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# S. 3622

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.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 14, 2018

Mr. RUBIO (for himself, Mr. MENENDEZ, Mr. GARDNER, Mr. KING, Mr. COTTON, Mr. VAN HOLLEN, Mr. GRASSLEY, Mr. BROWN, Mr. CORNYN, Mr. MERKLEY, Mr. DAINES, Mr. MARKEY, Mr. TOOMEY, Mr. BLUMENTHAL, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## 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 2018”.

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  
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 viola-  
6           tions of international treaties and covenants to  
7           which the People’s Republic of China is a party, in-  
8           cluding the United Nations Convention on Human  
9           Rights and the International Covenant on Civil and  
10          Political Rights.

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, ranging from the arbitrary collection  
9 of biodata, including DNA samples from chil-  
10 dren, 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)(A) The August 2016 transfer of former  
19 Tibet Autonomous Region Party Secretary Chen  
20 Quanguo to become the Xinjiang Party Secretary  
21 prompted an acceleration in the crackdown across  
22 the region.

23 (B) Local officials in Xinjiang have used  
24 chilling political rhetoric to describe the purpose of  
25 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 and meshrep, and due to elimination of the  
8 Uyghur language as a medium of instruction in  
9 Xinjiang schools and universities.

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

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

20 (9) Chinese security forces have never been held  
21 accountable for credible reports of mass shootings in  
22 Alaqagha (2014), Hanerik (2013), and Siriqbuya  
23 (2013), as well as the extrajudicial killings of  
24 Abdulbasit Ablimit (2013) and Rozi Osman (2014).

1           (10) Independent organizations conducted  
2 interviews, including testimonies from Kayrat  
3 Samarkan and Omir Bekali, along with others who  
4 had been detained in such facilities, who described  
5 forced political indoctrination, torture, uncertainty  
6 as to the length of detention, humiliation, and denial  
7 of religious, cultural, and linguistic freedoms, and  
8 confirmed that they were told by guards that the  
9 only way to secure release was to demonstrate suffi-  
10 cient political loyalty. Uyghurs Muhammed Salih  
11 Hajim (2018), Yaqupjan Naman (2018),  
12 Abdughappar Abdujappar (2018), Ayhan Memet  
13 (2018), Abdulreshit Seley Hajim (2018),  
14 Nurimangul Memet (2018), Adalet Teyip (2018),  
15 Abdulnehed Mehsum (2017), Hesen Imin (2017),  
16 Sawut Raxman (2017), Tursungul (2015), Memet  
17 Ibrahim (2015), and Perhat Mollahun (2013) died  
18 while in the custody of the Chinese authorities with-  
19 out proper investigation of the circumstances.

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

24           (12) Under pressure from the Government of  
25 the People's Republic of China, countries have fore-

1 ibly returned Uyghurs to China in violation of the  
2 non-refoulement principle and their well-founded  
3 fear of persecution. States returning Uyghurs in-  
4 clude Egypt (2017), the United Arab Emirates  
5 (2017), Malaysia (2011, 2013), Thailand (2011,  
6 2015); Laos (2010); Burma (2010); Cambodia  
7 (2009); Vietnam (2014); Kazakhstan (1999, 2001,  
8 2003, 2006); Uzbekistan (2007), Tajikistan (2011),  
9 Pakistan (2003, 2009, 2011), Nepal (2002), India  
10 (2016). A group of 11 Uyghurs currently remain in  
11 immigration detention in Malaysia.

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

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

22 (15) The Government of the People’s Republic  
23 of China is increasingly investing in the “Belt and  
24 Road Initiative” across Xinjiang and throughout  
25 Central Asia, extending its influence through organi-

1 zations such as the Shanghai Cooperation Organiza-  
2 tion without regard to the political, cultural, or lin-  
3 guistic rights of ethnic minorities.

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

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

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

23 (19) Between August and September 2018,  
24 Chinese authorities responded to these allegations by



1 either flatly denying them or insisting that the facili-  
2 ties are “vocational training centers”.

3 (20) On September 18, 2018, the Washington  
4 Post wrote, “At stake is not just the welfare of the  
5 Uighurs, but also whether the technologies of the  
6 21st century will be employed to smother human  
7 freedom.”

8 (21) Experts have described the Xinjiang region  
9 as “a police state to rival North Korea, with a for-  
10 malized racism on the order of South African apart-  
11 heid” and the repression in the Xinjiang region as  
12 a “slow motion Tiananmen”.

13 **SEC. 5. SENSE OF CONGRESS.**

14 It is the sense of Congress that—

15 (1) the President should condemn abuses  
16 against Turkic Muslims by Chinese authorities in  
17 Xinjiang and call on Chinese President Xi Jinping  
18 to recognize the profound abuse and likely lasting  
19 damage of China’s current policies, and immediately  
20 close the “political reeducation” camps, lift all re-  
21 strictions on and ensure respect for internationally  
22 guaranteed human rights across the region, and  
23 allow for reestablishment of contact between those  
24 inside and outside China;

1           (2) the United States Government should de-  
2       velop a strategy to support the United Nations High  
3       Commissioner for Human Rights and numerous  
4       United Nations Special Rapporteurs' urgent calls for  
5       immediate and unfettered access to Xinjiang, includ-  
6       ing the "political reeducation" camps;

7           (3) the Secretary of State should consider the  
8       establishment of a new position within the Depart-  
9       ment of State, the United States Special Coordi-  
10      nator for Xinjiang, who will coordinate diplomatic,  
11      political, public diplomacy, financial assistance, sanc-  
12      tions, counterterrorism, and security resources with-  
13      in the United States Government to respond to the  
14      gross violations of universally recognized human  
15      rights occurring in the Xinjiang region, including by  
16      addressing the mass detentions of Uyghurs and  
17      other predominantly Muslim ethnic minorities, the  
18      deployment of technologically advanced surveillance  
19      and police detection methods, and the counterter-  
20      rorism and counter-radicalism claims used to justify  
21      the policies of the Government of the People's Re-  
22      public of China in Xinjiang Province;

23           (4) if the objectives of the Special Coordinator  
24      position described in paragraph (3) are accom-  
25      plished, the Secretary of State may terminate the

1 position, but must inform the appropriate congress-  
2 sional committees 45 days before the termination;

3 (5) the Secretary must consult with the chair-  
4 man and ranking minority members of the appro-  
5 priate congressional committees prior to the designa-  
6 tion of the Special Coordinator;

7 (6) the Secretary of State should consider the  
8 applicability of existing authorities, including the  
9 Global Magnitsky Act (subtitle F of Public Law  
10 114–328), to impose targeted sanctions on members  
11 of the Government of the People’s Republic of  
12 China, the Chinese Communist Party, and state se-  
13 curity apparatus, including Xinjiang Party Secretary  
14 Chen Quanguo and other officials credibly alleged to  
15 be responsible for human rights abuses in Xinjiang  
16 and elsewhere;

17 (7) the Secretary of State should fully imple-  
18 ment the provisions of the Frank Wolf International  
19 Religious Freedom Act (Public Law 114–281) and  
20 consider strategically employing sanctions and other  
21 tools under the International Religious Freedom Act  
22 (22 U.S.C. 6401 et seq.) and to employ measures re-  
23 quired as part of the “Country of Particular Con-  
24 cern” (CPC) designation for the Government of the

1 People’s Republic of China that directly address par-  
2 ticularly severe violations of religious freedom;

3 (8) the Secretary of Commerce should review  
4 and consider the prohibition on the sale or provision  
5 of any United States-made goods or services to any  
6 state agent in Xinjiang, and add the Xinjiang  
7 branch of the Chinese Communist Party, the  
8 Xinjiang Public Security Bureau, and the Xinjiang  
9 Office of the United Front Work Department,  
10 among others, to the “entities” list administered by  
11 the Department of Commerce;

12 (9) the Secretary of State should explore appro-  
13 priate mechanisms to establish a voluntary database  
14 to which United States citizens or permanent family  
15 members of the Uyghur diaspora can provide details  
16 about missing family members, with a view towards  
17 pressing for accountability, and take appropriate  
18 measures to expedite the asylum claims of Uyghurs,  
19 Kazakhs, and other Turkic Muslim minorities;

20 (10) United States companies and individuals  
21 selling goods or services or otherwise operating in  
22 Xinjiang should take steps, including in any public  
23 or financial filings, to publicly assert that their com-  
24 mercial activities are not contributing to human  
25 rights violations in Xinjiang or elsewhere in China;

1           (11) the Federal Bureau of Investigation and  
2           appropriate United States law enforcement entities  
3           should track and take steps to hold accountable offi-  
4           cials from China who harass, threaten, or intimidate  
5           United States citizens and legal permanent resi-  
6           dents, including Turkic Muslims, Uyghur-Americans,  
7           Chinese-Americans, and Chinese nationals legally  
8           studying or working in the United States;

9           (12) the Secretary of State should work with  
10          traditional United States allies and partners to take  
11          similar steps and coordinate closely on targeted  
12          sanctions and visa restrictions; and

13          (13) the work of Radio Free Asia’s Uyghur lan-  
14          guage service should be commended for providing a  
15          detailed and accurate account of current events fac-  
16          ing Uyghurs and other ethnic minorities in China  
17          despite efforts by the Government of the People’s  
18          Republic of China to intimidate their reporting  
19          through threats and detention of family members  
20          living in China.

21 **SEC. 6. NATIONAL SECURITY REPORT.**

22          (a) IN GENERAL.—Not later than 180 days after the  
23          date of the enactment of this Act, the Director of National  
24          Intelligence, in coordination with the Secretary of State,  
25          shall provide to the appropriate congressional committees

1 a classified and unclassified report to assess regional secu-  
2 rity threats posed by the crackdown across Xinjiang and  
3 the frequency with which Central and Southeast Asian  
4 governments are forcibly returning Turkic Muslim refu-  
5 gees and asylum seekers.

6 (b) ANNEX.—The report required under subsection  
7 (a) shall include an annex with a list of all Chinese compa-  
8 nies involved in the construction or operation of the “polit-  
9 ical education” camps, or the provision or operation of  
10 surveillance technology or operations, across Xinjiang.

11 **SEC. 7. REPORT ON STOPPING INTIMIDATION OF CITIZENS**  
12 **AND RESIDENTS OF THE UNITED STATES.**

13 Not later than 90 days after the date of the enact-  
14 ment of this Act, the Director of the Federal Bureau of  
15 Investigation, in consultation with the Secretary of State,  
16 shall provide a report to the appropriate congressional  
17 committees that outline efforts to provide information to  
18 and protect United States citizens and residents, including  
19 ethnic Uyghurs and Chinese nationals legally studying or  
20 working temporarily in the United States who have experi-  
21 enced harassment as described under section 5(9).

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

23 Not later than 120 days after the date of the enact-  
24 ment of this Act, the CEO of the United States Agency

1 for Global Media shall submit to the appropriate congress-  
2 sional committees a report that—

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

11           (2) describes efforts to intimidate Radio Free  
12 Asia and Voice of America reporters reporting on  
13 human rights issues in the People’s Republic of  
14 China; and

15           (3) in consultation with the Global Engagement  
16 Center at the Department of State, describes and  
17 assesses disinformation and propaganda by the Gov-  
18 ernment of the People’s Republic of China or other  
19 members of the Shanghai Cooperation Organization  
20 targeting Uyghur communities globally and efforts  
21 to downplay gross violations of universally recog-  
22 nized human rights occurring in the Xinjiang region.

23 **SEC. 9. ANNUAL REPORT.**

24           (a) IN GENERAL.—Not later than 180 days after the  
25 date of the enactment of this Act, and annually thereafter,

1 the Secretary of State, after consulting relevant civil soci-  
2 ety organizations, shall submit to the appropriate congres-  
3 sional committees and make available on the website of  
4 Department of State an interagency report that in-  
5 cludes—

6           (1) an assessment of the number of individuals  
7           detained in political “reeducation camps” and condi-  
8           tions in the camps for detainees in the Xinjiang re-  
9           gion, including whether detainees endure torture,  
10          forced renunciation of faith, or other mistreatment;

11          (2) a description, as possible, of the methods  
12          used by People’s Republic of China authorities to  
13          “reeducate” Uyghur detainees as well as the Peo-  
14          ple’s Republic of China agencies in charge of reedu-  
15          cation;

16          (3) an assessment of the number of individuals  
17          being arbitrarily detained, including in pretrial de-  
18          tention centers and prisons;

19          (4) an assessment of the level of access People’s  
20          Republic of China authorities grant to diplomats,  
21          journalists, and others to the Xinjiang region and a  
22          description of measures used to impede efforts to  
23          monitor human rights conditions in the Xinjiang re-  
24          gion;



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

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

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

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