

Suspend the Rules and Pass the Bill, S. 178, With an Amendment

(The amendment strikes all after the enacting clause and inserts a complete new text)

116TH CONGRESS
1ST SESSION

S. 178

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.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2019

Referred to the Committee on Foreign Affairs, and in addition to the Committees on Intelligence (Permanent Select), and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Uighur Intervention
3 and Global Humanitarian Unified Response Act of 2019”
4 or the “UIGHUR Act of 2019”.

5 **SEC. 2. STATEMENT OF PURPOSE.**

6 The purpose of this Act is to direct United States
7 resources to address human rights violations and abuses,
8 including gross violations of human rights, by the People’s
9 Republic of China’s mass surveillance and internment of
10 over 1,000,000 Uighurs and other predominantly Turkic
11 Muslim ethnic minorities in China’s Xinjiang Uighur Au-
12 tonomous Region.

13 **SEC. 3. APPROPRIATE CONGRESSIONAL COMMITTEES.**

14 In this Act, the term “appropriate congressional com-
15 mittees” means—

16 (1) the Committee on Foreign Affairs, the
17 Committee on Financial Services, and the Com-
18 mittee on Appropriations of the House of Represent-
19 atives; and

20 (2) the Committee on Foreign Relations, the
21 Committee on Banking, Housing, and Urban Af-
22 fairs, and the Committee on Appropriations of the
23 Senate.

24 **SEC. 4. FINDINGS.**

25 Congress makes the following findings:

1 (1) The Government of the People’s Republic of
2 China has a long history of repressing Turkic Mus-
3 lims, particularly Uighurs, in China’s Xinjiang
4 Uighur Autonomous Region.

5 (2) In May 2014, Chinese authorities launched
6 their latest “Strike Hard against Violent Extre-
7 mism” campaign, using wide-scale, internationally-
8 linked threats of terrorism as a pretext to justify
9 pervasive restrictions on and human rights violations
10 of members of the ethnic minority communities of
11 the Xinjiang Uighur Autonomous Region. The Au-
12 gust 2016 transfer of former Tibet Autonomous Re-
13 gion Party Secretary Chen Quanguo to become the
14 Xinjiang Party Secretary prompted an acceleration
15 in the crackdown across the region. Scholars, human
16 rights organizations, journalists, and think tanks
17 have provided ample evidence substantiating the es-
18 tablishment by Chinese authorities of “reeducation”
19 camps. Since 2014, Chinese authorities have de-
20 tained no less than 800,000 Uighurs, ethnic
21 Kazahks, Kyrgyz, and other ethnic minorities in
22 these camps.

23 (3) Those detained in such facilities have de-
24 scribed forced political indoctrination, torture, beat-
25 ings, and food deprivation, as well as denial of reli-

1 religious, cultural, and linguistic freedoms, and con-
2 firmed that they were told by guards that the only
3 way to secure release was to demonstrate sufficient
4 political loyalty. Poor conditions and lack of medical
5 treatment at such facilities appear to have contrib-
6 uted to the deaths of some detainees, including the
7 elderly and infirm.

8 (4) Uighurs and ethnic Kazakhs, who have now
9 obtained permanent residence or citizenship in other
10 countries, attest to receiving threats and harassment
11 from Chinese officials. At least five journalists for
12 Radio Free Asia's Uighur service have publicly de-
13 tailed abuses their family members in Xinjiang have
14 endured in response to their work exposing abusive
15 policies across the Xinjiang Uighur Autonomous Re-
16 gion.

17 (5) In September 2018, United Nations High
18 Commissioner for Human Rights Michele Bachelet
19 noted in her first speech as High Commissioner the
20 "deeply disturbing allegations of large-scale arbi-
21 trary detentions of Uighurs and other Muslim com-
22 munities, in so-called re-education camps across
23 Xinjiang".

24 (6) The Government of the People's Republic of
25 China's actions against Turkic Muslims in the

1 Xinjiang Uighur Autonomous Region, whose popu-
2 lation was approximately 13 million at the time of
3 the last Chinese census in 2010, are in contraven-
4 tion of international human rights laws, the Inter-
5 national Convention on the Elimination of All Forms
6 of Racial Discrimination, and the Convention
7 against Torture and Other Cruel, Inhuman or De-
8 grading Treatment or Punishment, both of which
9 China has signed and ratified, and the Universal
10 Declaration of Human Rights and the International
11 Covenant on Civil and Political Rights, which China
12 has signed.

13 **SEC. 5. SENSE OF CONGRESS.**

14 It is the sense of Congress that—

15 (1) the President should condemn abuses
16 against Turkic Muslims by Chinese authorities and
17 call on such authorities immediately—

18 (A) to close the “reeducation” camps;

19 (B) to lift all restrictions on and ensure re-
20 spect for human rights; and

21 (C) to allow those inside China to reestab-
22 lish contact with their loved ones, friends, and
23 associates outside China;

24 (2) the Secretary of State should—

1 (A) fully implement the provisions of the
2 Frank R. Wolf International Religious Freedom
3 Act (Public Law 114–281); and

4 (B) should consider strategically employing
5 sanctions and other tools under the Inter-
6 national Religious Freedom Act of 1998 (22
7 U.S.C. 6401 et seq.), including measures re-
8 quired by reason of the designation of the Peo-
9 ple’s Republic of China as a country of par-
10 ticular concern for religious freedom under sec-
11 tion 402(b)(1)(A)(ii) of such Act that directly
12 address particularly severe violations of reli-
13 gious freedom;

14 (3) the Secretary of State should work with
15 United States allies and partners as well as through
16 multilateral institutions to condemn the mass arbi-
17 trary detention of Uighurs in China’s Xinjiang
18 Uighur Autonomous Region and coordinate closely
19 with the international community on targeted sanc-
20 tions and visa restrictions; and

21 (4) the journalists of the Uighur language serv-
22 ice of Radio Free Asia should be commended for
23 their reporting on the human rights and political sit-
24 uation in the Xinjiang Uighur Autonomous Region
25 despite efforts by the Government of the People’s

1 Republic of China to silence or intimidate their re-
2 porting through the detention of family members
3 and relatives in China, and the United States should
4 expand the availability of and capacity for Uighur
5 language programming on Radio Free Asia in the
6 region.

7 **SEC. 6. UPDATING STATEMENT OF UNITED STATES POLICY**
8 **TOWARD THE PEOPLE'S REPUBLIC OF CHINA.**

9 Section 901(b) of the Foreign Relations Authoriza-
10 tion Act, Fiscal Years 1990 and 1991 (Public Law 101-
11 246; 104 Stat. 84) is amended—

12 (1) by redesignating paragraphs (7), (8), and
13 (9) as paragraphs (8), (9), and (10), respectively;
14 and

15 (2) by inserting after paragraph (6) the fol-
16 lowing:

17 “(7) United States policy toward the People’s
18 Republic of China should be explicitly linked with
19 the situation in China’s Xinjiang Uighur Autono-
20 mous Region, specifically as to whether—

21 “(A) the mass internment of ethnic Uighur
22 and other Turkic Muslims in ‘political edu-
23 cation’ camps has ended;

24 “(B) all political prisoners in the region
25 are released;

1 “(C) the use of high-tech mass surveillance
2 and predictive policing to discriminate against
3 and violate the human rights of members of
4 specific ethnic groups is evident in other parts
5 of China; and

6 “(D) the Government of the People’s Re-
7 public of China has ended efforts aimed at cul-
8 tural assimilation and particularly severe re-
9 strictions of religious practice in the region;”.

10 **SEC. 7. APPLICATION OF SANCTIONS UNDER GLOBAL**
11 **MAGNITSKY HUMAN RIGHTS ACCOUNT-**
12 **ABILITY ACT WITH RESPECT TO CERTAIN**
13 **SENIOR OFFICIALS OF THE PEOPLE’S REPUB-**
14 **LIC OF CHINA.**

15 (a) IN GENERAL.—Not later than 120 days after the
16 date of the enactment of this Act, the President shall sub-
17 mit to the appropriate congressional committees a list of
18 senior officials of the Government of the People’s Republic
19 of China who the President determines are responsible for
20 or who have knowingly engaged in serious human rights
21 abuses against Turkic Muslims in the Xinjiang Uighur
22 Autonomous Region and elsewhere in China. Such list
23 shall include the following:

24 (1) Senior Chinese officials, such as Xinjiang
25 Party Secretary Chen Quanguo, who are directly re-

1 sponsible for the ongoing repression in the Xinjiang
2 Uighur Autonomous Region.

3 (2) Senior Chinese officials responsible for mass
4 incarceration, political indoctrination, or reeducation
5 efforts targeting Uighurs and other predominantly
6 Muslim ethnic minorities.

7 (b) FORM.—The list required under subsection (a)
8 shall be submitted in unclassified form but may contain
9 a classified annex.

10 (c) SANCTIONS IMPOSED.—On the date on which the
11 President submits to the appropriate congressional com-
12 mittees the list described in subsection (a), and as appro-
13 priate thereafter, the President shall impose the sanctions
14 described in section 1263(b) of the Global Magnitsky
15 Human Rights Accountability Act (subtitle F of title XII
16 of Public Law 114–328; 22 U.S.C. 2656 note) with re-
17 spect to any foreign person that the President has identi-
18 fied on the list.

19 (d) EXCEPTION FOR UNITED NATIONS HEAD-
20 QUARTERS AGREEMENT; ENFORCEMENT.—Subsections
21 (e) and (f) of section 1263 of the Global Magnitsky
22 Human Rights Accountability Act apply with respect to
23 the imposition of sanctions under this section to the same
24 extent as such subsections apply with respect to the impo-
25 sition of sanctions under such section 1263.

1 (e) WAIVER FOR NATIONAL INTERESTS.—The Presi-
2 dent may waive the imposition of sanctions under sub-
3 section (c) if the President—

4 (1) determines that such a waiver is in the na-
5 tional interests of the United States; and

6 (2) submits to the appropriate congressional
7 committees notice of, and a justification for, the
8 waiver.

9 (f) REGULATORY AUTHORITY.—The President shall
10 issue such regulations, licenses, and orders as are nec-
11 essary to carry out this section.

12 (g) EXCEPTION RELATING TO IMPORTATION OF
13 GOODS.—

14 (1) IN GENERAL.—The authorities and require-
15 ments to impose sanctions authorized under this Act
16 shall not include the authority or requirement to im-
17 pose sanctions on the importation of goods.

18 (2) GOOD DEFINED.—In this subsection, the
19 term “good” means any article, natural or man-
20 made substance, material, supply or manufactured
21 product, including inspection and test equipment,
22 and excluding technical data.

1 **SEC. 8. REPORT ON HUMAN RIGHTS ABUSES IN CHINA'S**
2 **XINJIANG UIGHUR AUTONOMOUS REGION.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act, the Secretary of State,
5 in consultation with the heads of other relevant Federal
6 departments and agencies and civil society organizations,
7 shall submit to the appropriate congressional committees
8 and make available on the website of the Department of
9 State a report on human rights abuses in the Xinjiang
10 Uighur Autonomous Region.

11 (b) MATTERS TO BE INCLUDED.—The report re-
12 quired by subsection (a) shall include the following:

13 (1) An assessment of the number of individuals
14 detained in political “reeducation camps” in the re-
15 gion and conditions in the camps for detainees, in-
16 cluding an assessment, to the extent practicable, of
17 whether detainees endure torture, efforts at forced
18 renunciation of their faith, or other mistreatment.

19 (2) An assessment of, to the extent practicable,
20 the number of individuals in the region in highly-
21 controlled forced labor camps.

22 (3) A description of the methods used by Peo-
23 ple’s Republic of China authorities to “reeducate”
24 Uighur detainees, including an identification of the
25 Chinese agencies in charge of such reeducation.

1 (4) An assessment of the use and nature of
2 forced labor in and related to the detention of
3 Turkic Muslims in the Xinjiang Uighur Autonomous
4 Region, and a description of foreign companies and
5 industries benefitting from such labor in the region.

6 (5) An assessment of the level of access to the
7 region Chinese authorities grant to foreign diplomats
8 and consular agents, independent journalists, and
9 representatives of nongovernmental organizations.

10 (6) An assessment of the repressive surveil-
11 lance, detection, and control methods used by Chi-
12 nese authorities in the region.

13 (7) A description, as appropriate, of diplomatic
14 efforts by United States allies and other nations to
15 address the gross violations of universally recognized
16 human rights in the region and to protect asylum
17 seekers from the region.

1 **SEC. 9. RESTRICTIONS ON EXPORT, REEXPORT, AND IN-**
2 **COUNTRY TRANSFERS OF CERTAIN ITEMS**
3 **THAT PROVIDE A CRITICAL CAPABILITY TO**
4 **THE GOVERNMENT OF THE PEOPLE'S REPUB-**
5 **LIC OF CHINA TO SUPPRESS INDIVIDUAL PRI-**
6 **VACY, FREEDOM, AND OTHER BASIC HUMAN**
7 **RIGHTS.**

8 (a) STATEMENT OF POLICY.—It is the policy of the
9 United States to protect the basic human rights of
10 Uighurs and other ethnic minorities in the People's Re-
11 public of China.

12 (b) LIST OF COVERED ITEMS.—

13 (1) IN GENERAL.—Not later than 120 days
14 after the date of the enactment of this Act, and as
15 appropriate thereafter, the President—

16 (A) shall identify those items that provide
17 a critical capability to the Government of the
18 People's Republic of China, or any person act-
19 ing on behalf of such Government, to suppress
20 individual privacy, freedom of movement, and
21 other basic human rights, specifically through—

22 (i) surveillance, interception, and re-
23 striction of communications;

24 (ii) monitoring of individual location
25 or movement or restricting individual
26 movement;

1 (iii) monitoring or restricting access
2 to and use of the internet;

3 (iv) monitoring or restricting use of
4 social media;

5 (v) identification of individuals
6 through facial recognition, voice recogni-
7 tion, or biometric indicators;

8 (vi) detention of individuals who are
9 exercising basic human rights; and

10 (vii) forced labor in manufacturing;
11 and

12 (B) shall, pursuant to the Export Control
13 Reform Act of 2018 (50 U.S.C. 4801 et seq.),
14 include items identified pursuant to subpara-
15 graph (A) on the Commerce Control List in a
16 category separate from other items, as appro-
17 priate, on the Commerce Control List.

18 (2) SUPPORT AND COOPERATION.—Upon re-
19 quest, the head of a Federal agency shall provide
20 full support and cooperation to the President in car-
21 rying out this subsection.

22 (3) CONSULTATION.—In carrying out this sub-
23 section, the President shall consult with the relevant
24 technical advisory committees of the Department of
25 Commerce to ensure that the composition of items

1 identified under paragraph (1)(A) and included on
2 the Commerce Control List under paragraph (1)(B)
3 does not unnecessarily restrict commerce between
4 the United States and the People's Republic of
5 China, consistent with the purposes of this section.

6 (c) SPECIAL LICENSE OR OTHER AUTHORIZATION.—

7 (1) IN GENERAL.—Beginning not later than
8 180 days after the date of the enactment of this Act,
9 the President shall, pursuant to the Export Control
10 Reform Act of 2018 (50 U.S.C. 4801 et seq.), re-
11 quire a license or other authorization for the export,
12 reexport, or in-country transfer to or within the Peo-
13 ple's Republic of China of an item identified pursu-
14 ant to subsection (b)(1)(A) and included on the
15 Commerce Control List pursuant to subsection
16 (b)(1)(B).

17 (2) PRESUMPTION OF DENIAL.—An application
18 for a license or other authorization described in
19 paragraph (1) shall be subject to a presumption of
20 denial.

21 (3) PUBLIC NOTICE AND COMMENT.—The
22 President shall provide for notice and public com-
23 ment with respect actions necessary to carry out this
24 subsection.

1 (d) INTERNATIONAL COORDINATION AND MULTILAT-
2 ERAL CONTROLS.—It shall be the policy of the United
3 States to seek to harmonize United States export control
4 regulations with international export control regimes with
5 respect to the items identified pursuant to subsection
6 (b)(1)(A), including through the Wassenaar Arrangement
7 and other bilateral and multilateral mechanisms involving
8 countries that export such items.

9 (e) TERMINATION OF SUSPENSION OF CERTAIN
10 OTHER PROGRAMS AND ACTIVITIES.—Section 902(b)(1)
11 of the Foreign Relations Authorization Act, Fiscal Years
12 1990 and 1991 (Public Law 101–246; 22 U.S.C. 2151
13 note) is amended—

14 (1) in the matter preceding subparagraph (A),
15 by inserting “and China’s Xinjiang Uighur Autono-
16 mous Region” after “Tibet”;

17 (2) in subparagraph (D), by striking “and” at
18 the end;

19 (3) in subparagraph (E), by striking “or” after
20 the semicolon and inserting “and”; and

21 (4) by adding the following new subparagraph:

22 “(F) the ending of the mass internment of
23 ethnic Uighurs and other Turkic Muslims in
24 the Xinjiang Uighur Autonomous Region, in-

1 cluding the intrusive system of high-tech sur-
2 veillance and policing in the region; or”.

3 (f) DEFINITIONS.—In this section:

4 (1) COMMERCE CONTROL LIST.—The term
5 “Commerce Control List” means the list set forth in
6 Supplement No. 1 to part 774 of the Export Admin-
7 istration Regulations under subchapter C of chapter
8 VII of title 15, Code of Federal Regulations.

9 (2) EXPORT, IN-COUNTRY TRANSFER, ITEM,
10 AND REEXPORT.—The terms “export”, “in-country
11 transfer”, “item”, and “reexport” have the mean-
12 ings given such terms in section 1742 of the Export
13 Control Reform Act of 2018 (50 U.S.C. 4801)