

United States Senate
WASHINGTON, DC 20510-0908

COMMITTEES:
APPROPRIATIONS
FOREIGN RELATIONS
SELECT COMMITTEE ON INTELLIGENCE
SMALL BUSINESS AND ENTREPRENEURSHIP
SPECIAL COMMITTEE ON AGING

December 17, 2020

The Honorable Wilbur Ross
Secretary
U.S. Department of Commerce
1401 Constitution Avenue NW
Washington, D.C. 20230

Dear Secretary Ross:

As you are well versed, due to its ties to the Chinese Communist Party, Huawei continues to pose a significant threat to the U.S. economy, national security, and our critical infrastructure. I strongly support the actions taken by the Bureau of Industry and Security (BIS) on August 17, 2020, which closed certain loopholes to the Export Administration Regulations (EAR) related to Huawei. These actions were meant to prevent U.S.-developed technology from being used to undermine our own national security.

It has been brought to my attention that Huawei is ordering semiconductors from certain U.S.-based chip companies, or through others stockpiling them, with the intent to ship them in the event that those companies are granted individual export licenses (IVLs), or if Huawei is removed from the Entity List. Accordingly, I respectfully request responses to the following questions:

1. Since August 17, 2020, how many IVLs has BIS approved to U.S. semiconductor manufacturers for the purpose of export, re-export or transfer of any item subject to the EAR to Huawei?
 - a. For each IVL, please explain your policy rationale for approval.
2. Absent an IVL, would it be legal for a U.S. semiconductor company to stockpile items subject to the EAR for ultimate export, reexport or transfer to Huawei after September 14, 2020, or to receive compensation from Huawei for doing so?
 - a. If so, what is the policy rationale for allowing such stockpiling?
3. Does the Administration have any intent to remove Huawei from the Entity List?

For purposes of this inquiry, "Huawei" means Huawei Technologies Co. Ltd, Huawei Investment and Holding Co. Ltd., or any entity with more than 20 percent of the shares of which are ultimately owned by either of the aforementioned. I would appreciate responses to this before December 31, 2020.

Thank you for your attention to this important matter.

Sincerely,



Marco Rubio
U.S. Senator