



ONE HUNDRED FIFTEENTH CONGRESS  
SENATOR MARCO RUBIO, CHAIRMAN  
REPRESENTATIVE CHRISTOPHER H. SMITH, COCHAIRMAN

September 12, 2018

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

Dear Secretary Ross:

Thank you for your response to our May 15, 2018 letter regarding controls on the sale by U.S. companies of surveillance and crime control technology for use by Chinese security forces and police. Our concerns are particularly acute as they relate to the Chinese government's pervasive surveillance and internment system targeting Uyghurs and other predominantly Muslim ethnic minorities in the Xinjiang Uyghur Autonomous Region (XUAR).

We appreciated the Department making Mr. Anthony Christino, Director of the Bureau of Industry and Security's Foreign Policy Division, available to testify at a recent Congressional-Executive Commission on China (CECC) hearing focused on the grave and deteriorating human rights situation in the XUAR.

Joining Mr. Christino on the hearing's government panel was Ambassador Kelley Currie, U.S. Representative to the Economic and Social Council of the United Nations, who characterized the scope of the campaign against Uyghur Muslims as "truly breathtaking" and described how "over the past year, hundreds of thousands of law-abiding Uighur citizens of China—men, women and even children—have disappeared into state custody..." Ambassador Currie focused specifically on the "highly intrusive, high-tech surveillance system in Xinjiang," which includes:

*"thousands of surveillance cameras, including in mosques; facial recognition software; obligatory content-monitoring apps on smartphones and GPS devices on cars; widespread new police outposts with tens of thousands of newly-hired police and even Party personnel embedded in people's homes; and compulsory collection of vast biometric datasets on ethnic and religious minorities throughout the region, including DNA and blood samples, 3-D photos, iris scans, and voiceprints."*

The testimony of Ambassador Currie and other expert witnesses further underscored that the abuses occurring in the XUAR are contrary to the national security interests of the United States. U.S. companies should not be assisting in the expansion of China's systems for

surveillance, detection, and detention, or be complicit in what are gross violations of internationally recognized human rights occurring daily in the XUAR.

While we believe that longstanding export restrictions on the sale of crime control or detection instruments or equipment to the People's Republic of China should prohibit all U.S. companies from aiding efforts to expand China's high-tech surveillance and detention of ethnic minority populations in China, we urge you to also add Chinese government and state security entities in the XUAR, and any businesses profiting from the expansion of the region's surge in security spending, to the U.S. Government's "Entity List" (Supplement 4, Part 744 of the Export Administration Regulations).

During the course of his testimony, Mr. Christino said the Commerce Department, as a result of information provided by the CECC, was reviewing whether there is sufficient evidence to justify additional end-user restrictions for XUAR police and security forces, among others. This was a welcomed acknowledgement. Given the national integration of China's state security apparatus, we believe there should also be a presumption of denial for any sale of technology or equipment that would make a direct and significant contribution to the police surveillance and detection system, including dual-use technology sold or resold to any elements of the Ministry of Public Security. In response to a question at the hearing, Mr. Christino assured the Commissioners that the Commerce Department possesses sufficient authority, within the interagency process, to make such determinations. Therefore, we respectfully request an update as to the status and anticipated timeline of this interagency process.

The U.S. government has clearly acknowledged the severity of the abuses in Xinjiang. Vice President Mike Pence and Secretary of State Mike Pompeo have both voiced public concern about these abuses and have specifically focused on the proliferation of "political reeducation" centers or camps throughout the region. Our export policy must reflect this reality.

We look forward to your response.

Sincerely,



Senator Marco Rubio  
Chair



Representative Chris Smith  
CoChair