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February 28, 2024

The Honorable Gina Raimondo  
Secretary  
U.S. Department of Commerce  
1401 Constitution Ave, NW  
Washington, D.C. 20220

Dear Secretary Raimondo:

We write to underscore our continued concern that the Department of Commerce has not sufficiently used its existing tools, including export controls, to prevent adversary access to U.S. technology, capital, data, and talent in critical technology sectors. Last February, in our capacity as Chairman and Vice Chairman of the Senate Select Committee on Intelligence, we wrote to you on this topic and have yet to receive a reply. As such, we renew our request for the Department of Commerce to increase its actions to protect U.S. critical technologies, including in the biotechnology sector, through a more robust export-control regime, among other measures.

In our February 9, 2023, letter, we highlighted the continued efforts by the People's Republic of China (PRC) to target American technology, investment, and data in order to monopolize global supply chains, achieve technological dominance, and displace U.S. economic and military leadership. We urged the Department to use its authorities to track PRC efforts to acquire U.S. innovation, and immediately restrict these activities.

The PRC has continued its attempts to leverage the lack of U.S. controls surrounding access to American innovation, data, and talent to undermine U.S. superiority in critical sectors and related supply chains. The PRC has capitalized on the massive amounts of U.S. data and innovation it has acquired to develop weapons and technologies for nefarious ends.

We were pleased to see the Department of Commerce add 37 entities, including Beijing Genomics Institute (BGI) Research, BGI Tech Solutions, and Forensic Genomics International, to its Entity List in March 2023. The U.S. government, however, continues to allow PRC biotechnology companies to operate freely within the U.S., to purchase and/or invest in U.S. companies, and to acquire U.S. data. These companies include: BGI Group, MGI Tech, Complete Genomics, WuXi AppTech, and WuXi Biologics, which have linkages to the People's Liberation Army (PLA), the Chinese Communist Party's (CCP) Military-Civil Fusion program, and/or to the PRC's ongoing genocide in the Xinjiang Uyghur Autonomous Region. For example, BGI has purchased American companies and leveraged these American companies to provide machines to unwitting U.S. laboratories and obtain sensitive genetic data of Americans.

We urge the Commerce Department, in cooperation with the Treasury Department and the Intelligence Community, to take a comprehensive approach to protecting American technology, investment, data, and talent in critical technology sectors, such as biotechnology. Specifically, the Commerce Department should implement an export-control regime targeting the biotechnology sector—as undertaken with the semiconductor industry—and impose controls on the sharing of American data. The CCP has openly revealed its intentions to utilize biotechnology to advance its military capabilities and ambitions, undermine U.S. security, and continue its egregious violations of human rights. The U.S. must respond forcefully to these intentions. While the Department has ample authorities to take action, we commit to working with the Department if additional legislation is needed to secure American interests in biosecurity.

Sincerely,



Mark R. Warner  
Chairman



Marco Rubio  
Vice Chairman