

United States Senate
WASHINGTON, DC 20510

April 14, 2020

The Honorable Wilbur L. Ross
Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Ave N.W.
Washington, D.C. 20230

The Honorable Mark Esper
Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301-1000

The Honorable Dan Brouillette
Secretary of Energy
U.S. Department of Energy
1000 Independence Ave S.W.
Washington, D.C. 20585

The Honorable Michael Pompeo
Secretary of State
U.S. Department of State
2201 C Street N.W.
Washington, D.C. 20230

Dear Secretaries Ross, Brouillette, Esper, and Pompeo:

As senior Members of Senate Committees responsible for oversight of our national security and economic competitiveness, we write to urge your Department to issue regulations as soon as possible confirming that U.S. participation in 5G standards-setting is not restricted by export control regulations. This step is needed urgently to ensure that U.S. technology continues to form the core of 5G foundational technology.

Since Huawei's designation on the Department's Entity List in May 2019, U.S. technology leaders have been constrained from full participation in 5G standards-setting bodies because of uncertainty over whether such participation is prohibited by the Commerce Department's export control regulations. We are deeply concerned about the risks to the U.S. global leadership position in 5G wireless technology as a result of this reduced participation, and the economic and national security implications of any diminished U.S. role in 5G.

As you know, standards serve an important role in 5G leadership. A standard is a collection of technical specifications developed by engineers from around the globe to ensure that components of devices within a given standard are built to the highest degree of quality, and can interoperate with one another, regardless of where or by whom the device is made. International standards-setting bodies facilitate the exchange of technological information among engineers, and determine, usually by consensus, whether to adopt certain technologies into the standard based on their merit. Many high-tech industries, including 5G wireless, autonomous vehicles (V2X), industrial IoT (smart manufacturing), secure digital services and devices and the Internet itself, depend on standards to build the best technology and create ecosystems that work seamlessly with one another.

It is critical for U.S. companies to participate fully in these standards-setting bodies to ensure that their technologies are represented in the standards. When U.S. export controls restrict U.S. companies from participating in standards-setting bodies, China-based Huawei is well positioned to fill any gaps. As the Committee on Foreign Investment in the United States has said, any restrictions that hinder U.S. participation in 5G standards-setting bodies “would leave an opening for China to expand its influence on the 5G standard-setting process,” a result that “would have substantial negative national security consequences for the United States.”

We understand that the Department plans to issue regulations confirming that standards participation is largely exempt from export control rules. Given that almost a year has passed since Huawei was first designated to the Entity List, we urge the Administration to promptly issue these regulations to affirm that U.S. participation in 5G standards-setting is not restricted by export control regulations, and we request that you inform us regarding the status of this rulemaking.

Sincerely,



James M. Inhofe
United States Senator



John Cornyn
United States Senator



Tom Cotton
United States Senator



Mike Crapo
United States Senator



Marco Rubio
United States Senator



Todd Young
United States Senator