



(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To encourage diplomatic advocacy efforts on behalf of Americans unjustly
detained in the People's Republic of China.

IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of New Jersey introduced the following bill; which was referred
to the Committee on _____

A BILL

To encourage diplomatic advocacy efforts on behalf of Americans
unjustly detained in 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 “Nelson Wells Jr. and
5 Dawn Michelle Hunt Unjustly Detained in Communist
6 China Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) Nelson A. Wells Jr., a New Orleans native,
2 was arrested in China on drug smuggling charges in
3 2014. He was initially sentenced to life imprison-
4 ment but had his sentence reduced to 22 years in
5 2019, leaving him incarcerated until 2041. In 2024
6 testimony before the Congressional-Executive Com-
7 mission on China, Wells' father recounted that his
8 son had traveled to China for a necessary medical
9 procedure. While recovering, Nelson met an ac-
10 quaintance who asked him to carry bags of gifts to
11 Japan. He insists he had no idea that those bags
12 contained hidden drugs.

13 (2) Mr. Wells has reportedly endured physical
14 attacks in prison and suffers from debilitating
15 chronic pain and acute medical conditions, including
16 seizures, severe dental pain, and untreated health
17 challenges.

18 (3) Dawn Michelle Hunt, originally from Chi-
19 cago, was also arrested in China in 2014. She was
20 sentenced to death with a 2-year reprieve in 2017,
21 later commuted to life imprisonment. According to
22 her family, she was lured to China by a fraudulent
23 sweepstakes offer and arrested when drugs were
24 found in handbags given to her by the trip orga-
25 nizers. Evidence suggests she was unknowingly

1 caught in an elaborate drug trafficking scheme, but
2 this evidence was ignored at sentencing.

3 (4) In testimony before the Congressional-Exec-
4 utive Commission on China, Ms. Hunt’s brother de-
5 scribed the sexual abuse and mistreatment she has
6 endured in prison, as well as her severe, untreated
7 medical problems, including tumors in her uterus
8 and ovaries.

9 (5) According to the Foley Foundation, in
10 2024, more United States nationals were wrongfully
11 detained in China than in any other country.

12 (6) The Dui Hua Foundation reports that over
13 200 United States nationals are detained “under co-
14 ercive measures” in China, with limited information
15 available about their cases.

16 (7) Some of these Americans are subject to so-
17 called “exit bans”, preventing them from leaving
18 China as a means to pressure their relatives or asso-
19 ciates to return to China to face vague criminal
20 charges or settle commercial disputes—disputes in
21 which they may not even be personally liable.

22 (8) For example, Henry Cai, a businessman
23 from California, has been trapped in China since
24 2017, unable to return home to his family, due to

1 an ongoing financial dispute in which he claims no
2 responsibility.

3 (9) Additionally, individuals living in China
4 whose family members are United States nationals
5 are often detained to influence United States Gov-
6 ernment policy, to intimidate or punish their rel-
7 atives for speaking out, or to censor their free
8 speech in the United States.

9 (10) In 2018, Gulshan Abbas, a retired medical
10 doctor, was detained in the Xinjiang Uyghur Auton-
11 omous Region one week after her sister, United
12 States citizen Rushan Abbas, gave a speech in
13 Washington, D.C., criticizing the Chinese govern-
14 ment's treatment of Uyghurs. The United States
15 Government has since determined that China's
16 abuses in Xinjiang constitute genocide and crimes
17 against humanity. Gulshan was later sentenced to
18 20 years on unproven national security charges.

19 (11) Dozens of family members of radio free
20 Asia journalists have been detained in China, likely
21 in an attempt to coerce their United States-based
22 relatives to stop reporting on the genocide and other
23 human rights abuses in Xinjiang.

24 (12) Wang Bingzhang, a democracy activist and
25 United States permanent resident, was kidnapped in

1 Vietnam in 2002 and forcibly taken to China, where
2 he was sentenced to life in prison—reportedly on es-
3 pionage charges. He has reportedly spent his entire
4 sentence in solitary confinement, while his family
5 has been barred from visiting and harassed by Chi-
6 nese agents for raising his case at a United Nations
7 meeting in Geneva.

8 (13) Ekpar Asat (also known as Ekber Eset),
9 a Uyghur entrepreneur and founder of
10 Baghdax.com—a website that hosted discussions of
11 Uyghur human rights and language—was detained
12 in China in 2016 after returning from a Department
13 of State leadership program. He was later sentenced
14 to 15 years in prison.

15 (14) The exact number of other United States
16 nationals in China who face exit bans, detention
17 without due process, or punishment intended to in-
18 fluence United States Government policies or intimi-
19 date their family members is unknown, largely due
20 to the opacity of China’s judicial system.

21 (15) Notably, some countries without prison
22 transfer agreements with China have successfully se-
23 cured the release of their citizens by initiating pris-
24 oner transfer proceedings under the People’s Repub-
25 lic of China’s Law of International Judicial Coopera-

1 tion in Criminal Matters. France, for example, has
2 used this mechanism to obtain the release of at least
3 two French nationals. The United States, however,
4 has not yet pursued this option.

5 **SEC. 3. DEFINITIONS.**

6 In this Act:

7 (1) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—The term “appropriate congressional com-
9 mittees” means—

10 (A) the Committee on Foreign Relations,
11 the Committee on Appropriations, the Com-
12 mittee on Banking, Housing, and Urban Af-
13 fairs, the Committee on the Judiciary, the Com-
14 mittee on Armed Services, and the Select Com-
15 mittee on Intelligence of the United States Sen-
16 ate; and

17 (B) the Committee on Foreign Affairs, the
18 Committee on Appropriations, the Committee
19 on Financial Services, the Committee on the
20 Judiciary, the Committee on Armed Services,
21 and the Permanent Select Committee on Intel-
22 ligence of the House of Representatives.

23 (2) CASE OF CONCERN.—The term “case of
24 concern” means unjustly detained individuals who—

(A) are not designated by the Secretary of State as “wrongfully detained” but where credible information exists that a United States national detained abroad meets some of the criteria set by section 2(a) of the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act (22 U.S.C. 1741(a)); and

(B) is the family member of a United States national who has been detained to—

(i) silence, censor, or intimidate a United States national because of their advocacy for internationally recognized human rights;

(ii) silence, censor, or intimidate efforts of a United States national for their efforts to publicly report on internationally-recognized human rights in authoritarian or nondemocratic countries; and

(iii) to influence United States Government policy or to secure economic or political concessions from the United States Government.

(3) FAMILY MEMBER.—The term “family member” means a spouse, father, mother, child, brother, sister, grandparent, grandchild, aunt, uncle, nephew,

1 niece, father-in-law, mother-in-law, son-in-law,
2 daughter-in-law, brother-in-law, sister-in-law, step-
3 father, stepmother, stepson, stepdaughter, step-
4 brother, stepsister, half-brother, or half sister.

5 (4) UNITED STATES NATIONAL.—The term
6 “United States national” means—

7 (A) a United States national as defined in
8 section 101(a)(22) or section 308 of the Immi-
9 gration and Nationality Act (8 U.S.C.
10 1101(a)(22), 8 U.S.C. 1408); or

11 (B) a lawful permanent resident alien with
12 significant ties to the United States.

13 **SEC. 4. DIPLOMATIC ACTION PLAN AND CASES OF CON-**
14 **CERN DETERMINATIONS.**

15 (a) DIPLOMATIC ACTION PLAN.—Not later than 60
16 days after the enactment of this Act, the Secretary of
17 State shall develop the following:

18 (1) A list of cases of concern that includes—

19 (A) United States nationals detained in the
20 People’s Republic of China who have not been
21 designated as “wrongfully detained”; and

22 (B) family members of United States na-
23 tionals detained in the People’s Republic of
24 China for the reasons found in section 3(2)(B).

1 (2) A diplomatic action plan that includes, at a
2 minimum, the following elements:

3 (A) Designation of an official or officials
4 within the Department of State to coordinate
5 the diplomatic activities and to serve as the reg-
6 ular point of contact for the families of those
7 determined to be cases of concern.

8 (B) Guidance for United States Govern-
9 ment officials, as necessary, on the legal, diplo-
10 matic, and public diplomacy efforts that should
11 be undertaken on behalf of cases of concern.

12 (C) An exploration of options for increased
13 diplomatic action to secure the release of de-
14 tained United States nationals, including a de-
15 termination on expanded use of the Inter-
16 national Prison Transfer Program (IPTP) and,
17 an explanation of why allied nations, who do
18 not have a prisoner transfer treaty with the
19 People's Republic of China, nonetheless initiate
20 prisoner transfer proceedings under the Peo-
21 ple's Republic of China's Law of International
22 Judicial Cooperation in Criminal Matters.

23 (D) A review of international cooperation
24 efforts and whether coordination efforts expand
25 the tools available to the United States to os-

1 tracize and hold accountable states that hold
2 United States nationals for diplomatic leverage
3 or to censor or intimidate a United States na-
4 tional.

5 (E) A review of the available authorities to
6 respond to the detention of cases of concern, in-
7 cluding an explanation why humanitarian re-
8 lease mechanism is not used more often to gain
9 the release of detained Americans.

10 (F) A review of existing authorities to hold
11 accountable People's Republic of China officials
12 responsible for the unjust detentions of Ameri-
13 cans, including those responsible for the torture
14 and mistreatment of Americans while they are
15 detained.

16 (F) a plan to address the use of "exit
17 bans" targeting United States citizens used to
18 punish, gain economic concessions, or force vol-
19 untary repatriation of a United States resident.

20 (G) Establishment of a timetable and a
21 specific process to review new cases of concern
22 where there is credible information that a
23 United States national or a family member of
24 a United States national is being unjustly de-
25 tained in the People's Republic of China. New

1 cases for review shall be identified by the As-
2 sistant Secretary of State for Consular Affairs,
3 the Assistant Secretary of State for Democracy,
4 Human Rights, and Labor, the Special Presi-
5 dential Envoy for Hostage Affairs, or the head
6 of any other relevant bureau of the Department
7 of State, in consultation with information pro-
8 vided by family members or other credible
9 sources regarding individuals detained in the
10 People's Republic of China.

11 (b) REPORT.—

12 (1) IN GENERAL.—Not later than 120 days
13 after the date of the enactment of this Act, the Sec-
14 retary shall submit to the appropriate congressional
15 committees a classified report with an unclassified
16 section with basic facts about the unjust detentions
17 of Americans in China and recommendations for
18 Congressional action that includes—

19 (A) the current number of known United
20 States nationals detained in the People's Re-
21 public of China;

22 (B) the number of United States nationals
23 determined to be wrongfully detained in the
24 People's Republic of China;

1 (C) the number of United States nationals
2 on the cases of concern list required by this sec-
3 tion;

4 (D) the number of family members of
5 United States nationals included among the
6 cases of concern and detained for the reasons
7 described in section 3(2)(B) of this Act;

8 (E) the current number of United States
9 citizens facing exit bans in the People's Repub-
10 lic of China that are known to the Department
11 of State;

12 (F) basic facts about the cases of concern
13 and the exit ban cases;

14 (G) a description of specific action taken
15 on behalf of individuals included on the cases of
16 concern list and options for increased diplo-
17 matic action to secure their release;

18 (H) a description of actions taken to ad-
19 dress the cases of individuals facing exit bans;

20 (I) the timeline and process for reviewing
21 cases to add to the cases of concern list;

22 (J) strategies for reducing the number of
23 United States nationals facing exit bans,

24 (K) a strategy for more consistent and ex-
25 panded use of the International Prison Transfer

1 Program (IPTP), and an explanation of why al-
2 lied nations, who do not have a prisoner trans-
3 fer treaty with the People’s Republic of China,
4 nonetheless initiate prisoner transfer pro-
5 ceedings under the People’s Republic of China’s
6 Law of International Judicial Cooperation in
7 Criminal Matters;

8 (L) a strategy for reducing overall the
9 number of United States nationals detained and
10 reducing the frequency of “prisoner exchanges”;

11 (M) a list of sanctions or other actions
12 taken to hold accountable PRC officials respon-
13 sible for the unjust detention of Americans citi-
14 zens and those responsible for the torture and
15 mistreatment of Americans while detained in
16 China, and

17 (N) recommendation for congressional ac-
18 tion, including additional statutory authorities
19 or appropriations to support or strengthen the
20 objectives of this Act, and if additional appro-
21 priations are requested, a justification for such
22 funds, including a description of how they
23 would be allocated and expected outcomes.

24 (2) FORM.—The report required in this sub-
25 section shall be submitted as a classified report, with

1 an unclassified annex that includes basic facts about
2 the cases of concern and exit bans cases and rec-
3 ommendations for Congressional action. After an ini-
4 tial standalone report, the report may be combined
5 with the annual report required by section 302(c) of
6 the Robert Levinson Hostage Recovery and Hostage-
7 Taking Accountability Act (22 U.S.C. 1741(c)).

8 (3) SUNSET.—The report required in this sub-
9 section shall sunset 3 years after the first report is
10 submitted to the appropriate Congressional commit-
11 tees.

12 **SEC. 5. ASSISTANCE FOR FAMILY MEMBERS.**

13 (a) RESOURCES FOR FAMILIES OF CASES OF CON-
14 CERN.—The Secretary shall provide resource guidance to
15 the family members of the cases of concern that shall in-
16 clude at a minimum—

17 (1) contact information for official(s) in the De-
18 partment of State or other government agencies des-
19 ignated to answer family questions;

20 (2) information to help families understand
21 United States policy concerning efforts to seek the
22 release of United States nationals unlawfully or
23 wrongfully held abroad;

24 (3) relevant guidance on how families may en-
25 gage with United States diplomatic and consular

1 channels to ensure prompt and regular access for
2 the detained individual to legal counsel, family mem-
3 bers, humane treatment, and other services;

4 (4) guidance on contacting members of Con-
5 gress or other individuals who may be influential in
6 securing the release of their family members;

7 (5) guidance on possible travel assistance to
8 travel to Washington D.C., to meet with Department
9 of State and congressional officials;

10 (6) a clear and cogent explanation, upon re-
11 quest of a family member of a detained United
12 States national, about the “wrongful detention” de-
13 termination and why a specific United States na-
14 tional is not determined to be wrongfully detained;
15 and

16 (7) appropriate points of contact, such as legal
17 resources and counseling services, that have a strong
18 record of assisting victims’ families.

19 (b) DECLARATIONS OF INVALIDITY.—Upon the re-
20 lease of a United States national from the cases of concern
21 of concern list and the return of that national to the
22 United States, the President shall issue to that national
23 a letter, to be known as a “declaration of invalidity”, that
24 officially declares the detention of the national in the Peo-
25 ple’s Republic of China as invalid for the purposes of com-

1 pletion of documentation for a background investigation
2 or review of prior offenses, such as a conviction.

3 **SEC. 6. HOLDING GOVERNMENT OFFICIALS OF THE PEO-**
4 **PLE'S REPUBLIC OF CHINA RESPONSIBLE**
5 **FOR UNJUST DETENTIONS.**

6 It is the policy of the United States to consider those
7 responsible for, complicit in, or to have directly engaged
8 in detention of a United States national or the family
9 member of a United States national as defined in section
10 3(4) of this Act, as having engaged in a gross violation
11 of internationally-recognized human rights and
12 sanctionable under the criteria described in the Global
13 Magnitsky Human Rights Accountability Act (22 U.S.C.
14 10101 et seq.).

15 **SEC. 7. SENSE OF CONGRESS.**

16 It is the sense of Congress that the People's Republic
17 of China unjustly detains more American citizens, and the
18 family members of American citizens, than any other
19 country, employing exit bans and detentions as a tool to
20 punish, censor, or gain economic or legal advantage. The
21 People's Republic of China should be designated as a
22 State Sponsor of Wrongful Detention under Executive
23 Order 14156 and diplomatic and accountability tools de-
24 tailed in the Executive Order should be used to gain the

1 release of cases of concern and end the unjust detentions
2 and hostage taking of American citizens.

3 **SEC. 8. STATEMENT OF POLICY.**

4 It is the policy of the United States to use the voice
5 and vote, and influence of the United States at the United
6 Nations and other multilateral organizations to—

7 (1) highlight the cases of United States nation-
8 als detained in China;

9 (2) condemn the use of “exit bans” by the Gov-
10 ernment of the People’s Republic of China and count
11 “exit bans” in the total number of unjustly detained
12 Americans;

13 (3) condemn the unjust detention of the fami-
14 lies of United States nationals, particularly when the
15 detention is used to intimidate, silence, or censor
16 Americans; and

17 (4) press the United Nations Working Group
18 on Arbitrary Detention to investigate and make de-
19 terminations regarding cases of the family members
20 of United States nationals whose loved ones are de-
21 tained in retaliation for their professional activities
22 or human rights advocacy.