Before the
Bureau of Industry Security
United States Department of Commerce
Washington, DC

In re Request for Comments on Future Extensions of Temporary General License	Docket No. BIS 2020-0001

COMMENTS OF THE COMPUTER & COMMUNICATIONS INDUSTRY ASSOCIATION

Pursuant to the request for comments published by the U.S. Department of Commerce in the Federal Register at 85 Fed. Reg. 17,300 (Mar. 27, 2020), the Computer and Communications Industry Association (CCIA) submits the following comments regarding the future extensions of temporary general licenses (TGL) to Huawei Technologies and its non-US affiliates on the Entity List.[1] CCIA represents technology products and services providers of all sizes, including computer hardware and software, electronic commerce, social media, telecommunications, and Internet products and services. CCIA members employ more than 750,000 workers and generate annual revenues in excess of $540 billion.

CCIA appreciates the opportunity to provide input in this proceeding. The status of the TGL is a source of uncertainty for many technology and telecommunications companies. In order to ensure that companies have the transparency, continuity, and predictability that they need to do business, CCIA recommends certain changes to the TGL process with regard to Huawei and its non-US affiliates on the Entity List.

I. Provide Certainty on the Duration of TGL Provisions

The current practice of repeatedly extending the short-term TGL causes great uncertainty to businesses that are currently relying on products and equipment covered under the TGL. If BIS determines that the transactions allowed in the TGL are

[1] CCIA is a 501(c)(6) trade association representing the high technology products and services sectors. A list of CCIA members is available at http://www.ccianet.org/members.

permissible, those transactions should be incorporated into the Entity List and made permanent to provide businesses with the certainty they need for long-term planning. CCIA recognizes that an initial purpose of the TGL was to give companies the necessary time to transition away from Huawei equipment. If BIS finds that making the full TGL permanent would conflict with this policy objective, BIS should examine if there are discreet unobjectionable provisions of the TGL that could be made permanent. Specifically, BIS should make permanent provisions allowing the continued operation and support of existing networks and equipment and provisions that bolster security. These provisions would not harm long-term policy objectives but would allow the continued operation of existing infrastructure, which is crucial for maintaining end to end communications networks.

II. Explicitly Permit Urgent and Necessary Business Continuity Activities

The scope of authorized transactions in the TGL should explicitly permit measures for the purpose of crisis management or necessary business continuity activities. Necessary business continuity activities could be defined to include imminent network failure, network degradation, or emergency contingency measures for events like the COVID-19 pandemic. The ongoing pandemic has demonstrated how vital network dependability is to businesses and consumers, and it is essential that companies are able to perform all the necessary actions required to maintain network performance. Therefore, an express provision needs to explicitly broaden the definition of authorized transactions to include activities including troubleshooting, remote diagnostics, patching, and vulnerability management, which are necessary to maintaining and supporting the integrity and continued operation of existing networks and equipment.

III. Increase Transparency of Licensing Criteria

To give businesses increased certainty and continuity, BIS should provide increased transparency for the criteria of approval or denial of individual licenses. There should also be timing guidelines for license applications to be determined. This would allow businesses the predictability necessary for long-term planning, and would decrease confusion in the supply chain.

IV. Ensure that Companies are Able to Provide Security Updates

Companies must make security updates and vulnerability patches to ensure the security and reliability of their systems and networks. If the TGL is not extended, it will be impossible for companies to make these important updates in some cases. This will result in uncertainty in the supply chain and decreased dependability in networks. The necessity of these updates further emphasizes the need to make important provisions of the TGL permanent. Companies need the certainty that they will be able to make important security updates to their equipment.

V. Conclusion

CCIA appreciates the opportunity to provide recommendations in this matter. The competing policy priorities for consideration in this proceeding are substantial, and striking the right balance is a complicated task. CCIA's recommendations are meant to highlight the importance of transparency and certainty to industry, as well as the importance of maintaining the dependability of communications networks during a time when they are critical to our nation's consumers.

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Sincerely,

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