

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:

1 **SEC. __. 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

1 individual privacy, freedom of movement, and
2 other basic human rights, specifically through—

3 (i) surveillance, interception, and re-
4 striction of communications;

5 (ii) monitoring of individual location
6 or movement or restricting individual
7 movement;

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

10 (iv) monitoring or restricting use of
11 social media;

12 (v) identification of individuals
13 through facial recognition, voice recogni-
14 tion, or biometric indicators;

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

17 (vii) forced labor in manufacturing;
18 and

19 (B) shall, pursuant to the Export Control
20 Reform Act of 2018 (50 U.S.C. 4801 et seq.),
21 include items identified pursuant to subpara-
22 graph (A) on the Commerce Control List in a
23 category separate from other items, as appro-
24 priate, on the Commerce Control List.

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

5 (3) CONSULTATION.—In carrying out this sub-
6 section, the President shall consult with the relevant
7 technical advisory committees of the Department of
8 Commerce to ensure that the composition of items
9 identified under paragraph (1)(A) and included on
10 the Commerce Control List under paragraph (1)(B)
11 does not unnecessarily restrict commerce between
12 the United States and the People’s Republic of
13 China, consistent with the purposes of this section.

14 (c) SPECIAL LICENSE OR OTHER AUTHORIZATION.—

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

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

5 (3) PUBLIC NOTICE AND COMMENT.—The
6 President shall provide for notice and public com-
7 ment with respect actions necessary to carry out this
8 subsection.

9 (d) INTERNATIONAL COORDINATION AND MULTILAT-
10 ERAL CONTROLS.—It shall be the policy of the United
11 States to seek to harmonize United States export control
12 regulations with international export control regimes with
13 respect to the items identified pursuant to subsection
14 (b)(1)(A), including through the Wassenaar Arrangement
15 and other bilateral and multilateral mechanisms involving
16 countries that export such items.

17 (e) TERMINATION OF SUSPENSION OF CERTAIN
18 OTHER PROGRAMS AND ACTIVITIES.—Section 902(b)(1)
19 of the Foreign Relations Authorization Act, Fiscal Years
20 1990 and 1991 (Public Law 101–246; 22 U.S.C. 2151
21 note) is amended—

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

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

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

5 (4) by adding the following new subparagraph:

6 “(F) the ending of the mass internment of
7 ethnic Uighurs and other Turkic Muslims in
8 the Xinjiang Uighur Autonomous Region, in-
9 cluding the intrusive system of high-tech sur-
10 veillance and policing in the region; or”.

11 (f) DEFINITIONS.—In this section:

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

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

