

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO S. 178
OFFERED BY MR. SHERMAN OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

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-

1 mittee on Appropriations of the House of Represent-
2 atives; and

3 (2) the Committee on Foreign Relations, the
4 Committee on Banking, Housing, and Urban Af-
5 fairs, and the Committee on Appropriations of the
6 Senate.

7 **SEC. 4. FINDINGS.**

8 Congress makes the following findings:

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

13 (2) In May 2014, Chinese authorities launched
14 their latest “Strike Hard against Violent Extre-
15 mism” campaign, using wide-scale, internationally-
16 linked threats of terrorism as a pretext to justify
17 pervasive restrictions on and human rights violations
18 of members of the ethnic minority communities of
19 the Xinjiang Uighur Autonomous Region. The Au-
20 gust 2016 transfer of former Tibet Autonomous Re-
21 gion Party Secretary Chen Quanguo to become the
22 Xinjiang Party Secretary prompted an acceleration
23 in the crackdown across the region. Scholars, human
24 rights organizations, journalists, and think tanks
25 have provided ample evidence substantiating the es-

1 tabishment by Chinese authorities of “reeducation”
2 camps. Since 2014, Chinese authorities have de-
3 tained no less than 800,000 Uighurs, ethnic
4 Kazahks, Kyrgyz, and other ethnic minorities in
5 these camps.

6 (3) Those detained in such facilities have de-
7 scribed forced political indoctrination, torture, beat-
8 ings, and food deprivation, as well as denial of reli-
9 gious, cultural, and linguistic freedoms, and con-
10 firmed that they were told by guards that the only
11 way to secure release was to demonstrate sufficient
12 political loyalty. Poor conditions and lack of medical
13 treatment at such facilities appear to have contrib-
14 uted to the deaths of some detainees, including the
15 elderly and infirm.

16 (4) Uighurs and ethnic Kazakhs, who have now
17 obtained permanent residence or citizenship in other
18 countries, attest to receiving threats and harassment
19 from Chinese officials. At least five journalists for
20 Radio Free Asia’s Uighur service have publicly de-
21 tailed abuses their family members in Xinjiang have
22 endured in response to their work exposing abusive
23 policies across the Xinjiang Uighur Autonomous Re-
24 gion.

1 (5) In September 2018, United Nations High
2 Commissioner for Human Rights Michele Bachelet
3 noted in her first speech as High Commissioner the
4 “deeply disturbing allegations of large-scale arbi-
5 trary detentions of Uighurs and other Muslim com-
6 munities, in so-called re-education camps across
7 Xinjiang”.

8 (6) The Government of the People’s Republic of
9 China’s actions against Turkic Muslims in the
10 Xinjiang Uighur Autonomous Region, whose popu-
11 lation was approximately 13 million at the time of
12 the last Chinese census in 2010, are in contraven-
13 tion of international human rights laws, the Inter-
14 national Convention on the Elimination of All Forms
15 of Racial Discrimination, and the Convention
16 against Torture and Other Cruel, Inhuman or De-
17 grading Treatment or Punishment, both of which
18 China has signed and ratified, and the Universal
19 Declaration of Human Rights and the International
20 Covenant on Civil and Political Rights, which China
21 has signed.

22 **SEC. 5. SENSE OF CONGRESS.**

23 It is the sense of Congress that—

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

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

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

7 (C) to allow those inside China to reestab-
8 lish contact with their loved ones, friends, and
9 associates outside China;

10 (2) the Secretary of State should—

11 (A) fully implement the provisions of the
12 Frank R. Wolf International Religious Freedom
13 Act (Public Law 114–281); and

14 (B) should consider strategically employing
15 sanctions and other tools under the Inter-
16 national Religious Freedom Act of 1998 (22
17 U.S.C. 6401 et seq.), including measures re-
18 quired by reason of the designation of the Peo-
19 ple’s Republic of China as a country of par-
20 ticular concern for religious freedom under sec-
21 tion 402(b)(1)(A)(ii) of such Act that directly
22 address particularly severe violations of reli-
23 gious freedom;

24 (3) the Secretary of State should work with
25 United States allies and partners as well as through

1 multilateral institutions to condemn the mass arbitrary
2 detention of Uighurs in China's Xinjiang
3 Uighur Autonomous Region and coordinate closely
4 with the international community on targeted sanctions
5 and visa restrictions; and

6 (4) the journalists of the Uighur language service
7 of Radio Free Asia should be commended for
8 their reporting on the human rights and political situation
9 in the Xinjiang Uighur Autonomous Region
10 despite efforts by the Government of the People's
11 Republic of China to silence or intimidate their reporting
12 through the detention of family members
13 and relatives in China, and the United States should
14 expand the availability of and capacity for Uighur
15 language programming on Radio Free Asia in the
16 region.

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

19 Section 901(b) of the Foreign Relations Authorization
20 Act, Fiscal Years 1990 and 1991 (Public Law 101–
21 246; 104 Stat. 84) is amended—

22 (1) by redesignating paragraphs (7), (8), and
23 (9) as paragraphs (8), (9), and (10), respectively;
24 and

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

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

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

10 “(B) all political prisoners in the region
11 are released;

12 “(C) the use of high-tech mass surveillance
13 and predictive policing to discriminate against
14 and violate the human rights of members of
15 specific ethnic groups is evident in other parts
16 of China; and

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

1 **SEC. 7. APPLICATION OF SANCTIONS UNDER GLOBAL**
2 **MAGNITSKY HUMAN RIGHTS ACCOUNT-**
3 **ABILITY ACT WITH RESPECT TO CERTAIN**
4 **SENIOR OFFICIALS OF THE PEOPLE'S REPUB-**
5 **LIC OF CHINA.**

6 (a) IN GENERAL.—Not later than 120 days after the
7 date of the enactment of this Act, the President shall sub-
8 mit to the appropriate congressional committees a list of
9 senior officials of the Government of the People's Republic
10 of China who the President determines are responsible for
11 or who have knowingly engaged in serious human rights
12 abuses against Turkic Muslims in the Xinjiang Uighur
13 Autonomous Region and elsewhere in China. Such list
14 shall include the following:

15 (1) Senior Chinese officials, such as Xinjiang
16 Party Secretary Chen Quanguo, who are directly re-
17 sponsible for the ongoing repression in the Xinjiang
18 Uighur Autonomous Region.

19 (2) Senior Chinese officials responsible for mass
20 incarceration, political indoctrination, or reeducation
21 efforts targeting Uighurs and other predominantly
22 Muslim ethnic minorities.

23 (b) FORM.—The list required under subsection (a)
24 shall be submitted in unclassified form but may contain
25 a classified annex.

1 (c) SANCTIONS IMPOSED.—On the date on which the
2 President submits to the appropriate congressional com-
3 mittees the list described in subsection (a), and as appro-
4 priate thereafter, the President shall impose the sanctions
5 described in section 1263(b) of the Global Magnitsky
6 Human Rights Accountability Act (subtitle F of title XII
7 of Public Law 114–328; 22 U.S.C. 2656 note) with re-
8 spect to any foreign person that the President has identi-
9 fied on the list.

10 (d) EXCEPTION FOR UNITED NATIONS HEAD-
11 QUARTERS AGREEMENT; ENFORCEMENT.—Subsections
12 (e) and (f) of section 1263 of the Global Magnitsky
13 Human Rights Accountability Act apply with respect to
14 the imposition of sanctions under this section to the same
15 extent as such subsections apply with respect to the impo-
16 sition of sanctions under such section 1263.

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

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

22 (2) submits to the appropriate congressional
23 committees notice of, and a justification for, the
24 waiver.

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

4 (g) EXCEPTION RELATING TO IMPORTATION OF
5 GOODS.—

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

10 (2) GOOD DEFINED.—In this subsection, the
11 term “good” means any article, natural or man-
12 made substance, material, supply or manufactured
13 product, including inspection and test equipment,
14 and excluding technical data.

15 **SEC. 8. REPORT ON HUMAN RIGHTS ABUSES IN CHINA’S**
16 **XINJIANG UIGHUR 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 submit to the appropriate congressional committees
22 and make available on the website of the Department of
23 State a report on human rights abuses in the Xinjiang
24 Uighur Autonomous Region.

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

3 (1) An assessment of the number of individuals
4 detained in political “reeducation camps” in the re-
5 gion and conditions in the camps for detainees, in-
6 cluding an assessment, to the extent practicable, of
7 whether detainees endure torture, efforts at forced
8 renunciation of their faith, or other mistreatment.

9 (2) An assessment of, to the extent practicable,
10 the number of individuals in the region in highly-
11 controlled forced labor camps.

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

16 (4) An assessment of the use and nature of
17 forced labor in and related to the detention of
18 Turkic Muslims in the Xinjiang Uighur Autonomous
19 Region, and a description of foreign companies and
20 industries benefitting from such labor in the region.

21 (5) An assessment of the level of access to the
22 region Chinese authorities grant to foreign diplomats
23 and consular agents, independent journalists, and
24 representatives of nongovernmental organizations.

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

4 (7) A description, as appropriate, of diplomatic
5 efforts by United States allies and other nations to
6 address the gross violations of universally recognized
7 human rights in the region and to protect asylum
8 seekers from the region.

9 **SEC. 9. RESTRICTIONS ON EXPORT, REEXPORT, AND IN-**
10 **COUNTRY TRANSFERS OF CERTAIN ITEMS**
11 **THAT PROVIDE A CRITICAL CAPABILITY TO**
12 **THE GOVERNMENT OF THE PEOPLE'S REPUB-**
13 **LIC OF CHINA TO SUPPRESS INDIVIDUAL PRI-**
14 **VACY, FREEDOM, AND OTHER BASIC HUMAN**
15 **RIGHTS.**

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

20 (b) LIST OF COVERED ITEMS.—

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

24 (A) shall identify those items that provide
25 a critical capability to the Government of the

1 People's Republic of China, or any person act-
2 ing on behalf of such Government, to suppress
3 individual privacy, freedom of movement, and
4 other basic human rights, specifically through—

5 (i) surveillance, interception, and re-
6 striction of communications;

7 (ii) monitoring of individual location
8 or movement or restricting individual
9 movement;

10 (iii) monitoring or restricting access
11 to and use of the internet;

12 (iv) monitoring or restricting use of
13 social media;

14 (v) identification of individuals
15 through facial recognition, voice recogni-
16 tion, or biometric indicators;

17 (vi) detention of individuals who are
18 exercising basic human rights; and

19 (vii) forced labor in manufacturing;
20 and

21 (B) shall, pursuant to the Export Control
22 Reform Act of 2018 (50 U.S.C. 4801 et seq.),
23 include items identified pursuant to subpara-
24 graph (A) on the Commerce Control List in a

1 category separate from other items, as appro-
2 priate, on the Commerce Control List.

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

7 (3) CONSULTATION.—In carrying out this sub-
8 section, the President shall consult with the relevant
9 technical advisory committees of the Department of
10 Commerce to ensure that the composition of items
11 identified under paragraph (1)(A) and included on
12 the Commerce Control List under paragraph (1)(B)
13 does not unnecessarily restrict commerce between
14 the United States and the People’s Republic of
15 China, consistent with the purposes of this section.

16 (c) SPECIAL LICENSE OR OTHER AUTHORIZATION.—

17 (1) IN GENERAL.—Beginning not later than
18 180 days after the date of the enactment of this Act,
19 the President shall, pursuant to the Export Control
20 Reform Act of 2018 (50 U.S.C. 4801 et seq.), re-
21 quire a license or other authorization for the export,
22 reexport, or in-country transfer to or within the Peo-
23 ple’s Republic of China of an item identified pursu-
24 ant to subsection (b)(1)(A) and included on the

1 Commerce Control List pursuant to subsection
2 (b)(1)(B).

3 (2) PRESUMPTION OF DENIAL.—An application
4 for a license or other authorization described in
5 paragraph (1) shall be subject to a presumption of
6 denial.

7 (3) PUBLIC NOTICE AND COMMENT.—The
8 President shall provide for notice and public com-
9 ment with respect actions necessary to carry out this
10 subsection.

11 (d) INTERNATIONAL COORDINATION AND MULTILAT-
12 ERAL CONTROLS.—It shall be the policy of the United
13 States to seek to harmonize United States export control
14 regulations with international export control regimes with
15 respect to the items identified pursuant to subsection
16 (b)(1)(A), including through the Wassenaar Arrangement
17 and other bilateral and multilateral mechanisms involving
18 countries that export such items.

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

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

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

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

8 (4) by adding the following new subparagraph:

9 “(F) the ending of the mass internment of
10 ethnic Uighurs and other Turkic Muslims in
11 the Xinjiang Uighur Autonomous Region, in-
12 cluding the intrusive system of high-tech sur-
13 veillance and policing in the region; or”.

14 (f) DEFINITIONS.—In this section:

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

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

