



One Hundred Eighteenth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515

February 28, 2023

President Joseph R. Biden
The White House
1600 Pennsylvania Ave N.W.
Washington, D.C. 20500

Dear Mr. President:

In accordance with the Global Magnitsky Human Rights Accountability Act, the Chairman and Ranking Member of the House Foreign Affairs Committee are requesting that you determine if the entity Hangzhou Hikvision Digital Technology Co., Ltd., commonly known as Hikvision, has facilitated internationally recognized human rights violations, including against the minority Uyghur population of the People's Republic of China (PRC). Please report to the Committee within 120 days with a determination on the imposition of sanctions against the entity.

In a 2022 report, the Office of the United Nations High Commissioner for Human Rights (OHCHR) authoritatively determined that the PRC has committed serious human rights violations against the Uyghur population of the Xinjiang Uyghur Autonomous Region (Xinjiang). These human rights violations include arbitrary and discriminatory imprisonment of ethnic Uyghurs and Muslim minorities, torture and ill-treatment, interrogations, forced sterilizations, and repression of cultural, linguistic, and religious expression.¹ Both Secretary of State Antony J. Blinken and then Secretary of State Mike Pompeo have determined that these human right violations constitute “genocide.”²

The U.S. government has taken enforcement actions against Hikvision for its complicity in these human right violations using multiple authorities. The Department of Commerce designated

¹ See OFF. OF THE U.N. HIGH COMM’R FOR HUM. RIGHTS, *OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China* (August 31, 2022), <https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/22-08-31-final-assesment.pdf>.

² Press Statement, Anthony J. Blinken, Secretary of State, U.S. Department of State, UN Office of the High Commissioner for Human Rights Report on the Human Rights Situation in Xinjiang (Sept. 1, 2022), <https://www.state.gov/un-office-of-the-high-commissioner-for-human-rights-report-on-the-human-rights-situation-in-xinjiang/>; Press Statement, Michael R. Pompeo, Secretary of State, U.S. Department of State, Determination of the Secretary of State on Atrocities in Xinjiang (Jan. 19, 2021), <https://2017-2021.state.gov/determination-of-the-secretary-of-state-on-atrocities-in-xinjiang/index.html>.

Hikvision to its Entity List for its role in implementing the People’s Republic of China’s (PRC) “campaign of repression, mass arbitrary detention, and high-technology surveillance against Uighurs, Kazakhs, and other members of Muslim minority groups in the XUAR.”³ The Department of Defense has identified Hikvision as a PRC military company on both its Section 1237⁴ and Section 1260H⁵ list. Furthermore, section 889 of the John S. McCaul National Defense Authorization Act for Fiscal Year 2019 prohibits federal agencies and federal contractors from procuring or obtaining equipment or services from several PRC entities, including Hikvision.⁶ In 2022, the Federal Communications Commission adopted rules prohibiting communications equipment, including Hikvision, deemed to pose an unacceptable risk to national security from being authorized for importation or sale in the United States.⁷ Thus, we request that the President make a determination and authorize sanctions pursuant to the Global Magnitsky Human Rights Accountability Act against Hikvision based on its clear track record in enabling international recognized human rights violations in Xinjiang.

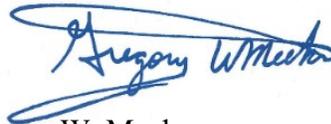
With this request, we call upon you to consider the information provided and any other credible sources of information to make a determination and authorize sanctions against Hikvision for its role in facilitating gross human rights violations against Uyghur and Muslim minorities in Xinjiang.

We look forward to receiving your determination.

Sincerely,



Michael T. McCaul
Chairman
House Foreign Affairs Committee



Gregory W. Meeks
Ranking Member
House Foreign Affairs Committee

CC: The Honorable Antony J. Blinken, Secretary, U.S. Department of State

³ Addition of Certain Entities to the Entity List, 84 Fed. Reg. 54002 (Oct. 9, 2019) (codified at 15 C.F.R. pt. 744).

⁴ U.S. Dep’t of Defense, “Qualifying Entities Prepared in Response to Section 1237 of the National Defense Authorization Act for Fiscal Year 1999 (PUBLIC LAW 105-261)” (June 12, 2020), *available at* https://media.defense.gov/2020/Aug/28/2002486659/-1/-1/1/LINK_2_1237_TRANCHE_1_QUALIFYING_ENTITIES.PDF

⁵ U.S. Dep’t of Defense, “Entities Identified [sic] as Chinese Military Companies Operating in the United States in Accordance with Section 1260H of the William M. (“Mac”) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283)” (Oct. 5, 2022), *available at* <https://media.defense.gov/2022/Oct/05/2003091659/-1/-1/0/1260H%20COMPANIES.PDF>

⁶ *See* Federal Acquisition Regulation: Prohibition on Contracting With Entities Using Certain Telecommunications and Video Surveillance Services or Equipment, 85 Fed. Reg. 42665 (Jul. 14, 2020) (codified at 48 C.F.R. pts. 1, 4, 13, 39, and 52).

⁷ *See* Protecting Against National Security Threats to the Communications Supply Chain through the Equipment Authorization Program, 88 Fed. Reg. 7592 (Feb. 6, 2023) (codified at 47 C.F.R. pts. 2 and 15); *see also* News Release, Fed. Comm’n’s Comm’n, FCC Bans Equipment Authorizations For Chinese Telecommunications And Video Surveillance Equipment Deemed To Pose A Threat To National Security (Nov. 25, 2022), <https://www.fcc.gov/document/fcc-bans-authorizations-devices-pose-national-security-threat>