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H. R. 649

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

JANUARY 17, 2019

Mr. SMITH of New Jersey (for himself, Mr. SUOZZI, Mr. McCAUL, Mr. CHABOT, Mr. SHERMAN, Mr. CONNOLLY, Mr. SIRES, Mr. KENNEDY, Ms. PINGREE, Mr. COHEN, Mr. MEADOWS, Mr. WILSON of South Carolina, Mr. KRISHNAMOORTHY, and Mrs. WAGNER) introduced the following bill; which was 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

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Uyghur Human Rights
5 Policy Act of 2019”.

1 **SEC. 2. STATEMENT OF PURPOSE.**

2 The purpose of this Act is to direct United States
3 resources to address gross violations of universally recog-
4 nized human rights, including the mass internment of over
5 1,000,000 Uyghurs and other predominantly Muslim eth-
6 nic minorities in China and the intimidation and threats
7 faced by United States citizens and legal permanent resi-
8 dents.

9 **SEC. 3. APPROPRIATE CONGRESSIONAL COMMITTEES.**

10 In this section, the term “appropriate congressional
11 committees” means—

12 (1) the Committee on Foreign Relations, the
13 Committee on Armed Services, the Select Committee
14 on Intelligence, the Committee on Banking, Hous-
15 ing, and Urban Affairs, the Committee on the Judi-
16 ciary, and the Committee on Appropriations of the
17 Senate; and

18 (2) the Committee on Foreign Affairs, the
19 Committee on Armed Services, the Permanent Select
20 Committee on Intelligence, the Committee on Finan-
21 cial Services, the Committee on the Judiciary, and
22 the Committee on Appropriations of the House of
23 Representatives.

24 **SEC. 4. FINDINGS.**

25 Congress makes the following findings:

1 (1) The Government of the People’s Republic of
2 China (PRC) has a long history of repressing ap-
3 proximately 13,000,000 Turkic, moderate Sunni
4 Muslims, particularly Uyghurs, in the nominally au-
5 tonomous Xinjiang region. These actions are in con-
6 travention of international human rights standards,
7 including the Universal Declaration of Human
8 Rights and the International Covenant on Civil and
9 Political Rights, which China has signed but not yet
10 ratified.

11 (2) In recent decades, central and regional Chi-
12 nese government policies have systematically dis-
13 criminated against Uyghurs, ethnic Kazakhs, and
14 other Muslims in Xinjiang by denying them a range
15 of civil and political rights, including the freedoms of
16 expression, religion, movement, and a fair trial,
17 among others.

18 (3) Increased unrest in the Xinjiang region as
19 a result of the central government’s severe repres-
20 sion is used in Orwellian fashion by the Government
21 of the People’s Republic of China as evidence of
22 “terrorism” and “separatism” and as an excuse for
23 further disproportionate response.

24 (4) In 2014, Chinese authorities launched their
25 latest “Strike Hard against Violent Extremism”

1 campaign, in which the pretext of wide-scale, inter-
2 nationally linked threats of terrorism were used to
3 justify pervasive restrictions on, and gross human
4 rights violations of, the ethnic minority communities
5 of Xinjiang.

6 (5) Those policies included—

7 (A) pervasive, high-tech surveillance across
8 the region, including the arbitrary collection of
9 biodata, including DNA samples from children,
10 without their knowledge or consent;

11 (B) the use of QR codes outside homes to
12 gather information on how frequently individ-
13 uals pray;

14 (C) facial and voice recognition software
15 and “predictive policing” databases; and

16 (D) severe restrictions on the freedom of
17 movement across the region.

18 (6) Chinese security forces have never been held
19 accountable for credible reports of mass shootings in
20 Alaqagha (2014), Hanerik (2013), and Siriqbuya
21 (2013), as well as the extrajudicial killings of
22 Abdulbasit Ablimit (2013) and Rozi Osman (2014).

23 (7)(A) The August 2016 transfer of former
24 Tibet Autonomous Region Party Secretary Chen
25 Quanguo to become the Xinjiang Party Secretary

1 prompted an acceleration in the crackdown across
2 the region.

3 (B) Local officials in Xinjiang have used
4 chilling political rhetoric to describe the purpose of
5 government policy including “eradicating tumors”
6 and “spray[ing] chemicals” on crops to kill the
7 “weeds”.

8 (C) Uyghurs are forced to celebrate Chinese
9 cultural traditions, such as Chinese New Year, and
10 unique Uyghur culture is facing eradication due to
11 state control over Uyghur cultural heritage, such as
12 muqam (a musical tradition) and meshrep (tradi-
13 tional cultural gatherings), and due to elimination of
14 the Uyghur language as a medium of instruction in
15 Xinjiang schools and universities.

16 (8) In 2017, credible reports found that family
17 members of Uyghurs living outside of China had
18 gone missing inside China, that Chinese authorities
19 were pressuring those outside the country to return,
20 and that individuals were being arbitrarily detained
21 in large numbers.

22 (9) There is ample credible evidence provided
23 by scholars, human rights organizations, journalists,
24 and think tanks substantiating the establishment by
25 Chinese authorities of “political reeducation” camps.

1 (10) Independent organizations conducted
2 interviews, including testimonies from Kayrat
3 Samarkan, Omir Bekali, and Mihrigul Tursun, along
4 with others who had been detained in such facilities,
5 who described forced political indoctrination, torture,
6 beatings, food deprivation, and solitary confinement,
7 as well as uncertainty as to the length of detention,
8 humiliation, and denial of religious, cultural, and lin-
9 guistic freedoms, and confirmed that they were told
10 by guards that the only way to secure release was
11 to demonstrate sufficient political loyalty. Poor con-
12 ditions and lack of medical treatment at such facili-
13 ties appear to have contributed to the deaths of
14 some detainees, including the elderly and infirm.
15 Uyghurs Muhammed Salih Hajim (2018), Yaqupjan
16 Naman (2018), Abdughappar Abdujappar (2018),
17 Ayhan Memet (2018), Abdulreshit Seley Hajim
18 (2018), Nurimangul Memet (2018), Adalet Teyip
19 (2018), Abdulehed Mehsum (2017), Hesen Imin
20 (2017), and Sawut Raxman (2017) reportedly died
21 while in the custody of the Chinese authorities in
22 “political reeducation” camps, without proper inves-
23 tigation of the circumstances.

24 (11) Uyghurs and Kazakhs, who have now ob-
25 tained permanent residence or citizenship in other

1 countries, attest to receiving threats and harassment
2 from Chinese officials.

3 (12) Under pressure from the Government of
4 the People's Republic of China, countries have fore-
5 ibly returned Uyghurs to China in violation of the
6 non-refoulement principle and their well-founded
7 fear of persecution. States returning Uyghurs in-
8 clude Egypt (2017), the United Arab Emirates
9 (2017), Malaysia (2011, 2013), Thailand (2011,
10 2015), Laos (2010), Burma (2010), Cambodia
11 (2009), Vietnam (2014), Kazakhstan (1999, 2001,
12 2003, 2006), Uzbekistan (2007), Tajikistan (2011),
13 Pakistan (2003, 2009, 2011), Nepal (2002), and
14 India (2016).

15 (13) Six journalists for Radio Free Asia's
16 Uyghur service have publicly detailed abuses their
17 family members in Xinjiang have endured in re-
18 sponse to their work exposing abusive policies across
19 the region.

20 (14) Several United States-based companies are
21 conducting business with Xinjiang authorities with-
22 out sufficient due diligence or safeguards to ensure
23 their business operations do not create or contribute
24 to human rights violations.

1 (15) The Government of the People’s Republic
2 of China is increasingly investing in the “Belt and
3 Road Initiative” across Xinjiang and throughout
4 Central Asia, extending its influence through organi-
5 zations such as the Shanghai Cooperation Organiza-
6 tion without regard to the political, cultural, or lin-
7 guistic rights of ethnic minorities.

8 (16) The Secretary of State, Congressional-Ex-
9 ecutive Commission on China, Tom Lantos Human
10 Rights Commission, and individual members of the
11 executive branch and Congress have all expressed
12 growing concern regarding the pervasive human
13 rights abuses across Xinjiang and the “political re-
14 education” camps.

15 (17) In August 2018, the United Nations Com-
16 mittee to Eliminate Racial Discrimination challenged
17 the Government of the People’s Republic of China
18 over abuses in Xinjiang, including the establishment
19 of mass arbitrary detention camps.

20 (18) Between August and September 2018,
21 Chinese authorities responded to these allegations by
22 either flatly denying them or insisting that the facili-
23 ties are “vocational training centers”.

24 (19) In September 2018, newly appointed
25 United Nations High Commissioner for Human

1 Rights Michele Bachelet noted in her first speech as
2 High Commissioner the “deeply disturbing allega-
3 tions of large-scale arbitrary detentions of Uighurs
4 and other Muslim communities, in so-called re-edu-
5 cation camps across Xinjiang”.

6 (20) On September 18, 2018, the Washington
7 Post editorial board wrote, “At stake is not just the
8 welfare of the Uighurs, but also whether the tech-
9 nologies of the 21st century will be employed to
10 smother human freedom.”.

11 (21) In December 2018 testimony before the
12 Subcommittee on East Asia, the Pacific, and Inter-
13 national Cybersecurity Policy of the Committee on
14 Foreign Relations of the Senate, Deputy Assistant
15 Secretary for Democracy, Human Rights and Labor
16 Scott Busby testified that the number of those de-
17 tained in camps since April 2017 was “at least
18 800,000 and possibly more than 2 million”.

19 (22) In December 2018, independent media re-
20 ports pointed to growing evidence of forced labor in
21 the camps, as well as reports of individuals who have
22 been released from camps being forced to labor in
23 nearby factories for low wages under threat of being
24 sent back to “political reeducation” camps.

1 (23) In December 2018 and January 2019,
2 Chinese officials organized visits to “political reedu-
3 cation” camps in Xinjiang for a small group of for-
4 eign journalists and diplomats from 12 non-Western
5 countries. In the months preceding the visits, inter-
6 national media reported that officials worked to re-
7 move security features from some “political reeduca-
8 tion” facilities, and coached detainees and area resi-
9 dents not to make negative comments about the
10 camps. Reports also indicated that officials had
11 transferred large numbers of detainees to detention
12 facilities in other parts of China.

13 (24) Experts have described the Xinjiang region
14 as “a police state to rival North Korea, with a for-
15 malized racism on the order of South African apart-
16 heid” and the repression in the Xinjiang region as
17 a “slow motion Tiananmen”.

18 **SEC. 5. SENSE OF CONGRESS.**

19 It is the sense of Congress that—

20 (1) the President should condemn abuses
21 against Turkic Muslims by Chinese authorities in
22 Xinjiang and call on Chinese President Xi Jinping
23 to recognize the profound abuse and likely lasting
24 damage of China’s current policies, and immediately
25 close the “political reeducation” camps, lift all re-

1 strictions on and ensure respect for internationally
2 guaranteed human rights across the region, and
3 allow for reestablishment of contact between those
4 inside and outside China;

5 (2) the United States Government should de-
6 velop a strategy to support the United Nations High
7 Commissioner for Human Rights and numerous
8 United Nations Special Rapporteurs' urgent calls for
9 immediate and unfettered access to Xinjiang, includ-
10 ing the “political reeducation” camps and instruct
11 representatives of the United States at the United
12 Nations to use the voice and vote of the United
13 States to condemn the mass arbitrary detainment,
14 torture, and forced labor of Turkic Muslims in the
15 People's Republic of China;

16 (3) the Secretary of State should consider the
17 applicability of existing authorities, including the
18 Global Magnitsky Act (subtitle F of Public Law
19 114–328), to impose targeted sanctions on members
20 of the Government of the People's Republic of
21 China, the Chinese Communist Party, and state se-
22 curity apparatus, including Xinjiang Party Secretary
23 Chen Quanguo and other officials credibly alleged to
24 be responsible for human rights abuses in Xinjiang
25 and elsewhere;

1 (4) the Secretary of State should fully imple-
2 ment the provisions of the Frank Wolf International
3 Religious Freedom Act (Public Law 114–281) and
4 consider strategically employing sanctions and other
5 tools under the International Religious Freedom Act
6 (22 U.S.C. 6401 et seq.) and to employ measures re-
7 quired as part of the “Country of Particular Con-
8 cern” (CPC) designation for the Government of the
9 People’s Republic of China that directly address par-
10 ticularly severe violations of religious freedom;

11 (5) the Secretary of Commerce should review
12 and consider the prohibition on the sale or provision
13 of any United States-made goods or services to any
14 state agent in Xinjiang, and add the Xinjiang
15 branch of the Chinese Communist Party, the
16 Xinjiang Public Security Bureau, and the Xinjiang
17 Office of the United Front Work Department, or
18 any entity acting on their behalf to facilitate the
19 mass internment or forced labor of Turkic Muslims,
20 to the “Entity List” administered by the Depart-
21 ment of Commerce;

22 (6) the Secretary of State should explore appro-
23 priate mechanisms to establish a voluntary database
24 to which United States citizens or permanent resi-
25 dent family members of the Uyghur diaspora can

1 provide details about missing family members, with
2 a view towards pressing for information and ac-
3 countability from the Government of the People's
4 Republic of China, and take appropriate measures to
5 expedite the asylum claims of Uyghurs, Kazakhs,
6 and other Turkic Muslim minorities;

7 (7) United States companies and individuals
8 selling goods or services or otherwise operating in
9 Xinjiang should take steps, including in any public
10 or financial filings, to publicly assert that their com-
11 mercial activities are not contributing to human
12 rights violations in Xinjiang or elsewhere in China
13 and that their supply chains are not compromised by
14 forced labor;

15 (8) the Federal Bureau of Investigation and ap-
16 propriate United States law enforcement entities
17 should track and take steps to hold accountable offi-
18 cials from China who harass, threaten, or intimidate
19 United States citizens and legal permanent resi-
20 dents, including Turkic Muslims, Uyghur-Americans,
21 Chinese-Americans, and Chinese nationals legally
22 studying or working in the United States; and

23 (9) the Secretary of State should work with tra-
24 ditional United States allies and partners to take

1 similar steps and coordinate closely on targeted
2 sanctions and visa restrictions.

3 **SEC. 6. NATIONAL SECURITY REPORT.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of the enactment of this Act, the Director of National
6 Intelligence, in coordination with the Secretary of State,
7 shall provide to the appropriate congressional committees
8 a classified and unclassified report to assess national and
9 regional security threats posed by the crackdown across
10 Xinjiang, the frequency with which Central and Southeast
11 Asian governments are forcibly returning Turkic Muslim
12 refugees and asylum seekers, and the transfer or develop-
13 ment of technology used by the Government of the Peo-
14 ple’s Republic of China that facilitates the mass intern-
15 ment and surveillance of Turkic Muslims, including tech-
16 nology relating to predictive policing and large-scale data
17 collection and analysis.

18 (b) ANNEX.—The report required under subsection
19 (a) shall include an annex with a list of all Chinese compa-
20 nies involved in the construction or operation of the “polit-
21 ical education” camps, and the provision or operation of
22 surveillance technology or operations, across Xinjiang.

1 **SEC. 7. PROTECTING CITIZENS AND RESIDENTS OF THE**
2 **UNITED STATES FROM INTIMIDATION AND**
3 **COERCION.**

4 (a) IN GENERAL.—Not later than 90 days after the
5 date of the enactment of this Act, the Director of the Fed-
6 eral Bureau of Investigation, in consultation with the Sec-
7 retary of State, shall provide a report to the appropriate
8 congressional committees that outlines any and all efforts
9 to provide information to and protect United States citi-
10 zens and residents, including ethnic Uyghurs and Chinese
11 nationals legally studying or working temporarily in the
12 United States who have experienced harassment or intimi-
13 dation by officials or agents of the Government of the Peo-
14 ple’s Republic of China and the Communist Party within
15 the United States and those whose families in China have
16 experienced threats or detention because of their work or
17 advocacy.

18 (b) DATABASE OF DETAINED FAMILY MEMBERS OF
19 UNITED STATES CITIZENS AND RESIDENTS.—The Sec-
20 retary of State should explore appropriate mechanisms to
21 establish a voluntary database to which United States citi-
22 zens or permanent resident family members of the Uyghur
23 diaspora can provide details about missing family mem-
24 bers, with a view towards pressing for information and ac-
25 countability from the Government of the People’s Republic
26 of China and to take appropriate measures to expedite the

1 asylum claims of Uyghurs, Kazakhs, and other Turkic
2 Muslim minorities.

3 **SEC. 8. REPORT ON PUBLIC DIPLOMACY.**

4 (a) REPORT.—Not later than 120 days after the date
5 of the enactment of this Act, the CEO of the United
6 States Agency for Global Media shall submit to the appro-
7 priate congressional committees a report that—

8 (1) describes the current status and reach of
9 United States broadcasting to the Xinjiang region
10 and Uyghur speaking communities globally, barriers
11 to the free flow of news and information to these
12 communities, and, if appropriate, detailed technical
13 and fiscal requirements necessary to increase broad-
14 casting and other media to these communities glob-
15 ally;

16 (2) describes efforts to intimidate Radio Free
17 Asia and Voice of America reporters reporting on
18 human rights issues in the People's Republic of
19 China; and

20 (3) in consultation with the Global Engagement
21 Center at the Department of State, describes and
22 assesses disinformation and propaganda by the Gov-
23 ernment of the People's Republic of China or other
24 members of the Shanghai Cooperation Organization
25 targeting Uyghur communities globally and efforts

1 to downplay gross violations of universally recog-
2 nized human rights occurring in the Xinjiang region
3 and any activities or programs that address these ef-
4 forts.

5 (b) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that the journalists of the Uyghur language service
7 of Radio Free Asia should be highly commended for their
8 reporting on the human rights and political situation in
9 Xinjiang despite efforts to silence or intimidate their re-
10 porting through the detention of family members and rel-
11 atives by the Government of the People’s Republic of
12 China.

13 **SEC. 9. ANNUAL REPORT.**

14 (a) IN GENERAL.—Not later than 180 days after the
15 date of the enactment of this Act, and annually thereafter,
16 the Secretary of State, after consulting relevant Federal
17 agencies and civil society organizations, shall submit to the
18 appropriate congressional committees and make available
19 on the website of the Department of State an interagency
20 report that includes—

21 (1) an assessment of the number of individuals
22 detained in political “reeducation camps” and condi-
23 tions in the camps for detainees in the Xinjiang re-
24 gion, including whether detainees endure torture,
25 forced renunciation of faith, or other mistreatment;

1 (2) a description, as possible, of the geographic
2 location of the camps and estimates of the number
3 of people detained in such facilities;

4 (3) a description, as possible, of the methods
5 used by People’s Republic of China authorities to
6 “reeducate” Uyghur detainees as well as the Peo-
7 ple’s Republic of China agencies in charge of reedu-
8 cation;

9 (4) an assessment of the number of individuals
10 being arbitrarily detained, including in pretrial de-
11 tention centers and prisons;

12 (5) an assessment of forced labor in the camps
13 and in regional factories for low wages under threat
14 of being sent back to “political reeducation” camps;

15 (6) a list of Chinese companies and industries
16 benefiting from such labor, and a description of ac-
17 tions taken to address forced labor in Xinjiang con-
18 current with the People’s Republic of China’s Tier
19 3 designation under the 2018 Trafficking in Persons
20 Report;

21 (7) an assessment of the level of access People’s
22 Republic of China authorities grant to diplomats,
23 journalists, and others to the Xinjiang region and a
24 description of measures used to impede efforts to

1 monitor human rights conditions in the Xinjiang re-
2 gion;

3 (8) an assessment of the repressive surveillance,
4 detection, and control methods used by People's Re-
5 public of China authorities in the Xinjiang region,
6 and a list of individuals who hold senior leadership
7 positions and are responsible for "high-tech" polic-
8 ing, mass incarceration, and reeducation efforts tar-
9 geting Uyghur and other predominantly Muslim eth-
10 nic minorities in the Xinjiang region; and

11 (9) a description of United States diplomatic ef-
12 forts to address the gross violations of universally
13 recognized rights in the Xinjiang region and to pro-
14 tect asylum seekers from the region, including in
15 multilateral institutions and through bilateral rela-
16 tions with the People's Republic of China, the na-
17 tions of the Organization of Islamic Cooperation
18 (OIC), and other countries.

19 (b) TERMINATION.—The Secretary of State may ter-
20 minate the report required under subsection (a) if the Sec-
21 retary certifies to the appropriate congressional commit-
22 tees that the gross violations of universally recognized
23 human rights and mass detention of Uyghurs and other
24 predominantly Muslim ethnic minorities have ended in the
25 Xinjiang region.

1 **SEC. 10. SPECIAL COORDINATOR AT THE DEPARTMENT OF**
2 **STATE.**

3 (a) IN GENERAL.—The Secretary of State should
4 consider the establishment of a new position within the
5 Department of State, the United States Special Coordi-
6 nator for Xinjiang, who will coordinate diplomatic, polit-
7 ical, public diplomacy, financial assistance, sanctions,
8 counterterrorism, security resources, and congressional re-
9 porting requirements within the United States Govern-
10 ment to respond to the gross violations of universally rec-
11 ognized human rights occurring in the Xinjiang region,
12 including by addressing the mass detentions of Uyghurs
13 and other predominantly Muslim ethnic minorities, the de-
14 ployment of technologically advanced surveillance and po-
15 lice detection methods, and the counterterrorism and
16 counter-radicalism claims used to justify the policies of the
17 Government of the People’s Republic of China in Xinjiang.

18 (b) APPOINTMENT.—If the Secretary determines that
19 establishment of the position described in subsection (a)
20 is appropriate, the Secretary may appoint the Special Co-
21 ordinator from among officers and employees of the De-
22 partment of State. The Secretary may allow such officer
23 or employee to retain the position (and the responsibilities
24 associated with such position) held by such officer or em-
25 ployee prior to the appointment of such officer or employee
26 to the position of Special Coordinator.

1 (c) TERMINATION.—The Secretary of State may ter-
2 minate the Special Coordinator position 45 days after cer-
3 tifying to the appropriate congressional committees that
4 the gross violations of universally recognized human rights
5 and mass detention of Uyghurs and other predominantly
6 Muslim ethnic minorities have ended in the Xinjiang re-
7 gion.

8 (d) CONSULTATION.—The Secretary shall consult
9 with the chairman and ranking minority members of the
10 appropriate congressional committees prior to the designa-
11 tion of the Special Coordinator under this section.

○