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# United States Senate

WASHINGTON, DC 20510-3205

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COMMITTEES:  
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ENVIRONMENT AND PUBLIC WORKS  
AGRICULTURE  
SPECIAL COMMITTEE ON AGING

The Honorable Wilbur Ross  
Secretary of Commerce  
U.S. Department of Commerce  
1401 Constitution Avenue NW  
Washington, DC 20230

Dear Secretary Ross,

As we near the thirty-year anniversary of the Tiananmen Square massacre, I write out of deep concern regarding the Chinese government's use of advanced monitoring technologies to violate human rights. Alarming reports have emerged detailing how an estimated more than one million Uyghur, Kazakh, and other Muslim Chinese citizens have been forced into so-called reeducation camps for political indoctrination. Many of those who have not been sent to camps are subject to constant, invasive monitoring in their daily lives. Not only are these practices a shocking violation of these communities' human rights, but this large database of people's most personal information provides the Chinese government with a valuable tool for expanding their technological prowess in ways that threaten American values and interests.

The Chinese government is using artificial intelligence, coupled with a vast web of surveillance cameras, in order to identify, track, and harass Chinese Muslim communities. According to a recent Human Rights Watch report, "Xinjiang authorities have collected biometrics, including DNA samples, fingerprints, iris scans, and blood types of all residents in the region between the ages of 12 and 65." DNA can be used to identify Uyghur heritage, and the Chinese Ministry of Public Security has applied for patents on how to identify a person's ethnicity from their genetic information. Exacerbating this problem is the use of advanced technologies, some of them including U.S. exports and contributions from U.S. researchers, to control the day-to-day lives of these religious minorities living in the Xinjiang Uyghur Autonomous Region. The Chinese government has used QR codes, smart phone apps, and coercive interrogation to monitor the movements and religious practices of Uyghurs.

The New York Times and other American news outlets have reported that the Chinese government's monitoring of Uyghurs is an unprecedented form of racial profiling in terms of scope and precision, propelled by state-of-the-art artificial intelligence and machine learning. The Chinese government is effectively capitalizing on its disregard for the privacy and wellbeing of its own citizens in order to accelerate the development of artificial intelligence and associated technology products for unacceptable objectives. As the New York Times has explained, "China

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has an advantage in developing A.I. because its leaders are less fussed by ‘legal intricacies’ or ‘moral consensus.’” Beyond their current use to oppress millions of people in China, these tools and technologies also have vast applications in advancing China’s broader economic, military, political, and ideological goals.

Given these concerns, it is critical that as you craft new, congressionally mandated export controls on emerging technologies, you address the risks associated with the proliferation of American-made advanced technologies to China or other oppressive regimes. One major purpose of export controls is to help protect the national security of the United States. Yet the national security control category does not make human rights a consideration, as do some other categories of existing U.S. technology control regimes. This means that entities such as Chinese law enforcement bodies that carry out the oppressive activities described in reports by Human Rights Watch and the New York Times, among others, are able to legally obtain technologies from the U.S. that can be used to further their goals. American foreign policy requires moral leadership on the world stage, and these considerations are also important to our own national security interests. The ability to curtail the spread of technology that is intended to be used for oppression is required for reaching this goal. Human rights considerations are already taken into account for the export of items controlled for other reasons. Extending this consideration to items controlled for national security purposes is long overdue.

Export controls must also be able to secure critical technologies from dangerous use by governments that hide behind claims of civil end-uses to further their authoritarian reach. As you know, technologies with a civil end-use are reviewed pursuant to a general policy of approval, as opposed to the higher burden of skepticism accorded to products characterized with military end-uses. As a result, exports can be regarded as civil even though they may be used in ways that risk America’s national security. For example, unmanned aerial vehicles are controlled for national security reasons, but can be exported to China on the basis of civil end-use even though they have been used for mass surveillance, particularly in Xinjiang. The simple binary civil vs. military distinction is inadequate for the gray zone that includes the Chinese government’s use of emerging technologies to suppress its own citizens and its development of global surveillance technologies. The line between military and civil end-uses will only continue to blur as authoritarian governments further exploit new technology to create surveillance states. Therefore, moving beyond the old binary civil versus military classifications would be beneficial in forming a 21<sup>st</sup> century architecture for export controls and advancing U.S. interests.

It is in the national security interest of the United States to oppose oppressive governments’ abuse of technological innovation. Our country – including American innovation and expertise – should not play any role in helping China carry out violations of human rights in Xinjiang. That is why we must have better, updated export controls that meet the challenges of today’s world.

They will help us protect our own country, and they can help stop the ongoing tragedy in Xinjiang.

As the human rights catastrophe in Xinjiang continues, I urge you to take my concerns into consideration while you continue to develop export controls on emerging technologies. I look forward to a prompt response to this letter.

Sincerely,

A handwritten signature in blue ink that reads "Kirsten Gillibrand". The signature is written in a cursive style with a blue ink color.

Kirsten Gillibrand  
United States Senator