UNDER SECRETARY OF DEFENSE
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WASHINGTON, D.C. 20301-2000

POLICY

SEP 03 2024

The Honorable Bill Posey
U.S. House of Representatives
Washington, DC 20515

Dear Representative Posey:

Thank you for your letter of June 14, 2024 to Secretary of Defense Lloyd J. Austin III, following up on then Acting Under Secretary of Defense for Policy Sasha Baker's correspondence with the Committee on Science, Space, and Technology. I am responding on behalf of Secretary Austin.

As Acting Under Secretary Baker noted in her letter on April 3, the Department of Defense is concerned by the challenge to U.S. leadership in international standardization posed by the rapid increase in participation of parties from the People's Republic of China in those processes. While the Department of Defense is not the U.S. lead for standards-related matters, we are an important participant in development of and a major user of international standards. For this reason, we seek to strongly support U.S. Government and private sector efforts to enhance U.S. competitiveness in standardization, including implementation of the U.S. Government National Standards Strategy for Critical and Emerging Technologies.

Answers to your specific questions are provided in the attached Enclosure 1, reflecting inputs from across the Department. A similar response will be provided to the other signatories of your letter. We appreciate your continued support of the men and women of the Department.

Sincerely,

Amanda Dory
Acting

Enclosure: As stated
cc:
The Honorable Frank Lucas, Chairman
House Science, Space, and Technology Committee
The Honorable Zoe Lofgren, Ranking Member
House Science, Space, and Technology Committee

Enclosure 1: Responses to Questions in the Committee on Science, Space, and Technology's June 14 Letter

The Department of Defense (DoD) offers the following responses to the questions identified in your June 14 letter:

1. What are Defense Technology Security Administration's or Research & Engineering's views on these issues?
2. How do the DoD's views differ from those of other agencies, such as the National Institute of Standards and Technology?
3. Did the DoD consult with the American National Standards Institute (ANSI) or any other non-governmental organization regarding its response to our letter?

The Department of Defense's (DoD) April 3 letter was coordinated with stakeholders from across the Department, including from the Defense Technology Security Administration (DTSA) and the Office of the Under Secretary of Defense for Research & Engineering OUSD(R&E). While those offices are deeply committed to maintaining the warfighter's technological advantage by protecting sensitive and leading-edge technology, they share the Department's commitment to support U.S. technological leadership in the face of increasingly active competitors from the People's Republic of China (PRC). As highlighted in the report identified by the Committee, competing effectively with the PRC requires DoD and U.S. Government policy to facilitate robust U.S. engagement in international standardization processes.

DoD is aligned with our partner departments and agencies regarding the need to address the challenges posed by increasing PRC participation in international standards bodies and we are fully committed to support the NIST-led, interagency implementation of the National Standards Strategy for Critical and Emerging Technologies. In contrast with some other department and agencies, DoD is a direct participant in standardization, contributing to the development and use of standards in procurement of defense systems and related technologies. This participation supports development of critical capabilities and interoperability with partners that advance our ability to meet defense requirements. The importance of standards to capability development and interoperability reaffirms our commitment to consensus-based standards and the critical importance of engagement in the private sector-led standards system.

DoD engages regularly with industry partners, including ANSI, regarding development of a range of standards. DoD, like other federal departments and agencies, is an ANSI member, and has participated in discussions organized for members on issues related to those addressed in the Committee's letter, including PRC parties' increased participation in international standards bodies. However, DoD did not consult ANSI or any other organization outside of the U.S. Government regarding the Committee's letter or our response.

The report discusses how PRC standards setting efforts are targeted and focus on particular sectoral or technology areas, such as telecommunications. Please answer the following questions:

1. What are the ramifications and likely trajectory of PRC firms such as Huawei among others being part of global 6G standard setting?
2. How will the DoD and the rest of the federal government even know what technology is being shared if nothing is controlled and no license is required?

The increase in PRC firms' participation in standards setting bodies involved in wireless communications-related technologies likely reflects an understanding of the commercial value that can come from participating in such activities. PRC involvement in international standards setting efforts for 6G telecommunications could have several impacts, including:

> **Competitive Advantage and Innovation Leadership:** PRC entities will seek to ensure that international standards align with their innovations, challenging U.S. and partner leadership in telecommunications technologies.
>
> **Intellectual Property Advantage:** If PRC-developed or -owed patents are deemed essential for 6G technology standards, this could grow their revenue streams and enable long-term influence over the technology.
>
> **Supply Chain Risks:** If increased PRC inputs to global 6G standards increases reliance on PRC dominated telecommunication technologies, that would intensify concerns about the security and resilience of the global telecommunications supply chain.

As the PRC continues to influence the 6G standard setting bodies, adequate resources are critical to enable U.S. stakeholders and industry to participate actively in standards setting activities, and ensure that U.S. needs are addressed adequately, and to ensure U.S. technology solutions are proposed and considered fully.

Facilitating deep U.S. participation in international standardization for critical and emerging technologies is necessary to maintain U.S. leadership in innovation and awareness of technology standardization trends. The United States is a leader in innovations that underpin our national security through our strong participation in these international bodies. Maintaining clear understanding of the scope of technical committees and the technologies that are being incorporated in international standards is a key driver for the DoD to focus on ensuring Department participation in international standardization.

The technologies being standardized by international standards bodies include dual-use (commercial-defense) technologies. DoD and our interagency partners are cognizant of the national security concerns of PRC access to export-controlled information, and we balance those concerns carefully with the reality that overly restrictive licensing policies can inhibit U.S. public and private sector participation and leadership in these bodies. Specific to the Bureau of Industry and Security's authorization for transfer of items for standardization processes, that policy was developed specifically to ensure that export controls did not become impediments to U.S. participation, which could have impeded broader national security. The authorization is limited to certain low-level items and technologies.

In the DOD's response, it says it is monitoring PRC activity in standards bodies.

1. What is the DoD doing?
2. How is this done specifically and by what component or office?
3. What trends is the DoD seeing?
4. How does what the DoD sees reinforce, differ, or have additional detail than what was in the report?
5. What are the specific stakeholder components or offices within the DoD that work on PRC standards issues?
6. How has the DoD addressed the issues raised in the report?
7. What meetings (either within DoD or interagency) were held to discuss the findings?
8. Have there been any policy or process changes as a result of the report?

As referenced above, DoD technical experts from across the Office of the Secretary of Defense and the Military Departments and Services participate directly in the development and use of standards for defense systems and related technologies. DoD sends technical experts to participate on technical committees that impact DoD requirements. DoD participates in standardization activities for technologies required for defense, including for critical emerging technologies (CETs) such as artificial intelligence, semiconductors and microelectronics, and biotechnology. DoD experts ensure that standards development supports the Department's requirements for fielding sustainable systems that are interoperable with our partners. The Department's understanding of PRC activity in standards bodies is largely derived from the anecdotal experience of these individuals, as well as a range of reporting from interagency and private sector partners. Each of these sources confirm the cited report's finding of increased participation and leadership by the PRC in many international standards activities, and increased proposals in technical committees.

The DoD has been working to address the impacts of increased participation from PRC parties in international standardization for several years. For example, in a November 2021 memo to the Military Departments and Services and defense agencies, the Defense Standardization Executive encouraged their scientific, engineering, logistics, and acquisition personnel to participate in non-government standards bodies (NGSBs), particularly in light of increased PRC involvement. Licenses are also required in cases where controlled technology is to be provided. More recently, the DoD has worked with interagency partners to establish and implement the U.S. Government National Standards Strategy for Critical Emerging Technology (NSSCET). DoD participants to these standards bodies are very aware of the potential threat of increased PRC involvement and continue to weigh risks to U.S.-origin technologies provided through these exchanges against the benefits of participation. Although some of this work pre-dates the report cited by the Committee, it aligns with the report's recommendations for enhancing U.S. leadership in international standardization.

The area of advanced communications provides a useful exemplar of the Department's work on standardization for CETs. The DoD participates in various 5G/6G standards development organizations such as Alliance for Telecommunications Industry Solutions (ATIS), 3rd Generation Partnership Project (3GPP) and Open Radio Access Network (ORAN) Alliance, with

a focus on ensuring that standards reflect U.S. national security interests and DoD priorities, which aim to secure communications infrastructure.

A range of stakeholders across the Department contribute to our work on 5G/6G standards, including:

- **Office of the Chief Information Officer (DoD CIO)**:
  The DoD CIO is responsible for the overall information technology and cybersecurity policies within the DoD and engages in standards-related efforts with the International Telecommunication Union and other international bodies.

- **Under Secretary of Defense for Research and Engineering (USD(R&E))**:
  The USD(R&E) oversees the development of technology and innovation within the DoD, including emerging technologies like 5G. This office works on research and development (R&D) initiatives to ensure that the DoD maintains technological superiority.

- **National Security Agency (NSA)**:
  As a DoD combat support agency, the NSA plays a crucial role in securing communications and cybersecurity within the DoD. The NSA works closely with other DoD Components to address potential threats from PRC influence in global technology standards.

These stakeholders and offices within the DoD work collaboratively to ensure that U.S. defense standards are robust, interoperable with allies, and resistant to the influence of adversarial nations like the PRC.