effect export controls imposed on emerging and foundational technologies may have on the development of such technologies in the United States, and (iii) the effectiveness of export controls on limiting the proliferation of emerging and foundational technologies to foreign countries.**

**Committee on Banking, Housing, and Urban Affairs  
Nominations Hearing  
September 21, 2021**

11) In your preparation for this nomination, have you found an explanation for why, in the three years since ECRA was passed, the only action taken regarding foundational technologies is a request for public comment released on August 27, 2020?<sup>4</sup>

**Answer: If confirmed, I will prioritize identifying and implementing appropriate controls on exports of emerging and foundational technologies, consistent with the Export Control Reform Act of 2018 (ECRA). As I have not been served in the Bureau of Industry and Security (BIS) since the enactment of ECRA, I do not have all the information necessary to make an accurate and complete judgment about BIS's progress to date in this area.**

12) What steps would you take to ensure the process to identify and control emerging and foundational technologies is as efficient and timely as possible?

**Answer: If confirmed, I will prioritize identifying and implementing appropriate controls on exports of emerging and foundational technologies, consistent with the Export Control Reform Act of 2018 (ECRA). I will work to identify such technologies based on the criteria provided in Section 1758(a)(2)(B) of ECRA, which requires that the interagency effort take into account: (i) the development of emerging and foundational technologies in foreign countries, (ii) the effect export controls imposed on emerging and foundational technologies may have on the development of such technologies in the United States, and (iii) the effectiveness of export controls on limiting the proliferation of emerging and foundational technologies to foreign countries. I will make every effort to implement this mandate from ECRA appropriately and in a timely manner.**

13) Please list what factors you will take into consideration when considering applying controls on foundational technologies for which the United States is not the only potential source.

**Answer: Foreign availability is one example of an important consideration in the process of identifying and implementing appropriate controls on foundational technologies. Because such technologies are already in production, there are often developers and producers of such technologies in foreign countries. Accordingly, new unilateral controls would be less effective. Candidates for identification as foundational technology may be technologies subject to multilateral controls that since have been decontrolled, often because of widespread foreign availability from non-regime members. As a result, I believe changes in controls for foundational technologies should be carefully calibrated.**

---

<sup>4</sup> Federal Register, "Identification and Review of Controls for Certain Foundational Technologies," August 27, 2020, <https://www.federalregister.gov/documents/2020/08/27/2020-18910/identification-and-review-of-controls-for-certain-foundational-technologies>.

**Committee on Banking, Housing, and Urban Affairs  
Nominations Hearing  
September 21, 2021**

14) Will you commit to submitting to Congress, in a classified environment, quarterly summaries of technology control decisions and the process behind them? If not, by what metric, in your view, should Congress assess BIS' progress in implementing ECRA going forward?

**Answer: If confirmed, I will work diligently to respond, consistent with the constitutional and statutory obligations of the executive branch, to requests for information and briefings from Congress.**

15) Developing export controls on foundational and emerging technologies requires significant subject matter expertise in order to craft appropriate and impactful regulations.

- a. Based on your understanding, does BIS have the necessary technical expertise to carry out this function?
- b. If it does not, how would you address this issue?

**Answer: At this time and based on my understanding from publicly available information, I have no reason to doubt that BIS has the necessary technical expertise to identify and implement appropriate controls on emerging and foundational technologies. I think it is also important, however, that BIS identify other experts in the U.S. government who have expertise of relevance to emerging and foundational technologies who may be able to contribute to this important review. If confirmed, I will rely upon BIS's expert staff and those in other agencies to enhance my technical knowledge and support my decision-making with regard to identifying and implementing appropriate controls on emerging and foundational technologies.**

*Section 232 Investigations*

16) The previous Administration interpreted the term "national security" in the Section 232 statute very broadly, understanding this guidance to explicitly include goods "beyond those necessary to satisfy national defense requirements" in its scope. As the Assistant Secretary for Export Administration, would you recommend adopting an expansive definition of "national security" under Section 232, or do you think that Section 232 investigations should be limited to investigating goods with clear applications in military equipment, energy resources, and/or critical infrastructure?

**Answer: Section 232 investigations are initiated to determine the effects of imports of any articles on U.S. national security. Like any tool, Section 232 should be used carefully and based on the criteria in the statute.**



**Committee on Banking, Housing, and Urban Affairs  
Nominations Hearing  
September 21, 2021**

17) Do you believe carbon emissions are a threat to national security?

**Answer: The Defense Department has identified climate change as a critical national security threat. Carbon emissions, being one of the leading causes of climate change, are therefore an ongoing threat to our national security.**

18) Section 232 tariffs on imported goods are taxes paid by American consumers. These taxes weaken our economy, threaten American jobs, and erode our credibility with other nations. The previous Administration's Section 232 tariffs on steel and aluminum, which were imposed under the false pretense of national security, have directly and negatively impacted my constituents. They have greatly increased costs for American importers and consumers. Do you agree that the U.S. should remove our existing Section 232 tariffs on steel and aluminum?

**Answer: Section 232 investigations are initiated to determine the effects of imports of any articles on U.S. national security. Like any tool, Section 232 should be used carefully. My understanding based on publicly available information is that the Biden Administration is currently reviewing Section 232 measures and product and country exclusions. In addition, I understand the Administration is working with the European Union (EU) to cooperatively address global excess capacity in steel and aluminum and to hold countries, such as the People's Republic of China (PRC), accountable for their trade-distorting policies.**

*Export Controls*

19) You have prosecuted a number of cases involving Iran sanctions violations, including the case of Huawei.

- a. Do you believe U.S. sanctions are strong enough to dissuade individuals and companies, like Huawei, from engaging in export violations to sanctioned countries?
- b. Does the United States need stronger enforcement tools or penalties?

**Answer: I understand that BIS continually assesses technologies, end uses, and end users to identify items that may be misused to engage in activities contrary to U.S. national security and foreign policy interests. I believe BIS and its interagency partners strive to enhance the effectiveness of U.S. export controls and sanctions regimes by conducting extensive outreach with industry, academia, and other partners to raise awareness of export control requirements and best practices for compliance. In my opinion, I believe an informed exporting community is critical to the effectiveness of our export controls. We must work with them to identify potential risks. Moreover, I believe it is critical to work with our allies to amplify our export controls and sanctions regime efforts.**

**Committee on Banking, Housing, and Urban Affairs  
Nominations Hearing  
September 21, 2021**

- 20) Export controls are generally most effective when implemented in a multilateral fashion with a small group of allied nations, thereby preventing the very technology being controlled by the United States from being available from foreign sources.
- a. Will you commit to working with our allies, particularly governments with semiconductor suppliers, and proceeding in a multilateral manner, to the extent possible, as an important way to advance U.S. foreign policy and national security goals?
  - b. In particular, will you commit to working with U.S. allies to convince them to agree to impose similar controls on specific end users and end uses so that such controls are imposed not only by the United States on U.S. exporters?

**Answer: I agree with the Export Control Reform Act of 2018 (ECRA) Statement of Policy, set forth in Section 1752(5), which states:**

**Export controls should be coordinated with the multilateral export control regimes. Export controls that are multilateral are most effective, and should be tailored to focus on those core technologies and other items that are capable of being used to pose a serious national security threat to the United States and its allies.**

**Furthermore, when multilateral regimes cannot achieve U.S. export control objectives, BIS should work on a plurilateral basis with likeminded countries. I also support the working group on export controls that is part of the U.S.-EU Trade and Technology Council (TTC). In addition, BIS should continue bilateral discussions with allied countries, especially those supplier countries of certain technologies of concern, to coordinate on common controls and policies.**

**If confirmed, I will work to share information and reach an understanding with our allies on coordinating license review policy for various types of technologies, and will seek to have them take into account BIS's lists of parties of concern when evaluating whether to approve a license. I believe that engagement with allies is critical to the long-term success of our efforts to address national security and foreign policy concerns related to adversaries like the People's Republic of China (PRC).**

- 21) Tight unilateral controls on items for which the United States may be the only source, have the strong potential of driving research and development (R&D), and ultimately production, offshore. In the past, very restrictive U.S. controls contributed to robust foreign competition in sectors like machine tools, commercial use of space, and commercial thermal imaging. Under what circumstances would you consider applying a unilateral control on a good or technology? Please describe the criteria you would use in your analysis when considering the application of a unilateral control.

**Committee on Banking, Housing, and Urban Affairs  
Nominations Hearing  
September 21, 2021**

**Answer: I agree with Section 1752(6) of the Export Control Reform Act of 2018(ECRA), which states:**

**Export controls applied unilaterally to items widely available from foreign sources generally are less effective in preventing end-users from acquiring those items. Application of unilateral export controls should be limited for purposes of protecting specific United States national security and foreign policy interests.**

**Unilateral controls should be directly tied to important national security or foreign policy concerns and used when effective multilateral or plurilateral controls cannot be achieved.**

22) By setting U.S. export control policy on items used for both civilian and military purposes, BIS effectively has the power to reshape the supply chains of entire industries and, in some circumstances, impose significant burdens on the economy. Not only is industry significantly impacted by export controls, it is often at the forefront of cutting edge research and technologies. Will you commit to consulting industry stakeholders and maintaining an open channel of dialogue with the business community?

**Answer: Yes.**

23) Will you commit to a process that, except in extraordinary circumstances, provides industry and other stakeholders with reasonable opportunities to comment, and provides stakeholders with adequate notice and time to comply?

**Answer: Yes.**

24) U.S. goods have been exported through third countries for eventual use in embargoed states like Iran. Iran has long sought to acquire sensitive military hardware from the United States through the use of front companies and other schemes meant to avoid detection. If confirmed, what steps will you undertake to stop the flow of unauthorized U.S. goods to Iran and other terror-supporting countries such as North Korea and Syria?

**Answer: If confirmed, I will use all the tools available to BIS to prevent the transfer of sensitive U.S. technologies to State Sponsors of Terrorism and other countries and entities of concern that threaten U.S. national security and foreign policy interests. I will also leverage all sources of intelligence and collaboration within BIS and with interagency partners to detect and deter efforts to circumvent export control restrictions.**

**Committee on Banking, Housing, and Urban Affairs  
Nominations Hearing  
September 21, 2021**

*Semiconductors*

25) If Creating Helpful Incentives to Produce Semiconductors for America Act (CHIPS Act) funds are appropriated during this Congress, what role should BIS play in the administration of this new \$52 billion intended to ensure the resilience of the U.S. supply chain of semiconductors?

**Answer: I believe it is critical for the United States to have diverse, resilient and secure supply chains in critical areas like semiconductors and that a vibrant domestic semiconductor manufacturing capability is an important component of overall U.S. competitiveness. If confirmed, I will appropriately use the tools and authorities available at BIS to assist in the review of risks in the U.S. semiconductor supply chain to help protect U.S. resilience in this critical industry. Furthermore, I will work as appropriate with BIS staff and across the Commerce Department to help implement any investments authorized by Congress to shore up our domestic supply chain.**

*Answering Questions for the Record*

26) Please describe with particularity the process by which you answered these questions for the record, including identifying who assisted you in answering these questions along with a brief description of their assistance.

**Answer: I actively participated in drafting the responses to these questions, with assistance from Commerce Department staff and the interagency as appropriate.**

**Committee on Banking, Housing, and Urban Affairs  
Nominations Hearing  
September 21, 2021**

**Questions for Ms. Thea D. Rozman Kendler, of Maryland, to be an Assistant Secretary of Commerce, from Senator Tim Scott:**

In 2018, Congress included in the FY19 NDAA an update to our export control laws giving the Department of Commerce the ability to facilitate trade and commerce, while also prioritizing national security oversight.

Our world is changing. And some of our global competitors have begun imposing their presence on the world stage and finding ways around U.S. sanctions.

The last administration understood that fact, which is why they imposed controls on companies like Huawei, including using the Foreign Direct Rule.

- 1) Do you agree that using the Foreign Direct Product Rule on Huawei was effective in stemming its access to critical technology and preventing the spread of its 5G equipment in partner countries?
- 2) Understanding the vital need to facilitate trade that benefits the entire U.S. economy, what quantitative and qualitative benchmarks will you set within BIS to address the total breakdown between China's private sector and the Chinese Communist Party and its military through Military-Civil Fusion?
- 3) If confirmed, will you commit to voluntarily and regularly providing this committee with data and information pertaining to the successes and challenges—including through licensing decisions, emerging and foundational technology controls, and Entity List designations—of maintaining such a vital balance in implementing BIS statutory export control functions?

**Answer (to questions 1-3): My understanding is that the Bureau of Industry and Security (BIS) works with its interagency partners to consistently apply the licensing policies articulated in the Export Administration Regulations (EAR) to restrict Huawei's access to technology or software for activities that could harm U.S. national security and foreign policy interests. All export license applications to Huawei are reviewed by the Departments of Commerce, Defense, State, and Energy. I understand the policy for license applications involving exports to Huawei and its listed affiliates for items capable of supporting systems, equipment or devices below the 5G level (e.g. 4G and 3G) are reviewed on a case-by-case basis. All others are reviewed under a presumption of denial.**

**It is also my understanding that in August 2020, BIS extended the scope of the Foreign Direct Product Rule (FDPR) with respect to Huawei affiliates to require a license for reexports and transfers of foreign-produced items that are either (i) the direct product of certain U.S. or foreign software or technology subject to BIS jurisdiction or (ii) produced from equipment that itself is the direct product of certain U.S.-origin technology or software. In effect, this has imposed a license requirement for many foreign-made items**

**Committee on Banking, Housing, and Urban Affairs  
Nominations Hearing  
September 21, 2021**

**for transactions involving Huawei. Based on publicly available information, I believe the FDPR is an important tool in protecting our national security and foreign policy interests. If confirmed, I will work diligently to ensure that companies fully comply with all other obligations under the EAR, including the FDPR.**

**I am deeply concerned about the People's Republic of China's (PRC) Government's efforts to seek U.S. technologies to further its military modernization, such as through diverting items from civilian to military applications (i.e., its military-civil fusion strategy), creating illicit procurement networks, and stealing intellectual property, among other destabilizing activities. If confirmed, I will appropriately use the authorities of BIS under the Export Control Reform Act of 2018 (ECRA) to protect our national security and foreign policy interests while strengthening our technological innovation and leadership.**

**I respect the oversight role of the Senate Banking, Housing, and Urban Affairs Committee and the Congress as a whole, and will respond to requests for information, consistent with the constitutional and statutory obligations of the executive branch. It is my understanding that information submitted or obtained in connection with export license applications is subject to Section 1761(h) of ECRA and that requests for information protected from disclosure by 1761(h) of ECRA are honored when appropriately submitted by the Chair or Ranking Member of a committee or subcommittee of appropriate jurisdiction.**

**Committee on Banking, Housing, and Urban Affairs  
Nominations Hearing  
September 21, 2021**

**Questions for Ms. Thea D. Rozman Kendler, of Maryland, to be an Assistant Secretary of Commerce, from Senator Kyrsten Sinema:**

- 1) I am working hard to increase domestic semiconductor manufacturing in Arizona, both to create jobs and to address global supply shortages that continue to make it difficult to get products to consumers in a timely fashion. If confirmed, what role do you envision export control policy will play in resolving lingering supply chain disruptions for semiconductor manufacturing?
- 2) How can export control policy support domestic manufacturing of semiconductors and address supply chain disruptions, all while resolving outstanding national security concerns?

**Answer (for questions 1-2): I believe it is critical for the United States to have diverse, resilient and secure supply chains in critical areas like semiconductors and that a vibrant domestic semiconductor manufacturing capability is an important component of overall U.S. competitiveness. If confirmed, I will appropriately use the tools and authorities available at BIS to protect our cutting-edge semiconductor technology, which is crucial to U.S. national and economic security.**

**Additionally, if confirmed, I will support the Commerce Department's work on the President's Supply Chain Disruptions Task Force to tackle near-term bottlenecks in the semiconductor industry and to strengthen U.S. leadership in semiconductor manufacturing.**

**I understand that, on September 24, 2021, a Bureau of Industry and Security (BIS) "Notice of Request for Public Comments on Risks in the Semiconductor Supply Chain" was published in the Federal Register. According to the Notice:**

**With the goal of accelerating information flow across the various segments of the supply chain, identifying data gaps and bottlenecks in the supply chain, and potential inconsistent demand signals, the Department is seeking responses from interested parties (including domestic and foreign semiconductor design firms, semiconductor manufacturers, materials and equipment suppliers, as well as semiconductor intermediate and end-users) to the questions set forth in this notice.**

**If confirmed, I look forward to reviewing public responses to this Notice and supporting any appropriate efforts that may follow.**