

# United States Senate

WASHINGTON, DC 20510

November 10, 2011

The Honorable Hillary Rodham Clinton  
United States Secretary of State  
U.S. Department of State  
Washington, D.C.

The Honorable John Bryson  
United States Secretary of Commerce  
U.S. Department of Commerce  
Washington, D.C.

Dear Secretary Clinton and Secretary Bryson,

As Senators committed to the protection of human rights and co-chairs of the Senate Global Internet Freedom Caucus, we are deeply concerned about the reported sale of Internet monitoring and censorship technology to Syria. In addition, we are troubled by the fact that such equipment has reportedly been purchased from American companies, and it may be aiding the Syrian regime's ongoing crackdown on peaceful protesters and human rights activists. As you are well aware, according to the United Nations, Bashar Assad and his regime are responsible for the killing of 3,500 Syrian civilians since March 2011. The sale of U.S.-made equipment that may have contributed to ongoing violence is unacceptable and should be investigated as soon as possible.

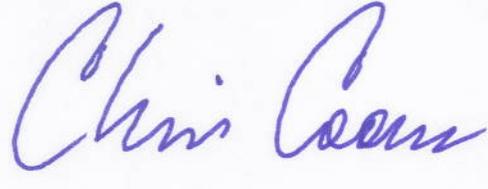
Recent media reports indicate that the Syrian regime is utilizing hardware and software developed by NetApp, Inc. and Blue Coat Systems, U.S. companies headquartered in California, to monitor activities of Syrian citizens. On October 29, the Wall Street Journal reported that Blue Coat appliances were transmitting automatic status messages back to the company as the devices censored the Syrian web. According to the Journal, "Blue Coat says it doesn't monitor where such "heartbeat" messages originate from. Computer code reviewed by the Journal indicates that Syrians were also using other Blue Coat products, raising questions about how the tools came to be used this way and whether Blue Coat has violated the trade embargo." On November 3, Bloomberg News reported that Syrian intelligence agents have contracted Area SpA, an Italian surveillance company, to complete a highly sophisticated system that tracks Internet activity using NetApp equipment.

We hereby respectfully request that you investigate and report to us on the following issues: 1) whether the reports of NetApp and Blue Coat's involvement in providing technology to the Syrian government is accurate; 2) if these reports are accurate, whether such equipment has been used to carry out human rights abuses; and 3) whether NetApp and Blue Coat's sales are in violation of U.S. export law, which clearly prohibits "the transfer of goods or technology with the knowledge or intent that these goods or technology will be shipped, transferred, or transmitted to an unauthorized recipient" (50 U.S.C. app. 2415).

Additionally, we note with concern that in light of these allegations, it appears that the U.S. government continues to do business with NetApp. Since 2001, NetApp has received over \$111 million in U.S. government contracts, including a Department of State contract signed as late as September 15, 2011 for the purchase of NetApp software. We call on you to immediately review the possibility of suspending all U.S. government contracts with NetApp until a full investigation can determine if NetApp is in violation of U.S. law.

We commend the Department of State's statement on October 24, 2011, that it is "concerned about reports of the use of technology by repressive regimes in general, but Syria in particular, to target activists and dissidents" and now encourage you to hold companies accountable for business activities that provide tools of repression to murderous regimes. We appreciate your attention to these critical matters with respect to our Syria policy and look forward to your response.

Sincerely,

Mark Kirk  
US Senator

Robert P. Casey, Jr.  
US Senator

Christopher A. Coons  
US Senator

## Search Summary Results

Filters: Recipient: Netapp Inc.

[Export](#)

Total Dollars:  
**\$111,630,847**

Number of Transactions:  
**939**

### Extent Completed

1. Full and Open Competition	\$59,555,397 (53.35%)	
2. Competitive Delivery Order	\$37,814,014 (33.87%)	
3. Non-Competitive Delivery Order	\$5,256,363 (4.71%)	
4. Not Completed	\$2,596,631 (2.33%)	
5. Not Completed under SAP	\$515,059 (0.46%)	
6. Not Available for Competition	\$490,858 (0.44%)	
7. Full and Open Competition after exclusion of sources	\$390,831 (0.35%)	
8. Completed under SAP	\$365,633 (0.33%)	
9. Follow On to Completed Action	\$3,161 (0.00%)	

### Top 5 Type of Contracts Used

1. Firm Fixed Price	\$60,543,352 (54.24%)	
2. Labor Hours	\$320,894 (0.29%)	
3. Other (none of the above)	\$257,289 (0.23%)	
4. Fixed Price with Economic Price Adjustment	\$105,477 (0.09%)	
5. Time and Materials	\$61,070 (0.05%)	

### Top 5 Recipients

1. NETAPP INC.	\$111,630,847 (100.00%)	
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### Top 5 Contracting Agencies

1. Federal Technology Service	\$24,677,571 (22.11%)	
2. NAVY Department of the	\$23,508,501 (21.06%)	
3. AIR FORCE Department of the (Headquarters USAF)	\$13,856,704 (12.41%)	
4. ARMY Department of the (except Corps of Engineers Civil Program Financing)	\$13,713,346 (12.28%)	
5. National Institutes of Health	\$8,246,853 (7.39%)	

### Top 5 Products or Services Sold

1. ADP INPUT/OUTPUT AND STORAGE DEVICES	\$97,986,296 (87.78%)	
2. ADP SOFTWARE	\$3,663,974 (3.28%)	
3. ADP COMPONENTS	\$2,695,053 (2.41%)	
4. MAINT/REPAIR/REBUILD OF EQUIPMENT-ADP EQUIPMENT/SOFTWARE/SUPPLIES/SUPPORT EQUIPMENT	\$1,883,118 (1.69%)	
5. ADPE SYSTEM CONFIGURATION	\$1,171,681 (1.05%)	

### Top 5 Principal NAICS codes

1. Computer and Software Stores	\$97,329,368 (87.19%)	
2. Computer Storage Device Manufacturing	\$2,429,891 (2.18%)	
3. Computer and Office Machine Repair and Maintenance	\$1,492,857 (1.34%)	
4. Other Computer Related Services	\$948,933 (0.85%)	
5. Computer Systems Design Services	\$803,645 (0.72%)	