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## United States Senate

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WASHINGTON, DC 20510-6475

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February 9, 2023

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

Dear Secretary Raimondo:

Despite recent restrictions on the export of sensitive technologies critical to U.S. national security, we remain deeply concerned that American technology, investment, and talent continue to support the People's Republic of China's (PRC's) military industrial complex, intelligence and security apparatus, its ongoing genocide, and other PRC efforts to displace United States economic leadership. As such, we urge the Department of Commerce to immediately use its authorities to more broadly restrict these activities.

On May 11, 2022, the Senate Select Committee on Intelligence held an open hearing titled: "Threats to U.S. National Security: Countering the PRC's Economic and Technological Plan for Dominance." This hearing highlighted the PRC's deliberate and calculated efforts to achieve technological superiority and exert control over global supply chains—by all means necessary—with the ultimate goal of displacing the U.S. as the globally dominant economic and military power. It also highlighted a number of existing tools and authorities the U.S. Government (USG) has to halt the flow of financing and technology to the PRC. As our hearing made abundantly clear, U.S. technology, talent, and capital continue to enable the People's Liberation Army (PLA) connected companies and research institutions, including those developing advanced technologies, threatening U.S. national security, economic prosperity, and foreign policy interests.

To ensure that American businesses, investors, and consumers are not knowingly or unknowingly aiding the PRC's autocratic regime, nor advancing its expansionist and aggressive geopolitical ambitions and genocide in Xinjiang, we respectfully request unclassified responses to the following requests, with a classified annex as appropriate, by March 1, 2023.

- 1) Please list and describe the top five most critical high-technology sectors across the U.S. economy for which you could use your Defense Production Act survey authority to assess the U.S. industrial base, including requiring U.S. multinational companies to disclose their ties to PRC government-controlled companies and to evaluate their reliance on supply chains in China.
- 2) For those top five most critical high-technology sectors which you identify, please provide a list of emerging and foundational technologies that are currently not controlled by your Department by

virtue of the Commerce Control List, United States military end-use controls, or any other export control mechanisms.

- 3) Please describe the number of end-use checks the Department of Commerce has conducted in the previous 48 months in the PRC, including descriptions of the technologies subject to those end-use checks, and any challenges with thoroughly and effectively conducting such checks.
- 4) Please provide a detailed license review, including approval statistics, for PRC companies currently on the Entity List over the previous 48 months. In compiling such a list, please identify which PRC entities are on the Commerce Entity List. For these specific entities, are the U.S. exports subject to an export license review policy of “case-by-case” or “presumption of approval,” rather than the “presumption of denial” policy?
- 5) If you initiated the subpoena process under the Securing the Information and Communications Technology and Services Supply Chain Executive Order (ICTS Supply Chain EO 13873), what has been the result? What are your plans to begin applying this EO to PRC companies that pose a serious threat to our national security?
- 6) Please describe the extent to which you assess that controlled technologies, or sensitive information concerning the use or operation of controlled technologies, have been transferred to PRC entities by academic institutions, research institutes, and commercial entities on the basis of the fundamental research exclusion and public domain/public availability exclusions. During the previous 48 months, has the Department sought to challenge an academic institution, research institute, or commercial entity’s invocation of these exclusions with respect to sensitive emerging technologies?
- 7) Advances in machine learning and artificial intelligence (AI) depend on a number of critical inputs, including large data-sets, data pre-processing services, software libraries, cloud computing capabilities, and AI frameworks. Please identify the restrictions you have imposed and explain why additional restrictions have not been imposed on the provision or sale of these key inputs to PRC entities, including to those on the non-Specially Designated Nationals list with documented ties to PRC military and security services.

Thank you for your attention to these important issues. We look forward to working with you and the Department to protect American technology from advancing the PRC’s goals and egregious human rights abuses.

Sincerely,



Mark R. Warner  
Chairman



Marco Rubio  
Vice Chairman