

Questions for the Record to the Honorable Gina Raimondo  
U.S. Senate Committee on Commerce, Science, and Transportation  
Nomination Hearing  
January 26, 2021

Response to Written Questions Submitted by the Hon. Maria Cantwell to the Hon. Gina Raimondo.

Digital Trade. Digital trade and the free flow of information across borders is vitally important to the more than 5,000 technology companies in Washington state and our state's more than \$2.8 billion digital export economy. Nationally, U.S. digital exports were worth more than half a trillion dollars in 2019, an increase of more than 50 percent over the past decade. In Washington state, software industry jobs have increased by approximately one-third since 2016, and now account for around half a million jobs in my state. Unfortunately, digital trade barriers and restrictions are proliferating in many countries, which could undermine our nation's economic recovery and threaten key trade relationships, including the \$1.1 trillion trade relationship between the U.S. and Europe.

*Question 1.* If confirmed, will you prioritize digital trade issues and the continued free flow of digital goods and information across borders?

Answer. For U.S. companies to compete, they need the ability to – among other things – access networks, transfer data, and use secure data centers of their choice. If confirmed, I will pursue all available avenues to ensuring data flows and cross-border digital trade, whether that is through trade agreements, the World Trade Organization, expansion of the Asia-Pacific Economic Cooperation Cross Border Privacy Rules System, or enhancement of the EU-U.S. Privacy Shield Framework.

*Question 2.* What will you do to ensure that US companies of all sizes can compete on a level playing field and have access to open digital markets in other countries?

Answer. Leveling the playing field through robust digital trade commitments is necessary to expanding trade in goods and services across all industries. Given the global economy's dependence on the internet, market-opening commitments are a cornerstone of real economic wins for U.S. industry. If confirmed, I will ensure that the full expertise of the Department of Commerce is brought to bear on behalf of U.S. companies that leverage the digital economy to provide innovative services, deliver goods, and reduce costs and increase efficiency in their own operations.

Softwood Lumber. The health of the U.S. lumber industry is essential to jobs in Washington state and across the country. It supports the economy by producing lumber and by supplying the U.S. housing market for local communities. However, enforcement must remain a priority. In 2019, nearly half of all antidumping and countervailing duties collected by the U.S. came from Canadian lumber imports. It is vital that we continue to fully enforce U.S. trade laws.

*Question 3.* Will you ensure a level playing field for the U.S. lumber industry by fully enforcing U.S. trade laws against unfairly traded Canadian lumber imports?

Answer. I understand the importance of the Antidumping and Countervailing Duties (AD/CVD) orders on imports of softwood lumber from Canada on the U.S. lumber industry. If I am confirmed, the Department of Commerce will continue to vigorously enforce U.S. trade laws, including the AD/CVD orders on imports of softwood lumber from Canada, to ensure that the American lumber industry, and all U.S. workers, farmers and businesses are able to compete on a level playing field and are not harmed by unfair imports from Canada, or any other U.S. trading partner.

Stakeholder Engagement in Ocean Conservation. The Biden Administration has placed an emphasis on “building back better,” restoring our economy but doing so in a way that is equitable and just, and by addressing climate change. Meeting all three of these goals is going to require the tools, resources, and expertise from across government agencies, including the Department of Commerce and NOAA. The United States has a particularly strong blue economy, with ocean goods and services contributing over \$373 billion to the nation’s GDP and supporting over 2.3 million jobs in 2018.

*Question 4.* Protecting rural jobs that depend on sustainable fisheries is a priority. What role do you see for NOAA in the design and implementation of a potential 30x30 strategy in the U.S. EEZ?

Answer. Creating and promoting job growth is important to me. If confirmed, I look forward to working with you on ensuring that jobs related to sustainable fisheries are protected. On January 27, 2021, President Biden issued an Executive Order on Tackling the Climate Crisis at Home and Abroad. Sec. 216 of this Executive Order calls for the Secretaries of Interior, Commerce and the Council of Environmental Quality, in consultation with the Secretary of Agriculture to develop a report within 90 days of its issuance on the steps to achieve the goal of conserving at least 30 percent of land and water. The Executive Order calls on Federal agencies to work with the “States, local, Tribal, and territorial governments, agricultural and forest landowners, fishermen, and other stakeholders.”

*Question 5.* How will you work to ensure that fishermen and fishing communities are included in the consideration of a potential 30x30 proposal?

Answer. As noted above, on January 27, 2021, President Biden released an Executive Order on Tackling the Climate Crisis at Home and Abroad. Section 216 (c) specifically calls on the Secretary of Commerce, through NOAA, to work in the first 60 days to collect input from fishermen, regional ocean councils, scientists and fishery management council how to make fisheries and protected resources more resilient to climate change. If confirmed, I look forward to working with you on this important issue.

*Question 6.* What opportunities do you see to harness the 30x30 goal to increase equitable access to these protected areas and bolster coastal economies where fisheries are managed based on science?

Answer. As the Governor of a coastal state, I recognize the importance of coastal communities, and the need to ensure equal access to marine resources so that all communities can benefit. If confirmed, I will work with NOAA, other Federal agencies and stakeholders to implement the Executive Order on Tackling the Climate Crisis at Home and Abroad, including in increasing equitable access and bolstering coastal communities.

Response to Written Questions Submitted by the Hon. Amy Klobuchar to the Hon. Gina Raimondo.

Broadband. I am leading legislation to invest \$100 billion in broadband infrastructure to close the digital divide once and for all. My bill also establishes an Office of Internet Connectivity and Growth at the Department's National Telecommunications and Information Administration to help ensure people in every community have the tools, support, and technology they need to take advantage of internet access.

*Question 1.* President Biden has identified investment in infrastructure, including broadband infrastructure, as a top priority for his administration. What are your plans to help expand broadband access as the Secretary of Commerce?

Answer. If confirmed, I will work with NTIA, which is currently in the process of standing up the Office of Connectivity and Growth, to amplify the work of NTIA's BroadbandUSA. Through its BroadbandUSA work, NTIA serves local, state, and tribal governments, industry and non-profits seeking to expand broadband connectivity and promote digital inclusion by providing solution-neutral technical assistance and convening regional workshops that bring local stakeholders together. NTIA also leverages its State Broadband Leaders Network (SBLN) which includes 50 states and three territories.

*Question 2.* What are your plans to promote digital equity and inclusion, and will you work with me to help address this need?

Answer. As I stated in my hearing testimony, broadband access is not a luxury; it's a necessity, providing children access to their classes, the ill and infirm access via telehealth to their doctor, and enabling consumers to sign up for the COVID vaccine. If confirmed, I commit to ensuring that the Department brings the full weight of its resources to advancing digital equity and inclusion by, for example, utilizing NTIA's Digital Inclusion Leaders Network (DILN)—a group of state and local government leaders working to bridge the digital divide—to serve as a critical resource for leveraging knowledge and best practices. In addition, NTIA will rely on data from over 20 years of its Internet Use Survey data to inform policy approaches to closing the digital divide.

Steel Dumping. Iron ore mining has been a way of life for families in northern Minnesota, but illegal practices such as steel dumping unfairly harm our workers. I have long called for tough actions to address Chinese Steel dumping because our workers deserve to know everyone is playing by the same rules.

*Question 3.* What should Congress do to best work with the new Administration to stand up to unfair trade practices?

Answer. If confirmed as the Secretary of Commerce, I look forward to working with Congress on addressing unfairly traded imports from China and other trading partners that distort the market. If confirmed, it is my intention that the Department of Commerce will continue to rigorously enforce U.S. trade laws, including the Antidumping and Countervailing Duties (AD/CVD) laws, to help ensure a level playing field - not only for the critical U.S. steel sector, but comprehensively for U.S. workers, farmers, and other businesses injured by unfair trade.

Response to Written Questions Submitted by the Hon. Richard Blumenthal to the Hon. Gina Raimondo.

The North Atlantic right whale. We share a mutual understanding that commercial and recreational fishing and shipping contributes significantly to our nation's economy, but the contributions of marine species – like the North Atlantic right whale – who inhabit our federal waters often take a backseat to industry, particularly in the previous administration. These species make countless contributions through tourism, ecosystem services, and carbon capture. Unfortunately, the North Atlantic right whale is one of the world's most endangered large whale species, with only about 400 whales remaining.

*Question 1.* If confirmed, how will you guide the agency to not only focus on the management of sustainable fisheries and other marine industries but to encourage the coexistence of these activities with marine mammal species, such as the critically endangered North Atlantic right whale, which is facing extinction due to climate change, entanglement in fishing gear, vessel strikes and outdated management policies?

Answer. I recognize the importance of shipping and fishing to the nation's economy and I appreciate the ecological, cultural, and economic importance of protected marine mammals such as the North Atlantic right whale. If confirmed, I would welcome opportunities to learn more about NOAA's efforts to partner with the fishing community, the shipping industry, and other interested stakeholders to protect, conserve, and recover North Atlantic right whales and their habitats and to work with you and your constituents on this issue.

The 2020 Census. In March 2020, as the 2020 Census was fully underway, the COVID pandemic impacted the process, causing the Census Bureau to suspend field operations for over a month. Initially, former Secretary Ross and Census Bureau Director Steven Dillingham announced that they would be extending the deadline for self-response and field data collection and asked Congress to extend the statutory deadlines for delivery of apportionment and redistricting data by 120 days. However, in August, the Census Bureau inexplicably reversed course, shortened the enumeration period, and decided to move forward with the original statutory deadlines for apportionment and redistricting data, raising serious concerns that they would not have adequate time to complete a full, fair, and accurate 2020 census. Further, last month, the Government Accountability Office testified before a House Oversight and Reform Committee hearing

expressing concern about the risks to 2020 census data quality caused by COVID-19 and related developments.

*Question 2.* If confirmed, will you commit to protecting the integrity of the 2020 Census?

Answer. Yes.

*Question 3.* If confirmed, will you commit to working with the Commerce Committee to ensure that the Census Bureau has all necessary resources to ensure a full, fair, and accurate count is represented?

Answer. Yes.

*Question 4.* In May 2020, a career Census Bureau staffer expressed concern that the Census would not be able to meet its statutory deadlines. If confirmed, will you remain transparent and open in your communication with the Committee to ensure that the Census Bureau is meeting its constitutional and statutory responsibilities?

Answer. Yes.

Response to Written Questions Submitted by the Hon. Edward Markey to the Hon. Gina Raimondo.

Restricting the 3D Printing of Guns. In January 2020, the Commerce and State Departments finalized rules that shift jurisdiction over small arms exports -- including technical data, such as files for the 3D printing of guns -- from State to Commerce. A coalition of state attorneys general obtained an injunction that maintains State Department oversight over technical data. But if a pending court decision vacates that injunction, the Commerce Department will then have jurisdiction over the posting of files for the 3D printing of guns.

*Question 1.* What actions would you like to see the Commerce Department take to ensure that the posting and export of files for the 3D printing of guns continues to be restricted?

Answer. If the pending court decision vacates the injunction, if confirmed, I will work with the White House and members of Congress, including your office, to discuss ways of implementing meaningful oversight similar to State Department oversight that occurred before the rule change.

Response to Written Questions Submitted by the Hon. Gary Peters to the Hon. Gina Raimondo.

*Question 1.* For Michiganders, the Great Lakes are not just a precious environmental treasure, they're an economic driver, and they are literally part of our DNA. I enjoyed our discussion of NOAA's beautiful Thunder Bay National Marine Sanctuary. Michigan is also the proud home of the Great Lakes Environmental Research Laboratory, several weather forecasting stations, and other important NOAA resources that help support the communities and business throughout the

region. If confirmed as Secretary, will you commit to working with me to support and grow NOAA's capacity to provide services within the Great Lakes?

Answer. I recognize the importance of the Great Lakes to our economy and I know that NOAA provides data, tools, and services that support communities surrounding the Great Lakes, just as they do in Rhode Island. If confirmed, I would look forward to learning more about NOAA's work in the Great Lakes region and working with you to support the services they provide to you and your constituents.

*Question 2.* The President announced yesterday a new executive order directed across the entire federal government to ensure that when taxpayer dollars are used, they are not used to buy foreign goods but rather are supporting domestic manufacturers and domestic iron and steel. I was part of a bipartisan group of Senators that introduced the *Build America, Buy America Act* (led by Senators Brown and Braun) in the last Congress, which called on many of the items in the President's executive order. If confirmed as Secretary, will you commit to working with me and the Homeland Security and Governmental Affairs Committee—where I will serve as chairman—to help make permanent these provisions to strengthen Buy America requirements that create jobs and support our domestic manufacturing base?

Answer. Yes, if confirmed, I will support efforts to help make permanent provisions to strengthen Buy America requirements where tax dollars are spent buying U.S. made goods. As you note, President Biden has made clear his support for Buy America provisions through the issuance of Executive Order 14005. Within the Department of Commerce, the Economic Development Administration has a long history of supporting Buy America requirements in its infrastructure grants.

*Question 3.* KLA, one of the major US-based semiconductor equipment manufacturers is in the process of opening a second U.S. headquarters in Michigan, creating over 600 high-tech jobs in the Midwest. One challenge semiconductor manufacturers like KLA face has been export restrictions that make it difficult to compete with competitors in Korea, Japan, and Europe. I support efforts to be tough on China so I hope we can work together to strengthen the restrictions on China while ensuring our companies can compete globally. Will you commit to working with me on this?

Answer. If confirmed as Secretary of Commerce, I will commit to working with you on this issue. I will ensure that the Department conducts a full analysis of any changes in export control requirements before implementation.

*Question 4.* The Homeland Security and Governmental Affairs Committee, where I am the incoming Chairman, has jurisdiction over the Census Bureau. Will you commit to working with the Committee and with me to return the Census Bureau to the hands of experts and de-politicize it; Finish the 2020 Census as accurately as possible; Begin preparing for a more inclusive 2030 Census; and continue the critical surveys the Bureau conducts every year?

Answer. Yes.

*Question 5.* Michigan has been ranked the 2<sup>nd</sup> best state for aerospace manufacturing. The University of Michigan has one of the best space and space-related engineering programs in the country, which has helped pioneer the development of small satellites that are rapidly being deployed in outer space. I am joining Senator Wicker in Coauthoring the SPACE Act, which would authorize the Office of Commercial Space within the Department of Commerce. I have also been in touch with Commerce Department staff about the development of a space commodities exchange—something the Space Force has been interested in as well—to help provide certainty to financial markets backing new commercial space endeavors, as well as to our military and civilian space activities. Will you have staff look into this issue and provide timely feedback on the merits of developing a space commodities exchange from the perspective of the Office of Space Commerce?

Answer. Thank you for your support of NOAA's Office of Space Commerce. If confirmed, I will work with NOAA to look into the issue of a space commodities exchange and the merits of developing such an exchange.

*Question 6.* Space Weather has the potential to impact infrastructure on Earth and severely disrupt the economy. The insurance industry has cited estimates of a catastrophic space weather event as high as 10% in the next 10 years. An estimate by Lloyds of London found that a worst-case scenario space weather event could cost up to \$2.6 trillion. Impacts include outages or blackouts of electric utilities, disrupting GPS and communication networks, and forcing airlines to reroute air traffic. NOAA operates a number of space weather instruments. I authored the bipartisan PROSWIFT Act, which tasks NOAA with coordinating across federal agencies to help improve our understanding of and mitigate this threat. At the appropriate time in the future, will you please provide an update on the implementation of this law?

Answer. Thank you for your support of NOAA and its space weather mission. If confirmed, I will work with NOAA to provide you an update on the Department's implementation of the PROSWIFT Act.

*Question 7.* The COVID 19 pandemic has made it even clearer that broadband deployment is necessary to ensure the success of all American both in urban and rural areas. The President has called for major investments in broadband infrastructure. Last Congress, I introduced the Broadband Infrastructure Finance Innovation Act which establishes a financing program to make available loans, loan guarantees, and lines of credit for the construction and deployment of broadband infrastructure at NTIA. If confirmed as Secretary, will you commit to working with me and the Committee to accelerate broadband infrastructure deployment?

Answer. Yes, if confirmed, I will work to ensure that the Department will focus on bringing all of its resources to bear to accelerate broadband infrastructure deployment. Commerce's NTIA is uniquely qualified to help in expanding both broadband infrastructure to areas of unmet need as well as supporting communities with their digital equity and inclusion needs.

*Question 8.* In the last Congress, I joined a bipartisan group of senators pushing for a massive investment in scientific research and technology development—the Endless Frontiers Act. I

know you've commented on the need to "Go big" as we try to build our way back out of the pandemic. Can you comment on the importance of investing in basic research like this?

Answer. Basic scientific research is imperative to set the long-term groundwork for technology development and later commercial application. President Biden has charged the Office of Science and Technology Policy to examine how we as a nation support research and development to ensure that the U.S. remains competitive globally in key areas of technology (A.I., quantum, communications, etc.). With bureaus like NIST having a key role to play in many of the emerging technology areas identified in the Endless Frontier Act, if confirmed, I look forward to working with the White House and Congress to ensure that our programs are positioned to support the advanced research necessary to fight the pandemic, ensure our competitive position, combat climate change, and build back our economy.

Response to Written Questions Submitted by the Hon. Tammy Baldwin to the Hon. Gina Raimondo.

*Question 1.* The Economic Census is intended to serve "as the foundation for the measurement of U.S. businesses and their economic impact." One in three Americans is a member-owner of at least one cooperative business, and to capture the economic impact of cooperatives, the Census Bureau rightfully included a question on the 2017 survey asking respondents if the business identifies as a cooperative. Unfortunately, the Bureau has not published any data on these responses, nor made the data available to cooperative researchers and economists. Will you commit to releasing Economic Census data on cooperatives and ensure that the Economic Census continues to measure the economic impact of cooperative businesses in future surveys?

Answer. If confirmed, I look forward to working with you and the Census Bureau to ensure cooperative businesses are integrated into future surveys.

Response to Written Questions Submitted by the Hon. Tammy Duckworth to the Hon. Gina Raimondo.

*Question 1.* As part of the 2021 NDAA, Congress authorized a National Semiconductor Technology Center (NSTC) housed within the U.S. Department of Commerce, with the goal of furthering research and development into this crucial technology and strengthening our domestic supply. If confirmed, how will you prioritize funding for research in this and other critical technologies, and do you agree that the Department should solicit further funding for research and development of critical technologies like semiconductors?

Answer. Cutting-edge semiconductor technology is crucial to both U.S. national and economic security. If confirmed, I will make every effort to prioritize R&D that can help address the advancement of semiconductor technology, overcome barriers to its manufacture and security, including models like the NSTC that bring together stakeholders from across government and industry. I look forward to working with Congress and the White House on ways to secure further funding for the important efforts laid out in the NDAA.



*Question 2.* From a global competitiveness standpoint, how vital is it that the U.S. grow its domestic manufacturing base in technologies like semiconductors? And what are your plans to implement and promote the new semiconductor program at the Department of Commerce that Congress authorized with the FY 2021 NDAA?

Answer. A vibrant domestic semiconductor manufacturing capability is an important component of the overall competitive position of the U.S. If confirmed, I plan to work diligently to coordinate efforts between Department of Defense, the Department of Energy, the Department of Homeland Security, the National Science Foundation, and the Department of Commerce to strengthen the U.S. semiconductor industry. I look forward to working with Congress on appropriations to support the efforts outlined in the NDAA.

*Question 3.* Within the Department of Commerce, what position serves as the current point person for the Secretary in evaluating the breadth of the Department's response to trade enforcement and anti-competitiveness concerns? And how does that individual ensure that small businesses – especially those without a trade association or lobbyists – are able to quickly and easily flag concerns about potentially unfair trade practices so that the Department may analyze the situation and respond swiftly?

Answer. I believe in leveling the playing field for small businesses when it comes to trade. If confirmed, I look forward to working to ensure all U.S. companies, including small and medium-sized companies, benefit from our trade agreements.

It is my understanding that Commerce offers a number of tools to engage with the public to ensure compliance with trade agreements. It maintains a hotline (202-482-1191) and website (<https://tcc.export.gov>) to report complaints. The ITA website (<https://www.trade.gov/trade-agreements-compliance>) includes videos and infographics on trade barriers so companies can quickly self-assess if they are facing a trade barrier as the result of foreign government non-compliance. Finally, compliance officers work closely with more than 100 U.S. Export Assistance Centers that assist small and medium-sized exporters located throughout the United States.

In addition, The Department of Commerce provides counseling on the remedies available under the Antidumping and Countervailing Duties (AD/CVD) laws through its AD/CVD petition counseling office to ensure that all U.S. companies, including small and medium-sized companies, understand and have access to the applicable laws. The office can be reached through a hotline (202-482-1255) and dedicated email address ([petition.counseling@trade.gov](mailto:petition.counseling@trade.gov)). Additional information can also be found through the petition counseling website at <https://www.trade.gov/ec-petition-counseling>.

*Question 4.* In confirmed, how would you survey and analyze the current policies and procedures within the Economic Development Administration to ensure that it is fully combatting racial and economic justice as part of its mission?

Answer. EDA's mission to empower distressed communities through revitalization and diversification of local economies is consistent with the promotion of racial and economic justice. My understanding is that EDA looks forward to working with the Administration pursuant to President Biden's Executive Order 13985 to identify and continue to embed equitable principles and approaches across the bureau. Additionally, EDA will review its policies and actions to ensure they do not create barriers to equal participation by eligible institutions seeking grants from EDA.

Response to Written Questions Submitted by the Hon. Kyrsten Sinema to the Hon. Gina Raimondo.

Semiconductor Manufacturing Grants. As we discussed at your hearing, semiconductors play a crucial role in our economic and national security. The 2021 defense authorization law included important provisions to incentivize domestic semiconductor manufacturing and reverse the decline in American semiconductor manufacturing jobs.

*Question 1.* Will you commit to depoliticize the grant process and to establish a procedure that reviews applications and distributes grants based on the benefits to domestic semiconductor manufacturing and not based on politics or the location of the project?

Answer. If confirmed, I commit to ensuring that DOC grants processes are not politicized and that they utilize procedures that are fair, competitive, transparent, and oriented to benefit domestic semiconductor manufacturing.

Semiconductor Research. In addition to the grants to expand domestic manufacturing of semiconductors, the 2021 National Defense Authorization Act calls on the Department to establish a National Semiconductor Technology Center (NSTC). The NSTC is intended to conduct research, development and prototyping to maintain U.S. leadership in this critical technology.

*Question 2.* What role do you envision your Department playing in funding research in critical technologies, such as semiconductors?

Answer. NIST currently has a number of research efforts directly aligned with the needs of the semiconductor industry and other critical technology areas, such as artificial intelligence, quantum science, and advanced communications. If confirmed, I look forward to working with Congress to support and grow these ongoing efforts at NIST as well as other activities across the Department that can help advance U.S. competitiveness in key technology areas, and that contribute to the establishment of a robust domestic semiconductor ecosystem.

Broadband Interagency Coordination. As we discussed at your hearing, the National Telecommunications and Information Administration (NTIA) can play a major role in expanding broadband throughout Arizona. In addition to the programs designed to expand access into rural and tribal areas of Arizona, the COVID relief bill also sets up a one-stop shop at NTIA to coordinate broadband development opportunities across the executive branch.

*Question 3.* Will you commit to quickly establish that office and help state and local governments identify all the opportunities for federal assistance for broadband deployment?

Answer. If confirmed, I commit to promptly establishing the new office and to help state and local governments identify all the opportunities for federal assistance for broadband deployment. It is my understanding that NTIA has begun the process of setting up the Office of Internet Connectivity and Growth and to implement the new obligations relative to tracking federal dollars, streamlining application processes, and coordinating among federal agencies relative to broadband funding.

Cross Border Trade. Cross border trade is an economic driver of Arizona's economy. A University of Arizona study shows that Mexican tomato imports support 33,000 U.S. jobs. Agribusiness supply chains derived from these imported tomatoes account for nearly \$3 billion in U.S. gross domestic product. With trade agreements in place, such as USMCA, the North America supply chain provides consumers with the opportunity for choice and affordable produce while supporting our domestic growers. USTR has recently initiated a number of trade investigations having to do with imported produce, specifically related to seasonality concerns. These investigations destabilize the supply chain and open the door to potential damaging retaliations from our trade partners. That's why I joined with Senator Moran and other members of Congress to send a letter to USTR, urging them to consider the potential impacts when making these decisions.

*Question 4.* In your opinion, how do we continue to foster a strong trade supply chain while not disrupting the USMCA and ensuring our domestic growers are supported and consumers are given affordable choices throughout the year?

Answer. If confirmed, I will ensure that Commerce continues its outreach with growers of seasonal and perishable fruits and vegetables to enhance their understanding of applicable trade remedy laws and processes and will continue to monitor foreign subsidy practices that have a direct impact on U.S. producers of seasonal and perishable fruits and vegetables.

Commercial Space. The commercial space industry is growing at an incredible speed-- creating jobs, innovating, and fostering public-private partnerships across the country. Yuma, Arizona is currently going through the process to establish a spaceport that would have the ability to launch mini and nano satellites. If the spaceport moves forward, it will grow Yuma's economy and help the United States remain a leader in space.

*Question 5.* As the commercial space economy expands and more technology is sent into space, how will you work with entities to ensure the National Airspace System is able to support additional launch and reentry points as well as increased traffic?

Answer. I understand the importance in providing space situational awareness and traffic management to ensure safe and productive development in the space economy. If confirmed, I look forward to working with NOAA, other Federal agencies, and the Congress on this important topic.

Space Traffic Management. Given the exponential growth in numbers of satellites and the increasing amount of debris in orbit, the Office of Space Commerce is charged with protecting the space based services that are critical to our nation's infrastructure, sustaining U.S. space sector leadership globally, and international space cooperation. Last year Congress provided increased funding for the Office of Space Commerce and direction to initiate a Space Traffic Management (STM) pilot program in collaboration with industry.

*Question 6.* What are your thoughts on the importance of Space Traffic Management?

Answer. I understand that successful and collaborative space traffic management will be essential if the US and the world are to realize the potential benefits of a healthy and growing space economy. If confirmed, I look forward to working with NOAA, other Federal agencies, and the Congress on this important topic.

Privacy Shield. In July of 2020, the European Court of Justice struck down the Privacy Shield program, invalidating a critical mechanism for transferring personal data to the United States from the European Union. This has raised significant concerns about the continued viability of trans-Atlantic data flows, which are estimated to generate more than \$7 trillion in economic activity.

*Question 7.* As Secretary of Commerce, will you support and prioritize the on-going negotiations to replace the Privacy Shield program with the goal of ensuring the continued viability of trans-Atlantic data flows?

Answer. If confirmed, one of my top priorities as Commerce Secretary will be to quickly conclude an enhanced Privacy Shield framework that fully addresses the European Court of Justice's concerns and enables the EU-U.S. transfers of personal data that underpin the \$7.1 trillion transatlantic economy. I will work closely with my counterparts in the U.S. government, in particular the Office of the Director of National Intelligence, the Department of Justice, and the Department of State, in order to ensure that these whole of government negotiations are successful and the 5,400+ Privacy Shield participants, more than 70 percent of whom were small and medium enterprises, can efficiently and effectively do business with Europe once again on firm ground.

Bioscience and IP Rights. In Arizona, our bioscience and biotech industries fuel new jobs, and delivering life-changing innovations. We've worked hard in Arizona to leverage smart public sector investments to attract next generation start-ups, as well as global companies looking to build out manufacturing and research facilities. Arizona inventors have been awarded more than 2,000 bioscience-related patents since 2016. Never have the benefits of strong IP been as relevant as they are today. We have seen how pharmaceutical researchers have worked so quickly to develop COVID vaccines and therapeutics, and the importance of going after stolen IP and fraudulent medical products.

*Question 8.* In order to continue driving discovery and to maintain the global competitiveness of American and Arizonan companies, how will the Commerce Department use trade enforcement tools to create a level playing field and protect millions of American jobs?

Answer. If confirmed, I will work with the Congress to protect U.S. intellectual property. The Department will address the challenge of protecting U.S. intellectual property from theft and unfair competition by helping our innovators and creators, providing information on how to obtain protection, maintaining high standards for protection in any future trade agreements, using tools at the Department's disposal to ensure our trading partners abide by their international commitments, including those respecting IP protection and enforcement, and participating and defending U.S. intellectual property interests in international forums and standard setting processes.

Response to Written Questions Submitted by the Hon. Jacky Rosen to the Hon. Gina Raimondo.

*Question 1.* The ability to transfer data across international borders is crucial to a broad range of companies, of all sizes and industries, and to consumers who rely on global services to help them work, learn, and connect with others from home. Can you commit to making it a priority to help ensure that companies can continue to transfer data across international borders and to working with your European counterparts to reach a new agreement to support data transfers from the EU to the US?

Answer. If confirmed, one of my top priorities as Commerce Secretary will be to quickly conclude an enhanced Privacy Shield framework that fully addresses the European Court of Justice's concerns and enables the EU-U.S. transfers of personal data that underpin the \$7.1 trillion transatlantic economy. I will work closely with my counterparts in the U.S. government, in particular the Office of the Director of National Intelligence, the Department of Justice, and the Department of State, in order to ensure that these whole of government negotiations are successful and the 5,400+ Privacy Shield participants, more than 70 percent of whom were small and medium enterprises, can efficiently and effectively do business with Europe once again on firm ground.

*Question 2.* With a majority of Americans working remotely due to COVID-19, will you commit to strengthening cybersecurity workforce capabilities to secure and defend information infrastructure?

Answer. Yes. If confirmed, I commit to strengthening our cybersecurity workforce capabilities. I am aware of NIST's recently revised Workforce Framework for Cybersecurity and the output of the National Initiative for Cybersecurity Education, which NIST manages. I look forward to working with NIST and the Department to continue improving our nation's cyber workforce.

## **Responses to Questions for the Record for Governor Gina Raimondo**

### **Ranking Member Roger Wicker**

**Question 1:** Gov. Raimondo, supply chain security is a growing challenge for the business community and the federal government needs to coordinate its efforts and work with the private sector to protect our interests. Will you commit to reviewing the Department of Commerce's recently issued Information and Communications Technology and Services (ICTS) Supply Chain interim final rule to ensure it is reasonable and is part of a coordinated federal strategy to secure the supply chain? Yes or no?

**Response:** With experience in both the private and public sector, I know how critical it is to protect the interest of all Americans, consumers and constituents. If confirmed, I will work with the professionals at the Department and conduct a thorough review of the recently issued ICTS Supply Chain interim final rule as well as the Department's other supply chain activities.

**Question 2:** The Consolidated Appropriations Act of 2021, which included COVID-19 stimulus and relief funding, included \$1.3 billion for broadband grants--\$1 billion for Tribal areas and \$300 million for broadband deployment in unserved areas. Those grants will be administered by the Department of Commerce's National Telecommunications and Information Administration (NTIA). The purpose of this question is to ensure that those broadband resources are targeted to unserved areas. The Consolidated Appropriations Act of 2021 included \$1.3 billion for broadband grants--\$1 billion for Tribal areas and \$300 million for broadband deployment in unserved areas. Those grants will be administered by the Department of Commerce's National Telecommunications and Information Administration (NTIA). If confirmed, will you commit to ensure that those broadband resources are targeted to unserved areas and are not used to overbuild areas that already have broadband service from a private sector provider or are served by a project funded by another agency? Yes or no?

**Response:** Yes, if confirmed, I will work with the NTIA to implement broadband resources pursuant to the language set forth in the Consolidated Appropriations Act of 2021.

**Question 3:** Spectrum is critical for wireless innovation, closing the digital divide, and winning the race to 5G. The United States is one of the only countries in the world that has a bifurcated system for managing spectrum – the Federal Communications Commission manages non-Federal, commercial spectrum and NTIA manages the Federal government's use of spectrum. Historically, all Federal agencies would work through NTIA to represent its spectrum needs before the FCC. Spectrum is critical for wireless innovation, closing the digital divide, and winning the race to 5G. The Department of Commerce's National Telecommunications and Information Administration's management of the efficient use of Federal spectrum is key to achieving each of these goals. If confirmed, will you work with NTIA to ensure it is the voice – and not other agencies – representing the Executive Branch's position on Federal spectrum matters? Yes or no?

**Response:** NTIA is the critical voice of the Executive Branch on federal spectrum matters, and, if confirmed, I will affirmatively work to ensure this is so.

**Question 4.** Improving our nation's cybersecurity requires working closely with industry to develop and adopt best cybersecurity practices. The National Institute of Standards and Technology, or NIST, has a long track record of helping the public and private sectors improve cybersecurity. Going forward, it is important to take into account the work that NIST has undertaken on these issues as the executive branch further develops and refines its cybersecurity strategy. How would you advance the Department of Commerce's role in strengthening our nation's cybersecurity, and how would it facilitate developing best practices and building secure systems? --

**Response:** Our nation's cybersecurity is of paramount importance, and if confirmed I look forward to working with NIST, the Department of Commerce's lead agency on cybersecurity issues, to help advance our national cybersecurity posture. If confirmed, my plan is to ensure the Department will continue to build on NIST's proven record and capability of research and collaboration with the private sector, academia, standards development organizations, other government agencies, and national and international stakeholders, in order to deliver the most up-to-date cybersecurity standards and guidance.

**Question 5.** The "space economy" is expected to grow from \$350 billion to nearly \$1 trillion by 2040. A tremendous opportunity exists for American space companies to capitalize on growth in a variety of sectors such as space launch, communications, on-orbit servicing, remote sensing, research and development, and even tourism. If confirmed, I hope you will support the Office of Space Commerce (OSC).

*What is your understanding of the roles and missions of the Office of Space Commerce?  
Do you believe that the OSC can play an important role in fostering American economic leadership and opportunities in space?  
Would you consider organizational change within the Department to ensure that OSC is properly prioritized and resourced?*

**Response:** I understand that NOAA and the Office of Space Commerce (OSC) play a key role in working with the commercial space industry. If confirmed, I look forward to learning more about the Office of Space Commerce and to working with Congress to ensure that it is properly resourced and can continue to serve this important function.

**Question 6.** Today, over 2,000 active satellites serve functions that underpin much of our modern digital economy and enable the technology we so often take for granted. But those satellites, as well as astronauts aboard the International Space Station, are threatened by hundreds of thousands of pieces of "junk" or space debris. Some of that debris is large enough to track with radar telescopes, but most of it is not.

With the space domain increasingly congested, opportunities for collisions, spectrum interference, and other "traffic management" challenges have likewise increased. In light of this, the National Space Council announced Space Policy Directive 3 in June of 2018, which

designated the Department of Commerce as the lead civil agency for space situational awareness and notification of satellite operators of potential conjunctions or collisions – functions previously carried out by the Department of Defense.

Further examination of the issue by this Committee and a study conducted by the National Academy of Public Administration affirmed that conclusion, and resulted in Senator Cantwell, Senator Sinema, and I introducing the SPACE Act of 2020. That legislation would transfer civil SSA and STM authorities from the Department of Defense to the Department of Commerce and establish a center of excellence for SSA and STM research.

*Do you agree that congestion in space requires urgent U.S. Government action to protect the space environment through better space situational awareness and traffic management?*

*Senator Cantwell and I plan to reintroduce the SPACE Act soon. Will you review that legislation and work with us to protect the space environment?*

*Will you consult with Congress before advocating for any change to SPD-3?*

**Response:** I understand the importance in providing space situational awareness and traffic management to ensure safe and productive development in the space economy. If confirmed, I look forward to working with you as you develop legislation on this important topic.

**Question 7.** I introduced and passed the bipartisan Modern Fish Act to improve the management of recreational fisheries by incorporating the best available science. In the Gulf of Mexico, states like Mississippi have invested significant time and money to develop a more accurate understanding of how much recreational fishermen harvest. NOAA is rejecting the high quality state data, and instead the agency is prioritizing the less accurate federal data from the Marine Recreational Information Program. This could unfairly decrease Mississippi's share of the Red Snapper fishery by 60 percent in 2021. Will you work with me to ensure Mississippi is not unfairly punished by directing federal fishery managers to work with the states and use the more accurate and timely state fishery data in the Gulf recreational red snapper fishery?

**Response:** As Governor of the Ocean State, I recognize that saltwater recreational fishing is an integral part of American coastal life, communities, and economies. I also understand the importance of stock assessment data and the need for it to be grounded in the best available science. If confirmed, I would commit to learning more about NOAA's Marine Recreational Information Program and to working with you and NOAA on this issue as the program pertains to Gulf of Mexico fisheries.

**Question 8.** Regional Ocean Partnerships are made up of coastal states and promote the effective stewardship of our oceans and coasts by giving those states a strong voice. Last Congress, Senator Cantwell and I introduced the Regional Ocean Partnership Act to codify the existing regional ocean partnerships. Do you commit to working with me to ensure the states have a strong voice in the stewardship of their oceans and coasts? Additionally, as a Governor of a



coastal state, do you see benefits to state partnerships for taking care of our marine resources and promoting the blue economy?

**Response:** As a Governor, I recognize the need for states and tribal governments to have a strong voice in the shared stewardship of our nation's coasts and oceans. NOAA coordinates closely on the management, resilience, and restoration of ocean and coastal areas through collaborative regional efforts led by Regional Ocean Partnerships. These partnerships have enabled my state of Rhode Island and other states to successfully guide and manage appropriate development and conservation within our coastal and marine resources. If confirmed, I will work with NOAA to strengthen our partnerships with States and tribal governments to address coastal and marine issues across our shared ocean resources.

**Question 9.** Southern Mississippi and the University of Rhode Island both play important roles in supporting NOAA's work on this issue. Uncrewed maritime systems are a highly cost-effective way for NOAA to increase the number of observations it collects. Will you work with me to increase NOAA's use of uncrewed maritime systems? Additionally, can you talk about the synergies you saw in Rhode Island when NOAA leveraged the strength of its university partners?

**Response:** I recognize the importance of the safe, efficient, and cost-effective operation of uncrewed systems, which NOAA uses to collect high-quality environmental data for the agency's science, products and services. Rhode Island is a nexus for the industrial revolution in autonomous technologies and the University of Rhode Island (URI) is a leader in ocean exploration. If confirmed, I look forward to working with you and other partners to advance modern ocean technology and increase NOAA's use of uncrewed maritime systems.

**Question 10.** Governor Raimondo, one of the most immediate tasks for the incoming Administration is to ensure global telecommunications networks are safe and secure, especially with 5G networks coming online. What is your view on how the Administration should go about exploring all options for the development and deployment of secure global telecommunications networks?

**Response:** Given our increased reliance on broadband due to the COVID-19 pandemic, our need for safe and secure domestic and global telecommunications networks for education, healthcare and business is critical. The work to enhance the security of communications networks at home and abroad will require a range of efforts from across the U.S. government, working in close collaboration with our international and industry partners.

### **Senator John Thune**

**Question 1:** Global copyright theft undercuts the U.S. economic recovery, the global competitiveness agenda, and the high-paying jobs and vendors that the copyright industries support. Small businesses in the copyright industries heavily rely on copyright protection and enforcement to create, finance and grow. What will you do to ensure that our trading partners effectively protect and enforce copyright?

**Response:** If I am confirmed, I will support robust Intellectual Property (IP) protection and enforcement frameworks in our Free Trade Agreements and our continued engagement in international organizations, including the World Intellectual Property Organization (WIPO) and the Organisation for Economic Co-operation and Development (OECD) to ensure that our trading partners can effectively protect and enforce copyright.

In addition, I will leverage the Department of Commerce's extensive expertise and resources, including the U.S. Patent and Trademark Office and the International Trade Administration, to promote the protection and enforcement of copyright around the world by providing training and technical advice to foreign trading partners.

Furthermore, I will support continued outreach and assistance to U.S. creators and copyright owners, including small businesses, in the protection and licensing of U.S. movies, music, literature, software, and other creative works, including through our network of Intellectual Property Attaches in embassies, consulates, and missions around the world.

**Question 2.** Advanced communication systems such as 5G and Wi-Fi 6 are critical to facilitating U.S. competitiveness in a wide variety of industries. How do you see the Department of Commerce and NTIA working to facilitate and promote 5G?

**Response:** If confirmed, I will ensure the full technical expertise of the Department and NTIA is available to lead U.S. government efforts to help ensure that 5G standards are state-of-the-art, fit-for-purpose, and developed through open, bottom-up, industry-led, consensus-based processes free of the influence of state-actors or their proxies.

**Question 3.** The Department of Commerce's own data shows that in US firms that export goods and services, sales grow faster, more jobs are created, and employees earn more than in non-exporting firms. An ever-growing number of these exporters are small businesses. Unfortunately, even in the countries where we have free trade agreements, our companies continue to face trade barriers such as inadequate intellectual property protections, data localization rules, and price controls that violate these agreements. Much of the responsibility of enforcing these agreements and protecting US businesses falls to the Department of Commerce. Governor Raimondo, can you commit that you will be as vigilant in the execution of the responsibility of holding our trading partners to account on behalf of our US exporters as the Department will be in protecting our businesses from imports that violate our laws and trade agreements?

**Response:** If confirmed, Commerce will continue to level the playing for American workers and businesses. The Department of Commerce is committed to holding our trading partners accountable when they violate our laws and trade agreements by proactively monitoring, identifying and resolving trade barriers. I commit to working with allies and likeminded trading partners to promote policies that support U.S. exports and encourage foreign investment into the United States. I also commit to rigorously enforce the U.S. trade remedy laws to address unfair dumping and subsidization of imports from foreign trading partners that injure the domestic industry.

**Question 4.** As you know, the United States continues to face growing cybersecurity threats. Last year, NTIA and other federal agencies were breached in a supply-chain attack by malicious hackers. An attack at this scale has an enormous effect on our economy and national security. It provides our adversaries with unauthorized access to sensitive data, intellectual property, and critical infrastructure. If confirmed, how would the Department respond to this economic espionage and work with industry to combat ongoing cyber threats?

**Response:** If confirmed, I will ensure that the Department continues to play an active role in helping industry and government agencies better defend against a range of cyber threats by working with experts and stakeholders to constantly advance the collective tools, standards, and expectations in the marketplace.

**Question 5.** A week and a half ago marked the one-year anniversary of the U.S.-China Phase 1 trade deal. China committed to purchasing a significant amount of U.S. exports – an additional \$200 billion of U.S. products over a two-year period. How does the Commerce Department plan to respond to China if it does not meet its Phase 1 commitments, particularly the purchase of U.S. exports?

**Response:** China's actions toward U.S. businesses are coercive and abusive and if confirmed, my plan is to ensure the Department of Commerce (Commerce) continues supporting U.S. exports, including those purchases agreed upon by China as part of the U.S.-China Phase 1 trade deal. Commerce will continue to work with USTR to hold China accountable and use our full tool kit, including export promotion resources of the Foreign Commercial Service.

**Question 6:** With agriculture being South Dakota's biggest industry, my state relies on reliable and accurate weather prediction, especially when it comes to drought and flood risk monitoring. For that reason, I requested that the most recent WRDA bill include a provision to build out a network of weather monitoring stations across the Upper Missouri River Basin and require NOAA to acquire the data and develop a pilot program to improve existing climate and forecasting models with the new data. If confirmed, can you commit to working with me to stand up this important pilot program at NOAA, which will greatly benefit flood control and drought monitoring for much of the Great Plains region?

**Response:** I recognize the importance weather has on industries, like agriculture, to the economy of South Dakota and our nation. If confirmed, I will ensure that NOAA leads with data and sound science. I look forward to working with you on this program, and to ensuring that NOAA and its National Weather Service are the gold standard for weather, water, and climate forecasting.

### **Senator Roy Blunt**

**Question 1.** Do you intend to conduct a review of the steel and aluminum tariffs implemented under section 232 of the Trade Expansion Act of 1962

- a. Will the Department study the impact on downstream industries that consume goods impacted by the tariffs, specifically the decisions of companies to build facilities and production capacity in the United States?
- b. Will the Department make any changes to the tariff exclusion request process? What will the Department do to avoid backlogs and delays?
- c. Will the Department consider giving exclusions to industries that have no impact on national security, such as food and beverage processing or consumer automobiles?

**Response:** If confirmed as Secretary, I plan to review any work the Department of Commerce (Commerce) has already done on the impact of the tariffs and will ensure that any review is up to date. It is my understanding that the Commerce Department is continually reviewing the process and scope of the 232 Exclusions Process to increase its efficiency and transparency.

**Question 2.** How will the Department of Commerce protect American workers and main street businesses against China's unfair trading practices? How will the Department work with our other trading partners in the region to facilitate trade and counter China's influence?

**Response:** If confirmed, I am committed to addressing unfair and abusive trading practices by China and other nations through its network of trade experts and commercial diplomats. I will work with allies and likeminded trading partners to identify and address trade barriers in order to promote policies that support U.S. exports and continue to vigorously enforce existing U.S. trade laws, including the antidumping (AD) and countervailing duty (CVD) laws, to ensure that U.S. workers, farmers and businesses are not harmed by unfair imports from China.

- a. American innovation in technology continues to create high-tech manufacturing jobs and reduce our dependence on China. Will you commit to working with Congress to vigorously protect American intellectual property from unfair competition?

**Response:** If confirmed, I will work with Congress to protect U.S. intellectual property. The Department will address the challenge of protecting U.S. intellectual property from theft and unfair competition by helping our innovators and creators, providing information on how to obtain protection, maintaining high standards for protection in any future trade agreements, using tools at the Department's disposal to ensure our trading partners abide by their international commitments, including those respecting IP protection and enforcement, and participating and defending U.S. intellectual property interests in international forums and standard setting processes.

**Question 3.** How will the Department of Commerce enforce our trade agreements? What actions will the Department take against entities that violate our trade agreements?

Specifically, on intellectual property, how will the Department fully and effectively defend U.S. companies' IP rights around the world and ensure that foreign governments live up to their trade agreement IP obligations?

**Response:** The Department of Commerce (Commerce) has the statutory responsibility to monitor trading partners' trade agreement compliance and as such, proactively monitors, investigates, and resolves non-tariff trade barriers. If confirmed, I will work with Commerce staff, and when appropriate the Office of the United States Trade Representative, to expeditiously address non-compliance matters and refer for dispute settlement as needed.

**Question 4.** The COVID-19 pandemic created a disruption in global supply lines and led to a shortage of semiconductor chips. Many American manufacturing workers and main street businesses produce products that include semiconductor chips to enhance safety and efficiency. The current shortage is slowing down American factories and may result in a total work stoppage.

- a. Will the Department of Commerce work with our trading partners to help alleviate the shortage of semiconductor chips?

**Response:** The Department of Commerce will play an active role in President Biden's whole-of-government approach to semiconductors. In the short term, we should work with trading partners to explore options for alleviating this shortage. In the long term, we must take steps to ensure a resilient and secure supply chain for semiconductor chips, including continued assistance to firms expanding their semiconductor manufacturing investments in the United States. If confirmed, I look forward to working with Congress to these ends.

**Question 5.** In July of 2020, the European Court of Justice struck down the Privacy Shield program, invalidating a mechanism for transferring personal data to the U.S. from the EU. This has raised significant concerns about the continued viability of trans-Atlantic data flows, which are estimated to generate more than \$7 trillion in economic activity, at an important moment for both U.S. economic recovery and EU-US relations.

- a. As Secretary of Commerce, will you support and prioritize the on-going negotiations to replace the Privacy Shield program with the goal of ensuring the continued viability of trans-Atlantic data flows?
- b. Given the potential economic impact of interrupted data flows across the U.S. economy, are you planning to be directly involved in these discussions? Are there additional steps you intend to take?

**Response:** If confirmed, one of my top priorities as Commerce Secretary will be to quickly conclude an enhanced Privacy Shield framework that fully addresses the European Court of Justice's concerns and enables the EU-U.S. transfers of personal data that underpin the \$7.1 trillion transatlantic economy. I will work closely with my counterparts in the U.S. government, in particular the Office of the Director of National Intelligence, the Department of Justice, and the Department of State, in order to ensure that these whole of government

negotiations are successful and the 5,400+ Privacy Shield participants, more than 70 percent of whom were small and medium enterprises, can efficiently and effectively do business with Europe once again on firm ground.

**Question 6.** Artificial intelligence (AI) technology is proliferating and important considerations are being brought to light about both the benefits and challenges of these technologies. Most notably, the European Commission is making significant progress toward an AI regulatory approach. The Fiscal Year 2021 National Defense Authorization Act included a bipartisan requirement for the National Institute of Standards and Technology (NIST) to establish a collaborative trustworthy AI framework, akin to their landmark cybersecurity and privacy frameworks.

- a. As the leading producer of AI in the world, do you agree that the U.S. should be part of the global conversation on AI standards, management practices, and regulation?

**Response:** Yes. I agree unequivocally that the U.S. should be part of the global conversation on AI standards, management practices, and regulation. If confirmed, I look forward to working with NIST and others across the Department to ensure that the U.S. maintains its strong voice in these important global conversations on AI.

- b. Given that it received considerable bipartisan support in Congress, will you support and prioritize the on-going and important work by NIST to launch to create a trustworthy AI framework?

**Response:** Yes. If confirmed, I will be a strong supporter and advocate for NIST's work to create a framework for trustworthy AI. I understand that NIST has received funding from Congress that will support this important work.

**Question 7.** I served on the Energy and Commerce Committee in 2009 when Congress passed the American Recovery and Reinvestment Act, which sent billions of dollars to the Department of Commerce to provide broadband grants. I was concerned in 2009, and I remain concerned that we are not doing enough to protect taxpayer money from being used to overbuild existing broadband networks.

- a. Will you commit to the Committee that under your leadership at the Department of Commerce, you will ensure that NTIA works with all government and industry stakeholders to mitigate the threat of using federal money to overbuild existing broadband networks?

**Response:** Yes.

- b. How will you work to ensure that federal resources are used for the construction of broadband networks in wholly unserved, rather than underserved, parts of the country?

**Response:** As Governor, I have had to watch the challenges many families and individuals have in my state without access to broadband or have very limited bandwidth. If confirmed, as Secretary, I will work to ensure that broadband grants are directed to the communities most deserving and in need, consistent with the intent of the statute.

**Question 8.** As you may be aware, within the Department of Commerce is the National Travel & Tourism Office and the U.S. Travel and Tourism Advisory Board, which inform the Commerce Secretary on emerging issues in travel and tourism, including travel facilitation, transportation infrastructure, and aviation security. The travel industry has been one of the hardest hit by the pandemic, and the Department has a critical role to play in the balancing of public health and safety in air travel with the need to support the viability of the travel industry.

The U.S. must lead the global community in implementing a multi-layered, risk-based approach to restarting travel. Though I am glad to hear President Biden will advance the CDC's new testing requirement for inbound, international travelers, I believe that more can be done to ensure that this rule is implemented smoothly.

- a. Will you commit to addressing these concerns and considering the interests of the travel industry as you work with your colleagues in the Administration to tackle this crisis?

**Response:** I believe it is critical for our economic recovery that the United States prioritize the safe opening of domestic and international travel in a way that mitigates the transmission of disease. On January 21, President Biden issued an Executive Order on Promoting COVID-19 Safety in Domestic and International Travel that mandates testing of travelers entering the United States and directs the Departments of Transportation, Homeland Security, and Health and Human Services, through the Centers for Disease Control and Prevention, and other agencies to provide additional recommendations to the COVID-19 Response Coordinator (Coordinator) on measures to support the safe reopening of international and domestic travel. If confirmed, it is my intention to offer the assistance of the Department of Commerce in bringing the perspective of the travel and tourism industry, communicating to the travel trade in the United States and international markets, and coordinating across government.

**Question 9.** Before leaving office, President Trump signed an executive order that seeks to grant the Department of Commerce authorities to impose data collection requirements on cloud providers. It is unclear how this action will effect relationships between cloud providers and their customers overseas. These outcomes may put a major sector of the US economy at risk without clarity on how this action advances data security.

Do I have your commitment to carefully review this EO and to work with impacted industry stakeholders on this topic and others relating to Infrastructure as a Service (IaaS)?

**Response:** If confirmed, I will carefully review the Executive Order and work with impacted industry stakeholders on this topic and others relating to Infrastructure as a Service (IaaS).

### **Senator Ted Cruz**

**Question 1.** Governor, in your confirmation hearing I asked you several questions about an ongoing review of China policy by the Biden administration, which includes the potential to remove several entities from the Department of Commerce's "Entity List." This list, as you may

know, houses foreign parties—such as an individual, business, research institution, or government organization—which engage in activities contrary to U.S. national security and/or foreign policy interests. Specifically, I asked about entities that the Chinese Communist Party (CCP) uses to conduct their surveillance campaigns of the Uighurs in Xinjiang, which is part of their campaign of genocide in the region, and about Huawei, which is a global espionage tool of the CCP masquerading as a technology firm.

Additionally, on Jan 19 then-Secretary of State Pompeo announced that the State Department had determined that “the People's Republic of China is committing genocide and crimes against humanity in Xinjiang, China, targeting Uyghur Muslims and members of other ethnic and religious minority groups.” The same day, now-Secretary of State Blinken confirmed that he agrees with that assessment in testimony to the Senate Foreign Relations Committee: “That would be my judgment as well...I think we’re very much in agreement,” he said. “The forcing of men, women and children into concentration camps; trying to, in effect, re-educate them to be adherents to the ideology of the Chinese Communist Party, all of that speaks to an effort to commit genocide.”

In response to my questions about companies used by the CCP for their surveillance campaigns of the Uighurs, you said –

“I will commit that should I be confirmed and I am there, I will review the policy, consult with you, consult with industry, consult with our allies and make an assessment on what is best for American national security.”

This answer is both troubling and does not address my questions. I’d like to now more specifically ask you –

- a. Do you believe that the CCP’s targeting of the Uighurs in Xinjiang constitutes a genocide?
- b. Will you commit to ensuring the entities that were placed on the Entity List because of their involvement in the CCP’s human rights abuses against the Uighurs and others in Xinjiang remain on the Entity List, should you be confirmed as the Secretary of Commerce?
- c. Will you commit to ensuring Huawei and its subsidiaries and affiliates that are currently on the Entity List remain on the Entity List, should you be confirmed as the Secretary of Commerce?

**Response:** Secretary of State Blinken has made clear his judgement that China’s actions in Xinjiang constitute an effort to commit genocide, and he speaks on behalf of the President on this issue. I agree with him that the U.S. government has tools, including some that Congress has provided, to take actions to not import products that are made with forced labor from Xinjiang, or exporting technologies and tools that could be used to further Uighurs’ repression. If confirmed, I will review how the Bureau of Industry and Security’s (BIS) authorities can be leveraged to promote the protection of human rights, as Congress directed in the Export Control Reform Act (ECRA), including through review of licenses for human rights concerns and Entity List actions. I will also ensure any proposed additions or removals comply with the policies and procedures of the Export Administration Regulations (EAR).

With respect to Huawei, let me be clear: telecommunications equipment made by untrusted vendors is a threat to the security of the U.S. and our allies. We will ensure that American telecommunications networks do not use equipment from untrusted vendors and will work with



allies to secure their telecommunications networks and make investments to expand the production of telecommunications equipment by trusted U.S. and allied companies.

In addition, Huawei's ties to China's military, human right abuses, and theft of intellectual property have rightly been a source of bipartisan concern, regulatory action, and legislation in the United States and among U.S. partners and allies. I also am fully aware of and support the provisions of the FY2020 NDAA and Secure and Trusted Telecommunications Networks Act that contain restrictions on Huawei, and look forward to working closely with the Director of National Intelligence, Secretary of Defense, and Director of the FBI to ensure that administration policies and actions related Huawei reflect their national security concerns and judgements as well.

**Question 2.** The government of the People's Republic of China and the Chinese Communist Party have established an ecosystem of public-facing businesses and military infrastructure, sometimes described as a civil-military fusion, to advance China's national security interests. Utilizing public and private assets, they have among other things made great strides in globally advancing their civilian nuclear industry.

- a. Governor, what is your understanding of China's civil-military fusion policy and its implications for the national security of the United States? Please answer with as much detail as possible.

**Response:** I am aware of the substantial challenges China's military-civil fusion policy poses to U.S. national security. If confirmed, I plan to leverage the full breadth of the authorities under the purview of the Department of Commerce in order to protect U.S. national and economic security interests. I also look forward to working with the Secretary of Defense and Director of National Intelligence to fully implement related provisions of the FY2021 NDAA (Section 1260H) and other relevant legislation.

- b. Will you commit to denying any licenses or permits that would allow the export or reexport of technology that would be used to advance China's civil nuclear sector, if you are confirmed?

**Response:** If confirmed as Secretary of Commerce, I would ensure the rigorous implementation of the existing framework for U.S. civil nuclear exports to China and also support U.S. companies that raise concerns regarding Chinese behavior. The entire U.S. government continues to closely monitor Chinese behavior in the civil sector and the Department of Commerce will use all of the tools at its disposal, including the Entity List and license denial, where there is evidence of wrongdoing and threats to economic and national security.

**Question 3.** Huawei, the ZTE Corporation, the Semiconductor Manufacturing International Corporation, the Hangzhou Hikvision Digital Technology Co., the Aviation Industry Corporation of China, Beijing Skyrizon Aviation, and the Commercial Aircraft Corporation of China have been correctly listed on the Entity List and on Military End User Lists because they pose national security threats to the United States. I'd like to ask you some questions about those companies and those threats.

- a. Do you agree these companies pose national threats to the United States? If you do not, please describe why you do not believe so.
- b. Will you commit to keeping all of these companies on the Entity List? If not, please explain why not.
- c. Will you commit to keeping all of these companies on the Military End User List? If not, please explain why not.

**Response:** The United States is engaged in strategic competition with China, and technology is a central domain of that competition. We should have no illusions about China's objectives, which I believe are to undercut America's longstanding technological advantage and to displace America as the global leader in cutting-edge research and development and the industries of the future. The national security and economic consequences of allowing that to happen are simply unacceptable. That is the bottom-line perspective I will bring to this role, if confirmed.

With respect to the Entity List, I understand that parties are placed on the Entity List and the Military End User List generally because they pose a risk to U.S. national security or foreign policy interests. I currently have no reason to believe that entities on those lists should not be there. If confirmed, I look forward to a briefing on these entities and others of concern. I further understand that the Department has an ongoing process in place to identify and review activities of the Chinese government, commercial entities, and their affiliates to determine whether placement of additional entities on the Entity List and/or the Military End User List is warranted. I understand that this is an interagency process. As Secretary, I will not hesitate to encourage the use of the Entity List, the Military End User List, and other appropriate tools within the scope of Commerce authorities to protect U.S. national security and foreign policy interests.

**Question 4.** Are there currently entities listed on the Entity and Military End User Lists you do not consider to be national security threats to the United States? If so, please specify—

- a. Which entities those are; and
- b. How you reached that determination for each party.

**Response:** I understand that parties are placed on the Entity List and the Military End User List generally because they pose a risk to U.S. national security or foreign policy interests. I currently have no reason to believe that entities on those lists should not be there. If confirmed, I look forward to a briefing on these entities. I further understand that the Department has an ongoing process in place to identify and review the activities of entities and their affiliates to determine whether addition to the Entity List and/or the Military End User List is warranted and that this is an interagency process. As Secretary, I will not hesitate to encourage the use of the Entity List, the Military End User List, and other appropriate tools within the scope of Commerce authorities to protect U.S. national security and foreign policy interests.

**Question 5.** If you will not commit to ensuring foreign parties engaged in activities contrary to U.S. national security and/or foreign policy interests will not be removed from the Entity and/or Military End User Lists, please list, specifically—

- a. Which parties on the Entity List and/or Military End User List you would consider removing and allowing access to sensitive U.S. technology; and

- b. Your rationale for removing each party from the Entity List and/or Military End User List.

**Response:** I understand that the Commerce Department's Bureau of Industry and Security (BIS) has an ongoing process in place to identify and review activities of entities and their affiliates to determine whether addition to the Entity List and/or the Military End User List is warranted and that this is an interagency process. I currently have no reason to believe that entities on those lists should not be there. If confirmed, I look forward to a briefing on these entities and the interagency process. As Secretary, I will not hesitate to encourage the use of the Entity List, the Military End User List, and other appropriate tools within the scope of Commerce authorities to protect U.S. national security and foreign policy interests.

**Question 6.** The re-export of illicit technology to Iran poses an acute and complicated challenge to the enforcement of American export and re-export laws. The Iranian regime consistently seeks to circumvent American efforts to curb its support for terrorism and expansionism by acquiring technology through third countries, including sensitive military technology. Information that has been declassified across multiple administrations and indictments which have been unsealed indicate the regime using front companies and other means to evade detection. Please describe –

- a. How you evaluate the challenge posed by Iran's acquisition of prohibited technologies through third parties, including specifically aviation and aeronautical technology.
- b. The priority you intend to place, if confirmed, on enforcing American re-export restrictions to Iran.
- c. Specific steps you would take to stop the flow of prohibited goods to Iran, if you are confirmed.

**Response:** Currently, a license from the Department's Bureau of Industry and Security (BIS) is required to export or reexport most items (commodities, software, and technology) on the Commerce Control List (CCL) to Iran pursuant to EAR Section 746.7. In addition to BIS license requirements, the Department of Treasury's Office of Foreign Assets Control (OFAC) prohibits exports and reexports to Iran of items subject of the EAR pursuant to the Iranian Transactions and Sanctions Regulations (ITSR) (31 CFR Part 560). Taken together, the two agencies' authorities broadly restrict the provision of items subject to the EAR to Iran, whether by U.S. persons or non-U.S. persons, and including from third countries. If confirmed, I commit to working alongside Treasury Secretary Yellen to ensure appropriate coordination between our agencies to ensure strict compliance with these restrictions.

**Question 7.** The Commerce Department is responsible for enforcing U.S. anti-boycott laws which impose penalties for participating in boycotts that run contrary to American interests, including and especially boycotts of Israel that Congress has consistently sought to discourage

- a. If confirmed, you will oversee the Office of Anti-boycott Compliance. Will you commit that you will fully and actively enforce U.S. anti-boycott laws and regulations, and prioritize protecting American companies from foreign boycotts?
- b. In dealings with countries that participate in the boycott of Israel, will you commit to making it a priority to encourage them to end their boycott?

**Response:** I commit to fully and actively enforcing all U.S. anti-boycott laws and will always prioritize protecting American companies and the American worker.

**Question 8.** On his first day in office, President Biden rejoined the Paris Agreement, a binding international treaty on climate change. Similarly, you signaled intent to enact climate change policy should you be confirmed as Secretary of Commerce.

- a. What role will the Department of Commerce have in implementing the stringent requirements of the Paris Climate Agreement?
- b. Under what statutory authority does the Department of Commerce have the ability to do so?

**Response (a and b):** Like President Biden, I know the climate crisis poses an existential threat to our economic security, and we must meet this challenge by creating millions of good, union jobs that power a more sustainable economy. The Commerce Department has the tools, data, and expertise to help communities and businesses address the climate crisis and become more resilient in the face of climate change. As one of the agencies under the Congressionally mandated U.S. Global Change Research Program, the Department of Commerce, through NOAA, plays a leadership role in the development of the quadrennial National Climate Assessment, which analyzes trends in global change and its effects on various sectors.

**Question 9.** Economic analysis estimates that as many as 2.7 million jobs could be lost as a result of complying with the terms of the Paris Accord. Additionally, President Biden revoked the permit for the Keystone XL pipeline on January 20, 2021, eliminating 11,000 jobs. What will the Department of Commerce do to support the workers whose jobs have already been cancelled by the Biden Administration or will be eliminated in the future?

**Response:** Should I be confirmed, I will work closely with the Economic Development Administration (EDA) to continue to create new well-paying jobs in distressed areas and ensure that all Americans are well-equipped to compete for jobs of the future. Within the Department of Commerce, EDA leads the federal economic development agenda by promoting innovation and competitiveness, preparing our communities for growth and success in the worldwide economy. EDA's portfolio of flexible programs is designed to assist communities at every stage, allowing for innovation and responsiveness to changing economic conditions that lead to job creation.

**Question 10.** During your hearing, you stated that the United States needs to formulate a national strategy on spectrum in order to win the race for 5G, in addition to making spectrum available from public and commercial uses. As agencies disagree over spectrum allocation, can you commit that the Biden Administration will never pursue a government-owned telecommunications network?

**Response:** United States commercial telecommunications networks are the envy of the world. Commercial telecommunications service providers routinely and reliably deliver a sophisticated, complex, hi-tech service, and they work hard to keep their networks best-in-class. As I stated in my hearing testimony, I do not support nationalization of a 5G telecommunications network and I am unaware of any present intention to pursue a government-owned telecommunications network.

- a. Does the Biden Administration plan to rescind the “Defense Spectrum Sharing Request for Information” issued on September 18, 2020 by the Department of Defense?

**Response:** That Request for Information was issued by the Department of Defense under the previous Administration. The responses to that Request for Information have already been submitted, and I respectfully submit that this question would be more properly directed to the Secretary of Defense.

**Question 11.** Family and friends of President Biden are deeply enmeshed in the Washington, D.C. lobbying industry. His son, Hunter Biden, has been paid for consulting and lobbying services by multiple foreign governments. Given the role of the Department of Commerce in promoting America’s businesses abroad, what procedures or safeguards will you have in place to guard against impropriety should you be approached by a Biden relative or long-time associate?

**Response:** If confirmed, I will ensure that the Department of Commerce adheres to the highest ethical standards. I would also direct you to Executive Order 13989 of January 20, 2021, which affirms a strong ethics pledge for all political appointees in the Biden Administration.

**Question 12.** In 2009, prior to her confirmation as Secretary of State, then-Senator Hillary Clinton approved a memorandum of Understanding between the Clinton Foundation and the Obama Administration that, through transparency, assure Americans the Foundation was not receiving undue donations as a means to curry favor. Does the Biden Administration plan to require a similarly-transparent plan from the Biden Institute at the University of Delaware, the Biden School of Public Policy and Administration at the University of Delaware, long-time Biden associates who may or may not have previously registered as lobbyists, and Biden family members?

**Response:** This question is outside the scope of the Department of Commerce. If confirmed, I will ensure that the Department of Commerce adheres to the highest ethical standards. I would also direct you to Executive Order 13989 of January 20, 2021, which affirms a strong ethics pledge for all political appointees in the Biden Administration.

**Question 13.** Governor, the previous Administration invoked Section 232 of the Trade Expansion Act of 1962 to impose duties on imports of steel products that pose a threat to national security. At the time, Democrats publicly stated their position<sup>1</sup> that the rationale used was inadequate. The new Biden Administration has signaled that they may use trade policy and law as a way to combat climate change around the world, possibly using existing trade law to impose ‘carbon’ tariffs on imported products. What is your position on using existing trade law to implement President Biden’s environmental agenda? Do you believe that there is existing authority to impose duties using the rationale of combatting climate change? If so, please specify which statutes and regulations provide that authority.

**Response:** If confirmed as Secretary of Commerce, I intend to work closely with Congress on the issue of climate change and can commit to use the tools available under the law

and work with our interagency partners and other stakeholders to implement the Administration's environmental policies, as appropriate.

**Question 14.** The previous Administration has been criticized for relying too heavily on duties to combat the abusive trade practices used by China that have harmed American business for decades. Governor, what trade enforcement mechanisms do you plan to use as head of the Department of Commerce to protect American businesses and interests from China?

**Response:** The Department of Commerce (Commerce) recognizes the need to confront unfair trade practices directly, whether those by China or other countries. Accordingly, if confirmed, I will employ all relevant and appropriate trade enforcement mechanisms to protect U.S. workers and businesses. For example, Commerce will proactively monitor and investigate China's non-compliance with its WTO trade obligations and work with other agencies, such as the Office of the United States Trade Representative, to implement the most effective strategy to address these issues.

**Question 15.** Many of our trading partners are simply not living up to their commitments with the U.S. This problem spans the globe and affects every American industry. But in particular, I want to focus on the need to enforce trade obligations for America's highly innovative industries that rely on American intellectual property. We cannot allow the rest of the world to steal or freeride on the inventions of American workers. How do you intend to use the trade enforcement tools at the department to ensure that we truly combat this issue?

**Response:** I recognize that protection and enforcement of U.S. intellectual property rights is a trade policy priority. If confirmed, the Commerce Department, under my direction, would remain actively involved, with USTR and other agencies, in challenging countries to commit to highest standards of intellectual property protection in their agreements with the United States and to fully implement and abide by those commitments. U.S. trading partners must abide by IP-related trade commitments and I am committed to use of Commerce tools and authorities where warranted to bring this about.

**Question 16.** Biopharmaceutical innovators – and the millions of jobs they support in the United States- have worked mightily over the last year to combat the COVID epidemic, and to good effect. In order to drive discovery and to maintain the global competitiveness of our innovators, how will Commerce work to further strengthen U.S. industry in this fight, as well as in other public health battles in the future?

**Response:** EDA has demonstrated support to the nation's response to the COVID pandemic through initiatives such as the launch of the Scaling Pandemic Resilience Through Innovation and Technology (SPRINT) Challenge funded through the CARES Act. It is my understanding that the SPRINT Challenge enables EDA to invest in regional innovation economies to address the economic, health, and safety risks caused by the coronavirus pandemic through entrepreneurship such as scaling and delivering innovative biotechnology and health security technologies. EDA plans to continue to leverage innovation to reduce the threat caused by extremely dangerous pathogens to local economies through related initiatives.

**Question 17.** The purpose of Section 232 tariffs is to stimulate domestic steel production and capacity. In December 2020, the Commerce Department published an interim final rule on the Section 232 product exclusion process, which included the adoption of General Approved Exclusions (GAEs). These GAEs allow covered products to be imported free from Section 232 tariffs, even though the GAE list contains numerous products that the domestic industry can and does produce. Can you describe what action you would take as the Secretary of Commerce to ensure that the GAEs are modified to cover only those products that the domestic industry is not capable of producing?

**Response:** If confirmed, I will ensure that the Department continues to evaluate all aspects of the 232 Exclusions Process, including General Approved Exclusions (GAEs).

**Question 18.** The Biden Administration has said he will pursue a “worker-centered trade policy.” In the past, this term has been used to pursue a trade agenda that disregards the concerns and interests of businesses, leading to U.S. companies operating at a disadvantage compared to their international counterparts. Given that over 40 million jobs in the United States depend on international trade, it is vital that the trade agenda also be centered around protecting American businesses which supply those jobs. Governor, do you commit to only advancing a trade agenda that protects American businesses’ ability to continue employing American workers?

**Response:** If confirmed, it would be my job as Secretary of Commerce to use our trade tools to the fullest extent possible to protect American workers. This includes both enforcing our trade laws and holding our trade partners accountable, but also creating opportunities for U.S. companies to access overseas markets and investment. We must ensure that American workers can compete fairly on the global playing field.

**Question 19.** The Obama/Biden Administration recognized that there is a massive global overcapacity issue affecting the steel industry, involving not just China, but many other countries as well. Unfortunately, multilateral efforts to address this significant problem, such as the ongoing Global Forum on Steel Excess Capacity and the OECD Steel Subsidy negotiations in the early 2000s, have simply not worked. Can you describe what actions you would take as the Secretary of Commerce to address this serious global steel overcapacity issue and ensure a vibrant domestic steel industry, which is critical to U.S. national security?

**Response:** The Department of Commerce’s approach to global steel excess capacity includes active international engagement as well as strong enforcement regarding unfairly traded steel imports. If confirmed as Secretary, I intend to continue to coordinate with trading partners on information regarding, and solutions to address, the excess capacity crisis. Additionally, if confirmed, it is my intention to continue to rigorously enforce the U.S. trade laws, including the AD and CVD laws, to help ensure a level playing field for the critical U.S. steel sector.

**Question 20.** I know as a Governor, you have been very focused on attracting new investments in Rhode Island and in particular foreign direct investment. As Commerce Secretary, you will have the nearly exclusive role of leading America’s campaign for increased foreign direct investment in the US. What is your plan for helping to encourage such investment and the job creation that comes with it?

**Response:** It is essential to retain and grow the more than 15 million U.S. jobs directly and indirectly supported by FDI. If confirmed, I will fully support and resource the SelectUSA Program – a group whose work in the last 10 years has supported over \$82 billion in FDI into the U.S. supporting over 100,000 U.S. jobs.

**Question 21.** The semiconductor industry is often called the “holy grail” of capital investment. A new fab (manufacturing plant for semiconductor chips) can cost upwards of \$10 billion for a green-field new investment. Taiwan’s TSMC recently announced that they plan to build such a plant here in the US, in the State of Arizona. The largest foreign direct investment in the US in more than a decade. Do you agree that the semiconductor industry is important for the US economy and national security and what kinds of actions would you take as Commerce Secretary to further incentivize similar investments in this key sector?

**Response:** I agree that U.S. leadership in semiconductors is a cornerstone of U.S. economy and national security as well as the innovation ecosystem that keeps the United States on the cutting edge of technology. The President has highlighted that the United States needs to close supply chain vulnerabilities across a range of critical products on which the U.S. is dangerously dependent on foreign suppliers. If confirmed as Secretary, I will promote policies that will lead to stronger, more resilient domestic supply chains in a number of areas, including energy and grid resilience technologies, semiconductors, key electronics and related technologies, telecommunications infrastructure, and key raw materials. I commit to working with you on this critically important issue.

**Question 22.** As Commerce Secretary you will lead America’s efforts to protect cutting edge technologies and military systems from being shared with countries that threaten our national security. This is a critical mission, but one that requires careful balance. As Secretary, how would you work to ensure enforcement of our export control laws without undermining investment in the US or inadvertently hurting American technology companies and preventing them from competing globally?

**Response:** If confirmed, I will assess the current process for obtaining input from industry to assure effective export controls that protect U.S. national security and foreign policy interests while mitigating negative effects on U.S. technological leadership. As Secretary, I will also prioritize multilateral and plurilateral engagements that harmonize U.S. export controls with those of like-minded nations, which will strengthen our ability to maintain an effective export control system while limiting the ability of our foreign adversaries to continue to access sensitive U.S. technologies for malign purposes.

**Question 23.** The mission of Commerce’s Bureau of Industry and Security has traditionally been focused on preventing the sale or export of munitions and weapons components. Together with our key allies this has been a shared effort/priority. More recently, some critics have said that U.S. only export controls have been used to accomplish other policy goals, far from this specific national security mission. Do you worry that recent expansions of export control applicability may drive key innovation off-shore and exacerbate the erosion of key foundational technologies like chip manufacturing and semiconductor design?



**Response:** As Secretary of Commerce, I will be dedicated to working with our partners to harmonize export controls and work together to prevent the proliferation of dual use technologies that can benefit foreign adversaries' military capabilities to the detriment of U.S. national security. U.S. technological competitiveness is a key concern of mine, and my goal is to ensure that our defense of U.S. national security and foreign policy interests does not come at a cost to U.S. long-term leadership in technology and innovation.

**Question 24.** The Department of Commerce's Bureau of Economic Analysis recently disclosed that expenditures by foreign direct investors to acquire, establish, or expand U.S. businesses totaled \$194.7 billion in 2019, down 37.7 percent from \$312.5 billion in 2018. This is a worrying trend. What would you like to do to reverse this trend and make America a more attractive place to create or expand new businesses and create jobs for Americans? Is this a part of the Administration's COVID recovery plan?

**Response: Response:** It is essential to retain and grow the more than 15 million U.S. jobs directly and indirectly supported by FDI. If confirmed, I will fully support and resource the SelectUSA Program – a group whose work in the last 10 years has supported over \$82 billion in FDI into the U.S. supporting over 100,000 U.S. jobs.

**Question 25.** The Department of Commerce is charged with strengthening the competitiveness of U.S. industry, promoting trade and investment and ensuring fair trade through the rigorous enforcement of our trade laws and agreements. With that in mind, how will you work to ensure that our trading partners are enforcing existing commitments and how will you work to deter countries from weakening their standards in their own IP regimes?

**Response:** The Department of Commerce is committed to ensuring that U.S. trading partners abide by IP-related trade commitments and I assure you that, if I am confirmed, I am committed to using Commerce tools and authorities where warranted to bring this about. I will also be committed to deterring countries from seeking to weaken standards in their IP regimes that effectively protect U.S. intellectual property rights and the interests of U.S. intellectual property rights holders.

**Question 26.** The Department of Commerce promotes job creation and economic growth, and one way to do that is to work with our trading partners to promote high intellectual property standards internationally. Never have the benefits of strong IP been as relevant as they are today, in how our pharmaceutical companies, for example, have worked so quickly to develop a COVID vaccine. How will you use your role within this administration to ensure that America's highly innovative industries are treated fairly by our trading partners and that a level playing field exists in order to support the millions of American jobs they create?

**Response:** I agree that we need the benefits of a strong IP, and that this issue is as relevant today as it has ever been. I will always push for fairer laws and practices for American companies. If confirmed, I will work with the Congress to protect U.S. intellectual property. The Department will address the challenge of protecting U.S. intellectual property from theft and unfair competition by helping our innovators and creators, providing information on how to

obtain protection, maintaining high standards for protection in any future trade agreements, using tools at the Department's disposal to ensure our trading partners abide by their international commitments, including those respecting IP protection and enforcement, and participating and defending U.S. intellectual property interests in international forums and standard setting processes.

**Question 27.** Despite the fact you reportedly resigned in 2011 from Point Judith Capital (PJC), your former investment firm, in 2020 journalists reported that PJC had recently added your name, image and bio back to its website after it had been removed for “for a decade” and PJC listed you as the “General Partner Emerita.” It appears that your former firm was using your name and government position in its marketing. The ethics concerns are obvious and serious.<sup>2</sup>

- a. When did you formally resign from PJC?
- b. Specifically, what did this resignation entail? Did you step down from the day-to-day decision making at the firm? From that date to present, have you been involved in any decision-making or management decisions of PJC or otherwise given PJC input with respect to any business or investment decisions or strategies?
- c. Have you ever served on PJC's Board of Directors or on the Board of any related entity, affiliate, business partner, or other entity that is an investor with PJC? If so, what dates did you serve on such Board(s)?
- d. Please describe in detail the steps you took as part of your resignation/separation from PJC as a partner, from management, from the Board, as an investor, and in any other capacity.
- e. Is it true that you have had no involvement in any decision making at PJC since the date you listed in Question 1(a) above?
- f. What financial remuneration have you received from PJC, any related entity, affiliate, business partner or other entity that is an investor with PJC in each year since 2010?
- g. Did you give anyone at PJC either oral or written permission to use your name, bio, and image on the website at any point following the date of your resignation/separation that you identified in Question 1(a) above, including either in 2019 or 2020?
- h. Are there any existing employment, consulting, personal service contracts, or other financial arrangements currently in place between yourself and PJC or any related entity, affiliate, business partner or other entity that is an investor with PJC?

**Response:** Following my election as General Treasurer in 2010, I resigned from Point Judith Capital and its investment committee. Prior to assuming office, I placed the interests in Point Judith venture funds that I maintained into a blind trust. Under the blind trust, the trustee made decisions as to when and to what extent the original assets of the trust were to be sold or disposed of and in what investments the proceeds of sale would be reinvested, without any participation in, or knowledge of, such decisions by me or my husband. In order to ensure I adhered to the highest possible ethical standards and in order to avoid even the appearance of any conflict, I sought and received an opinion from the Rhode Island Ethics Commission concerning my prior work at Point Judith Capital and the creation of the blind trust. The Ethics Commission concluded that my resignation from the firm and my creation of the blind trust were appropriate measures to

help avoid potential conflicts of interest. Aside from the assets in that blind trust, I have had no involvement with Point Judith, including with any decisions, management, or investments, since that time.

I have also submitted all financial information requested by the Senate Commerce Committee as a part of the committee's questionnaire, and have filed a publicly available financial disclosure form 278 with the Office of Government Ethics.

**Question 28.** According to an advisory opinion, you promised the Rhode Island Ethics Commission that you had "taken appropriate measures to distance [yourself] from Point Judith and [your] investments in its funds." Please describe, in detail, what those measures were.

**Response:** See response to Question 27.

**Question 29.** In addition, there appear to be very serious questions about potential conflicts of interest given you that you named David Martirano, a former PJC colleague of yours, to a board overseeing the University of Rhode Island?

- a. Did you seek the advice of any ethics attorneys in the Governor's office or in State government before making this appointment? If so, with whom did you consult?
- b. Did you receive anything in writing, recommending either for or against or otherwise commenting on the propriety of the Martirano appointment either before or after the appointment?

**Response:** Mr. Martirano is a graduate of the University of Rhode Island with a history of advising and supporting his alma mater. His nomination to the Board of Trustees of the University of Rhode Island, a volunteer position, was approved by the Rhode Island State Senate with an overwhelming, bipartisan majority.

**Question 30.** In 2014, it was reported that while you were Rhode Island State Treasurer your former firm, PJC, made money from Envista, a company that was hired to work for the Providence Water Supply Board (PWSB), at the same time that your husband was chair of the PWSB.

- a. Did you have any conversations with your husband about the PWSB-Envista contract prior to the awarding of the contract?
- b. To your knowledge, did the PWSB put this contract out for public bid as reportedly required by law?

**Response:** Neither I nor my husband had any role in the awarding of this contract.

### **Senator Dan Sullivan**

**Question 1.** If the Administration chooses to pursue the 30x30 concept (blocking 30% of the EEZ from extraction by 2030), I have significant concern for the physical or economic displacement that something like this may cause. As the largest seafood producer in the nation, Alaska is home

to a myriad of small, rural and Alaska Native communities that are highly fishery dependent. I am concerned for how many people's livelihoods may be affected by this concept and what inequalities this could exacerbate.

- Should the Administration choose to pursue this, how will you consult with stakeholders to ensure for clear 30x30 objectives that aren't destabilizing to small and remote coastal fishing economies?
- Can you commit to me that if 30x30 goes ahead: 1) all stakeholders will be involved in the decision making on areas designated; 2) special consideration will be given for remote, fishery dependent and subsistence communities; 3) clear objectives for designations will be developed, and that a definition will be developed for areas and activities that are allowed in MPAs so that it is consistent with these objectives?

**Response:** I recognize the importance of this issue to you and the state of Alaska and agree that robust stakeholder engagement is critical to the success of this process. On January 27, 2021, President Biden released the Executive Order on Tackling the Climate Crisis at Home and Abroad. Sec. 216 of this Executive Order calls for the Secretary of the Interior, in consultation with the Secretaries of Agriculture and Commerce, the Chair of the Council of Environmental Quality and other relevant agencies, to develop a report within 90 days of its issuance on the steps to achieve the goal of conserving at least 30 percent of the nation's lands and waters. The Executive Order calls on Federal agencies to solicit input from State, local, Tribal, and territorial officials, agricultural and forest landowners, fishermen, and other key stakeholders in identifying strategies that will encourage broad participation. In addition, section 216 (c) specifically calls on the Secretary of Commerce, through NOAA, to work in the first 60 days to collect input from fishermen, regional ocean councils, scientists, fishery management councils, and other stakeholders on how to make fisheries and protected resources more resilient to climate change.

**Question 2.** In 2019, more than 79 million international visitors spent \$155 billion in the U.S., supporting nearly 1.2 million American jobs. This made international travel to the U.S. our nation's largest service sector export and our nation's second largest industry export overall. Our competitors around the globe have recognized the economic importance of international travel and many have cabinet-level positions overseeing travel and tourism to support and grow the industry. Despite its economic importance in the U.S., we do not have a cabinet level position for travel and tourism.

That's why, in the last Congress, I introduced the Visit America Act, along with Senator Schatz and Senator King. This committee approved that bill with overwhelming support in the last Congress.

- If confirmed as the Secretary of Commerce, will you work to set a national goal of welcoming 116 million annual international visitors by 2028 and commit to work with other federal agencies on a national strategy to achieve that goal?
- If confirmed, would you support the establishment of an Assistant Secretary for Travel and Tourism?

**Response:** If confirmed, I will look at the way that the Department of Commerce engages and addresses the interests of the stakeholders in the travel and tourism sector to ensure that we

are both effective and efficient in these efforts, including whether the establishment of an Assistant Secretary for Travel and Tourism would be the best mechanism to meet these needs.

**Question 3.** Federal law mandates the NOAA research vessel FAIRWEATHER be homeported in Ketchikan, Alaska. However, the NOAA pier in Ketchikan was condemned in 2008, and since that time the FAIRWEATHER has been homeported outside of Alaska. I have been urging NOAA for years to repair the pier and return the FAIRWEATHER to Ketchikan. To help pay for this project, I included a provision in the 2018 Coast Guard bill that authorized NOAA to accept non-federal funds for the construction of a new pier. My state gave the Department of Commerce \$6.5 million for this project, but that money will only cover the destruction of the existing pier structure. An additional \$11.5 million will be needed to complete construction of the new pier. Congress just appropriated \$43 million for NOAA construction with report language directing NOAA to prioritize infrastructure projects that support research vessels like the FAIRWEATHER pier in Ketchikan. Since my state has put up the majority of the money so far, I'm looking to you to dedicate the necessary funding to see this project through to completion.

- Will you commit to make the Ketchikan pier construction project a funding priority until we have succeeded in permanently returning the FAIRWEATHER to its congressionally mandated homeport of Ketchikan, Alaska?

**Response:** I understand the importance of bringing jobs and economic activity to communities to ensure the well-being of its people. Additionally, being from a coastal state, I understand how critical pier construction projects are to the well-being of coastal communities and the important role that NOAA plays in such targeted investments to grow the American economy. If confirmed, I look forward to learning more about the Ketchikan pier construction project and working with you to prioritize this and other infrastructure projects that support research vessels like the NOAA *Fairweather* and the NOAA mission.

**Question 4.** NOAA has far-reaching authority to ensure that wild commercial fisheries follow sustainable harvest limits. Once fish are harvested, however, NOAA can and should be doing more to help our sustainable and responsible commercial fisheries compete and thrive in seafood markets. Seafood as a commodity does not get the federal attention or expert promotion of other U.S. food commodities, which essentially undercuts and fails to deliver the value of all our investment in safe, sustainable production.

Specifically, DOC should (1) dedicate staff to understanding seafood as a commodity and promote consumer awareness of our sustainability. (2) It should work with food commodity experts at USDA to effectively integrate knowledge of seafood production and processing into USDA food support programs. (3) It should take USDA's findings of the neonatal and other health benefits of seafood as another benefit to maximize for U.S. fisheries. In short, we need federal leadership to be accountable for supporting seafood as a commodity. My goal would be to work with you to develop a clear strategy for making sustainable seafood competitiveness a high priority, both within DOC and through interagency efforts.

- If confirmed, will you execute an internal review of DOC programs and competencies on seafood as a commodity, and follow up with me and my staff regarding your findings in this area?

In the global seafood marketplace, the U.S. seafood industry has suffered significant losses in ongoing tariff wars. Essentially shut out of the seafood market in China, a global seafood hub with

ever-increasing domestic consumption, U.S. products face steep Chinese tariffs – while seafood producers in other nations do not. U.S. seafood destined for Japan, the EU and UK face steep tariffs, but we import seafood from those countries tariff-free. Russia has an embargo on our seafood, while we import hundreds of millions tariff-free from them. This is shocking and unacceptable.

- As Commerce Secretary, can you commit to further analysis of these seafood trade dynamics at ITA, specifically focusing on the removal of trade barriers and promotion of reciprocity?
- Can you commit to having DOC work with USTR to ensure seafood products receive priority attention as USTR pursues future trade agreements?

**Response:** I recognize the importance of ensuring the ability of the U.S. seafood industry to compete fairly in the international marketplace. If confirmed, I will ensure that ITA, NOAA and other relevant DOC entities continue to work closely with USTR to ensure U.S. seafood products receive priority attention. I look forward to learning what other opportunities DOC has to support seafood as a commodity.

**Question 5.** Fisheries are the number one employer in Alaska and a critical component for food security within the State and across the nation. I believe that there is not nearly enough attention paid by Commerce on the role that seafood plays in food security. Currently, many USDA programs exclude fishermen, even as they provide food security to the nation alongside farmers and ranchers.

- Should policy regarding local foods and communities that are fishery dependent be considered as a part of the Magnuson Stevens Act to ensure that fishery dependent communities are able to maintain access to the commercial fisheries they rely on?
- What steps would you take to factor in pandemic effects and climate change initiatives as we build resilient food systems and work to maintain access to fisheries for communities who provide food to the nation?

**Response:** As a coastal Governor, I recognize the importance of the fishing and seafood sector to coastal economies, food security, and the communities that rely on a maritime economy. If confirmed, I look forward to working with NOAA to support the fishing and seafood sectors as they face the impacts of the pandemic and from climate change.

**Question 6.** Alaska has a longer coastline than the rest of the lower 48 states combined, so as an Alaskan I have a particular interest in combatting marine debris. I have led two bipartisan bills on the issue—Save Our Seas and Save Our Seas 2.0. NOAA has been a close and cooperative partner in these efforts.

The Save Our Seas 2.0 Act, the most comprehensive marine debris legislation ever passed by Congress, was signed into law in December 2020. The Commerce Department, primarily NOAA, has a large role in implementing the marine debris response efforts in SOS 2.0. This role includes establishing the Marine Debris Foundation, a Congressionally chartered private foundation. It also includes recommending candidates for the 12-person Board of Directors.

As NOAA prepares to do establish the Marine Debris Foundation, I would like them to consider establishing the Foundation headquarters in Alaska. In particular, two campuses of the University of Alaska Fairbanks, one in Juneau and one in Kodiak, are strategically located and already house

institutes that would provide good synergy to Foundation efforts, although there are other potential Foundation locations in Alaska as well. Additionally, I would like the Board of Directors to have a diversity of views and expertise, and potentially include some Alaskan experts.

- Can you commit to actively reaching out to Alaska-based officials and exploring the possibility of establishing the Marine Debris Foundation in Alaska?

- Additionally, do you agree that Alaskan experts on marine debris would complement the makeup of the Board?

**Response:** Thank you for your leadership on addressing marine debris. If confirmed, I look forward to working with NOAA and other experts, including from Alaska, to implement your legislation.

**Question 7.** The need to fight Illegal, Unreported, and Unregulated (IUU) fishing is important, as such foreign fishing practices can damage global fish stocks and fisheries economies. At the same time, it's just as important to be sure that the U.S. understands the true nature of this IUU threat, so that we can develop strategies based on actual risk and evaluated through meaningful metrics. It's tempting to overreact to this threat, seeking expansive and expensive measures that may have only marginal benefit. One example is the Seafood Import Monitoring Program (SIMP), a NOAA regulation intended to ensure traceability for fish stocks in U.S. commerce and fight IUU fishing. While SIMP may work for some species, it doesn't work well for Pacific cod, which is harvested sustainably and responsibly in Alaska. While there is little to no risk of IUU for Pacific cod, NOAA is forcing our domestic producers to undertake burdensome, unnecessary, and redundant steps to comply with SIMP – at great cost but for negligible benefit.

- Do you agree with the idea that regulatory efforts, including those to enforce rules against IUU fishing, should be risk-based and reviewed against empirical data and actual performance metrics?

- Do you agree that cost/benefit analyses should help inform SIMP regulatory program design, even if it means acknowledging that not all species warrant SIMP coverage?

- If NOAA pursues changes to SIMP, can you assure me it will work with Coast Guard, USTR, and our domestic fishing and seafood industry to identify and incorporate necessary changes to SIMP?

**Response:** As a coastal Governor, I understand the importance of the seafood industry and of ensuring the industry is able to compete with other countries on an even playing field. Should I be confirmed, I will work with you and NOAA to better understand the issues that the Alaskan producers are facing with respect to the Seafood Import Monitoring Program.

### **Senator Marsha Blackburn**

**Question 1.** As a Governor, I'm sure you have had to deal with numerous federal regulatory hurdles before completing or starting a simple infrastructure project.

- *What are your thoughts on the federal regulatory permitting process?*
- *Do you believe this process should be more transparent for mayors and state officials?*

**Response:** Through my experience as a state official both in my capacity as State Treasurer and Governor of Rhode Island, I fully understand the need for transparency in the regulatory process, and, if confirmed, I pledge to work with you to learn more about how we can continue to provide government transparency in the commercial world. I would welcome hearing more of your ideas on this issue.

**Question 2.** In your testimony, you laid out three policy areas where the DOC “must be a partner to business and their workers.” The third area was focused on climate change

- o *If confirmed, at what point would you reassess climate change-related policies if they hurt businesses or hamper job growth?*
- o *Also, what metrics would you use to assess the costs to businesses and job growth in relation to policies focused on climate change?*

**Response:** Climate change poses an existential threat to our economic security, and I recognize the benefits of understanding the full impacts of climate change on U.S. businesses. If confirmed, I would look across all the Commerce Department’s bureaus to continue providing the tools, data, and expertise to help communities and businesses address the climate crisis and become more resilient in the face of climate change.

**Question 3.** You clearly believe that climate change should be among the top issues of Department of Commerce.

- o *Can you please tell this committee what percentage of the Department’s budget you would allocate to climate change-related policies?*

**Response:** Climate change poses an existential threat to our economic security. If confirmed, I would look across all the Commerce Department’s bureaus on how to better forecast, understand, and mitigate the impacts of climate change for all Americans. I look forward to working with the Congress on improving and resourcing the Department’s tools to address climate change.

**Question 4.** The biggest obstacle to bringing advanced manufacturing jobs back to states and communities is educating new workers.

- o *How do you plan to work with businesses, states, and local entities to promote advanced manufacturing education?*

**Response:** If confirmed, one of my top priorities will be making American workers and businesses competitive. There are many tools that the Commerce Department use to promote manufacturing and good paying jobs through the Economic Development Administration (EDA) and the Minority Business Development Agency (MBDA), as well as the Manufacturing Extension Partnership (MEP). I look forward to working with you on this important issue.

**Question 5.** Currently, the United States faces some profound supply chain problems with microchips in the Auto sector.



- *Could you give me a perspective of how you might approach this issue should you be confirmed to be the next Secretary of Commerce?*

**Response:** The microchip supply chain is a concern across many sectors. I support the strategic efforts of NIST, Manufacturing USA, the Manufacturing Extension Partnership program, and the Department of Commerce to establish meaningful programs that incentivize competitive U.S. semiconductor manufacturing and contribute to U.S. economic security.

**Question 6.** Artificial intelligence (AI) technology is proliferating and important considerations are being brought to light about both the benefits of the technology as well as the challenges.

- *If confirmed, will you support and prioritize the on-going work by NIST to create a trustworthy AI framework, and how specifically will you engage with allies to encourage their utilization of it?*

**Response:** If confirmed, I will support, prioritize, and expand upon the on-going work by NIST to create a trustworthy AI framework.

**Question 7.** Trade talks with China will be continuing under the new administration.

- *Do you support the current round of Tariffs? If so, do you plan to make changes to the exemption process?*
- *How do you plan to confront Chinese attempts to steal intellectual property (ITA/I&A/OSIP input on specific IP aspects inserted below)*

**Response:** If confirmed, I will encourage the Commerce Department to continue to apply appropriate measures to counter anti-competitive behavior by China that hurts American workers and companies. Regarding intellectual property, Commerce will continue to recognize protection and enforcement of U.S. intellectual property rights as a trade policy priority.

### **Senator Mike Lee**

**Question 1.** Governor Raimondo, as Commerce Secretary you will be charged with overseeing the National Telecommunications and Information Administration (NTIA), which manages spectrum assignments among federal government users.

- a. Do you think federal agencies currently use their spectrum efficiently?

**Response:** Federal agencies engage in an enormous number of spectrum-dependent missions, of which many are directed by statute or are critical to the nation's security, public safety, and well-being, ranging from national defense, law enforcement, air traffic control, space exploration, and severe weather detection and warning. Nevertheless, our nation continues to drive advances in technology and innovation. If confirmed, it will be a priority to ensure that our federal agencies can leverage technological advances to ensure that spectrum, a valuable national resource, is used as efficiently as possible.

- b. Should government agencies be immune from oversight of their use of the electromagnetic spectrum?

**Response:** If confirmed, I commit to a transparent Commerce Department, and I believe our federal agencies greatly benefit from proper oversight.

- c. I think Congress and Executive Branch agencies need the best available data to identify inefficiencies in both the Commercial and Government contexts. Will you support my legislation, the Government Spectrum Valuation Act, which would require NTIA to calculate the value or the “opportunity costs” associated with federal spectrum so that we can make more informed decisions?

**Response:** NTIA’s technical and scientific spectrum analysts and engineers are among the best in the world, and rightly so given the agency’s important responsibilities for managing our nation’s federal spectrum. If confirmed, I would be happy to work with you on your legislation.

**Question 2.** Governor Raimondo, should NTIA or a federal agency be able to “veto” an FCC decision to license a band for a commercial purpose, even after those federal agencies have been able to weigh in on the FCC’s review?

**Response:** Under the Biden Administration, we would expect the FCC to properly coordinate with NTIA prior to the issuance of any decision implicating the use of federal spectrum. Such prior coordination hopefully will preclude the issuance of any decision that improperly impacts federal spectrum use.

- a. How would you handle disputes with the FCC over the licensing of a band for a commercial purpose?

**Response:** In the event a dispute between the FCC and the NTIA arises, it is my intention, if confirmed, that such disputes would be resolved prior to the issuance of any FCC decision.

- b. In making spectrum determinations, should NTIA defer to a federal agency’s spectrum findings or should NTIA make their own independent, scientific judgments?

**Response:** NTIA’s technical and scientific spectrum analysts and engineers are among the best in the world, and rightly so given the agency’s important responsibilities for managing our nation’s federal spectrum. NTIA’s analyses and conclusions accordingly should be given extraordinary weight. If NTIA concludes that its own independent, scientific judgments control on a particular matter, then NTIA should exercise such.

- c. In your opinion, is the current FCC/NTIA Memorandum of Understanding sufficient to govern interagency spectrum decision-making?

**Response:** If confirmed, I believe it would be appropriate for us to review the current FCC/NTIA Memorandum of Understanding and consider suitable, mutually agreeable revisions. It is my understanding that the MOU is nearly 20 years old, and it seems appropriate for us to examine lessons learned over these 20 years and see if improvements can be made.

**Question 3.** Governor Raimondo, do you agree that China poses both economic and security threats to the United States?

- a. Why has China had such success attracting U.S. businesses – particularly U.S. manufacturing? And what recommendations will you make to revive U.S. manufacturing?
- b. We know U.S. manufacturing costs are generally higher than China as well as other Asian markets. What contributes to these costs? Do U.S. regulations? Do U.S. labor costs? Are there areas of our domestic laws that make the United States an unattractive market for manufacturing?

**Response:** China does pose both economic and security threats to the United States, and how we wage competition with China will define this century.

China has pursued industrial policies that have enabled the unfair development of its manufacturing sector, which harms U.S. workers and firms. The Department of Commerce seeks to rebalance the trade relationship by encouraging U.S. manufacturers to expand their exports to China and other markets, thus growing the U.S. workforce and economy as a whole. Chinese economic policies have encouraged excess capacity in several industry sectors and have subsidized a number of critical industries in its pursuit of economic growth to the detriment of U.S. and global interests. I look forward to working with Congress on a broad range of measures, including proposals under in consideration in the America LEADS Act and STRATEGIC Act, to boost America's competitiveness in manufacturing, research and development, entrepreneurship, and other areas.

**Question 4.** Governor Raimondo, Article 1, Section 8 of the Constitution clearly gives Congress the authority to “lay and collect taxes, duties, imposts and excises” and “to regulate commerce with foreign nations.” How do you view Congress’ role in levying tariffs and duties on trade, and would you support Congress exercising increased control over the approval process for such measures?

- a. When should tariffs be imposed? And how do you weigh the costs of increasing such a trade barrier as opposed to the benefits of free trade?
- b. Do you agree that any broad-based increase in U.S. tariffs tend to have the biggest negative impact on low-income American households, which spend a larger share of their budgets on imported shoes, clothing, food, and household goods?

**Response:** President Biden is committed to international trade that benefits all Americans and that creates high paying jobs here in the United States. He has asked that we take a step back and review our approach to trade and trade agreements. If confirmed, I commit to working with Congress on tariffs and other trade issues to create a more prosperous America where the benefits of trade are shared equally by all Americans.

**Question 5.** Governor Raimondo, one of President Biden's first executive actions was to reverse President Trump's July memorandum ordering the U.S. Census Bureau to exclude illegal aliens from the census count. Last month, the Supreme Court declined to decide the case because it was not ripe. During oral arguments, it was admitted that the Census Bureau at the time did not know whether the number of illegal aliens would affect apportionment. Do you support President Biden's decision?

- a. If the illegal alien population of a particular state was sufficient enough to affect apportionment, would you at all be concerned that this illegal activity could benefit certain states with additional representation in the House of Representatives over others?
- b. Do the American people deserve an answer as to whether the illegal alien population affects the proportion of members in the U.S. House of Representatives?

**Response:** I do support President Biden's Executive Order and believe that everyone should be counted. I agree that the policy of the United States should be that reapportionment be consistent with the Constitution and based on the total number of persons residing in the several states, without regard for immigration status, as well as with the determination that it is essential that the census count must be accurate and based on reliable high-quality data.

**Question 6.** Governor Raimondo, states oftentimes use federal money only for simple projects, for compliance reasons, and they tend to use their own funds for difficult, complex projects because the regulatory burden that comes with federal requirements can raise the cost of the project by 20%. This is especially challenging in my home state of Utah where most of Utah's land is owned by the federal government. As governor, you appeared to champion cutting red tape and slashing regulations that were getting in the way of private entrepreneurship and innovation. How would you bring this deregulatory philosophy to the Department of Commerce?

- a. Can you identify any regulations or areas of policymaking at the Department you would like to see reduced?

**Response:** As Governor of Rhode Island, I helped create an environment where businesses could succeed and create jobs. My state had the highest unemployment rate in the nation when I entered office and today the economy is thriving with much fewer individuals looking for work. I support cutting regulation if it is unnecessary, but I also believe some regulation is vital to a safe and functioning society.

### **Senator Ron Johnson**

**Question 1.** What is the Biden administration's plan for the steel and aluminum Section 232 tariffs? If confirmed as Secretary of the Department of Commerce, will you continue the tariffs?

**Response:** It is my understanding that Biden Administration will review the steel and aluminum Section 232 tariffs and that the President has the authority to make revisions to the tariffs. While it would be the President's prerogative, if confirmed as Secretary of Commerce, I would expect that the Department of Commerce will provide advice and technical assistance in that review and decision.

**Question 2.** Will you commit to making all Section 232 investigations publicly available within the timeframe required by law?

**Response:** If confirmed, I will review this issue with the Department of Commerce's (Commerce) Office of General Counsel and ensure that Commerce complies with all statutory requirements while protecting the presidential communications privilege and the deliberative process privilege.

**Question 3.** Is the Biden administration considering any changes to the Section 232 exclusions process? If so, what are those changes?

**Response:** It is my understanding that the Department continually reviews the 232 Exclusions Process to identify and implement changes to improve its efficiency and transparency. I further understand that the Department of Commerce's timeliness of exclusion decisions has substantially improved over the past year.

**Question 4.** As Secretary of Commerce, will you commit to conducting and publicly releasing a complete analysis on the economic effects to downstream industries for every Section 232 investigation?

**Response:** If confirmed as Secretary, I will work to ensure that all Section 232 investigations are conducted in accordance with statutory requirements.

**Question 5.** Will the Biden administration commit to keeping Huawei on the designated entities list and designated a national security threat?

**Response:** With respect to Huawei, let me be clear: telecommunications equipment made by untrusted vendors is a threat to the security of the U.S. and our allies. We will ensure that American telecommunications networks do not use equipment from untrusted vendors and will work with allies to secure their telecommunications networks and make investments to expand the production of telecommunications equipment by trusted U.S. and allied companies.

In addition, Huawei's ties to China's military, human right abuses, and theft of intellectual property have rightly been a source of bipartisan concern, regulatory action, and legislation in the United States and among US partners and allies. I also am fully aware of and support the provisions of the FY2020 NDAA and Secure and Trusted Telecommunications Networks Act that contain restrictions on Huawei, and look forward to working closely with the Director of National Intelligence, Secretary of Defense, and Director of the FBI to ensure that administration policies and actions related Huawei reflect their national security concerns and judgements as well.

**Senator Todd Young**

**Question 1.** President Biden promised the American people that he would work with our allies to focus on mutual problems and concerns with respect to trade policy – specifically China’s overproduction of steel and aluminum that undermines global metal industries. China’s unfair trade actions have had a devastating impact on American businesses and manufacturers. Like previous administrations, President Biden will have executive authority to impose or remove tariffs. I support holding China accountable in a way that does not hinder the growth of American businesses.

*Knowing the lengthy list of unfair trade actions committed by China, can you elaborate on how this administration will hold China accountable?*

*If confirmed, what strategies or trade tools (like Section 232 actions) are you considering to spur growth, while simultaneously keeping China’s illegal practices in check.*

**Response:** The Department of Commerce (Commerce) confronts unfair trade practices, whether those by China or other countries. Accordingly, if confirmed, I will employ all relevant and appropriate trade enforcement mechanisms to protect U.S. interests while aggressively promoting U.S. exports that benefit American workers and businesses, particularly our small and medium sized businesses.

In addition, if confirmed, Commerce will continue to rigorously enforce the U.S. trade laws, including the AD and CVD laws, to help ensure that U.S. workers, farmers and businesses are not harmed by unfair imports from China. Commerce is committed to helping all U.S. companies, and the Department will work diligently to ensure U.S. companies have the market access and proper protections provided by our trade agreements.

**Question 2.** The Department of Commerce promotes job creation and economic growth, and one way to do that is to work with our trading partners to promote high intellectual property standards internationally. Never have the benefits of strong IP been as relevant as they are today, in how our biopharmaceutical innovators for example, have worked so quickly to develop a COVID vaccine.

*How will you use your role within this administration to ensure that America’s highly innovative industries are treated fairly by our trading partners in order to support American jobs?*

*How will you work to ensure that our trading partners are enforcing existing commitments and deter countries from weakening their standards in their own IP regimes?*

**Response:** If confirmed as Secretary of Commerce, I am committed to ensuring that U.S. trading partners abide by IP-related trade commitments and to the use of the Department of Commerce (Commerce) tools and authorities where warranted to bring this about.

**Question 3.** The Foreign-Trade Zones (FTZ) program within the Department of Commerce is a tool used by industries to facilitate and expedite international trade. Special customs procedures are offered as a public service to help firms conduct international trade related operations in competition with foreign plants. The FTZ program also helps attract offshore activity and

encourages retention of domestic activity while assisting state and local economic development efforts.

*In your role, how do you envision the role of the FTZ program? Do you believe the FTZ program is an effective way to attract foreign direct investment (FDI) and create jobs in the United States?*

**Response:** If confirmed, I will ensure the effective administration of the FTZ program to ensure that it continues to support investment and jobs while safeguarding against potential negative impacts to American businesses and workers.

**Question 4.** It is very important to me that we ensure no Hoosier or American is left behind as we adjust to automation, urbanization, and globalization in our dynamic economy. Indiana is the most manufacturing intensive state and as we discussed, your own father lost his manufacturing job to China.

*If confirmed, what steps will you take at the Department of Commerce to ensure no Americans are left behind by this economic shift?*

**Response:** As Governor of Rhode Island and in my personal life, I have seen the impacts on working Americans as our economy has moved away from a manufacturing economy to one based on services. If confirmed, I will ensure that the Department of Commerce continues to provide resources and programs to U.S. businesses and their workers to help them innovate and grow, especially those in regions and communities that have often been left behind.

**Question 5.** Even in the countries where we have free trade agreements, our companies continue to face trade barriers such as inadequate intellectual property protections, data localization rules, and price controls that violate these agreements. Much of the responsibility of enforcing these agreements and protecting US businesses falls to the Department of Commerce. Like previous administrations, President Biden will have executive authority to impose or remove tariffs. I support holding China accountable in a way that does not hinder the growth of American businesses.

*Can you commit that you will be as vigilant in holding our trading partners accountable on behalf of our US exporters as the Department will be in protecting our businesses from imports that violate our laws and trade agreements?*

**Response:** Yes. In addition to continuing the strong enforcement of U.S. trade laws, including the Antidumping and Countervailing Duties (AD/CVD) laws that protect U.S. firms from unfairly traded imports, if confirmed, I will ensure the Department of Commerce will work diligently to ensure U.S. exporters have the market access and proper protections provided by our trade agreements.

**Senator Rick Scott**

**Question 1.** Communist China continues to openly flout U.S laws and refuse to hold up their ends of trade deals with the United States. They are dead-set on being the dominant world power, and can't be trusted to play fair. And, every single U.S. dollar spent in China supports a regime that jails its people for religious beliefs and denies basic human rights to its citizens.

- a. What is your plan to ensure that U.S citizens and taxpayer dollars are protected from Communist China, and how do you plan to hold them accountable in any future trade commitments?

**Response:** China's aggressive and coercive trade policies hurt American workers and businesses. Holding China accountable in future trade commitments requires a whole-of-government approach, in partnership with the U.S. Trade Representative, the Department of State, and other U.S. Government agencies, to ensure that U.S. workers and firms benefit from trade agreements signed with other countries. If confirmed, I will work diligently to ensure U.S. exporters have the market access and proper protections provided by our trade agreements.

**Question 2.** Seasonal produce farmers, especially in my state of Florida and throughout the southeast, have been badly hurt by unfair trade practices surrounding Mexican produce imports. While this was not addressed in the USMCA, I have worked closely with USTR in the past two years to ensure that this issue is heard and addressed so Florida growers have the chance to succeed.

- a. The Trump Administration made it a priority to ensure every deal was fair to our nation's growers. What is your plan to continue this work so domestic growers can compete on an even playing field?

**Response:** If confirmed as Secretary, Commerce will continue its outreach with growers of seasonal and perishable fruits and vegetables on unfair trade practices to enhance their understanding of applicable trade remedy laws and processes and will continue to monitor foreign subsidy practices that have a direct impact on U.S. producers of seasonal and perishable fruits and vegetables.

**Question 3.** I've been fighting to protect American national security and intellectual property by preventing the U.S. government from purchasing technology, like drones, with American tax dollars. I was glad to see the Department of Commerce add Chinese drone company, DJI to the Entity list because of national security concerns. And earlier this year, former President Trump issued an EO directing U.S. agencies to prioritize removing Chinese-made drones from our government's fleets due to security risks.

- a. Can you confirm you plan to keep DJI on the Entity List?
- b. What further action can the Commerce Department take against companies like DJI, and any other Chinese-based company, that pose such obvious national security threats?

**Response:** I understand that parties are placed on the Entity List generally because they pose a risk to U.S. national security or foreign policy interests. I currently have no reason to believe that entities on that list should not be there. If confirmed, I look forward to a briefing on



these entities. I further understand that the Department has an ongoing process in place to identify and review activities of entities to determine whether addition to the Entity List is warranted and that this is an interagency process.

**Question 4.** Our nation is competing against known adversaries like Communist China and Russia in the space launch industry, and we must put American interests and national security first. I co-sponsored the *American Space Commerce Act* to bolster the domestic space industry and to ensure the U.S. remains a leader in space exploration.

a. What is your plan to bolster the domestic space industry?

**Response:** I understand the commercial space industry is growing at an incredible speed - creating jobs, innovating, and fostering public-private partnerships across the country. I know that NOAA and the Office of Space Commerce (OSC) play a key role in working with the commercial space industry. If confirmed, I look forward to learning more about the Office of Space Commerce and to working with Congress to ensure that it is properly resourced and can continue to serve this important function.