May 17, 2019

The Honorable Michael R. Pompeo
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

The Honorable Daniel Coats
Director of National Intelligence
Office of the Director of National Intelligence
Washington, D.C. 20511

Dear Secretary Pompeo and Director Coats:

We write to express deep concern about recent reports that U.S. and foreign companies may be providing powerful surveillance capabilities to foreign governments for uses that do not comport with U.S. law or values.

According to one press account, a U.S. company, Cyberpoint, allegedly leveraged expertise of veterans from the U.S. National Security Agency to develop technical capabilities for the United Arab Emirates, which in turn reportedly used them to surveil foreign journalists, political dissidents, and U.S. citizens. Other public reports have described, among other things, British company BAE’s provision of hacking technology to authoritarian states in the Middle East. Likewise, the Israel-based NSO Group has reportedly sold its powerful Pegasus software to multiple governments that have then used it to target dissidents, journalists, activists, and their family members.

The private sector makes legitimate and important contributions to foreign law enforcement and intelligence operations, especially those of our closest allies. We are concerned, however, about these and other reported instances in which foreign governments with troubling human rights records, or private entities operating in furtherance of the interests of those governments, have apparently exploited the advanced training and expertise of individuals who developed their technical skills while in U.S. national service. We must be vigilant to ensure that any such support is provided in a manner fully consistent with U.S. law and values.

We therefore urge the Department of State, together with relevant executive branch agencies, including those in the Intelligence Community, to develop a coordinated strategy and consider taking additional steps to mitigate the risk that foreign governments can use U.S. private sector assistance in an unlawful, abusive, or otherwise inappropriate fashion, including by ensuring that:
(1) appropriate processes are in place to ensure that the export of intelligence-related capabilities and services under a license granted by the U.S. Government is not approved for any foreign government that has a track record of using these or related capabilities as part of a targeted campaign resulting in human rights abuses or arbitrary detentions;

(2) companies credibly implicated in enabling human rights abuses, violations of U.S. laws, or infringements on the privacy rights of U.S. persons by foreign governments are investigated and held accountable using appropriate mechanisms, including sanctions;

(3) the U.S. Government engages diplomatically with foreign governments where such companies are headquartered, operating, or otherwise providing services, to make clear that the United States expects such activities be curtailed;

(4) foreign governments consistently meet their human rights obligations when conducting intelligence activities with the support of U.S. agencies or firms, to include the protection of privacy and not conducting surveillance intended to suppress dissent or intimidate critics; and

(5) the United States enhances its ability to prevent retired or former Intelligence Community professionals from inappropriately drawing on sensitive technical expertise obtained during their prior U.S. Government service, in the course of providing assistance—directly or through employment with private companies—to foreign intelligence or law enforcement operations.

We appreciate your urgent attention to this matter. Congressional action will be a necessary component of the overall U.S. response and it will be important to coordinate closely as the Congress develops legislation to address these issues. To assist our efforts, we request a briefing from the State Department and Office of the Director of National Intelligence on steps taken thus far to prevent foreign governments and companies from using U.S. private sector assistance, including former U.S. government personnel, in furtherance of unlawful, abusive or otherwise inappropriate activities.

Sincerely,

Tom Malinowski
Member of Congress

Eliot Engel
Member of Congress

Adam Schiff
Member of Congress

Mike Gallagher
Member of Congress
Jason Crow
Member of Congress

Colin Allred
Member of Congress

André Carson
Member of Congress

Will Hurd
Member of Congress

Abigail Spanberger
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Eric Swalwell
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