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May 26, 2023

The Honorable Gina Raimondo
Secretary
Department of Commerce
1401 Constitution Avenue, NW
Washington, D.C. 20230

Dear Secretary Raimondo:

I write to express concern that the International Trade Administration (ITA) is promoting dangerous surveillance and policing technology to foreign markets, including to authoritarian foreign governments, and to request information about ITA's assistance to companies selling such technologies.

Last May, my staff reached out to ITA asking whether and how the agency promotes surveillance technologies to foreign markets. In particular, I was concerned that ITA's valuable market research, business connections, and other trade promotion services were supporting the sale of dangerous technologies to authoritarian foreign governments. After several months of delay, ITA confirmed in August 2022 that it provides assistance to companies selling such technologies, including to foreign governments. However, ITA did not provide details about these activities, citing unspecified potential legal barriers to revealing more.

While ITA staff committed to seek the Commerce Department Office of General Counsel's advice about how it could be more transparent with Congress, the agency did not meet with my office again until March 2023. In that follow-up meeting, instead of providing information about the activities I initially requested, the agency previewed a forthcoming policy that would govern how ITA's Foreign Commercial Service (FCS) officers would interact with surveillance technology providers going forward. While this is a potentially welcome development, unfortunately ITA has also refused to share details about this new policy and demanded I send a formal request in order to learn more.

As you know, the Biden Administration has recognized that surveillance technologies are frequently used by governments to invade the privacy of their citizens, enable violence and discrimination, and disproportionately harm marginalized and vulnerable communities. Indeed, the Administration has joined numerous international commitments concerning technologies that enable surveillance, oppression, and repression. These include the 2021 U.S.-EU Trade and Technology Council Joint Statement, the 2022 Declaration for the Future of the Internet, and the Summit for Democracy's Guiding Principles on Government Use of Surveillance Activities,

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which the U.S. joined this March. Given the Administration's stated interest in limiting the human rights abuses made possible by these technologies, ITA must be transparent about its past and current promotion of these technologies abroad.

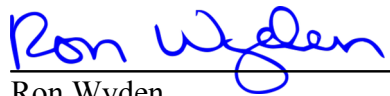
Therefore, in addition to requesting to review ITA's new policy for FCS officers, I am also requesting answers to the following questions, many of which my office requested over a year ago:

1. To what surveillance, policing, or public safety technology companies is ITA providing trade assistance, or has it in the last five years provided trade assistance, including companies selling any of the following technologies or services:
 - predictive policing systems, including any system that uses historical crime data and other data to suggest where to deploy law enforcement or military resources or to identify individuals likely to commit a crime;
 - biometric surveillance technologies, including facial, voice, iris, and gait recognition and analysis software;
 - high-altitude aerial surveillance systems;
 - international mobile subscriber identity catchers and other cell-site simulators;
 - software or hardware used to gain unauthorized access to a mobile phone, computer, computer service, or computer network;
 - databases containing sensitive personal information, including location data and web browsing records;
 - surveillance products that exploit vulnerabilities in SS7 and Diameter to remotely track phones, intercept text messages and calls, and deliver malware;
 - bulk internet monitoring technology;
 - social media monitoring software, including any tools that facilitate the creation of false accounts, monitor lawful speech, or identify and physically locate specific users;
 - gunshot detection systems; and
 - data management systems that provide storage, integration, and analysis of data collected from surveillance technologies.
2. For each company ITA has worked with, what assistance is ITA offering, or has ITA offered in the last five years, including to which foreign markets and clients that assistance has been targeted?
3. What laws or rules, if any, limit the discretion with which ITA decides to assist companies in these sectors?
4. What training do Commerce officials, including FCS officers, receive about surveillance, policing, and public safety technologies, including the dangers such technologies pose when used by foreign governments or in foreign markets where the risk of human rights violation is high?

5. Does ITA coordinate or seek the advice of other Commerce Department bureaus or Executive Branch agencies, including those with privacy or human rights expertise and responsibilities, before agreeing to work with specific companies or industry sectors?

Thank you for your prompt attention to this matter. If you have any questions or require additional information about this request, please contact Ryan Carroll in my office.

Sincerely,



Ron Wyden
United States Senator