

United States Senate
WASHINGTON, DC 20510-0908

January 29, 2021

The Honorable Gina Raimondo
Governor
State of Rhode Island
82 Smith Street
Providence, RI 02903

Dear Governor Raimondo:

As the Senate considers your nomination to be the next Secretary of Commerce, we write to express our concern for your statements suggesting that all aspects of the approach to U.S. economic and technological competition are up for review. The Department of Commerce plays an increasingly important role in protecting national security and preventing the People's Republic of China (PRC) from exploiting U.S. technology to further the goals of the Chinese Communist Party (CCP).

Improving the competitiveness of American companies is a necessary but insufficient element of successful competition with the PRC. The U.S. Government must be prepared to frustrate the CCP's ability to achieve its domestic and global ambitions, where the party's objectives are inimical to American interests. The PRC is attempting to remake global governance, placing itself at the center of globalization to maximize its coercive power and ensure the dominance and legitimacy of the CCP. Nominees must understand that the PRC views its unimpeded access to international flows of trade, knowledge, technology, and capital as essential to this process.

Nowhere is this imperative clearer than in the case of Huawei. Although we agree that some export controls, the Entity List, and Foreign Direct Product Rule could be reviewed to strengthen their application, we do not agree that such a review is necessary or desirable in the case of Huawei. Huawei has a long track record of economic espionage, supporting human rights abuses in the PRC and elsewhere, and supporting the regime's capture of foreign political elites. The company has not changed alongside the U.S. presidency. Without an effort to cut off Huawei—as well as all its affiliates and recently sold brands—or correct the market distortions created by Beijing's financial backing, there are no market-based solutions to protect our allies' companies or create the space for Americans or other trusted actors to compete. Huawei's proven dangers to U.S. interests, coupled with PRC laws that require compliance with CCP demands, cannot be rectified through a review or extracting worthless promises from the company's leadership.

We appreciate your expressed willingness to employ the full toolkit of the Department of Commerce to address the challenges from the PRC. It is equally imperative that all nominees to the Department of Commerce follow your leadership in recognizing both the dangers of the CCP

and the need to obstruct or squeeze PRC access to U.S. technology that may advance CCP ambitions that are dangerous to U.S. interests. If these nominees do not make clear that they will adhere to these broad concerns and objectives, they may face substantial opposition from Congress. We would emphasize that the Under Secretary of Commerce for Industry and Security, as well as the Assistant Secretaries for Export Administration and Export Enforcement, must have a working knowledge of how the CCP mobilizes private industry to support the party's strategic objectives. We expect nominees for these positions to have a track record of protecting national security rather than one of minimizing American interests while benefiting personally from furthering Beijing's ambitions.

The CCP is already taking action to test whether President Biden's administration will carry on the campaign to level the playing field for American businesses, counter malign actors like Huawei, and keep pressure on technological chokepoints.

We ask that you, as the nominee to be the next Secretary of Commerce, be forceful about the strategic imperatives of this moment. Specifically, we ask that you respond in writing with your view of whether you foresee any scenario in which you would, if confirmed as Secretary, either remove Huawei, or its subsidiaries, or spin-off companies from the Entity List (or expand any related general licenses), or, would permit any relaxation of the Foreign Direct Product Rule as it relates to 5G technology.

Thank you for your consideration. We look forward to your prompt reply.

Sincerely,



Marco Rubio
U.S. Senator



Tom Cotton
U.S. Senator



Ben Sasse
U.S. Senator