

RANKING MEMBER ELIZABETH WARREN (D-MA):

Export Controls

1. What are your views on export controls and their role in advancing U.S. interests including technological leadership? When should they be used and what considerations will you take into account in determining how they are deployed?

Answer:

Export controls are one of several key tools for advancing U.S. national security and foreign policy interests, and for advancing U.S. technological leadership globally. As the Export Control Reform Act of 2018 (ECRA) states: “The national security of the United States requires that the United States maintain its leadership in the science, technology, engineering, and manufacturing sectors, including foundational technology that is essential to innovation.” Export controls should be used to promote this goal and to keep advanced technologies - particular in strategic sectors, and sectors with relevance to military applications - out of the hands of America’s adversaries. At the same time, export controls should not be unnecessarily broad or unduly burden American innovators.

- a. Are there cases, in your view, where the United States failed to use export controls appropriately?

Answer:

Yes.

- b. Are there areas of technology where we have not been using export controls aggressively enough?

Answer:

Yes.

2. What role do you believe economic security and the interests of workers should play in guiding our export controls?

Answer:

Section 1751 of ECRA states that the national security and foreign policy of the United States require the application of export controls to preserve the qualitative military superiority of the United States and to strengthen the United States defense industrial base, among other things. ECRA also states that the national security of the United States requires that the United States maintain its leadership in the science, technology, engineering, and manufacturing sectors, including foundational technology that is essential to

innovation. Fulfilling these policy objectives promotes economic security and the interests of American workers.

3. Do you believe that there should be a “balance” between the national security objectives of export controls and the economic impact of controls on U.S. industry? If so, how do you plan to strike that balance?

Answer:

Export controls should be tailored to address particular national security and foreign policy objectives, and they should not be unnecessarily broad or unduly burden American innovators. This is consistent with the statement of policy in Section 1751 of ECRA.

4. The Export Control Reform Act of 2018 states that export controls should generally be multilateral, because they are more effective at preventing technologies of concern going to countries of concern. The act also says that unilateral controls applied to items with foreign availability are less effective. What, in your view, are the situations where unilateral controls are nonetheless warranted? And when are they not?

Answer:

Section 1751 of ECRA states that, as a matter of policy, export controls “should be coordinated” with the multilateral export control regimes, and that “[e]xport controls that are multilateral are most effective.” However, ECRA does not require that export controls be multilateral. Export controls should be imposed to promote the national security and foreign policy interests of the United States, and sometimes unilateral controls fulfill this objective. This may be the case, for example, when the controlled items are not available from a foreign source, and when the United States can act as a pacesetter by imposing controls that spur foreign countries to apply similar controls.

5. Under what circumstances would you use the Foreign Direct Product (FDP) rule to achieve U.S. foreign policy and national security interests?

Answer:

The FDP rule is an important tool that extends the reach of export controls to foreign-made products. If confirmed, I would consider using the FDP rule in any situation where it would promote U.S. national security and foreign policy interests.

6. There are notable examples of allies and partners “backfilling” our export controls by increasing sales to companies that we have added to the Entity List or otherwise restricted. Secretary Lutnick expressed a view that tariffs have a role in pressuring other countries to stop sales to the PRC.¹

¹ Axios, “Senators probe Lutnick’s approach to AI, tariffs and spectrum,” Maria Curi, January 29, 2025, <https://www.axios.com/pro/tech-policy/2025/01/29/senators-probe-lutnicks-approach-to-ai-tariffs-and-spectrum>.

- a. Do you agree?

Answer:

Yes.

- b. What policies would you undertake to ensure that allies and partners are aligning their controls with ours?

Answer:

Diplomacy with allies and partners would be a first step. Tariffs and other forms of pressure should also be considered, commensurate with the gravity of the national security and foreign policy interests at stake.

7. Transshipment of G7 technology to the Russian war machine remains a notable challenge. Certain jurisdictions including the PRC, Turkiye, Kyrgyzstan and India are responsible for a high volume of transshipped goods. What steps will you take to crack down on transshipment?

Answer:

If confirmed, I will review how BIS has been addressing the problem of unauthorized reexportation of controlled items, and I would then assess whether changes in licensing policy or enforcement would be appropriate.

8. To make export controls more effective and less counter-productive, are there any more statutory authorities that BIS needs that it does not now have?

Answer:

If confirmed, I intend to review the adequacy of BIS's current statutory authorities. I look forward to working with Congress to update these authorities as needed.

9. Are there circumstances under which you would consider removing a company from the Entity List or relaxing controls on a strategic technology like semiconductors, at the behest of President Xi Jinping?

Answer:

No.

10. Under what circumstances would it be appropriate to remove or relax export controls on Russia? Do you agree that as long as Russia continues to threaten Ukraine, U.S. troops

abroad, and neighboring European countries, it is inappropriate to lift the U.S. arms embargo on Russia?

Answer:

Export controls should promote the national security and foreign policy interests of the United States. If confirmed, I will impose and enforce export controls consistent with this principle.

11. If a U.S. company cannot export a technology to an entity on the Entity List, should it be prohibited from investing in the same company to develop the same technology overseas?

Answer:

Such investments would certainly be a concern. If confirmed, I would welcome the opportunity to coordinate with Congress to address this.

12. Under Section 1716(h) of the Export Control Reform Act, the Chairman or Ranking Member of the committee or subcommittee of appropriate jurisdiction can request information on licenses. Will you commit to providing timely and comprehensive responses to congressional requests for information pursuant to Section 1716(h)?

Answer:

I will comply with the requirements of Section 1761(h) of ECRA.

Export Enforcement

13. BIS has been criticized for not enforcing the rules vigorously enough. What steps would you take to ensure we are sending a message to would-be violators of our rules?

Answer:

If confirmed, I will ensure that enforcement is aggressive, and that BIS considers imposing penalties to the full extent permitted under ECRA, in appropriate cases.

14. Will you commit to reporting to this committee within 180 days of being confirmed on what additional tools and resources BIS needs to catch violators?

Answer:

If confirmed, I would welcome the opportunity to consult with the Committee regarding potential additional tools and resources that BIS may need.

15. Will you commit to conducting a review of our end-use controls, licensing policies, and due diligence requirements?

Answer:

If confirmed, this is an issue that I will review.

16. BIS only has a handful of agents posted abroad. To be more effective, does it need more enforcement officials stationed overseas?

Answer:

If confirmed, I will review whether the current number of overseas enforcement agents is adequate, and if not, I intend to coordinate with Congress on a solution.

17. A number of Chinese companies that are currently on the Entity List, including Huawei, SMIC, and Sugon, have managed to spin-up aliases and cut-outs to keep acquiring U.S. technology. Do you agree this is a problem?

Answer:

If confirmed, this is an issue that I will review.

- a. If so, will you commit to taking steps to address this behavior, including adding additional front companies to the Entity List?

Answer:

If confirmed, I intend to consider adding new entities to the Entity List, especially if they are related to other entities that are already on the Entity List.

- b. Will you review how BIS uses the Entity List and identify ways to end the “whack-a-mole” approach that currently epitomizes use of the Entity List, including by automatically applying an Entity List designation to all subsidiaries and affiliates of the added party and requiring greater due diligence from U.S. firms?

Answer:

If confirmed, I intend to review how BIS formulates the Entity List, and consider ways to make it a more effective enforcement tool.

18. Do you believe that Huawei and SMIC violated U.S. law by producing 7-nanometer chips with U.S. technology?

- a. If so, will you commit to revoking any remaining licenses for SMIC and Huawei that allow the companies to keep accessing U.S. technology?

Answer:

I will refrain from prejudging whether any particular company has violated export control laws. However, if confirmed, I commit that I will review this case and consider the appropriate response, including with respect to existing licenses.

SME, Advanced Computing, and AI Diffusion

19. U.S. controls on semiconductor manufacturing equipment is foundational to the U.S. technological advantage. If confirmed, what steps will you take to reinforce those controls in light of PRC breakthroughs including Huawei's fabrication of 7 nanometer chips with U.S. technology?

Answer:

I agree about the importance of U.S. controls on semiconductor manufacturing equipment. The first Trump Administration's controls on EUV lithography equipment have proved effective in slowing the development of China's semiconductor industry. If confirmed, I will consider ways to enhance controls on semiconductor manufacturing equipment to maintain and expand U.S. technological leadership globally.

20. The previous administration issued the AI Diffusion Rule to ensure that AI diffuses in a way that promotes U.S. strategic interests. Do you agree we should use export control to restrict the diffusion of AI technologies including our most advanced AI chips?

Answer:

The United States should use export controls to maintain our global AI leadership and prevent cutting-edge AI technology - wherever located - from falling into the hands of our adversaries. However, as discussed at the hearing, I have concerns about the AI Diffusion Rule. If confirmed, I intend to consider more effective, less burdensome ways to address the problem.

21. Do you agree that we should use export controls to ensure that the United States remains the global leader in AI, including by maintaining computing infrastructure in the United States?

Answer:

Yes.

- a. If so, will you commit to maintaining a requirement that U.S. companies maintain 50 percent of their compute infrastructure in the United States?

Answer:

I agree that the United States should adopt policies to ensure leadership in AI technologies, including policies that incentivize the location of compute infrastructure in the United States. If confirmed, I intend to review U.S. controls to ensure that they promote American global AI leadership.

- b. Will you commit to engaging in a rigorous and objective review of license applications from generally non-aligned states like Saudi Arabia and the United Arab Emirates that weighs the commercial rewards of selling data to these countries against the risks to U.S. leadership?

Answer:

All license applications should be subject to a rigorous and objective review.

22. Will you commit to updating our nationwide export controls on semiconductor manufacturing equipment and advanced computing at least once a year to address changes in the technological landscape and the tactics of our adversaries?

Answer:

As discussed at the hearing, I believe BIS must be nimble and keep pace with our adversaries. BIS should review and update controls on semiconductors and related technologies on a regular basis.

23. Will you consider adding Chang Xin Memory Technology (CXMT) to the Entity List and applying FDP Rule given the growing concerns of CXMT's growth and the national security implications of that growth to the PRC's development of advanced AI for military use?

Answer:

I will refrain from prejudging whether it is appropriate to add any particular company to the Entity List or to apply the FDPR to any particular situation. However, if confirmed, I will review this issue and consider the appropriate response.

24. Does BIS need more resources to succeed in its mission of using export controls to maintain U.S. leadership in semiconductors and AI. In particular, does it need more experts conversant in technical developments in emerging and critical technology? Are you concerned about potential cuts to agency personnel?

Answer:

If confirmed, I will review whether BIS's current workforce is adequate to fulfill its mission, including whether it has enough experts who are conversant in technical developments in emerging and critical technologies.

25. If the export controls prohibit a company from shipping sensitive US-origin software to China, should the export controls also prohibit the same Chinese company logging into a computer in the US and using exactly the same software to create something, such as an advanced semiconductor?

Answer:

If confirmed, I will review the work that BIS has done to address the risks of remote access to U.S. technology, and I will consider whether additional steps are appropriate.

Industry Influence

26. New reports have shown a disturbing degree of industry access and influence at BIS that has negatively impacted its ability to fulfill its mission. How will you address this problem?

Answer:

BIS should listen to the voices of all stakeholders on the policy issues that it confronts, and then make decisions on an objective basis, consistent with the national interest. If confirmed, this is how I will lead BIS.

27. If you do agree to meet with lobbyists, foreign agents, and others about matters before BIS, will you treat those who did and did not contribute to the Trump campaign and related Trump family interests the same?

Answer:

Yes.

28. Will you commit to not receiving compensation from an entity that is regulated by BIS for at least 4 years after leaving BIS?

Answer:

BIS regulates virtually every industry. If confirmed, I will adhere to the post-employment ethics restrictions in applicable law.

Information and Communication Technology and Service (ICTS)

29. Since its inception, administrations have tried to use the Information and Communications Technology and Service (ICTS) authority given to the Commerce Secretary in E.O. 13873, "Securing the Information and Communications Technology and Services Supply Chain," to ban foreign social media apps, telecommunications equipment, antivirus software, and connected vehicles. What do you believe is the proper use of the ICTS authority?

Answer:

BIS should use its ICTS authority aggressively. To my knowledge, since the promulgation of the regulations on Securing the Information and Communications Technology and Services Supply Chain on January 20, 2021, BIS has only completed one ICTS investigation (on antivirus

software). If confirmed, I will consider conducting additional investigations, and I will explore other ways to use BIS's authority under E.O. 13873 to mitigate risks to national security.

30. The PRC, in particular, presents a persistent cyber threat to the United States, as demonstrated by Volt Typhoon and Salt Typhoon. PRC access to our critical infrastructure through software backdoors and supply chain vulnerabilities presents an undue and unacceptable risk to the security and safety of U.S. persons. This threat led the Biden Administration to issue a final rule in January 2025 that prohibits certain subsystems for connected vehicles from the PRC and Russia. Do you agree with the approach laid out in this rule?

Answer:

If confirmed, I intend to review and recommend appropriate action with respect to the recent rulemaking on connected vehicles, and consider whether controls on ICTS transactions should be expanded to account for additional connected products, consistent with the January 20, 2025 Presidential Memorandum on America First Trade Policy.

Tariffs

31. Will you recommend that President Trump's tariffs include an exclusion process to exempt certain importers or imported products from tariffs?

Answer:

In Presidential Proclamations dated February 11, 2025, President Trump decided to terminate the exclusion processes for the Section 232 steel and aluminum tariffs. If confirmed, I would consider proposals for exclusions for other tariffs on a case-by-case basis.

- a. If so, what would be the criteria and processes for obtaining exclusions, and how would you advise against permitting the rampant corruption that occurred in the exclusion process during the first Trump Administration?

Answer:

Having served in the first Trump Administration, I did not encounter rampant corruption in the exclusion process for the Section 232 steel and aluminum tariffs. I worked alongside Department of Commerce officials who worked hard to enhance the fairness and transparency of the Section 232 exclusion process, and who were motivated by a desire to serve the public - not to enrich themselves. My understanding is that the Biden Administration maintained the product exclusion process that the Trump Administration established.

In Presidential Proclamations dated February 10, 2025, President Trump decided to terminate the exclusion processes for the Section 232 steel and aluminum tariffs.

- b. Will you recommend that the president implements a transparent and objective process that protects America's small businesses and workers? If so, what specific recommendations will you make to achieve that outcome?

Answer:

As noted above, in Presidential Proclamations dated February 10, 2025, President Trump decided to terminate the exclusion processes for the Section 232 steel and aluminum tariffs. That said, in general, I agree that any tariff exclusion process should be administered in a transparent and objective manner. The specific recommendations to achieve this will depend on the particular tariffs at issue, their purpose, and the intended scope of any corresponding exclusion program.

Defense Production Act (DPA)

32. Do you believe the Defense Production Act has a role to play in combating PRC economic coercion?

Answer:

Yes.

33. Will you commit to using BIS's authorities under Section 705 of the Defense Production Act to collect information about supply chain vulnerabilities?

Answer:

If confirmed, I will consider whether it is appropriate to use BIS's authorities under Section 705 of the Defense Production Act for this purpose.

Nomination

34. During or leading up to the selection of your nomination, did anyone on the Trump campaign, transition team, or other closely related entity approach you about your loyalty to President-elect Trump? Did you sign a loyalty pledge or other similar oath?

Answer:

No.

35. During or leading up to the selection of your nomination, did you discuss Project 2025 with any officials directly or associated with the Trump campaign or the Trump transition team? If so, please explain.

Answer:

I did not discuss Project 2025 with the Trump campaign or the Trump transition team in connection with my nomination.

36. During or leading up to the selection of your nomination, did you discuss Project 2025 with any officials directly or associated with the Heritage Foundation? If so, please explain.

Answer:

I did not discuss Project 2025 with any officials associated with the Heritage Foundation in connection with my nomination.

37. Please provide a comprehensive list of the people who approached you about joining the administration.

Answer:

I am committed to respecting the confidentiality of private conversations with policymakers and elected officials.

38. Did any person provide advice to you, oral or written, on your responses to these questions? If so, please provide a comprehensive list of the individuals or organizations that provided assistance.

Answer:

The responses to these questions reflect my own views.

Congressional Oversight and Whistleblower Protection

39. If confirmed, will you commit to making yourself and any other politically appointed employee of BIS available to provide 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 Chair or Ranking Member?

Answer:

I commit to making myself available, and providing the necessary information, in response to valid requests made by the Committee, subject to practical constraints.

40. If confirmed, will you commit to fully complying with all information requests from me and responding to those requests in a timely manner?

Answer:

Yes, subject to practical constraints.

41. If confirmed, do you intend to respond to congressional information requests differently depending on who is making the request?

Answer:

No.

42. If confirmed, will you commit to complying with any federal protections for whistleblowers?

Answer:

Yes.

Public Integrity

43. Will you commit to recuse yourself from any matters involving your former employers or clients for 4 years while serving as Under Secretary?

Answer:

I will comply with ethics laws, and will seek the advice of Department of Commerce counsel regarding potential recusals.

44. For at least 4 years after leaving BIS, will you not seek employment or compensation from (1) any entity that you personally and substantially interacted with in your role as Under Secretary and (2) from any entity that lobbies BIS?

Answer:

I will comply with ethics laws, and will seek the advice of Department of Commerce counsel regarding post-employment ethics restrictions.