

United States Senate

WASHINGTON, DC 20510

September 10, 2019

The Honorable Wilbur Ross
Secretary of Commerce
1401 Constitution Ave, NW
Washington, DC 20230

The Honorable Michael R. Pompeo
Secretary of State
2201 C Street, NW
Washington, DC 20520

Dear Secretary Ross and Secretary Pompeo:

We write today to highlight two concerns about the current United States' export control regime with Hong Kong: first, whether current export controls are sufficient to prevent the diversion of sensitive technologies to China; and second, whether current controls are sufficient to prevent the inappropriate supply of crowd control equipment to Hong Kong's police force.

In that context, we request an assessment of the adequacy of our export control regime with respect to Hong Kong.

China is on a drive to displace its rivals and become the global leader in a number of strategic technologies, including those articulated in its "Made in China 2025" industrial plan. The Chinese government has demonstrated its willingness to use both licit and illicit means to acquire and advance its development of technologies such as artificial intelligence, tools of mass surveillance, and advanced robotics, among others. China is using these technologies not only to bolster its own industries, but also to advance its military capabilities and to infringe on the fundamental liberties of its citizens.

Since its handover to China in 1997, Hong Kong's open investment environment has been a source of growth for China, as well as a conduit for closer ties with the United States and other advanced economies. More recently, Hong Kong has become an integral part of China's signature foreign policy initiative – the Belt and Road Initiative (BRI), which includes a digital component known as the Digital Silk Road.

We believe it is critical that the United States take appropriate measures to ensure China does not abuse Hong Kong's special status under U.S. law to steal or otherwise acquire critical or sensitive U.S. equipment and technologies in support of its strategic objectives or to infringe on the rights of people in Mainland China, Hong Kong, and elsewhere.

Our concern that Beijing could abuse Hong Kong's special status is growing because the autonomy guaranteed to Hong Kong in the Sino-British Joint Declaration has eroded significantly in recent years. This trend is most evident in declining political and civil liberties for the Hong Kong people through abductions, the banning of a political party, expulsion of journalists, and the arbitrary jailing of peaceful protest leaders and activists. Had it become law, an extradition bill proposed by the Hong Kong government earlier this year would have had direct implications for U.S. citizen interests and bilateral law enforcement cooperation, raising concern about whether other areas of

U.S.-Hong Kong cooperation are implicated in China's growing encroachment on Hong Kong's autonomy.

A related concern is whether current export control laws allow U.S. persons to inappropriately export police equipment to Hong Kong, which may be used to suppress legitimate civil dissent.

In the last several weeks of protests, Hong Kong police have used tear gas extensively to disperse protesters. They have also used rubber bullets (including allegedly at close range) and beat protesters with batons, inconsistent with acceptable norms of treatment of civilians by law enforcement. The United Kingdom has suspended licenses for export of such equipment to Hong Kong, and we believe similar steps by the United States are warranted.

This combination of factors demands an expeditious review of our export control regime with Hong Kong both to safeguard U.S. interests relevant to strategic technologies as well as to protect the Hong Kong people from police brutality and other abuses of their rights.

We therefore ask that you provide detailed information about the current status of our export control regime focusing on these two concerns. We request an assessment – either in writing or in the form of a briefing – on whether our export controls are sufficient to safeguard U.S. interests, and an identification of any gaps. Finally, we would appreciate an update regarding any relevant interagency discussions on revamping U.S. export controls towards Hong Kong as a means to address China's continued erosion of Hong Kong's autonomy.

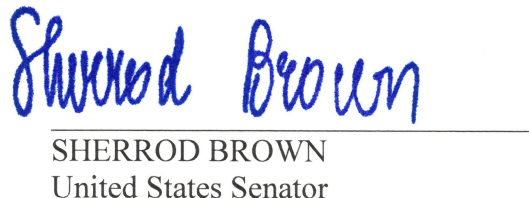
Please kindly provide a response by October 1, 2019, as this situation continues to become more critical by the day.

Sincerely,


JAMES E. RISCH
United States Senator

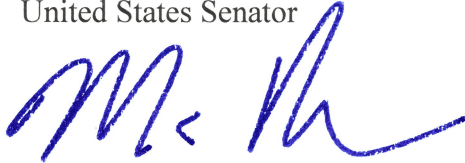

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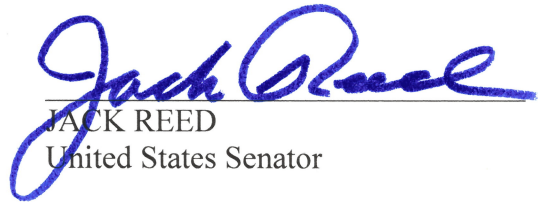
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