

116TH CONGRESS
1ST SESSION

S. 2386

To impose sanctions with respect to surveillance in the Xinjiang Uyghur Autonomous Region of the People's Republic of China, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 31, 2019

Mr. CRUZ (for himself and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To impose sanctions with respect to surveillance in the Xinjiang Uyghur Autonomous Region of the People's Republic of China, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Targeting Invasive
5 Autocratic Networks, And Necessary Mandatory Export
6 Notifications Act of 2019” or the “TIANANMEN Act of
7 2019”.

8 **SEC. 2. DEFINITIONS.**

9 In this Act:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Foreign Relations
5 and the Committee on Banking, Housing, and
6 Urban Affairs of the Senate; and

7 (B) the Committee on Foreign Affairs and
8 the Committee on Financial Services of the
9 House of Representatives.

10 (2) ENTITY LIST.—The term “entity list”
11 means the entity list maintained by the Bureau of
12 Industry and Security and set forth in Supplement
13 No. 4 to part 744 of the Export Administration
14 Regulations.

15 (3) EXPORT ADMINISTRATION REGULATIONS.—
16 The term “Export Administration Regulations”
17 means subchapter C of chapter VII of title 15, Code
18 of Federal Regulations.

19 (4) FOREIGN ENTITY.—The term “foreign enti-
20 ty” means any entity that is not a United States en-
21 tity.

22 (5) ISSUER; SECURITY.—The terms “issuer”
23 and “security” have the meanings given those terms
24 in section 3(a) of the Securities Exchange Act of
25 1934 (15 U.S.C. 78c(a)).

1 (6) NATIONAL SECURITIES EXCHANGE.—The
2 term “national securities exchange” means an ex-
3 change that is registered as a national securities ex-
4 change under section 6 of the Securities Exchange
5 Act of 1934 (15 U.S.C. 78f).

6 (7) SURVEILLANCE.—The term “surveillance”
7 means the tracking of individuals and the analysis of
8 their behaviors.

9 (8) SURVEILLANCE TECHNOLOGY.—The term
10 “surveillance technology” means goods and services,
11 including software and hardware, that enable or fa-
12 cilitate surveillance, including video and imaging
13 technology, facial recognition software, artificial in-
14 telligence, genetic engineering technology, Global Po-
15 sitioning System navigation technology, and data
16 analytics.

17 (9) UNITED STATES ENTITY.—The term
18 “United States entity” means an entity organized
19 under the laws of the United States or any jurisdic-
20 tion within the United States.

21 (10) UNITED STATES PERSON.—The term
22 “United States person” means—

23 (A) a United States citizen or an alien law-
24 fully admitted to the United States for perma-
25 nent residence; or

1 (B) a United States entity.

2 **SEC. 3. IMPOSITION OF SANCTIONS WITH RESPECT TO FOR-**
 3 **EIGN ENTITIES THAT FACILITATE SURVEIL-**
 4 **LANCE IN XINJIANG.**

5 (a) IN GENERAL.—The President shall impose the
 6 sanctions described in subsection (c) with respect to each
 7 foreign entity on the list required by subsection (b).

8 (b) LIST REQUIRED.—

9 (1) IN GENERAL.—Not later than 90 days after
 10 the date of the enactment of this Act, and every 180
 11 days thereafter, the President shall submit to the
 12 appropriate congressional committees a list of for-
 13 eign entities that the President determines, on or
 14 after such date of enactment, provide to the Govern-
 15 ment of the People’s Republic of China surveillance
 16 technology that is used by that Government to con-
 17 duct surveillance in the Xinjiang Uygur Autonomous
 18 Region of the People’s Republic of China.

19 (2) CONSIDERATION OF CERTAIN ENTITIES.—

20 (A) IN GENERAL.—Before submitting each
 21 list required by paragraph (1), the President
 22 shall—

23 (i) make a determination with respect
 24 to whether to include each entity specified
 25 in subparagraph (B) on the list; and

1 (ii) submit each such determination to
2 the appropriate congressional committees
3 with the list.

4 (B) ENTITIES SPECIFIED.—The entities
5 specified in this subparagraph are the following:

6 (i) Beijing Wanlihong Technology Co.,
7 Ltd.

8 (ii) China Communications Services
9 Co., Ltd.

10 (iii) China Electronics Technology
11 Group Corporation.

12 (iv) CloudWalk Technology Co., Ltd.

13 (v) Dahua Technology Co., Ltd.

14 (vi) Hangzhou Hikvision Digital Tech-
15 nology Co., Ltd.

16 (vii) Hebei Far East Communication
17 System Engineering Co., Ltd.

18 (viii) iFlyTek Co., Ltd.

19 (ix) Megvii Technology Ltd.

20 (x) SenseTime.

21 (xi) Shanghai Yitu Technology Co.,
22 Ltd.

23 (xii) Xiamen Meiya Pico Information
24 Co., Ltd.

1 (c) SANCTIONS.—The sanctions described in this sub-
2 section are the following:

3 (1) EXPORT CONTROLS.—The Secretary of
4 Commerce shall include each entity on the list re-
5 quired by subsection (b) on the entity list.

6 (2) BLOCKING OF PROPERTY.—The President
7 shall block and prohibit, in accordance with the
8 International Emergency Economic Powers Act (50
9 U.S.C. 1701 et seq.), all transactions in all property
10 and interests in property of an entity on the list re-
11 quired by subsection (b), or any corporate officer or
12 primary shareholder of such an entity, if such prop-
13 erty and interests in property are in the United
14 States, come within the United States, or are or
15 come within the possession or control of a United
16 States person.

17 (d) IMPLEMENTATION; PENALTIES.—

18 (1) IMPLEMENTATION.—The President may ex-
19 ercise all authorities provided under sections 203
20 and 205 of the International Emergency Economic
21 Powers Act (50 U.S.C. 1702 and 1704) to carry out
22 this section.

23 (2) PENALTIES.—A person that violates, at-
24 tempts to violate, conspires to violate, or causes a
25 violation of subsection (c) or any regulation, license,

1 or order issued to carry out that subsection shall be
2 subject to the penalties set forth in subsections (b)
3 and (c) of section 206 of the International Emer-
4 gency Economic Powers Act (50 U.S.C. 1705) to the
5 same extent as a person that commits an unlawful
6 act described in subsection (a) of that section.

7 **SEC. 4. IDENTIFICATION OF UNITED STATES ENTITIES**
8 **THAT CONDUCT TRANSACTIONS THAT FA-**
9 **CILITATE SURVEILLANCE IN XINJIANG.**

10 (a) IDENTIFICATION.—Not later than 90 days after
11 the date of the enactment of this Act, and every 180 days
12 thereafter, the President shall submit to the appropriate
13 congressional committees a list of United States entities
14 that, on or after such date of enactment, conduct a trans-
15 action with, or transfer goods to, a foreign entity on the
16 list required by section 3(a).

17 (b) DISCLOSURES TO SECURITIES AND EXCHANGE
18 COMMISSION.—A United States entity included on the list
19 required by subsection (a) that is an issuer of securities
20 that are listed on a national securities exchange shall dis-
21 close any transactions or transfers described in subsection
22 (a) in which the entity engaged in the first report required
23 to be filed with the Securities and Exchange Commission
24 by section 13(a)(2) of the Securities Exchange Act of

1 1934 (15 U.S.C. 78m(a)(2)) after the identification of the
2 entity under subsection (a).

3 **SEC. 5. CONTINUATION IN EFFECT OF EXPORT CONTROLS**
4 **WITH RESPECT TO HUAWEI TECHNOLOGIES**
5 **CO. LTD.**

6 The Secretary of Commerce may not remove Huawei
7 Technologies Co. Ltd., and its subsidiaries and affiliates,
8 from the entity list until the President certifies to the ap-
9 propriate congressional committees that Huawei Tech-
10 nologies Co. Ltd.—

11 (1) is not involved in activities that are contrary
12 to the national security or foreign policy interests of
13 the United States; and

14 (2) does not conduct or facilitate surveillance in
15 the Xinjiang Uygur Autonomous Region of the Peo-
16 ple's Republic of China by the Government of the
17 People's Republic of China.

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