

Background for file 230916 Resolution relating to the proposed City of Milwaukee Prohibited Foreign Products Policy

1) Why is this file being introduced?

Earlier this year, the State of Wisconsin joined the federal government and several other states in banning the use of the social media platform TikTok for state employees. This was done through executive order to modify the State of Wisconsin Department of Administration Standard 290 – REMOVAL OF PROHIBITED FOREIGN PRODUCTS.

This prompted the question of how the City of Milwaukee should address potential threats from foreign technologies. The proposed policy is the result of this analysis.

2) How was the proposed policy developed?

Initially, ITMD and the CIMC considered integrating state standard 290 into existing City policies related to social media and mobile device management. Feedback from the Finance and Personnel Committee raised concerns about the negative consequences to existing successful marketing campaigns using TikTok and limiting the ability to reach out and engage with residents using popular social media channels.

A different approach was considered that focuses on procedures regarding the purchase of information and communications technology and services (ICTS) from foreign adversaries to mitigate potential risks associated with the use of ICTS that may pose threats to information security, national security, or intellectual property.

This approach is informed by the whitepaper “Banned in D.C. Examining Government Approaches to Foreign Technology Threats” published by the Center for Security and Emerging Technology (CSET) in October 2022.

3) What foreign products does this policy prohibit?

This policy prohibits the purchases from the companies defined by the FCC “Covered List” found at <https://www.fcc.gov/supplychain/coveredlist> and as defined by NDAA Section 889 found at <https://smartpay.gsa.gov/ndaasection-889>. Currently, this includes:

- Huawei Technologies Company
- ZTE Corporation
- Hytera Communications Corporation
- Hangzhou Hikvision Digital Technology Company
- Dahua Technology Company
- AO Kaspersky Lab
- China Mobile International USA Inc.
- China Telecom (Americas) Corp.
- Pacific Networks Corp and its wholly-owned subsidiary ComNet (USA) LLC
- China Unicom (Americas) Operations Limited

This policy also prohibits, as much as feasibly possible, the purchases of information and communications technology and services (ICTS) from companies headquartered in countries defined as foreign adversaries by the Commerce Department ICTS Interim Rule found at <https://www.govinfo.gov/content/pkg/FR-2021-01-19/pdf/2021-01234.pdf>. Requests for purchases from these countries must be approved by the CIO. Currently, these countries include:

The People's Republic of China, including the Hong Kong Special Administrative Region (China)

The Republic of Cuba (Cuba)

The Islamic Republic of Iran (Iran)

The Democratic People's Republic of Korea (North Korea)

The Russian Federation (Russia)

Venezuelan politician Nicolas Maduro (Maduro Regime) (Venezuela)