

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

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.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. RUBIO (for himself and Mr. MENENDEZ)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. STATEMENT OF PURPOSE.**

7 The purpose of this Act is to direct United States
8 resources to address gross violations of universally recog-
9 nized human rights, including the mass internment of over
10 1,000,000 Uyghurs and other predominately Muslim eth-

1 nic minorities in China and the intimidation and threats
2 faced by United States citizens and legal permanent resi-
3 dents.

4 **SEC. 3. APPROPRIATE CONGRESSIONAL COMMITTEES.**

5 In this section, the term “appropriate congressional
6 committees” means—

7 (1) the Committee on Foreign Relations, the
8 Committee on Armed Services, the Select Committee
9 on Intelligence, the Committee on Banking, Hous-
10 ing, and Urban Affairs, the Committee on the Judi-
11 ciary, and the Committee on Appropriations of the
12 Senate; and

13 (2) the Committee on Foreign Affairs, the
14 Committee on Armed Services, the Permanent Select
15 Committee on Intelligence, the Committee on Finan-
16 cial Services, the Committee on the Judiciary, and
17 the Committee on Appropriations of the House of
18 Representatives.

19 **SEC. 4. FINDINGS.**

20 Congress makes the following findings:

21 (1) The Government of the People’s Republic of
22 China has a long history of repressing approximately
23 13,000,000 Turkic, moderate Sunni Muslims, par-
24 ticularly Uyghurs, in the nominally autonomous
25 Xinjiang region. These actions are in contravention

1 of international human rights standards, including
2 the Universal Declaration of Human Rights and the
3 International Covenant on Civil and Political Rights.

4 (2) In recent decades, central and regional Chi-
5 nese government policies have systematically dis-
6 criminated against Uyghurs, ethnic Kazakhs, and
7 other Muslims in Xinjiang by denying them a range
8 of civil and political rights, including the freedoms of
9 expression, religion, movement, and a fair trial,
10 among others.

11 (3) Increased unrest in the Xinjiang region as
12 a result of the central government's severe repres-
13 sion is used in Orwellian fashion by the Government
14 of the People's Republic of China as evidence of
15 "terrorism" and "separatism" and as an excuse for
16 further disproportionate response.

17 (4) In 2014, Chinese authorities launched their
18 latest "Strike Hard against Violent Extremism"
19 campaign, in which the pretext of wide-scale, inter-
20 nationally linked threats of terrorism were used to
21 justify pervasive restrictions on, and gross human
22 rights violations against, the ethnic minority commu-
23 nities of Xinjiang.

24 (5) Those policies included—

1 (A) pervasive, high-tech surveillance across
2 the region, including the arbitrary collection of
3 biodata, such as DNA samples from children,
4 without their knowledge or consent;

5 (B) the use of QR codes outside homes to
6 gather information on how frequently individ-
7 uals pray;

8 (C) facial and voice recognition software
9 and “predictive policing” databases; and

10 (D) severe restrictions on the freedom of
11 movement across the region.

12 (6) Chinese security forces have never been held
13 accountable for credible reports of mass shootings in
14 Alaqagha (2014), Hanerik (2013), and Sirqbuya
15 (2013), as well as the extrajudicial killings of
16 Abdulbasit Ablimit (2013) and Rozi Osman (2014).

17 (7)(A) The August 2016 transfer of former
18 Tibet Autonomous Region Party Secretary Chen
19 Quanguo to become the Xinjiang Party Secretary
20 prompted an acceleration in the crackdown across
21 the region.

22 (B) Local officials in Xinjiang have used
23 chilling political rhetoric to describe the purpose of
24 government policy, including “eradicating tumors”

1 and “spray[ing] chemicals” on crops to kill the
2 “weeds”.

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

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

17 (9) There is ample credible evidence provided
18 by scholars, human rights organizations, journalists,
19 and think tanks substantiating the establishment by
20 Chinese authorities of “political reeducation” camps.

21 (10) Independent organizations conducted
22 interviews, including testimonies from Kayrat
23 Samarkan, Omir Bekali, and Mihrigul Tursun, along
24 with others who had been detained in such facilities,
25 who described forced political indoctrination, torture,

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

19 (11) Uyghurs and Kazakhs, who have now ob-
20 tained permanent residence or citizenship in other
21 countries, attest to receiving threats and harassment
22 from Chinese officials.

23 (12) Under pressure from the Government of
24 the People’s Republic of China, countries have fore-
25 ibly returned Uyghurs to China in violation of the

1 non-refoulement principle and their well-founded
2 fear of persecution. States returning Uyghurs in-
3 clude Egypt, Malaysia, Thailand, Laos, Burma,
4 Cambodia, Vietnam, Kazakhstan, Uzbekistan,
5 Tajikistan, Pakistan, Nepal, and India.

6 (13) Six journalists for Radio Free Asia's
7 Uyghur service have publicly detailed abuses their
8 family members in Xinjiang have endured in re-
9 sponse to their work exposing abusive policies across
10 the region.

11 (14) Several United States-based companies are
12 conducting business with Xinjiang authorities with-
13 out sufficient due diligence or safeguards to ensure
14 their business operations do not create or contribute
15 to human rights violations.

16 (15) The Government of the People's Republic
17 of China is increasingly investing in the "Belt and
18 Road Initiative" across Xinjiang and throughout
19 Central Asia, extending its influence through organi-
20 zations such as the Shanghai Cooperation Organiza-
21 tion without regard to the political, religious, cul-
22 tural, or linguistic rights of ethnic minorities.

23 (16) The Secretary of State, Congressional-Ex-
24 ecutive Commission on China, Tom Lantos Human
25 Rights Commission, and individual members of the

1 executive branch and Congress have all expressed
2 growing concern regarding the pervasive human
3 rights abuses across Xinjiang and the “political re-
4 education” camps.

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

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

14 (19) In September 2018, newly appointed
15 United Nations High Commissioner for Human
16 Rights Michele Bachelet noted in her first speech as
17 High Commissioner the “deeply disturbing allega-
18 tions of large-scale arbitrary detentions of Uighurs
19 and other Muslim communities, in so-called re-edu-
20 cation camps across Xinjiang”.

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

1 (21) In December 2018 testimony before the
2 Subcommittee on East Asia, the Pacific, and Inter-
3 national Cybersecurity Policy of the Committee on
4 Foreign Relations of the Senate, Deputy Assistant
5 Secretary for Democracy, Human Rights and Labor
6 Scott Busby testified that the number of those de-
7 tained in camps since April 2017 was “at least
8 800,000 and possibly more than 2 million”.

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

15 (23) In December 2018 and January 2019,
16 Chinese officials organized visits to “political reedu-
17 cation” camps in Xinjiang for a small group of for-
18 eign journalists and diplomats from 12 non-Western
19 countries. In the months preceding the visits, inter-
20 national media reported that officials worked to re-
21 move security features from some “political reeduca-
22 tion” facilities, and coached detainees and area resi-
23 dents not to make negative comments about the
24 camps. Reports also indicated that officials had

1 transferred large numbers of detainees to detention
2 facilities in other parts of China.

3 (24) Experts have described the Xinjiang region
4 as “a police state to rival North Korea, with a for-
5 malized racism on the order of South African apart-
6 heid” and the repression in the Xinjiang region as
7 a “slow motion Tiananmen”.

8 (25) On December 31, 2018, President Donald
9 J. Trump signed into law the Asia Reassurance Ini-
10 tiative Act of 2018 (Public Law 105–409), which
11 condemned China’s “forced disappearances, extra-
12 legal detentions, invasive and omnipresent surveil-
13 lance, and lack of due process in judicial pro-
14 ceedings,” authorized funding to promote democ-
15 racy, human rights, and the rule of law in China,
16 and supported sanctions designations against any
17 entity or individual that—

18 (A) violates human rights or religious free-
19 doms; or

20 (B) engages in censorship activities.

21 **SEC. 5. SENSE OF CONGRESS.**

22 It is the sense of Congress that—

23 (1) the President should condemn abuses
24 against Turkic Muslims by Chinese authorities in
25 Xinjiang and call on Chinese President Xi Jinping

1 to recognize the profound abuse and likely lasting
2 damage of China's current policies, and immediately
3 close the "political reeducation" camps, lift all re-
4 strictions on and ensure respect for internationally
5 guaranteed human rights across the region, and
6 allow for reestablishment of contact between those
7 inside and outside China;

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

19 (3) the Secretary of State should consider the
20 applicability of existing authorities, including the
21 Global Magnitsky Act (subtitle F of Public Law
22 114-328), to impose targeted sanctions on members
23 of the Government of the People's Republic of
24 China, the Chinese Communist Party, and state se-
25 curity apparatus, including Xinjiang Party Secretary

1 Chen Quanguo and other officials credibly alleged to
2 be responsible for human rights abuses in Xinjiang
3 and elsewhere;

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

14 (5) the Secretary of Commerce should review
15 and consider prohibiting the sale or provision of any
16 United States-made goods or services to any state
17 agent in Xinjiang, and adding the Xinjiang branch
18 of the Chinese Communist Party, the Xinjiang Pub-
19 lic Security Bureau, and the Xinjiang Office of the
20 United Front Work Department, or any entity act-
21 ing on their behalf to facilitate the mass internment
22 or forced labor of Turkic Muslims, to the “Entity
23 List” administered by the Department of Commerce;

24 (6) United States companies and individuals
25 selling goods or services or otherwise operating in

1 Xinjiang should take steps, including in any public
2 or financial filings, to publicly assert that their com-
3 mercial activities are not contributing to human
4 rights violations in Xinjiang or elsewhere in China
5 and that their supply chains are not compromised by
6 forced labor;

7 (7) the Federal Bureau of Investigation and ap-
8 propriate United States law enforcement entities
9 should track and take steps to hold accountable offi-
10 cials from China who harass, threaten, or intimidate
11 not only United States citizens and legal permanent
12 residents, including Turkic Muslims, Uyghur-Ameri-
13 cans, and Chinese-Americans, but also Chinese na-
14 tionals legally studying or working in the United
15 States;

16 (8) the Secretary of State should work with tra-
17 ditional United States allies and partners to take
18 similar steps and coordinate closely on targeted
19 sanctions and visa restrictions;

20 (9) the Secretary of State should appoint a
21 United States Special Coordinator for Xinjiang,
22 from officers and employees of the Department of
23 State, who will coordinate diplomatic, political, pub-
24 lic diplomacy, financial assistance, sanctions,
25 counterterrorism, security resources, and congres-

1 sional reporting requirements within the United
2 States Government to respond to the gross violations
3 of universally recognized human rights occurring in
4 the Xinjiang region, including by addressing—

5 (A) the mass detentions of Uyghurs and
6 other predominantly Muslim ethnic minorities;

7 (B) the deployment of technologically ad-
8 vanced surveillance and police detection meth-
9 ods; and

10 (C) the counterterrorism and counter-radi-
11 calism claims used to justify the policies of the
12 Government of the People's Republic of China
13 in Xinjiang;

14 (10) the United States Special Coordinator for
15 Xinjiang position should continue until the mass
16 surveillance and internment of Uyghurs and other
17 predominantly Muslim ethnic minorities has ended
18 and all detainees released; and

19 (11) the full and timely implementation of sec-
20 tions 408, 409, and 410 of the Asia Reassurance
21 Initiative Act of 2018 (Public Law 115–409) is crit-
22 ical to demonstrating unwavering support by the
23 United States for the universally recognized human
24 rights of all ethnic, cultural, and religious minorities
25 in China, including Muslim minorities in Xinjiang.

1 **SEC. 6. NATIONAL SECURITY REPORT.**

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

16 (b) ANNEX.—The report required under subsection
17 (a) shall include an unclassified annex with a list of all
18 Chinese companies involved in the construction or oper-
19 ation of the “political education” camps, and the provision
20 or operation of surveillance technology or operations,
21 across Xinjiang.

22 (c) FORM OF REPORT.—The report required under
23 subsection (a) shall be submitted in an unclassified form
24 but may contain a classified annex.

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 in-
13 timidation by officials or agents of the Government of the
14 People’s Republic of China and the Communist Party
15 within the United States and those whose families in
16 China have experienced threats or detention because of
17 their work or 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) STATEMENT OF POLICY.—It is the policy of the
6 United States to commend and support the journalists of
7 the Uyghur language service of Radio Free Asia 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. REPORT AND SEMI-ANNUAL BRIEFING.**

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

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 benefitting 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 predominately Muslim eth-
10 nic minorities in the Xinjiang region;

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

19 (10) a description, as appropriate, of diplomatic
20 efforts by United States allies and other nations to
21 address the gross violations of universally recognized
22 human rights in the Xinjiang region and to protect
23 asylum seekers from the region.

24 (b) BRIEFING AND SUPPLEMENTAL MATERIALS.—

1 (1) IN GENERAL.—Not later than 60 days after
2 the date of the enactment of this Act, and every 180
3 days thereafter, the Secretary of State, or the Sec-
4 retary’s designee, shall provide a briefing to the ap-
5 propriate congressional committees covering the sub-
6 jects listed in subsection (a). At the time of each
7 briefing, the Department of State shall provide un-
8 classified written materials detailing the subject
9 matters covered in paragraphs (1), (2), (4), (6), and
10 (9) of such subsection.

11 (2) TERMINATION.—The briefing requirement
12 under paragraph (1) terminates 5 years after the
13 date of the enactment of this Act.

14 **SEC. 10. REPORT ON SANCTIONS WITH RESPECT TO HUMAN**
15 **RIGHTS VIOLATIONS IN THE XINJIANG RE-**
16 **SION OF THE PEOPLE’S REPUBLIC OF CHINA.**

17 (a) IN GENERAL.—Not later than 90 days after the
18 date of the enactment of this Act, the Secretary of State
19 shall, except as provided in subsection (e), submit to Con-
20 gress a report that includes a statement of whether the
21 persons described in subsection (b) meet the criteria to
22 be designated for the imposition of sanctions under section
23 1263 of the Global Magnitsky Human Rights Account-
24 ability Act (subtitle F of title XII of Public Law 114–
25 238; 22 U.S.C. 2656 note) because the persons—

1 (1) are responsible for extrajudicial killings, tor-
2 ture, or other gross violations of internationally rec-
3 ognized human rights in the Xinjiang region of the
4 People's Republic of China; or

5 (2) materially assisted, sponsored, or provided
6 financial, material, or technological support for, or
7 goods or services in support of, such violations.

8 (b) **PERSONS DESCRIBED.**—The persons described in
9 this subsection are the following:

10 (1) The Party Secretary for Xinjiang region of
11 the People's Republic of China, Chen Quanguo.

12 (2) Senior full or alternate members of the Cen-
13 tral Committee of the Communist Party of China
14 whose professional responsibilities relate to the gov-
15 ernmental administration of the Xinjiang region, or
16 who have conducted business with government enti-
17 ties in the Xinjiang region.

18 (c) **EXCEPTION.**—The Secretary shall not be required
19 to submit a report under subsection (a) if the Secretary
20 determines, not later than 90 days after the date of the
21 enactment of this Act, that the Government of the Peo-
22 ple's Republic of China allows independent, unrestricted,
23 and unsupervised access to the Xinjiang region for inter-
24 national human rights organizations.