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**Before the U.S. Commission on International Religious Freedom
Xinjiang
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Thank you Chair Manchin, Vice-Chair Perkins, and Vice-Chair Bhargava and Members of the U.S. Commission on International Religious Freedom for convening this hearing today on this important topic. Today, I am pleased to discuss the role that the Department of Commerce's Bureau of Industry and Security (BIS) plays in administering export controls to address the concerns over the ongoing human rights abuses and religious persecution against members of Muslim minority groups in the Xinjiang region of China.

BIS plays an important role in attempting to prevent these human rights abuses. Our efforts are part of a coordinated interagency effort that includes not only the Department of Commerce, but also the Departments of State, Homeland Security, the Treasury, and other agencies. For example, on July 9, 2020 the Department of the Treasury (Treasury) added four current or former government officials and the Xinjiang Public Security Bureau (PSB) to its List of Specially Designated Nationals and Blocked Persons (SDN List). These Global Magnitsky designations impose financial sanctions targeting abusers of human rights and follow three tranches of Commerce Department additions to its Entity List, including the Xinjiang PSB, which was added on October 9, 2019.

BIS advances U.S. national security, foreign policy, and economic objectives by ensuring an effective export control and treaty compliance system and promoting continued U.S. strategic technology leadership. Consistent with these objectives, BIS controls the export and reexport of dual-use items that have commercial uses but could support military programs, weapons of mass destruction, terrorist activities, or human rights abuses.

The Export Control Reform Act of 2018 (ECRA) signed into law by the President in August 2018 serves as the primary authority under which BIS administers and enforces these export controls. The Export Administration Regulations, or E-A-R, implement ECRA. Under Secretary Ross's leadership, BIS has imposed export controls in numerous contexts to protect human rights around the globe, including to address the ethnic and religious repression in the Xinjiang Uyghur Autonomous Region (XUAR) in China.

Repression in the Xinjiang Uyghur Autonomous Region

The ruling Chinese Communist Party (CCP) continues to carry out a campaign of repression in Xinjiang, targeting Uyghurs, ethnic Kazakhs, ethnic Kyrgyz, and members of other Muslim minority groups. Since at least April 2017, the government of the People's Republic of China (PRC) has detained for indefinite periods more than one million members of Muslim minority groups in internment camps designed to eradicate detainees' cultural and religious identities.

The appalling conditions described by former detainees include extreme overcrowding, sleep and food deprivation, medical neglect, physical and psychological abuse, torture, forced labor, forced ingestion of unidentified drugs, sexual abuse, denial of the use of their native languages, forced sterilization, forced study of CCP propaganda and forced renunciation of religion, denial of prayer and other religious practices.

Survivor and family member accounts conveyed through non-governmental organizations and media reports indicate that the CCP uses discriminatory immigration policies to lure diasporic Uyghurs, ethnic Kazakhs, and ethnic Kyrgyz individuals back to China to intern them. Some holders of Kazakhstani citizenship have also been similarly detained and interned while visiting family members in XUAR.

The victims of these abuses all have one thing in common: they are members of a Muslim minority population that has for centuries peacefully practiced their faith.

In order to maintain this state of repression, the PRC government has established an unprecedented, intrusive, and high-technology surveillance system across XUAR as part of a province- and region-wide apparatus of oppression. The XUAR surveillance infrastructure enables human rights abuses, including abuses of individuals' rights to be free from arbitrary or unlawful interference with privacy, religious freedom, freedom of movement, and freedom of expression, all of which are rights protected by the Universal Declaration of Human Rights.

The PRC government utilizes surveillance systems, many of which are equipped with artificial intelligence, facial recognition, gait recognition, and infrared technology, throughout Xinjiang to track movements, monitor behavior, and identify individuals targeted for detention, forced labor, and other repressive actions.

This is where BIS has taken action. Our export control authority authorizes us to control items not only for export to specific destinations, but also to specific end users. This allows us to pinpoint controls on individual bad actors while focusing broader country-based controls on individual items of specific national security or foreign policy concern. While the majority of BIS's controls derive from the four multilateral export control regimes,¹ BIS also implements

¹ The Australia Group (chemical and biological items), Missile Technology Control Regime, Nuclear Suppliers Group, and Wassenaar Arrangement (dual-use items and conventional arms).

unilateral controls on items (including devices and related instruments, equipment, and technology) for crime control and detection reasons to promote the observance of human rights.

Additionally, BIS maintains end user controls with regard to national police, intelligence and security services and armed forces whose actions may violate human rights. Through our Entity List, BIS places license requirements, typically involving a general policy of denial, on both government and commercial entities identified as having engaged in, or enabled, human rights abuses.

BIS Item-based Controls

The Congressional-Executive Commission on China's 2019 Annual Report cites items used by PRC security personnel at extrajudicial mass internment camps in XUAR that are currently subject to license requirements for crime control and detection reasons (Crime Control reasons) under the EAR. These items include: restraint devices such as handcuffs, leg irons, and shackles; riot helmets and shields; tasers and electrified batons; and pepper spray and tear gas. Additional items not cited in the Commission's report but currently subject to a license requirement under the EAR for Crime Control reasons include fingerprint analyzers and automatic fingerprint and identification retrieval systems; polygraph and psychological stress analysis equipment; and electronic monitoring devices and communications intercepting devices.

Following the 1989 military assault on demonstrators by the PRC government in Tiananmen Square, the U.S. Government imposed restrictions on the export to China of Crime Control items (instruments and equipment) under Section 902(a)(4) of the Foreign Relations Authorization Act for Fiscal Year 1990-1991, Public Law 101-246 (Tiananmen Square Sanctions).

To date, BIS has received very few license applications for exports of such items to PRC security agencies. However, we have denied all the applications we have received.

To ensure that the EAR's item-based controls which protect human rights reflect technological development, as part of our review of emerging technologies, BIS has initiated a comprehensive, in-depth review of advanced surveillance tools, including facial recognition systems, machine learning, and biometric and artificial intelligence technologies, for possible inclusion on the Commerce Control List. In particular, on July 17, 2020, BIS published a Notice of Inquiry seeking public comment on potential revisions to the crime control and detection controls in the EAR.

BIS End-user Controls and the Entity List

BIS enforces controls on the export of dual-use items that have commercial uses, but may be used by the end user to commit, enable, or facilitate human rights abuses. These end-user controls provide BIS with a targeted tool for prohibiting exports to identified entities, including PRC security agencies engaging in, or commercial entities enabling, human rights abuses in the

XUAR. License requirements may be imposed by majority vote of the interagency End-User Review Committee (ERC), chaired by a BIS official and comprised of representatives of the Departments of Commerce, Defense, Energy and State.

The ERC makes determinations about whether persons (natural persons or entities) present a significant risk of diverting U.S. items to weapons of mass destruction programs, state sponsors of terrorism, or other activities contrary to U.S. national security or foreign policy interests, including the commission of human rights abuses. The Entity List is an important policy tool to protect U.S. national security and foreign policy interests by imposing additional license requirements on, and limitations on the availability of, most license exceptions for exports, re-exports, and transfers (in-country) to listed entities.

Recent Xinjiang-related Entity List Additions

BIS has added a total of 48 entities to the Entity List for their involvement in the implementation of China's campaign of repression, mass arbitrary detention, forced labor, and high-technology surveillance targeted at Muslim minority groups in the XUAR. A BIS license is required for the export, reexport, or transfer (in-country) of any item subject to the EAR to any of the 48 entities. No license exceptions are available. License applications involving most items subject to the EAR that are destined for any of these entities are reviewed under a presumption of denial.

On October 9, 2019, BIS added 28 entities to the Entity List, including the XUAR People's Government Public Security Bureau, 18 of its subordinate municipal and county public security bureaus, one other subordinate institute, and eight commercial entities.

On June 5, 2020, BIS added China's Ministry of Public Security's Institute of Forensic Science and eight PRC companies to the Entity List, resulting in these entities facing the restrictions on access to U.S.-origin items, including technology, described above. The Institute of Forensic Science was linked to research involving DNA and facial features to target Uyghurs and members of other Muslim minority groups in the XUAR. Aksu Huafu Textiles Co. was identified as engaging in human rights violations through forced labor of Muslim minority groups in the XUAR. BIS also designated seven commercial entities for enabling China's high-technology surveillance in the XUAR: CloudWalk Technology; FiberHome Technologies Group and the subsidiary Nanjing FiberHome Starrisky Communication Development; NetPosa and the subsidiary SenseNets; Intellifusion; and IS'Vision.

On July 20, 2020, BIS announced the addition of an additional 11 entities to the Entity List including nine implicated in forced labor practices and two in genetic testing. Nine of these entities were added for engaging in the practice of forced labor involving Uyghurs and members of other Muslim minority groups and two were added for conducting genetic analyses to further the repression of Uyghurs and members of other Muslim minority groups in XUAR.

BIS has an ongoing process in place to identify and review activities of PRC government and commercial entities to determine whether placement of additional entities on the Entity List is warranted.

BIS also worked with our interagency partners to urge businesses with potential exposure in their supply chain in Xinjiang, or to facilities outside Xinjiang that use labor or goods from Xinjiang, to be aware of the reputational, economic, and legal risks of involvement with entities that engage in human rights abuses. On July 1, 2020, the Departments of Commerce, State, Homeland Security, and the Treasury issued the Xinjiang Supply Chain Business Advisory that encouraged businesses to apply industry human rights due diligence policies and procedures to mitigate reputational, economic, legal, and other risks with regard to entities engaged in human rights abuse in XUAR.

Call to End Repression and Religious Persecution in XUAR

The United States Government has been unified and consistent in calling on the PRC and the CCP to immediately end the campaign of repression and religious persecution in XUAR. All those arbitrarily detained or subject to forced labor must be released and efforts to coerce Uyghurs and members of other Muslim minority groups to abandon their cultural and religious identity must end. The protection of human rights, including religious freedom, is of fundamental importance with regard to the United States relationship with the PRC.

Commerce Secretary Wilbur Ross articulated our efforts perfectly when he announced the first tranche of XUAR-related Entity List additions last October. He said: “The U.S. Government and Department of Commerce cannot and will not tolerate the brutal suppression of ethnic minorities within China. These actions will ensure that our technologies, fostered in an environment of individual liberty and free enterprise, are not used to repress defenseless minority populations.”

BIS will continue to aggressively fulfill our mission of preventing exports that undermine U.S. foreign policy, including to parties complicit in human rights violations and abuses committed in China’s campaign of religious repression of the Muslim minority groups in XUAR.