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Congress of the United States
House of Representatives

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November 8, 2023

Joseph R Biden
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Biden,

As Members of the House Select Committee on Strategic Competition Between the United States and the Chinese Communist Party, we write to highlight the high stakes of your widely expected meeting with General Secretary Xi Jinping on the sidelines of the November Asia-Pacific Economic Cooperation (APEC) summit in San Francisco.

In many ways, the summit marks the culmination of efforts by your administration over the last year and a half to engage with the People's Republic of China (PRC) in the hopes of “building a floor under the relationship” as officials have described it. While we share your desire to deter a devastating conflict with the PRC, we are concerned that the recent prioritization of bilateral engagement has come at an unacceptable cost to “competitive” or defensive actions that have been delayed, scuttled, or otherwise dropped in an effort to get the PRC to the table—all for poorly defined benefit.

This was not always the case. During your first year in office, your administration sanctioned PRC officials for eroding Hong Kong's autonomy and used Global Magnitsky sanctions against CCP officials responsible for genocide in Xinjiang.¹ In June 2021, the administration built on Trump-era authorities under E.O. 13959 to restrict U.S. investments in the PRC's military-industrial complex.² Despite these early steps, your administration has

¹ *Hong Kong-related Designations Updates*, U.S. DEP'T OF TREASURY (July 16, 2021) available at www.ofac.treasury.gov/recent-actions/20210716; *Treasury Sanctions Perpetrators of Serious Human Rights Abuse on International Human Rights Day*, U.S. DEP'T OF TREASURY (Dec. 10, 2021) available at www.home.treasury.gov/news/press-releases/jy0526.

² *Fact Sheet: Executive Order Addressing the Threat from Securities Investments that Finance Certain Companies of the People's Republic of China*, THE WHITE HOUSE (June 3, 2021) available at www.whitehouse.gov/briefing-

presided over an overwhelming decline in these actions in the last 18 months, particularly those related to human rights. With notable exceptions such as strengthened semiconductor export controls and new restrictions on outbound investment—which we have strongly supported—self-censorship of defensive actions appears to have skyrocketed.

For over two years, your team has not sanctioned a single PRC or Hong Kong official for the erosion of Hong Kong's autonomy. For nearly two years, your team has not added a single entity to the Treasury Department's Non-SDN Chinese Military-Industrial Complex Companies List. For close to two years, your administration has not sanctioned a single PRC official for genocide in Xinjiang. Shockingly, your administration has sanctioned more PRC entities for illegal fishing than it has for genocide in Xinjiang.³ Your administration has also reduced the annual number of PRC entities added to the Department of Commerce's Entity List compared to the previous administration, even while our tech competition with the PRC has grown in importance.⁴ While your administration's public position on competition and cooperation with the PRC has remained the same, it is clear that competitive actions have been sacrificed to advance aimless, zombie-like engagement.

So far, these very real tradeoffs have led to negligible benefit. Despite repeated concessions from Washington, Beijing has taken no action to stem the flow of deadly fentanyl precursors to North America, no action to increase market access in line with its trade commitments, no action to reduce tensions in the Taiwan Strait or to stop its dangerous military provocations in the South China Sea, and no action to stop its unprecedented campaign of espionage against the United States. On the contrary, many of these problems have only gotten worse, especially over the past year.

This month's meeting with Xi Jinping presents a final opportunity to reverse your misguided policy and challenge Beijing to demonstrate its seriousness about improving U.S.-PRC relations. We urge you to demand Xi Jinping come to APEC with meaningful deliverables on the items below, which represent the bare minimum for Beijing to demonstrate good faith. If Xi fails to deliver, your administration must end its pursuit of zombie engagement and shift gears to a more assertive posture in order to defend American interests and values.

We demand the PRC announce the following actions before the end of the APEC summit:

1. Release all U.S. citizens the Office of the Special Presidential Envoy for Hostage Affairs has determined to be wrongfully detained in the PRC.

room/statements-releases/2021/06/03/fact-sheet-executive-order-addressing-the-threat-from-securities-investments-that-finance-certain-companies-of-the-peoples-republic-of-china/.

³ Since January 2021, the Biden Administration has sanctioned ten PRC entities for illegal, unreported, and illegal fishing, while only sanctioning six PRC officials for human rights violations in Tibet and Xinjiang.

⁴ Emily Kilcrease & Michael Frazer, *Sanctions by the Numbers: SDN, CMIC, and Entity List Designations on China*, CENTER FOR NEW AMERICAN SECURITY (Mar. 2, 2023) available at www.cnas.org/publications/reports/sanctions-by-the-numbers-sdn-cmic-and-entity-list-designations-on-china.

2. Allow all exit-banned U.S. citizens to leave the PRC, immediately.
3. Establish know-your-customer requirements on PRC shipments of fentanyl precursors.
4. Cease all PRC near-collisions and unsafe intercepts of U.S. maritime and aviation assets.
5. Cease all military operations in Taiwan's Air Defense Identification Zone east of the Median Line.
6. Cease all present and future harassment of Philippine naval re-resupply efforts around the Second Thomas shoal.
7. Remove the exit ban on Ayshem Mamut (阿依夏木·马木提) the mother of Nury Turkel, the Chair of the U.S. Commission on International Religious Freedom.⁵
8. Release and drop charges against Jimmy Lai Chee-ying, and the "Hong Kong 47" pro-democracy advocates.⁶
9. Release Gulshan Abbas (古丽仙·阿巴斯), Ekpar Asat (艾克拜尔·艾塞提) and Kamile Wayit (卡米莱·瓦依提) who are family members of Uyghur-Americans Rushan Abbas, Rayhan Asat and Kewser Wayit.⁷⁸⁹
10. Suspend the "mutual pairing assistance" programs in Xinjiang, which is a key program in the PRC's forced labor programs in Xinjiang.¹⁰

⁵ Marco Respinti, *Nury Turkel's 'No Escape': Yes, there is a Genocide of the Uyghurs*, BITTER WINTER (Aug. 19, 2022) available at www.bitterwinter.org/nury-turkels-no-escape-genocide-of-the-uyghurs/.

⁶ Helen Davidson & Vurna Yu, *Hong Kong 47: trial of dozens in pro-democracy movement set to begin under national security laws*, THE GUARDIAN (Feb. 4, 2023) available at www.theguardian.com/world/2023/feb/04/hong-kong-47-trial-of-dozens-in-pro-democracy-movement-set-to-begin-under-national-security-laws.

⁷ Jennifer Hansler & Kylie Atwood, *Sister of Uyghur entrepreneur believed to be detained in China urges Biden to act over 'unspeakable injustice'*, CNN (Mar. 9, 2021) available at www.cnn.com/2021/03/09/politics/rayhan-asat-cnntv/index.html.

⁸ Shohret Hoshur, *Gulshan Abbas, Sister of Uyghur Activist in Exile, Confirmed Detained After Missing for 21 Months*, RADIO FREE ASIA (June 2, 2020) available at www.rfa.org/english/news/uyghur/detained-06022020173828.html.

⁹ *China: Further Information: Uyghur Student Convicted for Promoting Extremism: Kamile Wayit*, AMNESTY INTERNATIONAL (July 4, 2023) available at www.amnesty.org/en/documents/asa17/6967/2023/en/.

¹⁰ See *infra* Section II. Evaluation and Description of Forced Labor Schemes and UFLPA Entity List.; Xinjiang Business Advisory, *supra* note 8, at 7.

To be clear, these asks are the beginning, not the end of the necessary behavior change the PRC needs to undertake to demonstrate it truly wants a better relationship with the United States and the world. Your administration cannot argue that it has successfully “put a floor” in the U.S.-PRC relationship as long as our citizens remain unfairly detained in the PRC and political dissidents remain imprisoned in Xinjiang and Hong Kong.

As always, our Committee stands ready to provide the necessary support to your administration. We look forward to working together to address these issues and more in order to defend our nation and our values against the CCP threat.

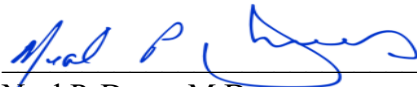
Sincerely,



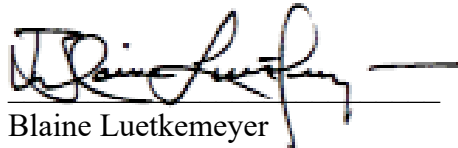
Mike Gallagher
Chairman
Select Committee on China



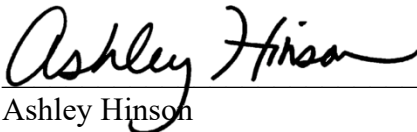
Dan Newhouse
Member of Congress



Neal P. Dunn, M.D.
Member of Congress



Blaine Luetkemeyer
Member of Congress



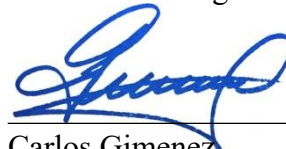
Ashley Hinson
Member of Congress



Michelle Steel
Member of Congress



Rob Wittman
Member of Congress



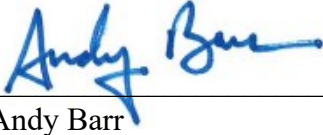
Carlos Gimenez
Member of Congress



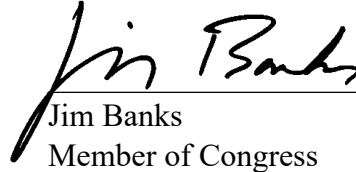
John Moolenaar
Member of Congress



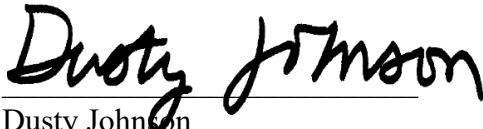
Darin LaHood
Member of Congress



Andy Barr
Member of Congress



Jim Banks
Member of Congress



Dusty Johnson
Member of Congress

CC: The Honorable Antony Blinken, Secretary, U.S. Department of State
The Honorable Llyod Austin, Secretary, U.S. Department of Defense