

116TH CONGRESS
2D SESSION

S. 4799

To require the imposition of sanctions with respect to forced abortions by the Government of the People's Republic of China.

IN THE SENATE OF THE UNITED STATES

OCTOBER 5, 2020

Mr. CRUZ introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To require the imposition of sanctions with respect to forced abortions by the Government of the People's Republic of 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 “Sanctioning and High-
5 lighting Authoritarian Medicine and Eugenics Act of
6 2020” or the “SHAME Act”.

1 **SEC. 2. IMPOSITION OF SANCTIONS WITH RESPECT TO**
2 **FORCED ABORTIONS BY THE GOVERNMENT**
3 **OF THE PEOPLE'S REPUBLIC OF CHINA.**

4 (a) **IN GENERAL.**—The President shall impose the
5 sanctions described in subsection (c) with respect to each
6 person identified under subsection (b)(1)(A).

7 (b) **REPORT REQUIRED.**—

8 (1) **IN GENERAL.**—Not later than 180 days
9 after the date of the enactment of this Act, and an-
10 nually thereafter, the Secretary of State shall submit
11 to the appropriate congressional committees a report
12 that—

13 (A) identifies any official or agency of the
14 Government of the People's Republic of China
15 and any member of the Chinese Communist
16 Party that the Secretary determines knowingly
17 orders, controls, or directs, or routinely con-
18 ducts any action to carry out, a coercive birth-
19 limitation policy carried out in Xinjiang Uyghur
20 Autonomous Region or upon residents of that
21 region, including involuntary abortions, involun-
22 tary sterilizations, mandatory contraception use
23 or contraceptive implantation, deceptive contra-
24 ceptive implantation, government control of
25 birth spacing, or mandatory birth permits; and

1 (B) includes a determination of whether
2 the action described in subparagraph (A) of a
3 person identified under that subparagraph was
4 motivated or carried out against an individual
5 on the basis of the identity, including race, reli-
6 gion, or ethnicity of the individual.

7 (2) SOURCES OF INFORMATION.—In preparing
8 the report required under paragraph (1), the Sec-
9 retary may use any publication, database, web-based
10 resource, public information compiled by any govern-
11 ment agency, and any information collected or com-
12 piled by a nongovernmental organization or other
13 entity provided to or made available to the Sec-
14 retary, that the Secretary finds credible.

15 (3) FORM OF REPORT.—The report required
16 under paragraph (1) shall be submitted in unclassi-
17 fied form, but may include a classified index.

18 (4) PUBLICLY AVAILABLE LIST.—Not later
19 than 30 days after the date on which a report is
20 submitted to the appropriate congressional commit-
21 tees under paragraph (1), the Secretary, in coordi-
22 nation with Secretary of the Treasury and the Di-
23 rector of National Intelligence, shall publish on a
24 publicly available internet website maintained by the

1 Department of State, in English and Mandarin Chi-
2 nese—

3 (A) a list of each person identified under
4 paragraph (1)(A);

5 (B) a description of the location where the
6 action for which the person was so identified oc-
7 curred;

8 (C) a determination with respect to wheth-
9 er that action was motivated or carried out
10 against an individual on the basis of the iden-
11 tity, including race, religion, or ethnicity of the
12 individual; and

13 (D) a statement of whether that person
14 has been designated for the imposition of sanc-
15 tions pursuant to the Global Magnitsky Human
16 Rights Accountability Act (subtitle F of title
17 XII of Public Law 114–328; 22 U.S.C. 2656
18 note).

19 (c) SANCTIONS DESCRIBED.—

20 (1) IN GENERAL.—The sanctions described in
21 this subsection are the following:

22 (A) PROPERTY BLOCKING.—The President
23 shall, pursuant to the International Emergency
24 Economic Powers Act (50 U.S.C. 1701 et seq.),
25 block and prohibit all transactions in property

1 and interests in property of a person identified
2 under subsection (b)(1)(A) if such property and
3 interests in property are in the United States,
4 come within the United States, or are or come
5 within the possession or control of a United
6 States person.

7 (B) ALIENS INELIGIBLE FOR VISAS, AD-
8 MISSION, OR PAROLE.—

9 (i) EXCLUSION FROM THE UNITED
10 STATES.—The Secretary of State shall
11 deny a visa to, and the Secretary of Home-
12 land Security shall exclude from the
13 United States, any alien identified under
14 subsection (b)(1)(A).

15 (ii) CURRENT VISAS REVOKED.—

16 (I) IN GENERAL.—The issuing
17 consular officer, the Secretary of
18 State, or the Secretary of Homeland
19 Security (or a designee of any such
20 officer or Secretary) shall revoke any
21 visa or other entry documentation
22 issued to an alien identified under
23 subsection (b)(1)(A), regardless of
24 when the visa or other documentation
25 was issued.

1 (II) EFFECT OF REVOCATION.—

2 A revocation under subclause (I) shall
3 take effect immediately and shall
4 automatically cancel any other valid
5 visa or entry documentation that is in
6 the alien's possession.

7 (2) INAPPLICABILITY OF NATIONAL EMER-
8 GENCY REQUIREMENT.—The requirements under
9 section 202 of the International Emergency Eco-
10 nomic Powers Act (50 U.S.C. 1701) shall not apply
11 for purposes of paragraph (1)(A).

12 (d) EXCEPTIONS.—

13 (1) INTELLIGENCE ACTIVITIES.—This section
14 shall not apply with respect to activities subject to
15 the reporting requirements under title V of the Na-
16 tional Security Act of 1947 (50 U.S.C. 3091 et seq.)
17 or any authorized intelligence activities of the United
18 States.

19 (2) COMPLIANCE WITH UNITED NATIONS HEAD-
20 QUARTERS AGREEMENT.—Subsection (c)(1)(B) shall
21 not apply with respect to the admission of an alien
22 to the United States if such admission is necessary
23 to comply with United States obligations under the
24 Agreement between the United Nations and the
25 United States of America regarding the Head-

1 quarters of the United Nations, signed at Lake Suc-
2 cess June 26, 1947, and entered into force Novem-
3 ber 21, 1947, under the Convention on Consular Re-
4 lations, done at Vienna April 24, 1963, and entered
5 into force March 19, 1967, or under other inter-
6 national obligations.

7 (e) IMPLEMENTATION; PENALTIES.—

8 (1) IMPLEMENTATION.—The President may ex-
9 ercise all authorities provided under sections 203
10 and 205 of the International Emergency Economic
11 Powers Act (50 U.S.C. 1702 and 1704) to carry out
12 this section.

13 (2) PENALTIES.—A person that violates, at-
14 tempts to violate, conspires to violate, or causes a
15 violation of subsection (c)(1)(A) or any regulation,
16 license, or order issued to carry out that subsection
17 shall be subject to the penalties set forth in sub-
18 sections (b) and (c) of section 206 of the Inter-
19 national Emergency Economic Powers Act (50
20 U.S.C. 1705) to the same extent as a person that
21 commits an unlawful act described in subsection (a)
22 of that section.

23 (f) DEFINITIONS.—In this section:

24 (1) ADMISSION; ADMITTED; ALIEN.—The terms
25 “admission”, “admitted”, and “alien” have the

1 meanings given those terms in section 101 of the
2 Immigration and Nationality Act (8 U.S.C. 1101).

3 (2) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Foreign Relations of
7 the Senate; and

8 (B) the Committee on Foreign Affairs of
9 the House of Representatives.

10 (3) PERSON.—The term “person” means an in-
11 dividual or entity, including a governmental entity.

12 (4) UNITED STATES PERSON.—The term
13 “United States person” means—

14 (A) a United States citizen or an alien law-
15 fully admitted to the United States for perma-
16 nent residence; or

17 (B) an entity organized under the laws of
18 the United States or any jurisdiction within the
19 United States.

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