



August 5, 2020

*Comments submitted via the Federal eRulemaking Portal: <http://www.regulations.gov>*

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Subject: Release of “Technology” to Certain Entities on the Entity List in the Context of Standards Organizations

Reference: RIN 0694-AI06– Federal Register / Vol. 85, No. 118 / Thursday, June 18, 2020 / Interim Final Rule

Dear Ms. Kramer:

The Computing Technology Industry Association (CompTIA),<sup>1</sup> the leading association for the global information technology (IT) industry, thanks you for your time in reviewing our feedback on the interim final rule governing the release of technology to certain entities in the context of standards organizations.

While industry is grateful for BIS' steps to facilitate U.S. companies' participation in standards bodies having Huawei as a member, CompTIA requests that BIS extend the standards bodies authorization to all organizations on the Entity List. The current standards setting environment is plagued by uncertainty that U.S.-based standards bodies or U.S.-based participants will be unable to complete their important work when the Commerce Department decides to or threatens to add a non-U.S. standards setting member to the Entity List. As BIS acknowledges in its interim final rule, these interruptions harm U.S. companies more than organizations on the Entity List by limiting U.S. influence in developing internationally recognized standards that shape the development of technology. These restrictions are at odds with Secretary Ross' observations about the Department of Commerce's commitment “...to fully engage and advocate for U.S. technologies to become international standards” and run counter to the purpose of the President's

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<sup>1</sup> CompTIA works to promote investment and innovation, market access, robust cybersecurity solutions, commonsense privacy policies, streamlined procurement, and a skilled IT workforce.

Executive Order on Maintaining American Leadership in AI, the National Strategy for Secure 5G and the Secure 5G & Beyond Act.

Consumers are also impacted by standards development activities. Standards developed without the full participation of U.S. companies lack market-responsiveness and the technical robustness found in industry standards that are developed with the full participation of U.S. companies. Coupled with the fact that that licensing requirements for technical standards development and certification activities would provide countries such as China an excuse to develop separate standards and exclude U.S. technology, U.S. competitiveness will be significantly impacted. The ability for U.S. companies to compete and sell in foreign markets and most importantly, the national and economic security of our country would suffer as a result.

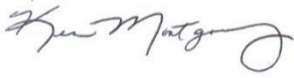
Moreover, the authorization created by BIS for exports to Huawei in the course of standards body participation applies only to “technology” without explicitly mentioning “software” (object code and source code) as well as certain releases related to certification or conformance testing activities. To the extent necessary, BIS should make clear that the interim final rule covers both “technology” and “software.” Although most transfers involve “technology,” some standards organizations' participants share “software” to other members to provide as implementation examples. Explicitly extending BIS' authorization to include software will enable U.S. companies to focus their efforts on participation in standards bodies rather than delaying important work for compliance-oriented discussions and processes whenever software exchanges are needed for standards development activities which may include certification or conformance testing.

We also ask that BIS confirm that the definition of “standards organization” that the rule draws from OMB Circular A-119 should continue to be broadly interpreted. “Standards organizations” as defined in the rule include organizations that demonstrate the attributes of openness, balance, due process, existence of an appeals process, and consensus. Standardization involves a diverse ecosystem of organizations whose respective areas of focus span the entire process of technology development: research, requirements definition, use case creation, architectural definition, specification, interoperability and performance testing, verification, and certification. These organizations may sometimes impose limitations on some aspects of their activities, but still with the overall goal of serving the community. Common reasonable limitations include restricting their membership to legitimate stakeholders or requiring membership for access to test plans. Our understanding is that as a general matter such consortia and alliances are considered “standards organizations” for the purposes of the rule. We believe this broad interpretation is consistent with the letter and spirit of the rule.

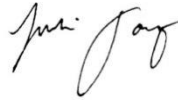
We appreciate your time in reviewing our concerns and issuing this much needed and long-awaited rule. We are committed to helping safeguard U.S. national security while balancing its

global presence and competitiveness, and believe these recommended changes align with those goals.

Sincerely,



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