116TH CONGRESS 2D SESSION

# S. 3744

## **AN ACT**

- To condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China.
  - 1 Be it enacted by the Senate and House of Representa-
  - ${\it 2\ tives\ of\ the\ United\ States\ of\ America\ in\ Congress\ assembled},$

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

- 2 (a) SHORT TITLE.—This Act may be cited as the
- 3 "Uyghur Human Rights Policy Act of 2020".
- 4 (b) Table of Contents for
- 5 this Act is as follows:
  - Sec. 1. Short title; table of contents.
  - Sec. 2. Statement of purpose.
  - Sec. 3. Findings.
  - Sec. 4. Sense of Congress.
  - Sec. 5. Updating statement of United States policy toward the People's Republic of China.
  - Sec. 6. Imposition of sanctions.
  - Sec. 7. Report on human rights abuses in Xinjiang Uyghur Autonomous Region.
  - Sec. 8. Report on protecting citizens and residents of the United States from intimidation and coercion.
  - Sec. 9. Report on security and economic implications of repression in Xinjiang Uyghur Autonomous Region by the Government of the People's Republic of China.
  - Sec. 10. Classified report.

### 6 SEC. 2. STATEMENT OF PURPOSE.

- 7 The purpose of this Act is to direct United States
- 8 resources to address human rights violations and abuses,
- 9 including gross violations of human rights, by the Govern-
- 10 ment of the People's Republic of China through the mass
- 11 surveillance and internment of over 1,000,000 Uyghurs,
- 12 ethnic Kazakhs, Kyrgyz, and members of other Muslim
- 13 minority groups in Xinjiang Uyghur Autonomous Region.
- 14 SEC. 3. FINDINGS.
- 15 Congress makes the following findings:
- 16 (1) The Government of the People's Republic of
- 17 China has a long history of repressing Turkic Mus-
- lims and other Muslim minority groups, particularly

- 1 Uyghurs, in Xinjiang Uyghur Autonomous Region.
- 2 In recent decades, central and regional Chinese gov-
- 3 ernment policies have systematically discriminated
- 4 against these minority groups by denying them a
- 5 range of civil and political rights, including the free-
- 6 dom of expression, religion, and movement, and the
- 7 right to a fair trial.
- 8 (2) In May 2014, the Government of the Peo-9 ple's Republic of China launched its latest "Strike 10 Hard Against Violent Extremism" campaign, using 11 wide-scale, internationally-linked threats of terrorism 12 as a pretext to justify pervasive restrictions on and 13 serious human rights violations of members of ethnic 14 minority communities in Xinjiang Uyghur Autono-15 mous Region. The August 2016 appointment of 16 former Tibet Autonomous Region Party Secretary 17 Chen Quanguo to be Party Secretary of Xinjiang 18 Uyghur Autonomous Region accelerated the crack-19 down across the region. Scholars, human rights or-20 ganizations, journalists, and think tanks have pro-21 vided ample evidence substantiating the establish-22 ment by the Government of the People's Republic of 23 China of internment camps. Since 2014, the Government of the People's Republic of China has detained 24

more than 1,000,000 Uyghurs, ethnic Kazakhs,

1	Kyrgyz, and members of other Muslim minority			
2	groups in these camps. The total ethnic minority			
3	population of Xinjiang Uyghur Autonomous Region			
4	was approximately 13,000,000 at the time of the			
5	last census conducted by the People's Republic of			
6	China in 2010.			
7	(3) The Government of the People's Republic of			
8	China's actions against Uyghurs, ethnic Kazakhs,			
9	Kyrgyz, and members of other Muslim minority			
10	groups in Xinjiang Uyghur Autonomous Region vio-			
11	late international human rights laws and norms, in-			
12	cluding—			
13	(A) the International Convention on the			
14	Elimination of All Forms of Racial Discrimina-			
15	tion, to which the People's Republic of China			
16	has acceded;			
17	(B) the Convention against Torture and			
18	Other Cruel, Inhuman or Degrading Treatment			
19	or Punishment, which the People's Republic of			
20	China has signed and ratified;			
21	(C) the International Covenant on Civil			
22	and Political Rights, which the People's Repub-			
23	lic of China has signed; and			
24	(D) the Universal Declaration of Human			
25	Rights.			

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(4) Senior Chinese Communist Party officials, including current Xinjiang Uyghur Autonomous Region Party Secretary Chen Quanguo, who executes Chinese government policy in the region, and former Xinjiang Uyghur Autonomous Region Deputy Party Secretary Zhu Hailun, who crafted many of the policies implemented in the region, bear direct responsibility for gross human rights violations committed against Uyghurs, ethnic Kazakhs, Kyrgyz, and members of other Muslim minority groups. These abuses include the arbitrary detention of more than 1,000,000 Uyghurs, ethnic Kazakhs, Kyrgyz, and members of other Muslim minority groups, separation of working age adults from children and the elderly, and the integration of forced labor into supply chains.

(5) Those detained in internment camps in Xinjiang Uyghur Autonomous Region have described forced political indoctrination, torture, beatings, food deprivation, and denial of religious, cultural, and linguistic freedoms. These victims have confirmed that they were told by guards that the only way to secure their release was to demonstrate sufficient political loyalty. Poor conditions and lack of medical treatment at such facilities appear to have contributed to

- the deaths of some detainees, including the elderly and infirm.
  - (6) Uyghurs and ethnic Kazakhs who have obtained permanent residence or citizenship in other countries report being subjected to threats and harassment from Chinese officials. At least 5 journalists for Radio Free Asia's Uyghur service have publicly detailed abuses their family members in Xinjiang Uyghur Autonomous Region have endured in response to their work exposing the Government of the People's Republic of China's abusive policies.
    - (7) In September 2018, United Nations High Commissioner for Human Rights Michelle Bachelet noted in her first speech as High Commissioner the "deeply disturbing allegations of large-scale arbitrary detentions of Uighurs and other Muslim communities, in so-called reeducation camps across Xinjiang".
    - (8) In 2019, the Congressional-Executive Commission on China concluded that, based on available evidence, the establishment and actions committed in the internment camps in Xinjiang Uyghur Autonomous Region may constitute "crimes against humanity".

1	(9) On December 31, 2018, President Donald
2	J. Trump signed into law the Asia Reassurance Ini-
3	tiative Act of 2018 (Public Law 115-409), which—
4	(A) condemns the People's Republic of
5	China's "forced disappearances, extralegal de-
6	tentions, invasive and omnipresent surveillance,
7	and lack of due process in judicial pro-
8	ceedings";
9	(B) authorizes funding to promote democ-
10	racy, human rights, and the rule of law in the
11	People's Republic of China; and
12	(C) supports sanctions designations
13	against any entity or individual that—
14	(i) violates human rights or religious
15	freedoms; or
16	(ii) engages in censorship activities.
17	SEC. 4. SENSE OF CONGRESS.
18	It is the sense of Congress that—
19	(1) the President should—
20	(A) condemn abuses against Uyghurs, eth-
21	nic Kazakhs, Kyrgyz, members of other Muslim
22	minority groups, and other persons by authori-
23	ties of the People's Republic of China; and
24	(B) call on such authorities to imme-
25	diately—

1	(i) close the internment camps;
2	(ii) lift all restrictions on, and ensure
3	respect for, human rights; and
4	(iii) allow people inside the People's
5	Republic of China to reestablish contact
6	with their loved ones, friends, and associ-
7	ates outside the People's Republic of
8	China;
9	(2) the Secretary of State should consider stra-
10	tegically employing sanctions and other tools under
11	the International Religious Freedom Act of 1998
12	(22 U.S.C. 6401 et seq.), including measures result-
13	ing from the designation of the People's Republic of
14	China as a country of particular concern for reli-
15	gious freedom under section 402(b)(1)(A)(ii) of such
16	Act (22 U.S.C. 6442(b)(1)(A)(ii)), that directly ad-
17	dress particularly severe violations of religious free-
18	dom;
19	(3) the Secretary of State should—
20	(A) work with United States allies and
21	partners and through multilateral institutions
22	to condemn the mass arbitrary detention of
23	Uyghurs, ethnic Kazakhs, Kyrgyz, and mem-
24	bers of other Muslim minority groups in
25	Xiniiang Uyohur Autonomous Region, and

- 1 (B) coordinate closely with the inter-2 national community on targeted sanctions and 3 visa restrictions;
  - (4) the journalists of the Uyghur language service of Radio Free Asia should be commended for their reporting on the human rights and political situation in Xinjiang Uyghur Autonomous Region despite efforts by the Government of the People's Republic of China to silence or intimidate their reporting through the detention of family members and relatives in China;
  - (5) the United States should expand the availability of and capacity for Uyghur language programming on Radio Free Asia in Xinjiang Uyghur Autonomous Region;
  - (6) the Federal Bureau of Investigation and appropriate United States law enforcement agencies should take steps to hold accountable officials from the People's Republic of China or individuals acting on their behalf who harass, threaten, or intimidate persons within the United States; and
  - (7) United States companies and individuals selling goods or services or otherwise operating in Xinjiang Uyghur Autonomous Region should take

1	steps, including in any public or financial filings, to
2	ensure that—
3	(A) their commercial activities are not con-
4	tributing to human rights violations in Xinjiang
5	Uyghur Autonomous Region or elsewhere in
6	China; and
7	(B) their supply chains are not com-
8	promised by forced labor.
9	SEC. 5. UPDATING STATEMENT OF UNITED STATES POLICY
10	TOWARD THE PEOPLE'S REPUBLIC OF CHINA.
11	Section 901(b) of the Foreign Relations Authoriza-
12	tion Act, Fiscal Years 1990 and 1991 (Public Law 101–
13	246; 104 Stat. 84) is amended—
14	(1) by redesignating paragraphs (7), (8), and
15	(9) as paragraphs (8), (9), and (10), respectively;
16	and
17	(2) by inserting after paragraph (6) the fol-
18	lowing:
19	"(7) United States policy toward the People's
20	Republic of China should be explicitly linked to the
21	situation in Xinjiang Uyghur Autonomous Region,
22	specifically as to whether—
23	"(A) the internment of Uyghurs, ethnic
24	Kazakhs, Kyrgyz, and members of other Mus-

1	lim minority	groups	in	internment	camps	has
2	ended;					

- "(B) all political prisoners are released;
- "(C) the use of mass surveillance and predictive policing to discriminate against and violate the human rights of members of specific ethnic groups has ceased and is not evident in other parts of China; and
  - "(D) the Government of the People's Republic of China has ended particularly severe restrictions of religious and cultural practice in Xinjiang Uyghur Autonomous Region;".

### 13 SEC. 6. IMPOSITION OF SANCTIONS.

### (a) Report Required.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than annually thereafter, the President shall submit a report to the Committee on Foreign Relations of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Financial Services of the House of Representatives that identifies each foreign person, including any official of the Government of the People's Republic of China, that

1	the President determines is responsible for any of
2	the following with respect to Uyghurs, ethnic
3	Kazakhs, Kyrgyz, members of other Muslim minor-
4	ity groups, or other persons in Xinjiang Uyghur Au-
5	tonomous Region:
6	(A) Torture.
7	(B) Cruel, inhuman, or degrading treat-
8	ment or punishment.
9	(C) Prolonged detention without charges
10	and trial.
11	(D) Causing the disappearance of persons
12	by the abduction and clandestine detention of
13	those persons.
14	(E) Other flagrant denial of the right to
15	life, liberty, or the security of persons.
16	(2) FORM.—The report required under para-
17	graph (1) shall be submitted in unclassified form
18	but may contain a classified annex.
19	(b) Imposition of Sanctions.—The President shall
20	impose the sanctions described in subsection (c) with re-
21	spect to each foreign person identified in the report re-
22	quired under subsection (a)(1).
23	(c) Sanctions Described.—The sanctions de-
24	scribed in this subsection are the following:

1	(1) Asset blocking.—The President shall ex-
2	ercise all of the powers granted to the President
3	under the International Emergency Economic Pow-
4	ers Act (50 U.S.C. 1701 et seq.) to the extent nec-
5	essary to block and prohibit all transactions in prop-
6	erty and interests in property of a foreign person
7	identified in the report required under subsection
8	(a)(1) if such property and interests in property—
9	(A) are in the United States;
10	(B) come within the United States; or
11	(C) come within the possession or control
12	of a United States person.
13	(2) Ineligibility for visas, admission, or
14	PAROLE.—
15	(A) VISAS, ADMISSION, OR PAROLE.—An
16	alien described in subsection (a)(1) is—
17	(i) inadmissible to the United States;
18	(ii) ineligible to receive a visa or other
19	documentation to enter the United States;
20	and
21	(iii) otherwise ineligible to be admitted
22	or paroled into the United States or to re-
23	ceive any other benefit under the Immigra-
24	tion and Nationality Act (8 U.S.C. 1101 et
25	seq.).

1	(B) Current visas revoked.—
2	(i) In general.—An alien described
3	in subsection (a)(1) is subject to revocation
4	of any visa or other entry documentation
5	regardless of when the visa or other entry
6	documentation is or was issued.
7	(ii) Immediate effect.—A revoca-
8	tion under clause (i) shall—
9	(I) take effect immediately; and
10	(II) cancel any other valid visa or
11	entry documentation that is in the
12	alien's possession.
13	(3) Penalties.—The penalties provided for in
14	subsections (b) and (c) of section 206 of the Inter-
15	national Emergency Economic Powers Act (50
16	U.S.C. 1705) shall apply to a foreign person that
17	violates, attempts to violate, conspires to violate, or
18	causes a violation of paragraph (1) to the same ex-
19	tent that such penalties apply to a person that com-
20	mits an unlawful act described in subsection (a) of
21	such section 206.
22	(d) Implementation.—The President may exercise
23	all authorities provided under sections 203 and 205 of the
24	International Emergency Economic Powers Act (50
25	U.S.C. 1702 and 1704) to carry out this section.

1	(e) Waiver.—The President may waive the applica-
2	tion of sanctions under this section with respect to a per-
3	son identified in the report required under subsection
4	(a)(1) if the President determines and certifies to the
5	Committee on Foreign Relations of the Senate, the Com-
6	mittee on Banking, Housing, and Urban Affairs of the
7	Senate, the Committee on Foreign Affairs of the House
8	of Representatives, and the Committee on Financial Serv-
9	ices of the House of Representatives that such a waiver
10	is in the national interest of the United States.
11	(f) Exceptions.—
12	(1) Exception for intelligence activi-
13	TIES.—Sanctions under this section shall not apply
14	to any activity subject to the reporting requirements
15	under title V of the National Security Act of 1947
16	(50 U.S.C. 3091 et seq.) or any authorized intel-
17	ligence activities of the United States.
18	(2) Exception to comply with inter-
19	NATIONAL OBLIGATIONS AND FOR LAW ENFORCE-
20	MENT ACTIVITIES.—Sanctions under subsection
21	(c)(2) shall not apply with respect to an alien if ad-
22	mitting or paroling the alien into the United States
23	is necessary—
24	(A) to permit the United States to comply
25	with the Agreement regarding the Head.

1	quarters of the United Nations, signed at Lake
2	Success June 26, 1947, and entered into force
3	November 21, 1947, between the United Na-
4	tions and the United States, or other applicable
5	international obligations; or
6	(B) to carry out or assist law enforcement
7	activity in the United States.
8	(3) Exception relating to importation of
9	GOODS.—
10	(A) IN GENERAL.—The authorities and re-
11	quirements to impose sanctions authorized
12	under this section shall not include the author-
13	ity or a requirement to impose sanctions on the
14	importation of goods.
15	(B) Good defined.—In this paragraph,
16	the term "good" means any article, natural or
17	manmade substance, material, supply, or manu-
18	factured product, including inspection and test
19	equipment, and excluding technical data.
20	(g) TERMINATION OF SANCTIONS.—The President
21	may terminate the application of sanctions under this sec-
22	tion with respect to a person if the President determines
23	and reports to the Committee on Foreign Relations of the
24	Senate, the Committee on Banking, Housing, and Urban
25	Affairs of the Senate, the Committee on Foreign Affairs

- 1 of the House of Representatives, and the Committee on
- 2 Financial Services of the House of Representatives not
- 3 later than 15 days before the termination takes effect
- 4 that—
- 5 (1) information exists that the person did not
- 6 engage in the activity for which sanctions were im-
- 7 posed;
- 8 (2) the person has been prosecuted appro-
- 9 priately for the activity for which sanctions were im-
- 10 posed;
- 11 (3) the person has credibly demonstrated a sig-
- 12 nificant change in behavior, has paid an appropriate
- consequence for the activity for which sanctions were
- imposed, and has credibly committed to not engage
- in an activity described in subsection (a)(1) in the
- 16 future; or
- 17 (4) the termination of the sanctions is in the
- national security interests of the United States.
- 19 (h) Sunset.—This section, and any sanctions im-
- 20 posed under this section, shall terminate on the date that
- 21 is 5 years after the date of the enactment of this Act.
- 22 (i) Definitions.—In this section:
- 23 (1) Admission; admitted; alien.—The terms
- 24 "admission", "admitted", and "alien" have the

1	meanings given those terms in section 101 of the
2	Immigration and Nationality Act (8 U.S.C. 1101).
3	(2) Foreign person.—The term "foreign per-
4	son" means a person that is not a United States
5	person.
6	(3) United states person.—The term
7	"United States person" means—
8	(A) a United States citizen or an alien law-
9	fully admitted for permanent residence to the
10	United States; or
11	(B) an entity organized under the laws of
12	the United States or any jurisdiction within the
13	United States, including a foreign branch of
14	such an entity.
15	SEC. 7. REPORT ON HUMAN RIGHTS ABUSES IN XINJIANG
16	UYGHUR AUTONOMOUS REGION.
17	(a) In General.—Not later than 180 days after the
18	date of the enactment of this Act, the Secretary of State,
19	in consultation with the heads of other relevant Federal
20	departments and agencies and civil society organizations,
21	shall—
22	(1) submit a report on human rights abuses in
23	Xinjiang Uyghur Autonomous Region to the Com-
24	mittee on Foreign Relations of the Senate and the

1	Committee on Foreign Affairs of the House of Rep-
2	resentatives; and
3	(2) make the report described in paragraph (1)
4	available on the website of the Department of State.
5	(b) Matters To Be Included.—The report re-
6	quired under subsection (a) shall include—
7	(1) an assessment of the number of individuals
8	detained in internment camps in Xinjiang Uyghur
9	Autonomous Region;
10	(2) a description of the conditions in such
11	camps for detainees, including, to the extent prac-
12	ticable, an assessment of—
13	(A) methods of torture;
14	(B) efforts to force individuals to renounce
15	their faith; and
16	(C) other serious human rights abuses;
17	(3) to the extent practicable, an assessment of
18	the number of individuals in the region in forced
19	labor camps;
20	(4) a description of the methods used by Peo-
21	ple's Republic of China authorities to "reeducate"
22	detainees in internment camps, including a list of
23	government agencies of the People's Republic of
24	China in charge of such reeducation:

- (5) an assessment of the use and nature of forced labor in and related to the detention of Turkic Muslims in Xinjiang Uyghur Autonomous Region, including a description of foreign companies and industries directly benefitting from such labor;
  - (6) an assessment of the level of access to Xinjiang Uyghur Autonomous Region granted by the Government of the People's Republic of China to foreign diplomats and consular agents, independent journalists, and representatives of nongovernmental organizations;
  - (7) an assessment of the mass surveillance, predictive policing, and other methods used by the Government of the People's Republic of China to violate the human rights of persons in Xinjiang Uyghur Autonomous Region;
  - (8) a description of the frequency with which foreign governments are forcibly returning Uyghurs, ethnic Kazakhs, Kyrgyz, and other refugees and asylum seekers to the People's Republic of China;
  - (9) a description, as appropriate, of United States diplomatic efforts with allies and other nations—

1	(A) to address the gross violations of					
2	human rights in Xinjiang Uyghur Autonomous					
3	Region; and					
4	(B) to protect asylum seekers from the re-					
5	gion; and					
6	(10) the identification of the offices within the					
7	Department of State that are responsible for leading					
8	and coordinating the diplomatic efforts referred to in					
9	paragraph (9).					
10	SEC. 8. REPORT ON PROTECTING CITIZENS AND RESI-					
11	DENTS OF THE UNITED STATES FROM INTIMI-					
12	DATION AND COERCION.					
13	Not later than 90 days after the date of the enact-					
14	ment of this Act, the Director of the Federal Bureau of					
15	Investigation, in consultation with the Secretary of State,					
16	shall submit a report to the Committee on Foreign Rela-					
17	tions of the Senate, the Committee on the Judiciary of					
18	the Senate, the Select Committee on Intelligence of the					
19	Senate, the Committee on Foreign Affairs of the House					
20	of Representatives, the Committee on the Judiciary of the					
21	House of Representatives, and the Permanent Select Com-					
22	mittee on Intelligence of the House of Representatives					
23	that outlines all of the efforts to protect United States					
24						
	citizens and residents, including ethnic Uyghurs and Chi-					

1	the United States, who have experienced harassment or
2	intimidation within the United States by officials or
3	agents of the Government of the People's Republic of
4	China.
5	SEC. 9. REPORT ON SECURITY AND ECONOMIC IMPLICA-
6	TIONS OF REPRESSION IN XINJIANG UYGHUR
7	AUTONOMOUS REGION BY THE GOVERNMENT
8	OF THE PEOPLE'S REPUBLIC OF CHINA.
9	(a) In General.—Not later than 180 days after the
10	date of the enactment of this Act, the Director of National
11	Intelligence, in coordination with the Secretary of State
12	shall submit a report to the Committee on Foreign Rela-
13	tions of the Senate, the Select Committee on Intelligence
14	of the Senate, the Committee on Foreign Affairs of the
15	House of Representatives, and the Permanent Select Com-
16	mittee on Intelligence of the House of Representatives or
17	the matters described in subsection (b).
18	(b) Matters to Be Included.— The report re-
19	quired under subsection (a) shall include—
20	(1) an assessment of the national and regional
21	security threats posed to the United States by the
22	policies of the Government of the People's Republic
23	of China in Xinjiang Uyghur Autonomous Region;
24	(2) a description of—

1	(A) the acquisition or development of tech-
2	nology by the Government of the People's Re-
3	public of China to facilitate internment and
4	mass surveillance in Xinjiang Uyghur Autono-
5	mous Region, including technology related to
6	predictive policing and large-scale data collec-
7	tion and analysis; and
8	(B) the threats that the acquisition, devel-
9	opment, and use of such technologies pose to
10	the United States;
11	(3) a list of Chinese companies that are in-
12	volved in—
13	(A) constructing or operating the intern-
14	ment camps in Xinjiang Uyghur Autonomous
15	Region; or
16	(B) providing or operating mass surveil-
17	lance technology in Xinjiang Uyghur Autono-
18	mous Region; and
19	(4) a description of the role of the Xinjiang
20	Production and Construction Corps in internment
21	and forced labor in Xinjiang Uyghur Autonomous
22	Region.
23	(c) FORM OF REPORT.—The report required under
24	subsection (a) shall be submitted in an unclassified form,
25	but may contain a classified annex.

### 1 SEC. 10. CLASSIFIED REPORT.

2	The Director of National Intelligence, in consultation					
3	with such elements of the Intelligence Community as the					
4	Director deems appropriate, shall submit a classified re-					
5	port to the Select Committee on Intelligence of the Senate					
6	and the Permanent Select Committee on Intelligence o					
7	the House of Representatives that assesses the ability of					
8	the United States Government to collect and analyze intel-					
9	ligence regarding—					
10	(1) the scope and scale of the detention and					
11	forced labor of Uyghurs, ethnic Kazakhs, Kyrgyz,					
12	and members of other Muslim minority groups in					
13	the People's Republic of China;					
14	(2) the gross violations of human rights per-					
15	petrated inside the internment camps in Xinjiang					
16	Uyghur Autonomous Region; and					
17	(3) other policies of the Government of the Peo-					
18	ple's Republic of China in Xinjiang Uyghur Autono-					
19	mous Region that constitute gross violations of					
20	human rights.					
	Passed the Senate May 14, 2020.					

Secretary.

Attest:

# 116TH CONGRESS S. 3744

# AN ACT

To condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China.