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 SENATE OF THE UNITED STATES

January 17, 2019

Mr. Rubio (for himself, Mr. Menendez, Mr. Gardner, Mr. Wyden, Mr. Cornyn, Mr. Blumenthal, Mr. Daines, Mr. Coons, Mr. Moran, Mr. Kaine, Mr. Grassley, Mr. Van Hollen, Mr. Cotton, Mr. Merkley, Ms. Warren, Mrs. Gillibrand, Mr. Markey, and Mr. King) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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 predominately 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
- on Intelligence, the Committee on Banking, Hous-
- 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-
- cial Services, the Committee on the Judiciary, and
- the Committee on Appropriations of the House of
- Representatives.
- 24 SEC. 4. FINDINGS.
- Congress makes the following findings:

- (1) The Government of the People's Republic of China (PRC) has a long history of repressing ap-proximately 13,000,000 Turkic, moderate Sunni Muslims, particularly Uyghurs, in the nominally au-tonomous Xinjiang region. These actions are in con-travention of international human rights standards, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.
 - (2) In recent decades, central and regional Chinese government policies have systematically discriminated against Uyghurs, ethnic Kazakhs, and other Muslims in Xinjiang by denying them a range of civil and political rights, including the freedoms of expression, religion, movement, and a fair trial, among others.
 - (3) Increased unrest in the Xinjiang region as a result of the central government's severe repression is used in Orwellian fashion by the Government of the People's Republic of China as evidence of "terrorism" and "separatism" and as an excuse for further disproportionate response.
 - (4) In 2014, Chinese authorities launched their latest "Strike Hard against Violent Extremism" campaign, in which the pretext of wide-scale, inter-

1	nationally linked threats of terrorism were used to
2	justify pervasive restrictions on, and gross human
3	rights violations of, the ethnic minority communities
4	of Xinjiang.
5	(5) Those policies included—
6	(A) pervasive, high-tech surveillance across
7	the region, including the arbitrary collection of
8	biodata, including DNA samples from children,
9	without their knowledge or consent;
10	(B) the use of QR codes outside homes to
11	gather information on how frequently individ-
12	uals pray;
13	(C) facial and voice recognition software
14	and "predictive policing" databases; and
15	(D) severe restrictions on the freedom of
16	movement across the region.
17	(6) Chinese security forces have never been held
18	accountable for credible reports of mass shootings in
19	Alaqagha (2014), Hanerik (2013), and Siriqbuya
20	(2013), as well as the extrajudicial killings of
21	Abdulbasit Ablimit (2013) and Rozi Osman (2014).
22	(7)(A) The August 2016 transfer of former
23	Tibet Autonomous Region Party Secretary Chen

Quanguo to become the Xinjiang Party Secretary

- prompted an acceleration in the crackdown across the region.
 - (B) Local officials in Xinjiang have used chilling political rhetoric to describe the purpose of government policy including "eradicating tumors" and "spray[ing] chemicals" on crops to kill the "weeds".
 - (C) Uyghurs are forced to celebrate Chinese cultural traditions, such as Chinese New Year, and unique Uyghur culture is facing eradication due to state control over Uyghur cultural heritage, such as muqam (a musical tradition) and meshrep (traditional cultural gatherings), and due to elimination of the Uyghur language as a medium of instruction in Xinjiang schools and universities.
 - (8) In 2017, credible reports found that family members of Uyghurs living outside of China had gone missing inside China, that Chinese authorities were pressuring those outside the country to return, and that individuals were being arbitrarily detained in large numbers.
 - (9) There is ample credible evidence provided by scholars, human rights organizations, journalists, and think tanks substantiating the establishment by Chinese authorities of "political reeducation" camps.

1 (10)Independent organizations conducted 2 including testimonies from interviews, Kavrat 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.

(11) Uyghurs and Kazakhs, who have now obtained permanent residence or citizenship in other

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- 1 countries, attest to receiving threats and harassment 2 from Chinese officials.
- 3 (12) Under pressure from the Government of the People's Republic of China, countries have forc-4 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).
 - (13) Six journalists for Radio Free Asia's Uyghur service have publicly detailed abuses their family members in Xinjiang have endured in response to their work exposing abusive policies across the region.
 - (14) Several United States-based companies are conducting business with Xinjiang authorities without sufficient due diligence or safeguards to ensure their business operations do not create or contribute to human rights violations.

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- 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.
 - (16) The Secretary of State, Congressional-Executive Commission on China, Tom Lantos Human Rights Commission, and individual members of the executive branch and Congress have all expressed growing concern regarding the pervasive human rights abuses across Xinjiang and the "political reducation" camps.
 - (17) In August 2018, the United Nations Committee to Eliminate Racial Discrimination challenged the Government of the People's Republic of China over abuses in Xinjiang, including the establishment of mass arbitrary detention camps.
 - (18) Between August and September 2018, Chinese authorities responded to these allegations by either flatly denying them or insisting that the facilities are "vocational training centers".
- (19) In September 2018, newly appointed
 United Nations High Commissioner for Human

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- Rights Michele Bachelet noted in her first speech as
 High Commissioner the "deeply disturbing allegations of large-scale arbitrary detentions of Uighurs
 and other Muslim communities, in so-called re-edu-
- 5 cation camps across Xinjiang".

- (20) On September 18, 2018, the Washington Post editorial board wrote, "At stake is not just the welfare of the Uighurs, but also whether the technologies of the 21st century will be employed to smother human freedom."
- (21) In December 2018 testimony before the Subcommittee on East Asia, the Pacific, and International Cybersecurity Policy of the Committee on Foreign Relations of the Senate, Deputy Assistant Secretary for Democracy, Human Rights and Labor Scott Busby testified that the number of those detained in camps since April 2017 was "at least 800,000 and possibly more than 2 million".
- (22) In December 2018, independent media reports pointed to growing evidence of forced labor in the camps, as well as reports of individuals who have been released from camps being forced to labor in nearby factories for low wages under threat of being 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 foreign journalists and diplomats from 12 non-Western 4 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.

(24) Experts have described the Xinjiang region as "a police state to rival North Korea, with a formalized racism on the order of South African apartheid" and the repression in the Xinjiang region as a "slow motion Tiananmen".

18 SEC. 5. SENSE OF CONGRESS.

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- 19 It is the sense of Congress that—
- 20 President (1)should condemn abuses the 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-

- strictions on and ensure respect for internationally guaranteed human rights across the region, and allow for reestablishment of contact between those inside and outside China;
 - (2) the United States Government should develop a strategy to support the United Nations High Commissioner for Human Rights and numerous United Nations Special Rapporteurs' urgent calls for immediate and unfettered access to Xinjiang, including the "political reeducation" camps and instruct representatives of the United States at the United Nations to use the voice and vote of the United States to condemn the mass arbitrary detainment, torture, and forced labor of Turkic Muslims in the People's Republic of China;
 - (3) the Secretary of State should consider the applicability of existing authorities, including the Global Magnitsky Act (subtitle F of Public Law 114–328), to impose targeted sanctions on members of the Government of the People's Republic of China, the Chinese Communist Party, and state security apparatus, including Xinjiang Party Secretary Chen Quanguo and other officials credibly alleged to be responsible for human rights abuses in Xinjiang and elsewhere;

- (4) the Secretary of State should fully imple-ment the provisions of the Frank Wolf International Religious Freedom Act (Public Law 114–281) and consider strategically employing sanctions and other tools under the International Religious Freedom Act (22 U.S.C. 6401 et seq.) and to employ measures re-quired as part of the "Country of Particular Con-cern" (CPC) designation for the Government of the People's Republic of China that directly address par-ticularly severe violations of religious freedom;
 - (5) the Secretary of Commerce should review and consider the prohibition on the sale or provision of any United States-made goods or services to any state agent in Xinjiang, and add the Xinjiang branch of the Chinese Communist Party, the Xinjiang Public Security Bureau, and the Xinjiang Office of the United Front Work Department, or any entity acting on their behalf to facilitate the mass internment or forced labor of Turkic Muslims, to the "Entity List" administered by the Department of Commerce;
 - (6) the Secretary of State should explore appropriate mechanisms to establish a voluntary database to which United States citizens or permanent resident family members of the Uyghur diaspora can

- provide details about missing family members, with a view towards pressing for information and accountability from the Government of the People's Republic of China, and take appropriate measures to expedite the asylum claims of Uyghurs, Kazakhs, and other Turkic Muslim minorities;
 - (7) United States companies and individuals selling goods or services or otherwise operating in Xinjiang should take steps, including in any public or financial filings, to publicly assert that their commercial activities are not contributing to human rights violations in Xinjiang or elsewhere in China and that their supply chains are not compromised by forced labor;
 - (8) the Federal Bureau of Investigation and appropriate United States law enforcement entities should track and take steps to hold accountable officials from China who harass, threaten, or intimidate United States citizens and legal permanent residents, including Turkic Muslims, Uyghur-Americans, Chinese-Americans, and Chinese nationals legally studying or working in the United States;
 - (9) the Secretary of State should work with traditional United States allies and partners to take

- similar steps and coordinate closely on targeted sanctions and visa restrictions; and
- 3 (10) the work of Radio Free Asia's Uyghur lan4 guage service should be commended for providing a
 5 detailed and accurate account of current events fac6 ing Uyghurs and other ethnic minorities in China
 7 despite efforts by the Government of the People's
 8 Republic of China to intimidate their reporting
 9 through threats and detention of family members
 10 living in China.

11 SEC. 6. NATIONAL SECURITY REPORT.

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

- 1 (b) ANNEX.—The report required under subsection
- 2 (a) shall include an annex with a list of all Chinese compa-
- 3 nies involved in the construction or operation of the "polit-
- 4 ical education" camps, and the provision or operation of
- 5 surveillance technology or operations, across Xinjiang.
- 6 SEC. 7. PROTECTING CITIZENS AND RESIDENTS OF THE
- 7 UNITED STATES FROM INTIMIDATION AND
- 8 COERCION.
- 9 (a) IN GENERAL.—Not later than 90 days after the
- 10 date of the enactment of this Act, the Director of the Fed-
- 11 eral Bureau of Investigation, in consultation with the Sec-
- 12 retary of State, shall provide a report to the appropriate
- 13 congressional committees that outlines any and all efforts
- 14 to provide information to and protect United States citi-
- 15 zens and residents, including ethnic Uyghurs and Chinese
- 16 nationals legally studying or working temporarily in the
- 17 United States who have experienced harassment or intimi-
- 18 dation by officials or agents of the Government of the Peo-
- 19 ple's Republic of China and the Communist Party within
- 20 the United States and those whose families in China have
- 21 experienced threats or detention because of their work or
- 22 advocacy.
- 23 (b) Database of Detained Family Members of
- 24 United States Citizens and Residents.—The Sec-
- 25 retary of State should explore appropriate mechanisms to

- 1 establish a voluntary database to which United States citi-
- 2 zens or permanent resident family members of the Uyghur
- 3 diaspora can provide details about missing family mem-
- 4 bers, with a view towards pressing for information and ac-
- 5 countability from the Government of the People's Republic
- 6 of China and to take appropriate measures to expedite the
- 7 asylum claims of Uyghurs, Kazakhs, and other Turkic
- 8 Muslim minorities.

9 SEC. 8. REPORT ON PUBLIC DIPLOMACY.

- 10 (a) Report.—Not later than 120 days after the date
- 11 of the enactment of this Act, the CEO of the United
- 12 States Agency for Global Media shall submit to the appro-
- 13 priate congressional committees a report that—
- (1) describes the current status and reach of
- 15 United States broadcasting to the Xinjiang region
- and Uyghur speaking communities globally, barriers
- to the free flow of news and information to these
- 18 communities, and, if appropriate, detailed technical
- and fiscal requirements necessary to increase broad-
- 20 casting and other media to these communities glob-
- ally;
- 22 (2) describes efforts to intimidate Radio Free
- Asia and Voice of America reporters reporting on
- human rights issues in the People's Republic of
- 25 China; and

- 1 (3) in consultation with the Global Engagement 2 Center at the Department of State, describes and 3 assesses disinformation and propaganda by the Gov-4 ernment of the People's Republic of China or other 5 members of the Shanghai Cooperation Organization 6 targeting Uyghur communities globally and efforts 7 to downplay gross violations of universally recog-8 nized human rights occurring in the Xinjiang region 9 and any activities or programs that address these ef-10 forts.
- 11 (b) Sense of Congress.—It is the sense of Con-12 gress that the journalists of the Uyghur language service 13 of Radio Free Asia should be highly commended for their reporting on the human rights and political situation in 14 15 Xinjiang despite efforts to silence or intimidate their reporting through the detention of family members and rel-16 17 atives by the Government of the People's Republic of China. 18

19 SEC. 9. ANNUAL REPORT.

- 20 (a) In General.—Not later than 180 days after the
- 21 date of the enactment of this Act, and annually thereafter,
- 22 the Secretary of State, after consulting relevant Federal
- 23 agencies and civil society organizations, shall submit to the
- 24 appropriate congressional committees and make available

- 1 on the website of Department of State an interagency re-2 port that includes—
- (1) an assessment of the number of individuals detained in political "reeducation camps" and conditions in the camps for detainees in the Xinjiang region, including whether detainees endure torture, forced renunciation of faith, or other mistreatment;
 - (2) a description, as possible, of the geographic location of the camps and estimates of the number of people detained in such facilities;
 - (3) a description, as possible, of the methods used by People's Republic of China authorities to "reeducate" Uyghur detainees as well as the People's Republic of China agencies in charge of reeducation;
 - (4) an assessment of the number of individuals being arbitrarily detained, including in pretrial detention centers and prisons;
 - (5) an assessment of forced labor in the camps and in regional factories for low wages under threat of being sent back to "political reeducation" camps;
 - (6) a list of Chinese companies and industries benefiting from such labor, and a description of actions taken to address forced labor in Xinjiang concurrent with the People's Republic of China's Tier

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- 3 designation under the 2018 Trafficking in Persons
 Report;
 - (7) an assessment of the level of access People's Republic of China authorities grant to diplomats, journalists, and others to the Xinjiang region and a description of measures used to impede efforts to monitor human rights conditions in the Xinjiang region;
 - (8) an assessment of the repressive surveillance, detection, and control methods used by People's Republic of China authorities in the Xinjiang region, and a list of individuals who hold senior leadership positions and are responsible for "high-tech" policing, mass incarceration, and reeducation efforts targeting Uyghur and other predominately Muslim ethnic minorities in the Xinjiang region; and
 - (9) a description of United States diplomatic efforts to address the gross violations of universally recognized rights in the Xinjiang region and to protect asylum seekers from the region, including in multilateral institutions and through bilateral relations with the People's Republic of China, the nations of the Organization of Islamic Cooperation (OIC), and other countries.

- 1 (b) TERMINATION.—The Secretary of State may ter-
- 2 minate the report required under subsection (a) if the Sec-
- 3 retary certifies to the appropriate congressional commit-
- 4 tees that the gross violations of universally recognized
- 5 human rights and mass detention of Uyghurs and other
- 6 predominately Muslim ethnic minorities have ended in the
- 7 Xinjiang region.
- 8 SEC. 10. SPECIAL COORDINATOR AT THE DEPARTMENT OF
- 9 STATE.
- 10 (a) In General.—The Secretary of State should
- 11 consider the establishment of a new position within the
- 12 Department of State, the United States Special Coordi-
- 13 nator for Xinjiang, who will coordinate diplomatic, polit-
- 14 ical, public diplomacy, financial assistance, sanctions,
- 15 counterterrorism, security resources, and congressional re-
- 16 porting requirements within the United States Govern-
- 17 ment to respond to the gross violations of universally rec-
- 18 ognized human rights occurring in the Xinjiang region,
- 19 including by addressing the mass detentions of Uyghurs
- 20 and other predominantly Muslim ethnic minorities, the de-
- 21 ployment of technologically advanced surveillance and po-
- 22 lice detection methods, and the counterterrorism and
- 23 counter-radicalism claims used to justify the policies of the
- 24 Government of the People's Republic of China in Xinjiang.

- 1 (b) APPOINTMENT.—If the Secretary determines that
- 2 establishment of the position described in subsection (a)
- 3 is appropriate, the Secretary may appoint the Special Co-
- 4 ordinator from among officers and employees of the De-
- 5 partment of State. The Secretary may allow such officer
- 6 or employee to retain the position (and the responsibilities
- 7 associated with such position) held by such officer or em-
- 8 ployee prior to the appointment of such officer or employee
- 9 to the position of Special Coordinator.
- 10 (c) TERMINATION.—The Secretary of State may ter-
- 11 minate the Special Coordinator position 45 days after cer-
- 12 tifying to the appropriate congressional committees that
- 13 the gross violations of universally recognized human rights
- 14 and mass detention of Uyghurs and other predominately
- 15 Muslim ethnic minorities have ended in the Xinjiang re-
- 16 gion.
- 17 (d) Consultation.—The Secretary shall consult
- 18 with the chairman and ranking minority members of the
- 19 appropriate congressional committees prior to the designa-
- 20 tion of the Special Coordinator under this section.

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