Comments on the National Telecommunications and Information Administration's Request for Public Comment on Proposals and Positions for the 2020 World Telecommunication Standardization Assembly

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The U.S. Chamber of Commerce appreciates the opportunity to comment on the National Telecommunications and Information Administration's request for public comment (RFC) on Input on Proposals and Positions for the 2020 World Telecommunication Standardization Assembly.

While the Chamber appreciates the vital role the ITU plays in the allocation of spectrum, developing specific technical telecommunication/ICT standards, and promoting the growth of connectivity in developing countries, the WTSA-20 presents an opportunity for the U.S. government and our allies to ensure that the ITU does not expand its jurisdiction and remains focused on its existing mandate and core competencies. The Chamber is committed to working with the U.S. government to identify opportunities for constructive engagement that helps to advance U.S. policy and industry objectives.

Standardization Efforts and the Role of the ITU

The Chamber works to advance important standards policy in support of open and competitive markets. The development of global standards in collaboration with the private sector is the best way to promote common approaches that are technically sound to deliver on technology solutions and policy objectives. Such standards should be voluntary, open, transparent, globally recognized, consensus-based, and technology-neutral. This builds upon the international standards principals established by the World Trade Organization (WTO) Technical Barrier to Trade (TBT) agreement by promoting the alignment of standards across borders, facilitating trade in connected products, and stimulating innovation in industry.

Intergovernmental organizations, such as the ITU, are not the proper forum for advancing technical standards for emerging technologies, many of which are

addressed at other industry- or sector-based standards organizations that develop and publish industry-specific standards. It is critical to recognize the role of industry consortia, and other standards development organizations (SDOs) in the promotion of private-sector leadership on technical standards. Private sector leadership ensures that technical standardization issues are rooted in global, industry-driven standards and practices.

Increasing Emphasis on Regulatory Standards

The Chamber is concerned by the ITU-T's increasing emphasis on regulatory standards for the digital economy. Policymakers and stakeholders are already working together outside of the ITU to ensure greater interoperability and avoid a fragmented global network of differing regulations. Government-led and country-specific standards or approaches are disruptive to the inherently global nature of many new issues likely to be discussed at WTSA-2020. The Chamber opposes any resolutions that would aim to regulate or standardize emerging technologies prematurely, including but not limited to the internet of things (IoT), artificial intelligence (AI), cybersecurity, and fifth-generation (5G) wireless technology. To ensure that global economies achieve the social and economic benefits of these technologies', the ITU should avoid expanding beyond its core competencies into workstreams related to internet policy, and instead allow multistakeholder processes of other SDOs to continue to advance market-based and voluntary standards. The Chamber also recommends that the ITU act more as a facilitator, helping developing countries identify and participate in standards settings that already exist to address cybersecurity and other technology challenges.

Expansion of ITU-T Purview

The Chamber is concerned at recent attempts by some ITU Member States to bring emerging technologies, such as AI, and internet governance under the ITU-T's purview, to develop prescriptive regulations and standards. Standardization efforts are best accomplished through a comprehensive consensus process that is informed by the ability to access timely and detailed data, varied subject matter and technical expertise, and shared resources. Collaboration between the government and the private sector is critical. We urge governments to engage with voluntary, industry-led consensus standards development organizations who are best suited to gather, interpret that data and create the resulting response that the marketplace needs to offer safe, innovative products continually.

The internet's growth has come from it being open and free. Since its inception, the U.S. government used a light-touch, interoperable regulatory framework, allowing

entrepreneurs and innovators to invest, take risks, and develop products and services for consumers. For almost two decades, this approach built new industries, created millions of new jobs, and generated trillions of dollars in economic growth. The ITU's preemptive, burdensome, or duplicative efforts to regulate emerging digital technologies needlessly hamper innovation and growth.

Many of the emerging technology initiatives being promoted by some ITU members are duplicative of ongoing initiatives and standards activities. By no means an exhaustive list, the Chamber is most concerned with the following key emerging technologies:

- *Artificial Intelligence (AI):* The ITU is not an appropriate body for AI regulatory and technical standards development. It does not possess sufficient expertise on the issue, or broader issues of data governance often raised by AI technologies. ITU standards or recommendations in this space would prove duplicative with work being conducted elsewhere, including the OECD's AI Policy Observatory.
- *Cybersecurity:* The Chamber supports international efforts aimed at aligning regulatory approaches to reflect accepted best practices. Private industry greatly benefits when governments incorporate existing cybersecurity frameworks (e.g., the National Institute of Standards and Technology Cybersecurity Framework, the International Organization /International Electrotechnical Commission ("ISO/IEC") 27001:2013, impending ISO/IEC 27402 device baseline requirements, ISO/IEC JTC 1/SC 27 information security, cybersecurity and privacy protection) requirements into any future policy enactments.
- *5G Technology*: It is not the ITU's role to engage on supply chain policy issues for 5G vendors. The U.S. benefits when industry and the federal governments effectively influence the development or revision of industry-led international technology standards. The smart development of international standards for 5G deployments, such as the 3rd Generation Partnership Project (3GPP) and progress by the O-RAN Alliance, advance U.S. commercial and security priorities by facilitating constructive outcomes—including improved interoperability, greater trust in online transactions, and strengthened competitiveness of American products and services.
- *Data Protection:* The Chamber opposes the expansion of ITU's scope into data protection. The international regulatory and technical landscape for data protection is already supported by a number of bodies, including the OECD, the Global Privacy Assembly, and the Asia-Pacific Economic Cooperation

Forum. It is unclear what additive or constructive role the ITU may play in the field of data protection.

Additional Concerns – Internet Protocol

Internet Policy and Governance: The Chamber and our members strongly urge the United States Government to oppose any new resolutions in support of a new Internet Protocol. Internet Protocol and Transmission Control Protocol (IP/TCP) development have, for decades, been the province of SDOs such as IETF, IEEE, 3GPP, and others. Those forums are the appropriate place for further development of IP/TCP. Member States, namely China, may decide to bring a NEW IP plan to WTSA to replace IP/TCP with a proposal to have ITU-T standardize it. In light of current work that builds upon the IP/TCP, the Chamber recommends that NTIA develop a position on New IP in advance of WTSA, and work to oppose efforts to standardize "New IP" at the ITU-T. According to a recent discussion paper by the Internet Society, developing a new protocol system is unnecessary and is likely to end up with multiple non-interoperable networks, defeating one of the primary purposes of the proposal.

Multistakeholder Approach to Internet Policy

We strongly support the U.S. government's objectives for promoting the multistakeholder approach to internet policy. The multistakeholder model allows for adequate participation of a broader foundation of interested parties inclusive of technical experts, industry, civil society, and governments. For example, the OECD reached consensus on international principles to improve the trustworthy development of AI without holding back AI innovators or favoring one economic or security interest over another. The multistakeholder model has driven outcomes leading to the rapid innovation of technologies, such as the internet, and has led to vast informational and societal benefits. The Chamber recommends that the U.S. government work to preserve the integrity of ITU's multistakeholder structure. Fully integrated adoption of this model by the ITU would further incentivize U.S. industry participation.

Conclusion

Given the complex and ever-changing digital economy, policy differences threaten to create obstacles that serve as market barriers to the deployment of connected goods and services and threaten to undermine the potential of the internet. To avoid these barriers, the ITU should support the development of international standards and best

practices that are more effectively addressed in multistakeholder policymaking and standards-setting bodies, adhering to global best practices and ensuring an internationally coordinated approach. American companies are eager to help the U.S. government succeed in building a robust digital and data-driven economy, and we look forward to supporting efforts at the WTSA-20 to drive that future success. Thank you for your consideration of our views.

Sincerely,

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