

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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November 3, 2023

The Honorable Katherine Tai
Ambassador
Office of the United States Trade Representative
600 Seventeenth Street, NW
Washington, DC 20508

Dear Ambassador Tai:

We respectfully request comments from the Office of the United States Trade Representative (USTR) on the recommendations found in the Congressionally-mandated report, entitled *A New “Great Game?”: China’s Role in International Standards for Emerging Technologies*¹.

As the People’s Republic of China (China or PRC) continues to invest billions in its efforts to surpass the United States in science and technology, there have been growing concerns about the PRC’s attempts to undermine international bodies responsible for developing technical standards. As you know, technical standards are a core pillar for enabling technological progress, and it is therefore essential that standards bodies remain meritocratic and resilient to any single actor attempting to unilaterally advance their agenda. To examine these concerns, Congress passed section 9414 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, which directed NIST to enter into an agreement with “an appropriate entity with relevant expertise...to conduct a study and make recommendations with respect to the effect of the policies of the People’s Republic of China and coordination among industrial entities within the People’s Republic of China on international bodies engaged in developing and setting international standards for emerging technologies.”

Following these directives, in June 2021 NIST contracted this study on a sole-source basis with Makwa Global, who then subcontracted the work to Exovera’s Center for Intelligence Research and Analysis (CIRA). It is our understanding that the report was not edited or reviewed by USTR and, therefore, does not necessarily reflect its policy or perspectives. It is unclear to what extent USTR supports the findings or would, without congressional direction, work to implement them.

¹ NIST REPORT: A New “Great Game?”: China’s Role in International Standards for Emerging Technologies (August 31, 2022), <https://cira.exovera.com/research-analysis/china/nist-report-a-new-great-game-chinas-role-in-international-standards-for-emerging-technologies/>.

Given China's industrial policy objectives and its heavy engagement in the international standards arena as detailed in its China Standards 2035 and National Standardization Development Outline of 2021, the active and coordinated involvement of the White House, the Department of Commerce, the Department of Defense, the Department of State, the U.S. Trade Representative, and the Intelligence Community is critical to effective engagement therein. Recognizing the need to bolster American leadership and competitiveness in international standards development, the White House released the first-ever National Standards Strategy for Critical and Emerging Technology in May 2023².

The Committee has a few specific questions for USTR in regard to the report's findings and how it plans to modify its activities to align with Administration priorities moving forward:

- Please share what USTR's opinions are on each recommendation made in the report, "*A New 'Great Game?': China's Role in International Standards for Emerging Technologies*", and please provide explanations for why or why not it is actively implementing each recommendation, if applicable;
- Please provide a list of initiatives USTR plans to carry out or modify to align with the White House standards strategy, if any;
- Does USTR track the aggregate influence, performance, or participation in international standards involving countries of concern, such as China? If so, how, and what are the metrics? Does USTR actively disseminate information about the importance of participating in standards bodies to individual researchers or experts from academia and industry? Does USTR provide to interested parties that fit these criteria any incentives or assistance to alleviate the human capital and financial burden of international standards participation?
- How will USTR effectively engage U.S. allies and other economic partners in standards-setting efforts?
- In your opinion, what is the capacity of U.S. government agencies to implement the report's recommendations given current resources; and
- Please share any specific concerns USTR has regarding China's influence and growing role in setting global standards in other areas, such as Artificial Intelligence, that were not covered in the report.

We would like USTR to address the following specific issues identified in the report:

- The report discusses the role of research institutes with ties to the People's Liberation Army (PLA) in China's standards development efforts and gives examples of several successfully generated standards by such entities. How does USTR track and respond to such developments, including PRC military-tied firms and those subject to U.S. government restrictions such as export controls or sanctions?
- How is China's state-led approach to technology development challenging the rules, norms, and approaches that the United States and international standards bodies take regarding standards development? How is this approach affecting longstanding multilateral trade agreements and trade negotiations that address standards, such as the Technical Barriers to Trade agreement? In which respects is China disruptive? How are China's state-led standards policies changing the way Chinese companies and institutions are engaging with standards bodies? Additionally, how are U.S. and other foreign companies limited in their ability to

² White House, United States Government National Standards Strategy for Critical and Emerging Technology (May 2023), <https://www.whitehouse.gov/wp-content/uploads/2023/05/US-Gov-National-Standards-Strategy-2023.pdf>.

participate in China's standards-setting processes and market? What is your agency's perspective on China's use of standards as a tool for market protection, technology transfer, and mechanism for restricting foreign market access?

- The report discusses how members of global standards bodies rejected Huawei's "new IP [intellectual property]" standardization proposal and cites this as a success and an example of limitations on China's current influence in global standards bodies. What is your agency's assessment of the recent success of the United States and other nations in preventing the adoption of China's "new IP" proposal? In this light, what is your agency's assessment of what China might advocate for next, including a possible revised attempt to press for this proposal?
- Describe the effects on U.S. or allied participation in standards bodies where China has flooded with high rates of participants or submissions, such as the International Telecommunication Union (ITU).

Thank you for your attention to our request. We look forward to your response.

Sincerely,



Frank Lucas
Chairman
Committee on Science, Space & Technology



Bill Posey
Member of Congress



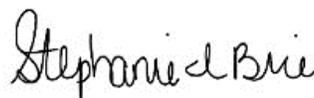
Jim Baird
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Mike Garcia
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Stephanie Bice
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Scott Franklin
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Rich McCormick
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Brandon Williams
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Dale W. Strong
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cc: The Honorable Zoe Lofgren, Ranking Member, Committee on Science, Space, and Technology