

In the House of Representatives, U. S.,

December 3, 2019.

Resolved, That the bill from the Senate (S. 178) entitled “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.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

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

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

6 *The purpose of this Act is to direct United States re-*
7 *sources to address human rights violations and abuses, in-*
8 *cluding 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.*

1 **SEC. 3. APPROPRIATE CONGRESSIONAL COMMITTEES.**

2 *In this Act, the term “appropriate congressional com-*
 3 *mittees” means—*

4 *(1) the Committee on Foreign Affairs, the Com-*
 5 *mittee on Financial Services, and the Committee on*
 6 *Appropriations of the House of Representatives; and*

7 *(2) the Committee on Foreign Relations, the*
 8 *Committee on Banking, Housing, and Urban Affairs,*
 9 *and the Committee on Appropriations of the Senate.*

10 **SEC. 4. FINDINGS.**

11 *Congress makes the following findings:*

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

16 *(2) In May 2014, Chinese authorities launched*
 17 *their latest “Strike Hard against Violent Extremism”*
 18 *campaign, using wide-scale, internationally-linked*
 19 *threats of terrorism as a pretext to justify pervasive*
 20 *restrictions on and human rights violations of mem-*
 21 *bers of the ethnic minority communities of the*
 22 *Xinjiang Uighur Autonomous Region. The August*
 23 *2016 transfer of former Tibet Autonomous Region*
 24 *Party Secretary Chen Quanguo to become the*
 25 *Xinjiang Party Secretary prompted an acceleration*
 26 *in the crackdown across the region. Scholars, human*

1 *rights organizations, journalists, and think tanks*
 2 *have provided ample evidence substantiating the es-*
 3 *tablishment by Chinese authorities of “reeducation”*
 4 *camps. Since 2014, Chinese authorities have detained*
 5 *no less than 800,000 Uighurs, ethnic Kazakhs,*
 6 *Kyrgyz, and other ethnic minorities in these camps.*

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

17 *(4) Uighurs and ethnic Kazakhs, who have now*
 18 *obtained permanent residence or citizenship in other*
 19 *countries, attest to receiving threats and harassment*
 20 *from Chinese officials. At least five journalists for*
 21 *Radio Free Asia’s Uighur service have publicly de-*
 22 *tailed abuses their family members in Xinjiang have*
 23 *endured in response to their work exposing abusive*
 24 *policies across the Xinjiang Uighur Autonomous Re-*
 25 *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 arbitrary*
 5 *detentions of Uighurs and other Muslim communities,*
 6 *in so-called re-education camps across Xinjiang”.*

7 (6) *The Government of the People’s Republic of*
 8 *China’s actions against Turkic Muslims in the*
 9 *Xinjiang Uighur Autonomous Region, whose popu-*
 10 *lation was approximately 13 million at the time of*
 11 *the last Chinese census in 2010, are in contravention*
 12 *of international human rights laws, the International*
 13 *Convention on the Elimination of All Forms of Ra-*
 14 *cial Discrimination, and the Convention against Tor-*
 15 *ture and Other Cruel, Inhuman or Degrading Treat-*
 16 *ment or Punishment, both of which China has signed*
 17 *and ratified, and the Universal Declaration of*
 18 *Human Rights and the International Covenant on*
 19 *Civil and Political Rights, which China has signed.*

20 **SEC. 5. SENSE OF CONGRESS.**

21 *It is the sense of Congress that—*

22 (1) *the President should condemn abuses against*
 23 *Turkic Muslims by Chinese authorities and call on*
 24 *such authorities immediately—*

25 (A) *to close the “reeducation” camps;*

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

3 (C) to allow those inside China to reestab-
4 lish contact with their loved ones, friends, and
5 associates outside China;

6 (2) the Secretary of State should—

7 (A) fully implement the provisions of the
8 Frank R. Wolf International Religious Freedom
9 Act (Public Law 114–281); and

10 (B) should consider strategically employing
11 sanctions and other tools under the International
12 Religious Freedom Act of 1998 (22 U.S.C. 6401
13 et seq.), including measures required by reason of
14 the designation of the People’s Republic of China
15 as a country of particular concern for religious
16 freedom under section 402(b)(1)(A)(ii) of such
17 Act that directly address particularly severe vio-
18 lations of religious freedom;

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

1 (4) *the journalists of the Uighur language service*
 2 *of Radio Free Asia should be commended for their re-*
 3 *porting on the human rights and political situation*
 4 *in the Xinjiang Uighur Autonomous Region despite*
 5 *efforts by the Government of the People’s Republic of*
 6 *China to silence or intimidate their reporting through*
 7 *the detention of family members and relatives in*
 8 *China, and the United States should expand the*
 9 *availability of and capacity for Uighur language pro-*
 10 *gramming on Radio Free Asia in the region.*

11 **SEC. 6. UPDATING STATEMENT OF UNITED STATES POLICY**
 12 **TOWARD THE PEOPLE’S REPUBLIC OF CHINA.**

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

16 (1) *by redesignating paragraphs (7), (8), and (9)*
 17 *as paragraphs (8), (9), and (10), respectively; and*

18 (2) *by inserting after paragraph (6) the fol-*
 19 *lowing:*

20 “(7) *United States policy toward the People’s*
 21 *Republic of China should be explicitly linked with the*
 22 *situation in China’s Xinjiang Uighur Autonomous*
 23 *Region, specifically as to whether—*

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

4 “(B) all political prisoners in the region are
5 released;

6 “(C) the use of high-tech mass surveillance
7 and predictive policing to discriminate against
8 and violate the human rights of members of spe-
9 cific ethnic groups is evident in other parts of
10 China; and

11 “(D) the Government of the People’s Repub-
12 lic of China has ended efforts aimed at cultural
13 assimilation and particularly severe restrictions
14 of religious practice in the region;”.

15 **SEC. 7. APPLICATION OF SANCTIONS UNDER GLOBAL**
16 **MAGNITSKY HUMAN RIGHTS ACCOUNT-**
17 **ABILITY ACT WITH RESPECT TO CERTAIN**
18 **SENIOR OFFICIALS OF THE PEOPLE’S REPUB-**
19 **LIC OF CHINA.**

20 (a) *IN GENERAL.*—Not later than 120 days after the
21 date of the enactment of this Act, the President shall submit
22 to the appropriate congressional committees a list of senior
23 officials of the Government of the People’s Republic of China
24 who the President determines are responsible for or who
25 have knowingly engaged in serious human rights abuses

1 *against Turkic Muslims in the Xinjiang Uighur Autono-*
 2 *mous Region and elsewhere in China. Such list shall in-*
 3 *clude the following:*

4 (1) *Senior Chinese officials, such as Xinjiang*
 5 *Party Secretary Chen Quanguo, who are directly re-*
 6 *sponsible for the ongoing repression in the Xinjiang*
 7 *Uighur Autonomous Region.*

8 (2) *Senior Chinese officials responsible for mass*
 9 *incarceration, political indoctrination, or reeducation*
 10 *efforts targeting Uighurs and other predominantly*
 11 *Muslim ethnic minorities.*

12 (b) *FORM.—The list required under subsection (a)*
 13 *shall be submitted in unclassified form but may contain*
 14 *a classified annex.*

15 (c) *SANCTIONS IMPOSED.—On the date on which the*
 16 *President submits to the appropriate congressional commit-*
 17 *tees the list described in subsection (a), and as appropriate*
 18 *thereafter, the President shall impose the sanctions de-*
 19 *scribed in section 1263(b) of the Global Magnitsky Human*
 20 *Rights Accountability Act (subtitle F of title XII of Public*
 21 *Law 114–328; 22 U.S.C. 2656 note) with respect to any*
 22 *foreign person that the President has identified on the list.*

23 (d) *EXCEPTION FOR UNITED NATIONS HEAD-*
 24 *QUARTERS AGREEMENT; ENFORCEMENT.—Subsections (e)*
 25 *and (f) of section 1263 of the Global Magnitsky Human*

1 *Rights Accountability Act apply with respect to the imposi-*
 2 *tion of sanctions under this section to the same extent as*
 3 *such subsections apply with respect to the imposition of*
 4 *sanctions under such section 1263.*

5 (e) *WAIVER FOR NATIONAL INTERESTS.—The Presi-*
 6 *dent may waive the imposition of sanctions under sub-*
 7 *section (c) if the President—*

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

10 (2) *submits to the appropriate congressional*
 11 *committees notice of, and a justification for, the waiv-*
 12 *er.*

13 (f) *REGULATORY AUTHORITY.—The President shall*
 14 *issue such regulations, licenses, and orders as are necessary*
 15 *to carry out this section.*

16 (g) *EXCEPTION RELATING TO IMPORTATION OF*
 17 *GOODS.—*

18 (1) *IN GENERAL.—The authorities and require-*
 19 *ments to impose sanctions authorized under this Act*
 20 *shall not include the authority or requirement to im-*
 21 *pose sanctions on the importation of goods.*

22 (2) *GOOD DEFINED.—In this subsection, the term*
 23 *“good” means any article, natural or man-made sub-*
 24 *stance, material, supply or manufactured product, in-*

1 cluding inspection and test equipment, and excluding
2 technical data.

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

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

13 (b) *MATTERS TO BE INCLUDED.*—The report required
14 by subsection (a) shall include the following:

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

21 (2) *An assessment of, to the extent practicable,*
22 *the number of individuals in the region in highly-con-*
23 *trolled forced labor camps.*

24 (3) *A description of the methods used by People's*
25 *Republic of China authorities to “reeducate” Uighur*

1 *detainees, including an identification of the Chinese*
2 *agencies in charge of such reeducation.*

3 *(4) An assessment of the use and nature of forced*
4 *labor in and related to the detention of Turkic Mus-*
5 *lims in the Xinjiang Uighur Autonomous Region, and*
6 *a description of foreign companies and industries*
7 *benefitting from such labor in the region.*

8 *(5) An assessment of the level of access to the re-*
9 *gion Chinese authorities grant to foreign diplomats*
10 *and consular agents, independent journalists, and*
11 *representatives of nongovernmental organizations.*

12 *(6) An assessment of the repressive surveillance,*
13 *detection, and control methods used by Chinese au-*
14 *thorities in the region.*

15 *(7) A description, as appropriate, of diplomatic*
16 *efforts by United States allies and other nations to*
17 *address the gross violations of universally recognized*
18 *human rights in the region and to protect asylum*
19 *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 Uighurs*
 10 *and other ethnic minorities in the People's Republic of*
 11 *China.*

12 (b) *LIST OF COVERED ITEMS.*—

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

16 (A) *shall identify those items that provide a*
 17 *critical capability to the Government of the Peo-*
 18 *ple's Republic of China, or any person acting on*
 19 *behalf of such Government, to suppress indi-*
 20 *vidual privacy, freedom of movement, and other*
 21 *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 move-*
 26 *ment;*

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

3 (iv) monitoring or restricting use of so-
4 cial media;

5 (v) identification of individuals
6 through facial recognition, voice recognition,
7 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.), in-
14 clude items identified pursuant to subparagraph
15 (A) on the Commerce Control List in a category
16 separate from other items, as appropriate, on the
17 Commerce Control List.

18 (2) *SUPPORT AND COOPERATION.*—Upon request,
19 the head of a Federal agency shall provide full sup-
20 port and cooperation to the President in carrying out
21 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 the*
 4 *United States and the People's Republic of China,*
 5 *consistent with the purposes of this section.*

6 *(c) SPECIAL LICENSE OR OTHER AUTHORIZATION.—*

7 *(1) IN GENERAL.—Beginning not later than 180*
 8 *days after the date of the enactment of this Act, the*
 9 *President shall, pursuant to the Export Control Re-*
 10 *form Act of 2018 (50 U.S.C. 4801 et seq.), require a*
 11 *license or other authorization for the export, reexport,*
 12 *or in-country transfer to or within the People's Re-*
 13 *public of China of an item identified pursuant to sub-*
 14 *section (b)(1)(A) and included on the Commerce Con-*
 15 *trol List pursuant to subsection (b)(1)(B).*

16 *(2) PRESUMPTION OF DENIAL.—An application*
 17 *for a license or other authorization described in para-*
 18 *graph (1) shall be subject to a presumption of denial.*

19 *(3) PUBLIC NOTICE AND COMMENT.—The Presi-*
 20 *dent shall provide for notice and public comment with*
 21 *respect actions necessary to carry out this subsection.*

22 *(d) INTERNATIONAL COORDINATION AND MULTILAT-*
 23 *ERAL CONTROLS.—It shall be the policy of the United*
 24 *States to seek to harmonize United States export control*
 25 *regulations with international export control regimes with*

1 *respect to the items identified pursuant to subsection*
 2 *(b)(1)(A), including through the Wassenaar Arrangement*
 3 *and other bilateral and multilateral mechanisms involving*
 4 *countries that export such items.*

5 *(e) TERMINATION OF SUSPENSION OF CERTAIN OTHER*
 6 *PROGRAMS AND ACTIVITIES.—Section 902(b)(1) of the For-*
 7 *ign Relations Authorization Act, Fiscal Years 1990 and*
 8 *1991 (Public Law 101–246; 22 U.S.C. 2151 note) is amend-*
 9 *ed—*

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

13 *(2) in subparagraph (D), by striking “and” at*
 14 *the end;*

15 *(3) in subparagraph (E), by striking “or” after*
 16 *the semicolon and inserting “and”; and*

17 *(4) by adding the following new subparagraph:*

18 *“(F) the ending of the mass internment of*
 19 *ethnic Uighurs and other Turkic Muslims in the*
 20 *Xinjiang Uighur Autonomous Region, including*
 21 *the intrusive system of high-tech surveillance and*
 22 *policing in the region; or”.*

23 *(f) DEFINITIONS.—In this section:*

24 *(1) COMMERCE CONTROL LIST.—The term “Com-*
 25 *merce Control List” means the list set forth in Sup-*

1 *plement No. 1 to part 774 of the Export Administra-*
2 *tion Regulations under subchapter C of chapter VII*
3 *of title 15, Code of Federal Regulations.*

4 (2) *EXPORT, IN-COUNTRY TRANSFER, ITEM, AND*
5 *REEXPORT.—The terms “export”, “in-country trans-*
6 *fer”, “item”, and “reexport” have the meanings given*
7 *such terms in section 1742 of the Export Control Re-*
8 *form Act of 2018 (50 U.S.C. 4801).*

Attest:

Clerk.

116TH CONGRESS
1ST SESSION

S. 178

AMENDMENT