

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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October 18, 2022

The Honorable Lloyd J. Austin
Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington, DC 20301

Dear Secretary Austin:

We write to request a classified briefing from the Department of Defense (Department) on the military's network security and its ability to protect against foreign cyber espionage. The Federal Bureau of Investigation (FBI) recently determined that Huawei Technologies Co., Ltd. (Huawei) equipment installed atop cell towers—in one instance only a third of a mile from an intercontinental ballistic missile (ICBM) silo in Montana—is “capable of capturing and disrupting highly restricted Department communications, including those used by U.S. Strategic Command, which oversees the country's nuclear weapons.”¹ Committee Republicans are concerned that Huawei cellular equipment near military installations could pose a serious threat to Department network and operational security.

Huawei—a state-sponsored espionage telecommunications giant²—was originally “blacklisted”³ by President Trump on May 15, 2019 and again on June 3, 2021 by President Biden.⁴ The orders—that placed Huawei on the Entity List—block any ownership or dealings with Huawei due to “its involvement in military, intelligence, and security research and development programs, and weapons and related equipment production under the PRC's [People's Republic of China's] Military-Civil Fusion Strategy.”⁵

Numerous agencies, including the Department, the FBI, and the U.S. Federal Communications Commission (FCC), have raised significant concerns over the capabilities and malicious nature of Huawei technology.⁶ The FCC plans to ban all purchases of future Huawei

¹ Katie Bo Lillis, *FBI investigation determined Chinese-made Huawei equipment could disrupt US nuclear arsenal communications*, CNN (July 25, 2022).

² Ken Dilanian, *U.S. officials: Using Huawei tech opens door to Chinese spying, censorship*, NBC News (Feb. 14, 2020).

³ *U.S. blacklists Huawei, places it on entity list*, The Economic Times (May 16, 2019).

⁴ Exec. Order No. 14,032, 86 Fed. Reg. 30,145 (2021).

⁵ *Id.*

⁶ *Supra*, note 1.

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telecommunications devices because of its capabilities to threaten American data privacy⁷—but Huawei telecommunications equipment remains operational across the United States.⁸

On March 12, 2020, the Secure and Trusted Communications Networks Act of 2019 was signed into law.⁹ This bill established a program to “supply small communications providers with funds to offset the cost of removing prohibited equipment and services from their networks and replacing it with more secure communications equipment.”¹⁰ Congress appropriated \$1.895 billion to carry out the reimbursement program.¹¹ Yet, as of today, none of the Huawei equipment has been removed.¹²

Committee Republicans are concerned about corporate espionage, theft of military intelligence, and the capabilities of cellular telecommunications to be intercepted and monitored by the Chinese Communist Party (CCP).¹³ According to reports, Huawei telecommunications equipment is capable of intercepting not only commercial cell traffic, but also data transmitted on restricted airwaves used by the military.¹⁴ The ability for Huawei to monitor—and possibly interrupt—U.S. military networks is a significant national security threat. The PRC is undergoing the “largest and most ambitious” military buildup since the end of World War II.¹⁵ It is critical that U.S. civilian and military networks are protected to ensure that the United States military maintains operational security.

It is troubling that Huawei equipment has not been removed from U.S. networks, raising questions about whether it may have access to Department networks and provide the CCP with a significant informational advantage. Until Huawei cellular equipment is fully removed from the United States, this threat will persist. We therefore request a classified briefing on Department cyber security as soon as possible but no later than October 25, 2022.

Thank you for your consideration of this important issue. To make arrangements to schedule the briefing or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

⁷ Margaret Harding McGill, *FCC poised to ban all U.S. sales of new Huawei and ZTE equipment*, AXIOS (Oct. 13, 2022).

⁸ Brian Fung, *US Regulators Rule That China’s Huawei and ZTE Threaten National Security*, CNN BUSINESS (November 22, 2019).

⁹ H.R. Con. Res. 4998, 116th Cong. (2020) (enacted).

¹⁰ *Id.*

¹¹ H.R. Con. Res. 133, 116th Cong. (2020) (enacted).

¹² *Supra*, note 1.

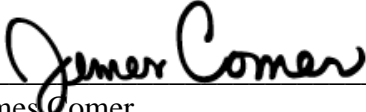
¹³ Exec. Order No. 14,032, 86 Fed. Reg. 30,145 (2021).

¹⁴ *Supra*, note 1.

¹⁵ Darragh Roche, *China’s Military Buildup is ‘Most Ambitious’ Since WWII, Australia Warns*, NEWSWEEK (June 11, 2022).

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Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Glenn Grothman
Ranking Member
Subcommittee on National Security

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security