

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
APPROPRIATIONS
FOREIGN RELATIONS
SELECT COMMITTEE ON INTELLIGENCE
SMALL BUSINESS AND ENTREPRENEURSHIP
SPECIAL COMMITTEE ON AGING

November 6, 2019

The Honorable Mark T. Esper
Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301-1000

Dear Secretary Esper:

The threat of malicious Chinese technology to the United States continues to be of great interest to Congress. A recent report highlighted the continued reliance on Chinese manufactured surveillance equipment installed at Department of Defense facilities. The Fiscal Year 2019 National Defense Authorization Act (NDAA) banned the procurement of Chinese-produced cameras and associated electronics made by Chinese companies including Hangzhou Hikvision Digital Technology and Dahua Technology. The intent of the NDAA language was to ensure U.S. government installations are not at risk of surveillance by potentially malicious Chinese technology. The provision also prohibited the renewal of any contracts currently in use across the federal government.

The Department of Commerce this month added Hikvision and Dahua to an export blacklist requiring their U.S. suppliers to gain licenses to ship components. These cited Chinese companies “have been implicated in human rights violations and abuses in the implementation of China’s campaign of repression, mass arbitrary detention, and high-technology surveillance against Uighurs, Kazakhs, and other members of Muslim minority groups” in northwest China’s Xinjiang region, the department said.

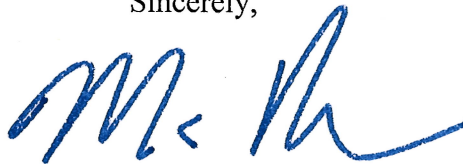
Recent press reports highlight the use of at least 2,700 prohibited Chinese surveillance devices, banned under the FY19 NDAA, but currently in use across federal government installations. The Department of Defense must act quickly to identify and remove this equipment as every day that passes only provides our adversaries additional time to infiltrate and exploit our national security networks as well as the ability to monitor U.S. military activities that may be of interest. Therefore, while a comprehensive strategy is required to address the threats posed by foreign-sourced components and sub-components, I respectfully request you provide answers to the following questions:

1. What steps have been taken by the DoD to address the specific NDAA requirement to prohibit the purchase and phase out all Chinese cameras and related technology?
2. Has the DoD considered removing these technologies in addition to the prohibition on procurement? If so, have any directives or other orders been issued?

3. Is the Department conducting a more comprehensive survey of the counterintelligence vulnerabilities posed by all Chinese-sourced products currently in use within U.S. military installations?
4. Are there additional tools, resources or authorities the Department needs to ensure our installations, missions, and personnel are better protected from the ongoing counterintelligence threat posed by China?
5. Please explain how agencies are identifying these products for removal. Do agencies have an automated (computer based) means to detect and identify the banned devices?
6. If some products cannot be removed, please explain the circumstances by which agencies deem it impossible or impractical to remove a device.
7. How are agencies identifying prohibited manufacturers when they are component parts of American-based providers?
8. Do you leverage capabilities provided through the Comply to Connect program to meet this requirement? If not, do you intend to?
9. It is likely the future will bring further prohibitions on additional products or manufacturers. Do you envision a time when product identification and removal from networks can be done automatically, i.e. not by humans physically disconnecting them? How would you detect non-traditional IP-connected products, those beyond, if future prohibitions on such products materialize?

As you continue to posture the Department of Defense in the era of great power competition, we must remain vigilant to attack from every possible source. I strongly urge you to implement a comprehensive and proactive approach meeting the requirements of the ban cited in the FY 2019 NDAA. Thank you for your attention to this important matter and please know of my continued support for mitigating potential threats of Chinese technology to the United States.

Sincerely,



Marco Rubio
U.S. Senator