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S. 2972

To restrict the export, reexport, and in-country transfers of certain items that provide a critical capability to the Government of the People's Republic of China to suppress individual privacy, freedom, and other basic human rights.

IN THE SENATE OF THE UNITED STATES

DECEMBER 4, 2019

Mr. CORNYN (for himself and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To restrict the export, reexport, and in-country transfers of certain items that provide a critical capability to the Government of the People's Republic of China to suppress individual privacy, freedom, and other basic human rights.

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 “Uighur Intervention
5 and Global Humanitarian Unified Response and Protec-
6 tion Act of 2019” or the “UIGHUR Protection Act of
7 2019”.

1 **SEC. 2. RESTRICTIONS ON EXPORT, REEXPORT, AND IN-**
2 **COUNTRY TRANSFERS OF CERTAIN ITEMS**
3 **THAT PROVIDE A CRITICAL CAPABILITY TO**
4 **THE GOVERNMENT OF THE PEOPLE'S REPUB-**
5 **LIC OF CHINA TO SUPPRESS INDIVIDUAL PRI-**
6 **VACY, FREEDOM, AND OTHER BASIC HUMAN**
7 **RIGHTS.**

8 (a) STATEMENT OF POLICY.—It is the policy of the
9 United States to protect the basic human rights of
10 Uighurs and other ethnic minorities in the People's Re-
11 public of China.

12 (b) LIST OF COVERED ITEMS.—

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

16 (A) shall identify those items that provide
17 a critical capability to the Government of the
18 People's Republic of China, or any person act-
19 ing on behalf of such Government, to suppress
20 individual privacy, freedom of movement, and
21 other basic human rights, specifically through—

22 (i) surveillance, interception, and re-
23 striction of communications;

24 (ii) monitoring of individual location
25 or movement or restricting individual
26 movement;

- 1 (iii) monitoring or restricting access
2 to and use of the internet;
3 (iv) monitoring or restricting use of
4 social media;
5 (v) identification of individuals
6 through facial recognition, voice recogni-
7 tion, or biometric indicators;
8 (vi) detention of individuals who are
9 exercising basic human rights; and
10 (vii) forced labor in manufacturing;
11 and

12 (B) shall, pursuant to the Export Control
13 Reform Act of 2018 (50 U.S.C. 4801 et seq.),
14 include items identified pursuant to subpara-
15 graph (A) on the Commerce Control List in a
16 category separate from other items, as appro-
17 priate, on the Commerce Control List.

18 (2) SUPPORT AND COOPERATION.—Upon re-
19 quest, the head of a Federal agency shall provide
20 full support and cooperation to the President in car-
21 rying out this subsection.

22 (3) CONSULTATION.—In carrying out this sub-
23 section, the President shall consult with the relevant
24 technical advisory committees of the Department of
25 Commerce to ensure that the composition of items

1 identified under paragraph (1)(A) and included on
2 the Commerce Control List under paragraph (1)(B)
3 does not unnecessarily restrict commerce between
4 the United States and the People's Republic of
5 China, consistent with the purposes of this section.

6 (c) SPECIAL LICENSE OR OTHER AUTHORIZATION.—

7 (1) IN GENERAL.—Beginning not later than
8 180 days after the date of the enactment of this Act,
9 the President shall, pursuant to the Export Control
10 Reform Act of 2018 (50 U.S.C. 4801 et seq.), re-
11 quire a license or other authorization for the export,
12 reexport, or in-country transfer to or within the Peo-
13 ple's Republic of China of an item identified pursu-
14 ant to subsection (b)(1)(A) and included on the
15 Commerce Control List pursuant to subsection
16 (b)(1)(B).

17 (2) PRESUMPTION OF DENIAL.—An application
18 for a license or other authorization described in
19 paragraph (1) shall be subject to a presumption of
20 denial.

21 (3) PUBLIC NOTICE AND COMMENT.—The
22 President shall provide for notice and public com-
23 ment with respect actions necessary to carry out this
24 subsection.

1 (d) INTERNATIONAL COORDINATION AND MULTILAT-
 2 ERAL CONTROLS.—It shall be the policy of the United
 3 States to seek to harmonize United States export control
 4 regulations with international export control regimes with
 5 respect to the items identified pursuant to subsection
 6 (b)(1)(A), including through the Wassenaar Arrangement
 7 and other bilateral and multilateral mechanisms involving
 8 countries that export such items.

9 (e) TERMINATION OF SUSPENSION OF CERTAIN
 10 OTHER PROGRAMS AND ACTIVITIES.—Section 902(b)(1)
 11 of the Foreign Relations Authorization Act, Fiscal Years
 12 1990 and 1991 (Public Law 101–246; 22 U.S.C. 2151
 13 note) is amended—

14 (1) in the matter preceding subparagraph (A),
 15 by inserting “and China’s Xinjiang Uighur Autono-
 16 mous Region” after “Tibet”;

17 (2) in subparagraph (D), by striking “and” at
 18 the end;

19 (3) in subparagraph (E), by striking “or” after
 20 the semicolon and inserting “and”; and

21 (4) by adding at the end the following new sub-
 22 paragraph:

23 “(F) the ending of the mass internment of
 24 ethnic Uighurs and other Turkic Muslims in
 25 the Xinjiang Uighur Autonomous Region, in-

1 including the intrusive system of high-tech sur-
2 veillance and policing in the region; or”.

3 (f) DEFINITIONS.—In this section:

4 (1) COMMERCE CONTROL LIST.—The term
5 “Commerce Control List” means the list set forth in
6 Supplement No. 1 to part 774 of the Export Admin-
7 istration Regulations under subchapter C of chapter
8 VII of title 15, Code of Federal Regulations.

9 (2) EXPORT, IN-COUNTRY TRANSFER, ITEM,
10 AND REEXPORT.—The terms “export”, “in-country
11 transfer”, “item”, and “reexport” have the mean-
12 ings given such terms in section 1742 of the Export
13 Control Reform Act of 2018 (50 U.S.C. 4801).

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