AMENDMENT TO RULES COMM. PRINT 116–57
OFFERED BY MR. MALINOWSKI OF NEW JERSEY

At the end of subtitle F of title XII, add the following:

SEC. __. RESTRICTIONS ON EXPORT, REEXPORT, AND IN- 
COUNTRY TRANSFERS OF CERTAIN ITEMS 
THAT PROVIDE A CRITICAL CAPABILITY TO 
THE GOVERNMENT OF THE PEOPLE’S REPUB-
LIC OF CHINA TO SUPPRESS INDIVIDUAL PRI-
VACY, FREEDOM, AND OTHER BASIC HUMAN 
RIGHTS.

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

(b) LIST OF COVERED ITEMS.—

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

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

(i) surveillance, interception, and restriction of communications;

(ii) monitoring of individual location or movement or restricting individual movement;

(iii) monitoring or restricting access to and use of the internet;

(iv) monitoring or restricting use of social media;

(v) identification of individuals through facial recognition, voice recognition, or biometric indicators;

(vi) detention of individuals who are exercising basic human rights; and

(vii) forced labor in manufacturing;

and

(B) shall, pursuant to the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.), include items identified pursuant to subparagraph (A) on the Commerce Control List in a category separate from other items, as appropriate, on the Commerce Control List.
(2) Support and Cooperation.—Upon request, the head of a Federal agency shall provide full support and cooperation to the President in carrying out this subsection.

(3) Consultation.—In carrying out this subsection, the President shall consult with the relevant technical advisory committees of the Department of Commerce to ensure that the composition of items identified under paragraph (1)(A) and included on the Commerce Control List under paragraph (1)(B) does not unnecessarily restrict commerce between the United States and the People’s Republic of China, consistent with the purposes of this section.

(c) Special License or Other Authorization.—

(1) In General.—Beginning not later than 180 days after the date of the enactment of this Act, the President shall, pursuant to the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.), require a license or other authorization for the export, reexport, or in-country transfer to or within the People’s Republic of China of an item identified pursuant to subsection (b)(1)(A) and included on the Commerce Control List pursuant to subsection (b)(1)(B).
(2) Presumption of denial.—An application for a license or other authorization described in paragraph (1) shall be subject to a presumption of denial.

(3) Public notice and comment.—The President shall provide for notice and public comment with respect actions necessary to carry out this subsection.

(d) International Coordination and Multilateral Controls.—It shall be the policy of the United States to seek to harmonize United States export control regulations with international export control regimes with respect to the items identified pursuant to subsection (b)(1)(A), including through the Wassenaar Arrangement and other bilateral and multilateral mechanisms involving countries that export such items.

(e) Termination of Suspension of Certain Other Programs and Activities.—Section 902(b)(1) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246; 22 U.S.C. 2151 note) is amended—

(1) in the matter preceding subparagraph (A), by inserting “and China’s Xinjiang Uighur Autonomous Region” after “Tibet”;
(2) in subparagraph (D), by striking “and” at the end;

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

(4) by adding the following new subparagraph:

“(F) the ending of the mass internment of ethnic Uighurs and other Turkic Muslims in the Xinjiang Uighur Autonomous Region, including the intrusive system of high-tech surveillance and policing in the region; or”.

(f) DEFINITIONS.—In this section:

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

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