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To ensure that goods made with forced labor in the Xinjiang Uyghur Autonomous Region of the People's Republic of China do not enter the United States market, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 27, 2021

Mr. RUBIO (for himself, Mr. MERKLEY, Mr. RISCH, Mr. VAN HOLLEN, Mr. COTTON, Ms. WARREN, Mr. CORNYN, Ms. HASSAN, Ms. COLLINS, Ms. KLOBUCHAR, Mr. ROMNEY, Mrs. FEINSTEIN, Mr. DAINES, Mr. BLUMENTHAL, Mr. MORAN, Mr. WARNER, Mr. LANKFORD, Ms. SMITH, Mrs. BLACKBURN, Mr. BOOKER, Mr. SCOTT of Florida, Mr. MARKEY, Mr. THUNE, Mr. BOOZMAN, Mr. BRAUN, Mr. SASSE, Mr. YOUNG, Mr. COONS, Mr. CARDIN, Mr. CRUZ, Mr. LEAHY, Mr. MANCHIN, Mr. ROUNDS, Mrs. SHAHEEN, Mr. CASSIDY, Mr. KING, Mr. MARSHALL, Mr. TILLIS, Ms. ERNST, Mr. TESTER, Mr. HAWLEY, Mr. KAINE, Mr. PETERS, Ms. DUCKWORTH, Mr. WARNOCK, Mr. HAGERTY, Ms. BALDWIN, Mrs. FISCHER, Ms. LUMMIS, Mr. SCOTT of South Carolina, Mr. SANDERS, Mrs. HYDE-SMITH, and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

JUNE 24, 2021

Reported by Mr. MENENDEZ, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To ensure that goods made with forced labor in the Xinjiang Uyghur Autonomous Region of the People's Republic

of China do not enter the United States market, and for other purposes.

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 “Uyghur Forced Labor
 5 Prevention Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) In the Xinjiang Uyghur Autonomous Re-
 9 gion of the People’s Republic of China, the Govern-
 10 ment of the People’s Republic of China has, since
 11 April 2017, arbitrarily detained more than
 12 1,000,000 Uyghurs, Kazakhs, Kyrgyz, and members
 13 of other persecuted groups in a system of
 14 extrajudicial mass internment camps, and has sub-
 15 jected detainees to forced labor, torture, political in-
 16 doctrination, and other severe human rights abuses.

17 (2) Forced labor, a severe form of human traf-
 18 ficking, exists within the Xinjiang Uyghur Autono-
 19 mous Region’s system of mass internment camps,
 20 and throughout the region, and is confirmed by the
 21 testimony of former camp detainees, satellite im-
 22 agery, and official leaked documents from the Gov-
 23 ernment of the People’s Republic of China as part

1 of a targeted campaign of repression of Muslim eth-
2 nic minorities.

3 (3) In addition to reports from researchers and
4 civil society groups documenting evidence that many
5 factories and other suppliers in the Xinjiang Uyghur
6 Autonomous Region are exploiting forced labor, on
7 July 22, 2020, the Bureau of Industry and Security
8 of the Department of Commerce added 11 entities to
9 the Entity List set forth in Supplement No. 4 to
10 part 744 of title 15, Code of Federal Regulations,
11 after determining the entities had been “implicated
12 in human rights violations and abuses in the imple-
13 mentation of China’s campaign of repression, mass
14 arbitrary detention, forced labor and high-technology
15 surveillance against Uyghurs, Kazakhs, and mem-
16 bers of other persecuted groups in the Xinjiang
17 Uyghur Autonomous Region”.

18 (4) The Government of the People’s Republic of
19 China interferes with audits and traditional due dili-
20 gence efforts to vet goods and supply chains in the
21 Xinjiang Uyghur Autonomous Region to hinder
22 identifying goods made in whole or part with forced
23 labor, including by intimidating potential witnesses
24 and concealing relevant information.

1 (5) Reports cited by the Department of Labor
2 estimate that hundreds of thousands of ex-detainees
3 who are Uyghurs, Kazakhs, Kyrgyz, or members of
4 other persecuted groups in the People's Republic of
5 China may be working in conditions of forced labor
6 following detention in re-education camps. Moreover,
7 nongovernmental organizations estimate that more
8 than 80,000 Uyghurs were transferred out of the
9 Xinjiang Uyghur Autonomous Region to work in
10 factories across the People's Republic of China be-
11 tween 2017 and 2019, and some of them were sent
12 directly from detention camps.

13 (6) The Department of State's June 2020 Traf-
14 ficking in Persons Report found, "Authorities offer
15 subsidies incentivizing Chinese companies to open
16 factories in close proximity to the internment camps
17 and to receive transferred detainees at satellite man-
18 ufacturing sites in other provinces. Local govern-
19 ments receive additional funds for each inmate
20 forced to work in these sites at a fraction of min-
21 imum wage or without any compensation. The gov-
22 ernment has transported tens of thousands of these
23 individuals to other areas within Xinjiang and to
24 other provinces for forced labor under the guise of
25 poverty alleviation and industrial aid programs."

1 (7) U.S. Customs and Border Protection has
 2 issued ~~11~~ withhold release orders on goods suspected
 3 to be produced with prison or forced labor in the
 4 Xinjiang Uyghur Autonomous Region. Goods subject
 5 to the withhold release orders include all cotton, cot-
 6 ton products, tomatoes, and tomato products, as well
 7 as certain garments, hair products, apparel, com-
 8 puter parts, and other goods.

9 (8) In its 2019 annual report, the Congres-
 10 sional-Executive Commission on China found that
 11 goods reportedly produced with forced labor by cur-
 12 rent and former mass internment camp detainees in-
 13 cluded textiles, electronics, food products, shoes, tea,
 14 and handicrafts.

15 (9) Under section ~~1091~~(a) of title 18, United
 16 States Code, a person commits genocide if the per-
 17 son “whether in time of peace or in time of war and
 18 with the specific intent to destroy, in whole or in
 19 substantial part, a national, ethnic, racial, or reli-
 20 gious group as such—

21 “(1) kills members of that group;

22 “(2) causes serious bodily injury to mem-
 23 bers of that group;

1 “(3) causes the permanent impairment of
2 the mental faculties of members of the group
3 through drugs, torture, or similar techniques;

4 “(4) subjects the group to conditions of life
5 that are intended to cause the physical destruc-
6 tion of the group in whole or in part;

7 “(5) imposes measures intended to prevent
8 births within the group; or

9 “(6) transfers by force children of the
10 group to another group.”

11 (10) As a direct result of the campaign of tar-
12 geted and coercive population control of the Govern-
13 ment of the People’s Republic of China’s against
14 Uyghurs, the birthrate of the Uyghur population in
15 the Xinjiang Uyghur Autonomous Region plum-
16 meted by 24 percent from 2017 to 2018, with birth-
17 rates in the Uyghur majority regions of Hotan and
18 Kashgar decreasing by more than 60 percent from
19 2015 to 2018.

20 (11) The policies of the Government of the Peo-
21 ple’s Republic of China are in contravention of its
22 human rights commitments and obligations, includ-
23 ing under—

24 (A) the Universal Declaration of Human
25 Rights;

(B) the International Covenant on Civil and Political Rights, which the People's Republic of China has signed but not yet ratified; and

(C) the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (commonly known as the "Palermo Protocol"), to which the People's Republic of China has been a state party since February 2010.

10 **SEC. 3. STATEMENT OF POLICY.**

11 It is the policy of the United States—

12 (1) to strengthen the prohibition against the
13 importation of goods made with forced labor, includ-
14 ing by ensuring that the Government of the People's
15 Republic of China does not undermine the effective
16 enforcement of section 307 of the Tariff Act of 1930
17 (19 U.S.C. 1307), which prohibits the importation of
18 "[a]ll goods, wares, articles, and merchandise mined,
19 produced or manufactured wholly or in part in any
20 foreign country by : : : forced labor";

21 (2) to lead the international community in end-
22 ing forced labor practices wherever such practices
23 occur through all means available to the United
24 States Government, including by stopping the impor-
25 tation of any goods made with forced labor, includ-

1 ing those goods mined, produced, or manufactured
2 in the Xinjiang Uyghur Autonomous Region;

3 ~~(3)~~ to actively work to prevent, publicly de-
4 nounce, and end human trafficking, including with
5 respect to forced labor, whether sponsored by the
6 government of a foreign country or not, and to re-
7 store the lives of those affected by human traf-
8 ficking, a modern form of slavery;

9 ~~(4)~~ to regard the prevention of atrocities as a
10 priority in the national interests of the United
11 States; and

12 ~~(5)~~ to address gross violations of human rights
13 in the Xinjiang Uyghur Autonomous Region—

14 (A) through bilateral diplomatic channels
15 and multilateral institutions in which both the
16 United States and the People's Republic of
17 China are members; and

18 ~~(B)~~ using all the authorities available to
19 the United States Government, including visa
20 and financial sanctions, export restrictions, and
21 import controls.

1 **SEC. 4. STRATEGY TO ENFORCE PROHIBITION ON IMPOR-**
 2 **TATION OF GOODS MADE THROUGH FORCED**
 3 **LABOR IN THE XINJIANG UYGHUR AUTONO-**
 4 **MOUS REGION.**

5 ~~(a) PUBLIC COMMENT.—~~

6 ~~(1) IN GENERAL.—~~Not later than 45 days after
 7 the date of the enactment of this Act, the Secretary
 8 of Homeland Security, in consultation with the
 9 United States Trade Representative, the Secretary
 10 of State, and the Secretary of Labor, shall publish
 11 in the Federal Register a notice soliciting public
 12 comments on how best to ensure that goods made
 13 with forced labor in the People's Republic of China,
 14 including by Uyghurs, Kazakhs, Kyrgyz, and mem-
 15 bers of other persecuted groups in the Xinjiang
 16 Uyghur Autonomous Region of the People's Repub-
 17 lic of China, are not imported into the United
 18 States.

19 ~~(2) PERIOD FOR COMMENT.—~~The Secretary of
 20 Homeland Security shall provide the public with not
 21 less than 60 days to submit comments in response
 22 to the notice required by paragraph (1).

23 ~~(b) PUBLIC HEARING.—~~

24 ~~(1) IN GENERAL.—~~Not later than 45 days after
 25 the close of the period to submit comments under
 26 subsection (a)(2), the Secretary of Homeland Secu-

1 rity, the Secretary of Labor, the United States
2 Trade Representative, and the Secretary of State
3 shall jointly conduct a public hearing inviting wit-
4 nesses to testify with respect to the use of forced
5 labor in the People's Republic of China and potential
6 measures, including the measures described in para-
7 graph (2), to prevent the importation of goods made
8 with forced labor into the United States from the
9 People's Republic of China.

10 (2) MEASURES DESCRIBED.—The measures de-
11 scribed in this paragraph are—

12 (A) measures that can be taken to trace
13 goods or to prevent goods from leaving the Peo-
14 ple's Republic of China; and

15 (B) other measures for ensuring that
16 goods made with forced labor do not enter the
17 United States.

18 (c) DEVELOPMENT OF STRATEGY.—After receiving
19 public comments under subsection (a) and holding the
20 hearing required by subsection (b), the Secretary of
21 Homeland Security, in consultation with the Secretary of
22 Labor, the United States Trade Representative, the Sec-
23 retary of State, and the Director of National Intelligence,
24 shall develop a strategy for preventing the importation

1 into the United States of goods made with forced labor
2 in the Xinjiang Uyghur Autonomous Region.

3 (d) ELEMENTS.—The strategy developed under sub-
4 section (c) shall include the following:

5 (1) A comprehensive assessment of the risk of
6 the possibility of importing goods made with forced
7 labor from the People’s Republic of China, including
8 from the Xinjiang Uyghur Autonomous Region or
9 made by Uyghurs, Kazakhs, Kyrgyz, or members of
10 other persecuted groups in any other part of the
11 People’s Republic of China, that identifies, to the ex-
12 tent feasible—

13 (A) threats, including through the poten-
14 tial involvement in supply chains of entities that
15 may use forced labor, that could lead to the im-
16 portation of goods made with forced labor into
17 the United States; and

18 (B) what procedures can be implemented
19 or improved to reduce such threats.

20 (2) A comprehensive description and evalua-
21 tion—

22 (A) of “pairing assistance” and “poverty
23 alleviation” programs that include the forced
24 labor of Uyghurs, Kazakhs, Kyrgyz, or mem-
25 bers of other persecuted groups outside of the

1 Xinjiang Uyghur Autonomous Region or similar
2 programs of the People's Republic of China in
3 which work or services are extracted from
4 Uyghurs, Kazakhs, Kyrgyz, or members of
5 other persecuted groups through the threat of
6 penalty or for which the Uyghurs, Kazakhs,
7 Kyrgyz, or members of other persecuted groups
8 have not offered themselves voluntarily; and

9 (B) that includes—

10 (i) a list of entities working with the
11 government of the Xinjiang Uyghur Auton-
12 omous Region to move forced labor or
13 Uyghurs, Kazakhs, Kyrgyz, or members of
14 other persecuted groups out of the
15 Xinjiang Uyghur Autonomous Region; and

16 (ii) a list of goods made with such
17 labor for importation to the United States.

18 (3) Recommendations for efforts, initiatives,
19 and tools and technologies to be adopted to ensure
20 that U.S. Customs and Border Protection can accu-
21 rately identify and trace goods made in the Xinjiang
22 Uyghur Autonomous Region entering at any of the
23 ports of the United States.

24 (4) A description of how U.S. Customs and
25 Border Protection plans to enhance its use of legal

1 authorities and other tools to ensure that no goods
2 are entered at any of the ports of the United States
3 in violation of section 307 of the Tariff Act of 1930
4 (19 U.S.C. 1307), including through the initiation of
5 pilot programs to test the viability of technologies to
6 assist in the examination of such goods.

7 (5) Guidance to importers with respect to—

8 (A) best practices or effective due diligence
9 measures to ensure that such importers do not
10 import any goods made with forced labor from
11 the Xinjiang Uyghur Autonomous Region; and

12 (B) the type, nature, and extent of evi-
13 dence that demonstrates that imported goods
14 detained or seized pursuant to section 307 of
15 the Tariff Act of 1930 (19 U.S.C. 1307) were
16 not made with forced labor.

17 (e) SUBMISSION OF STRATEGY.—Not later than 270
18 days after the date of the enactment of this Act, and annu-
19 ally thereafter, the Secretary of Homeland Security, in
20 consultation with the Secretary of Labor, the United
21 States Trade Representative, and the Secretary of State,
22 shall submit to the appropriate congressional committees
23 a report that—

1 (1) in the case of the first such report, sets
 2 forth the strategy developed under subsection (e);
 3 and

4 (2) in the case of any subsequent such report,
 5 sets forth any updates to the strategy.

6 (f) FORM OF REPORT.—Each report required by sub-
 7 section (e) shall be submitted in unclassified form, but
 8 may include a classified annex, if necessary.

9 (g) PUBLIC AVAILABILITY.—The unclassified portion
 10 of each report required by subsection (e) shall be made
 11 available to the public.

12 **SEC. 5. REBUTTABLE PRESUMPTION THAT IMPORT PROHI-**
 13 **BITION APPLIES TO GOODS PRODUCED IN**
 14 **THE XINJIANG UYGHUR AUTONOMOUS RE-**
 15 **GION.**

16 (a) IN GENERAL.—The Commissioner of U.S. Cus-
 17 toms and Border Protection shall, except as provided by
 18 subsection (b), apply a presumption that, with respect to
 19 any significant goods, wares, articles, and merchandise
 20 mined, produced, or manufactured wholly or in part in the
 21 Xinjiang Uyghur Autonomous Region of the People's Re-
 22 public of China or produced by entities on a list required
 23 by section 4(d)(2)(B)(i)—

1 (1) the importation of such goods, wares, arti-
 2 cles, and merchandise is prohibited under section
 3 307 of the Tariff Act of 1930 (19 U.S.C. 1307); and

4 (2) such goods, wares, articles, and merchan-
 5 dise are not entitled to entry at any of the ports of
 6 the United States.

7 (b) EXCEPTIONS.—The Commissioner shall apply the
 8 presumption under subsection (a) unless the Commis-
 9 sioner determines that—

10 (1) the importer of record has—

11 (A) fully complied with the guidance de-
 12 scribed in section 4(d)(5) and any regulations
 13 issued to implement that guidance; and

14 (B) completely and substantively re-
 15 sponded to all inquiries for information sub-
 16 mitted by the Commissioner to ascertain wheth-
 17 er the goods were manufactured through forced
 18 labor;

19 (2) the good was not produced wholly or in part
 20 by forced labor; or

21 (3) the President certifies that the Government
 22 of the People's Republic of China is not impeding in
 23 any way attempts to investigate abuses of Uyghurs,
 24 Kazakhs, Kyrgyz, or members of other persecuted

1 groups or to address any other instances of forced
 2 labor in the People's Republic of China.

3 (c) REGULATIONS.—The Commissioner may pre-
 4 scribe regulations—

5 (1) to implement paragraphs (1) and (2) of
 6 subsection (b); or

7 (2) to amend any other regulations relating to
 8 withhold release orders in order to implement this
 9 section.

10 (d) EFFECTIVE DATE.—This section takes effect on
 11 the date that is 300 days after the date of the enactment
 12 of this Act.

13 **SEC. 6. DETERMINATION RELATING TO ATROCITIES AND**
 14 **GENOCIDE IN THE XINJIANG UYGHUR AU-**
 15 **TONOMOUS REGION.**

16 (a) IN GENERAL.—Not later than 180 days after the
 17 date of the enactment of this Act, the Secretary of State
 18 shall submit to the appropriate congressional committees
 19 a report setting forth the formal determination of the Sec-
 20 retary with respect to whether—

21 (1) the human rights abuses committed by the
 22 Government of the People's Republic of China
 23 against Uyghurs, Kazakhs, Kyrgyz, and members of
 24 other persecuted groups in the Xinjiang Uyghur Au-
 25 tonomous Region of the People's Republic of China

1 constitute genocide within the meaning of section
2 1091(a) of title 18, United States Code; and

3 (2) the actions taken by the Government of the
4 People's Republic of China in support of the use of
5 forced labor against Uyghurs, Kazakhs, Kyrgyz, and
6 members of other persecuted groups in the Xinjiang
7 Uyghur Autonomous Region constitute an atrocity
8 within the meaning of the term "atrocities" as de-
9 fined in section 6 of the Elie Wiesel Genocide and
10 Atrocities Prevention Act of 2018 (Public Law 115-
11 441; 22 U.S.C. 2656 note).

12 (b) FORM.—The report required by subsection (a)
13 shall be submitted in unclassified form, but may include
14 a classified annex, if necessary.

15 (c) PUBLIC AVAILABILITY.—The unclassified portion
16 of each report required by subsection (a) shall be made
17 available to the public.

18 **SEC. 7. DIPLOMATIC STRATEGY TO ADDRESS FORCED**
19 **LABOR IN THE XINJIANG UYGHUR AUTONO-**
20 **MOUS REGION.**

21 (a) IN GENERAL.—Not later than 90 days after the
22 date of the enactment of this Act, the Secretary of State,
23 in coordination with the heads of other appropriate Fed-
24 eral agencies, shall submit to the appropriate congres-
25 sional committees a report that includes a United States

1 strategy to promote initiatives to enhance international
 2 awareness of and to address forced labor in the Xinjiang
 3 Uyghur Autonomous Region of the People's Republic of
 4 China.

5 (b) MATTERS TO BE INCLUDED.—The Secretary
 6 shall include in the report required by subsection (a) the
 7 following:

8 (1) A plan to enhance bilateral and multilateral
 9 coordination, including sustained engagement with
 10 the governments of countries that are partners and
 11 allies of the United States, to end the use of
 12 Uyghurs, Kazakhs, Kyrgyz, and members of other
 13 persecuted groups in the Xinjiang Uyghur Autono-
 14 mous Region for forced labor.

15 (2) A description of public affairs, public diplo-
 16 macy, and counter-messaging efforts to promote
 17 awareness of the human rights situation, including
 18 with respect to forced labor, in the Xinjiang Uyghur
 19 Autonomous Region.

20 (3) A plan—

21 (A) to coordinate and collaborate with ap-
 22 propriate nongovernmental organizations and
 23 private sector entities to raise awareness about
 24 goods made with forced labor in the Xinjiang
 25 Uyghur Autonomous Region; and

1 ~~(B)~~ to provide humanitarian assistance, in-
 2 cluding with respect to resettlement and advo-
 3 eacy for imprisoned family members, to
 4 Uyghurs, Kazakhs, Kyrgyz, and members of
 5 other persecuted groups, including members of
 6 such groups formerly detained in mass intern-
 7 ment camps in the Xinjiang Uyghur Autono-
 8 mous Region.

9 ~~(c)~~ ADDITIONAL MATTERS TO BE INCLUDED.—The
 10 Secretary shall include in the report required by sub-
 11 section (a), based on consultations with the Secretary of
 12 Commerce, the Secretary of Homeland Security, and the
 13 Secretary of the Treasury, the following:

14 ~~(1)~~ To the extent practicable, a list of—

15 ~~(A)~~ entities in the People’s Republic of
 16 China or affiliates of such entities that use or
 17 benefit from forced labor in the Xinjiang
 18 Uyghur Autonomous Region; and

19 ~~(B)~~ foreign persons that act as agents of
 20 the entities or affiliates described in subpara-
 21 graph ~~(A)~~ to import goods into the United
 22 States.

23 ~~(2)~~ A plan for working with private sector enti-
 24 ties seeking to conduct supply chain due diligence to

1 prevent the importation of goods made with forced
2 labor into the United States.

3 ~~(3)~~ A description of actions taken by the United
4 States Government to address forced labor in the
5 Xinjiang Uyghur Autonomous Region under existing
6 authorities, including—

7 (A) the Trafficking Victims Protection Act
8 of 2000 (22 U.S.C. 7101 et seq.);

9 (B) the Elie Wiesel Genocide and Atroc-
10 ities Prevention Act of 2018 (Public Law 115-
11 441; 22 U.S.C. 2656 note); and

12 (C) the Global Magnitsky Human Rights
13 Accountability Act (subtitle F of title XII of
14 Public Law 114-328; 22 U.S.C. 2656 note).

15 (d) FORM.—The report required by subsection (a)
16 shall be submitted in unclassified form, but may include
17 a classified annex, if necessary.

18 **SEC. 8. IMPOSITION OF SANCTIONS RELATING TO FORCED**
19 **LABOR IN THE XINJIANG UYGHUR AUTONO-**
20 **MOUS REGION.**

21 (a) IN GENERAL.—Section 6(a)(1) of the Uyghur
22 Human Rights Policy Act of 2020 (Public Law 116-145;
23 22 U.S.C. 6901 note) is amended by adding at the end
24 the following:

1 “(F) Serious human rights abuses in con-
2 nection with forced labor.”.

3 (b) ~~EFFECTIVE DATE; APPLICABILITY.~~—The amend-
4 ment made by subsection (a)—

5 (1) takes effect on the date of the enactment of
6 this Act; and

7 (2) applies with respect to the first report re-
8 quired by section 6(a)(1) of the Uyghur Human
9 Rights Policy Act of 2020 submitted after such date
10 of enactment.

11 (c) ~~TRANSITION RULE.~~—

12 (1) ~~INTERIM REPORT.~~—Not later than 180
13 days after the date of the enactment of this Act, the
14 President shall submit to the committees specified in
15 section 6(a)(1) of the Uyghur Human Rights Policy
16 Act of 2020 a report that identifies each foreign per-
17 son, including any official of the Government of the
18 People’s Republic of China, that the President deter-
19 mines is responsible for serious human rights abuses
20 in connection with forced labor with respect to
21 Uyghurs, Kazakhs, Kyrgyz, or members of other
22 Muslim minority groups, or other persons in the
23 Xinjiang Uyghur Autonomous Region.

24 (2) ~~IMPOSITION OF SANCTIONS.~~—The President
25 shall impose sanctions under subsection (c) of sec-

tion 6 of the Uyghur Human Rights Policy Act of 2020 with respect to each foreign person identified in the report required by paragraph (1), subject to the provisions of subsections (d), (e), (f), and (g) of that section.

SEC. 9. SUNSET.

Sections 4, 5, and 7 shall cease to have effect on the earlier of—

(1) the date that is 8 years after the date of the enactment of this Act; or

(2) the date on which the President submits to the appropriate congressional committees a determination that the Government of the People's Republic of China has ended mass internment, forced labor, and any other gross violations of human rights experienced by Uyghurs, Kazakhs, Kyrgyz, and members of other persecuted groups in the Xinjiang Uyghur Autonomous Region.

SEC. 10. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs, the Committee on Financial Services, the Com-

mittee on Ways and Means, and the Committee
on Homeland Security of the House of Rep-
resentatives; and

(B) the Committee on Foreign Relations,
the Committee on Banking, Housing, and
Urban Affairs, the Committee on Finance, and
the Committee on Homeland Security and Gov-
ernmental Affairs of the Senate.

(2) FOREIGN PERSON.—The term “foreign per-
son” means a person that is not a United States
person.

(3) PERSON.—The term “person” means an in-
dividual or entity.

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

(A) a United States citizen or an alien law-
fully admitted for permanent residence to the
United States; or

(B) an entity organized under the laws of
the United States or any jurisdiction within the
United States, including a foreign branch of
such an entity.

SECTION 1. SHORT TITLE.

*This Act may be cited as the “Uyghur Forced Labor
Prevention Act”.*

1 **SEC. 2. FINDINGS.**

2 *Congress finds the following:*

3 *(1) In the Xinjiang Uyghur Autonomous Region*
4 *of the People's Republic of China, the Government of*
5 *the People's Republic of China has, since April 2017,*
6 *arbitrarily detained more than 1,000,000 Uyghurs,*
7 *Kazakhs, Kyrgyz, Tibetans, and members of other*
8 *persecuted groups in a system of extrajudicial mass*
9 *internment camps, and has subjected detainees to*
10 *forced labor, torture, political indoctrination, and*
11 *other severe human rights abuses.*

12 *(2) Forced labor, a severe form of human traf-*
13 *ficking, exists within the Xinjiang Uyghur Autono-*
14 *mous Region's system of mass internment camps, and*
15 *throughout the region, and is confirmed by the testi-*
16 *mony of former camp detainees, satellite imagery,*
17 *and official leaked documents from the Government of*
18 *the People's Republic of China as part of a targeted*
19 *campaign of repression of Muslim ethnic minorities.*

20 *(3) Researchers and civil society groups have*
21 *issued reports documenting evidence that many fac-*
22 *tories and other suppliers in the Xinjiang Uyghur*
23 *Autonomous Region are exploiting forced labor, on*
24 *July 22, 2020, the Bureau of Industry and Security*
25 *of the Department of Commerce added 11 entities to*
26 *the Entity List set forth in Supplement No. 4 to part*

744 of title 15, Code of Federal Regulations, after determining the entities had been “implicated in human rights violations and abuses in the implementation of China’s campaign of repression, mass arbitrary detention, forced labor and high-technology surveillance against Uyghurs, Kazakhs, Kyrgyz, Tibetans, and members of other persecuted groups in the Xinjiang Uyghur Autonomous Region”.

(4) Since October 2019, the Bureau of Industry and Security of the Department of Commerce has added a total of 48 entities of the Government of the People’s Republic of China to the Entity List set forth in Supplement No. 4 to part 744 of title 15, Code of Federal Regulations, in connection with their implication in human rights abuses in the implementation of China’s campaign of repression, mass arbitrary detention, forced labor, and high-technology surveillance against Uyghurs, Kazakhs, and other members of Muslim minority groups in the Xinjiang Uyghur Autonomous Region. As a consequence of their addition to the Entity List, comprehensive restrictions apply to the export, reexport, and in-country transfer of most United States-origin items to those 48 entities. Audits and traditional due diligence efforts to vet goods and supply chains in the Xinjiang Uyghur Au-

1 *tonomous Region are unreliable for identifying the*
 2 *absence of forced labor in the production of goods be-*
 3 *cause of interference by the Government of the Peo-*
 4 *ple’s Republic of China, including through intimidat-*
 5 *ion of potential witnesses and concealment of rel-*
 6 *evant information.*

7 *(5) Reports cited by the Department of Labor es-*
 8 *timate that hundreds of thousands of ex-detainees who*
 9 *are Uyghurs, Kazakhs, Kyrgyz, Tibetans, or members*
 10 *of other persecuted groups in the People’s Republic of*
 11 *China may be working in conditions of forced labor*
 12 *following detention in re-education camps. Moreover,*
 13 *nongovernmental organizations estimate that more*
 14 *than 80,000 Uyghurs were transferred out of the*
 15 *Xinjiang Uyghur Autonomous Region to work in fac-*
 16 *tories across the People’s Republic of China between*
 17 *2017 and 2019, and some of them were sent directly*
 18 *from detention camps.*

19 *(6) The Department of State’s June 2020 Traf-*
 20 *ficking in Persons Report found, “Authorities offer*
 21 *subsidies incentivizing Chinese companies to open*
 22 *factories in close proximity to the internment camps*
 23 *and to receive transferred detainees at satellite manu-*
 24 *facturing sites in other provinces. Local governments*
 25 *receive additional funds for each inmate forced to*

1 *work in these sites at a fraction of minimum wage or*
 2 *without any compensation. The government has*
 3 *transported tens of thousands of these individuals to*
 4 *other areas within Xinjiang and to other provinces*
 5 *for forced labor under the guise of poverty alleviation*
 6 *and industrial aid programs.”.*

7 (7) *U.S. Customs and Border Protection has*
 8 *issued 11 withhold release orders on goods suspected*
 9 *to be produced with forced labor in the Xinjiang*
 10 *Uyghur Autonomous Region. Goods subject to the*
 11 *withhold release orders include all cotton, cotton prod-*
 12 *ucts, tomatoes, and tomato products, as well as cer-*
 13 *tain garments, hair products, apparel, computer*
 14 *parts, and other goods.*

15 (8) *In its 2019 annual report, the Congressional-*
 16 *Executive Commission on China found that goods re-*
 17 *portedly produced with forced labor by current and*
 18 *former mass internment camp detainees included tex-*
 19 *tiles, electronics, food products, shoes, tea, and handi-*
 20 *crafts.*

21 (9) *Under section 1091(a) of title 18, United*
 22 *States Code, a person commits genocide if the person*
 23 *“whether in time of peace or in time of war and with*
 24 *the specific intent to destroy, in whole or in substan-*

1 *tial part, a national, ethnic, racial, or religious group*
 2 *as such—*

3 *“(1) kills members of that group;*

4 *“(2) causes serious bodily injury to mem-*
 5 *bers of that group;*

6 *“(3) causes the permanent impairment of*
 7 *the mental faculties of members of the group*
 8 *through drugs, torture, or similar techniques;*

9 *“(4) subjects the group to conditions of life*
 10 *that are intended to cause the physical destruc-*
 11 *tion of the group in whole or in part;*

12 *“(5) imposes measures intended to prevent*
 13 *births within the group; or*

14 *“(6) transfers by force children of the group*
 15 *to another group.”.*

16 *(10) As a direct result of the campaign of tar-*
 17 *geted and coercive population control of the Govern-*
 18 *ment of the People’s Republic of China’s against*
 19 *Uyghurs, the birthrate of the Uyghur population in*
 20 *the Xinjiang Uyghur Autonomous Region plummeted*
 21 *by 24 percent from 2017 to 2018, with birthrates in*
 22 *the Uyghur majority regions of Hotan and Kashgar*
 23 *decreasing by more than 60 percent from 2015 to*
 24 *2018.*

1 (11) *The policies of the Government of the Peo-*
 2 *ple’s Republic of China are in contravention of its*
 3 *human rights commitments and obligations, includ-*
 4 *ing under—*

5 (A) *the Universal Declaration of Human*
 6 *Rights;*

7 (B) *the International Covenant on Civil*
 8 *and Political Rights, which the People’s Republic*
 9 *of China has signed but not yet ratified; and*

10 (C) *the United Nations Protocol to Prevent,*
 11 *Suppress and Punish Trafficking in Persons Es-*
 12 *pecially Women and Children (commonly known*
 13 *as the “Palermo Protocol”), to which the People’s*
 14 *Republic of China has been a state party since*
 15 *February 2010.*

16 **SEC. 3. STATEMENT OF POLICY.**

17 *It is the policy of the United States—*

18 (1) *to strengthen the prohibition against the im-*
 19 *portation of goods made with forced labor, including*
 20 *by ensuring that the Government of the People’s Re-*
 21 *public of China does not undermine the effective en-*
 22 *forcement of section 307 of the Tariff Act of 1930 (19*
 23 *U.S.C. 1307), which prohibits the importation of all*
 24 *“goods, wares, articles, and merchandise mined, pro-*

1 *duced or manufactured wholly or in part in any for-*
 2 *ign country by . . . forced labor”;*

3 *(2) to lead the international community in end-*
 4 *ing forced labor practices wherever such practices*
 5 *occur through all means available to the United*
 6 *States Government, including by stopping the impor-*
 7 *tation of any goods made with forced labor, including*
 8 *those goods mined, produced, or manufactured wholly*
 9 *or in part in the Xinjiang Uyghur Autonomous Re-*
 10 *gion;*

11 *(3) to actively work to prevent, publicly de-*
 12 *nounce, and end human trafficking, including with*
 13 *respect to forced labor, whether sponsored by the gov-*
 14 *ernment of a foreign country or not, and to restore*
 15 *the lives of those affected by human trafficking, a*
 16 *modern form of slavery;*

17 *(4) to regard the prevention of atrocities as a*
 18 *priority in the national interests of the United States;*
 19 *and*

20 *(5) to address gross violations of human rights*
 21 *in the Xinjiang Uyghur Autonomous Region—*

22 *(A) through bilateral diplomatic channels*
 23 *and multilateral institutions in which both the*
 24 *United States and the People’s Republic of*
 25 *China are members; and*

1 (B) using all the authorities available to the
 2 United States Government, including visa and
 3 financial sanctions, export restrictions, and im-
 4 port controls.

5 **SEC. 4. STRATEGY TO ENFORCE PROHIBITION ON IMPORTA-**
 6 **TION OF GOODS MADE THROUGH FORCED**
 7 **LABOR IN THE XINJIANG UYGHUR AUTONO-**
 8 **MOUS REGION.**

9 (a) *PUBLIC COMMENT.*—

10 (1) *IN GENERAL.*—Not later than 45 days after
 11 the date of the enactment of this Act, the Secretary of
 12 the Treasury and the Secretary of Homeland Security
 13 shall jointly, and in consultation with the United
 14 States Trade Representative, the Secretary of State,
 15 and the Secretary of Labor, publish in the Federal
 16 Register a notice soliciting public comments on how
 17 best to ensure that goods mined, produced, or manu-
 18 factured wholly or in part with forced labor in the
 19 People’s Republic of China, including by Uyghurs,
 20 Kazakhs, Kyrgyz, Tibetans, and members of other
 21 persecuted groups in the People’s Republic of China,
 22 and especially in the Xinjiang Uyghur Autonomous
 23 Region, are not imported into the United States.

24 (2) *PERIOD FOR COMMENT.*—The Secretary of
 25 the Treasury and the Secretary of Homeland Security

1 *shall provide the public with not less than 60 days to*
 2 *submit comments in response to the notice required by*
 3 *paragraph (1).*

4 ***(b) PUBLIC HEARING.—***

5 ***(1) IN GENERAL.—****Not later than 45 days after*
 6 *the close of the period to submit comments under sub-*
 7 *section (a)(2), the Secretary of the Treasury, the Sec-*
 8 *retary of Homeland Security, the Secretary of Labor,*
 9 *the United States Trade Representative, and the Sec-*
 10 *retary of State shall jointly conduct a public hearing*
 11 *inviting witnesses to testify with respect to the use of*
 12 *forced labor in the People’s Republic of China and po-*
 13 *tential measures, including the measures described in*
 14 *paragraph (2), to prevent the importation of goods*
 15 *mined, produced, or manufactured wholly or in part*
 16 *with forced labor in the People’s Republic of China*
 17 *into the United States.*

18 ***(2) MEASURES DESCRIBED.—****The measures de-*
 19 *scribed in this paragraph are—*

20 ***(A)****measures that can be taken to trace the*
 21 *origin of goods, offer greater supply chain trans-*
 22 *parency, and identify third country supply*
 23 *chain routes for goods mined, produced, or man-*
 24 *ufactured wholly or in part with forced labor in*
 25 *the People’s Republic of China; and*

1 (B) other measures for ensuring that goods
 2 mined, produced, or manufactured wholly or in
 3 part with forced labor do not enter the United
 4 States.

5 (c) *DEVELOPMENT OF STRATEGY*.—After receiving
 6 public comments under subsection (a) and holding the hear-
 7 ing required by subsection (b), the Secretary of the Treasury
 8 and the Secretary of Homeland Security shall jointly, and
 9 in consultation with the Secretary of Labor, the United
 10 States Trade Representative, the Secretary of State, and the
 11 Director of National Intelligence, develop a strategy for pre-
 12 venting the importation into the United States of goods
 13 mined, produced, or manufactured wholly or in part with
 14 forced labor in the People’s Republic of China.

15 (d) *ELEMENTS*.—The strategy developed under sub-
 16 section (c) shall include the following:

17 (1) A comprehensive assessment of the risk of im-
 18 porting goods mined, produced, or manufactured
 19 wholly or in part with forced labor in the People’s
 20 Republic of China, including from the Xinjiang
 21 Uyghur Autonomous Region or made by Uyghurs,
 22 Kazakhs, Kyrgyz, Tibetans, or members of other per-
 23 secuted groups in any other part of the People’s Re-
 24 public of China, that identifies, to the extent fea-
 25 sible—

1 (A) threats, including through the potential
 2 involvement in supply chains of entities that
 3 may use forced labor, that could lead to the im-
 4 portation into the United States from the Peo-
 5 ple’s Republic of China, including through third
 6 countries, of goods mined, produced, or manufac-
 7 tured wholly or in part with forced labor; and

8 (B) what procedures can be implemented or
 9 improved to reduce such threats.

10 (2) A comprehensive description and evalua-
 11 tion—

12 (A) of “pairing assistance” and “poverty
 13 alleviation” or any other government labor
 14 scheme that includes the forced labor of Uyghurs,
 15 Kazakhs, Kyrgyz, Tibetans, or members of other
 16 persecuted groups outside of the Xinjiang
 17 Uyghur Autonomous Region or similar programs
 18 of the People’s Republic of China in which work
 19 or services are extracted from Uyghurs, Kazakhs,
 20 Kyrgyz, Tibetans, or members of other persecuted
 21 groups through the threat of penalty or for which
 22 the Uyghurs, Kazakhs, Kyrgyz, Tibetans, or
 23 members of other persecuted groups have not of-
 24 fered themselves voluntarily; and

25 (B) that includes—

1 (i) a list of entities working with the
2 government of the Xinjiang Uyghur Autono-
3 mous Region to move forced labor or
4 Uyghurs, Kazakhs, Kyrgyz, or members of
5 other persecuted groups out of the Xinjiang
6 Uyghur Autonomous Region;

7 (ii) a list of products mined, produced,
8 or manufactured wholly or in part by enti-
9 ties on the list required by clause (i);

10 (iii) a list of entities that exported
11 products described in clause (ii) from the
12 People's Republic of China into the United
13 States;

14 (iv) a list of facilities and entities, in-
15 cluding the Xinjiang Production and Con-
16 struction Corps, that source material from
17 the Xinjiang Uyghur Autonomous Region or
18 from persons working with the government
19 of the Xinjiang Uyghur Autonomous Region
20 or the Xinjiang Production and Construc-
21 tion Corps for purposes of the "poverty alle-
22 viation" program or the "pairing-assist-
23 ance" program or any other government
24 labor scheme that uses forced or involuntary
25 labor;

1 (v) a plan for identifying additional
 2 facilities and entities described in clause
 3 (iv);

4 (vi) an enforcement plan for each such
 5 entity, which may include issuing withhold
 6 release orders to support enforcement of sec-
 7 tion 5 with respect to the entity;

8 (vii) a list of high-priority sectors for
 9 enforcement, which shall include cotton, to-
 10 matoes, and polysilicon; and

11 (viii) an enforcement plan for each
 12 such high-priority sector.

13 (3) Recommendations for efforts, initiatives, and
 14 tools and technologies to be adopted to ensure that
 15 U.S. Customs and Border Protection can accurately
 16 identify and trace goods made in the Xinjiang
 17 Uyghur Autonomous Region entering at any of the
 18 ports of the United States.

19 (4) A description of how U.S. Customs and Bor-
 20 der Protection plans to enhance its use of legal au-
 21 thorities and other tools to ensure that no goods are
 22 entered at any of the ports of the United States in
 23 violation of section 307 of the Tariff Act of 1930 (19
 24 U.S.C. 1307), including through the initiation of

1 *pilot programs to test the viability of technologies to*
2 *assist in the examination of such goods.*

3 (5) *Guidance to importers with respect to—*

4 (A) *due diligence, effective supply chain*
5 *tracing, and supply chain management measures*
6 *to ensure that such importers do not import any*
7 *goods mined, produced, or manufactured wholly*
8 *or in part with forced labor from the People’s*
9 *Republic of China, especially from the Xinjiang*
10 *Uyghur Autonomous Region;*

11 (B) *the type, nature, and extent of evidence*
12 *that demonstrates that goods originating in the*
13 *People’s Republic of China were not mined, pro-*
14 *duced, or manufactured wholly or in part in the*
15 *Xinjiang Uyghur Autonomous Region; and*

16 (C) *the type, nature, and extent of evidence*
17 *that demonstrates that goods originating in the*
18 *People’s Republic of China, including goods de-*
19 *tained or seized pursuant to section 307 of the*
20 *Tariff Act of 1930 (19 U.S.C. 1307), were not*
21 *mined, produced, or manufactured wholly or in*
22 *part with forced labor.*

23 (6) *A plan to coordinate and collaborate with*
24 *appropriate nongovernmental organizations and pri-*

1 *vate sector entities to implement and update the*
 2 *strategy developed under subsection (c).*

3 *(e) SUBMISSION OF STRATEGY.—*

4 *(1) IN GENERAL.—Not later than 270 days after*
 5 *the date of the enactment of this Act, and annually*
 6 *thereafter, the Secretary of Homeland Security, in*
 7 *consultation with the Secretary of Labor, the United*
 8 *States Trade Representative, and the Secretary of*
 9 *State, shall submit to the appropriate congressional*
 10 *committees a report that—*

11 *(A) in the case of the first such report, sets*
 12 *forth the strategy developed under subsection (c);*
 13 *and*

14 *(B) in the case of any subsequent such re-*
 15 *port, sets forth any updates to the strategy.*

16 *(2) UPDATES OF CERTAIN MATTERS.—Not less*
 17 *frequently than annually after the submission under*
 18 *paragraph (1)(A) of the strategy developed under sub-*
 19 *section (c), the Secretary shall submit to the appro-*
 20 *priate congressional committees updates to the strat-*
 21 *egy with respect to the matters described in clauses (i)*
 22 *through (vi) of subsection (d)(2)(B).*

23 *(3) FORM OF REPORT.—Each report required by*
 24 *paragraph (1) shall be submitted in unclassified form,*
 25 *but may include a classified annex, if necessary.*

1 (4) *PUBLIC AVAILABILITY.*—*The unclassified por-*
 2 *tion of each report required by paragraph (1) shall be*
 3 *made available to the public.*

4 (f) *RULE OF CONSTRUCTION.*—*Nothing in this section*
 5 *may be construed to limit the application of regulations*
 6 *in effect on or measures taken before the date of the enact-*
 7 *ment of this Act to prevent the importation of goods mined,*
 8 *produced, or manufactured wholly or in part with forced*
 9 *labor into the United States, including withhold release or-*
 10 *ders issued before such date of enactment.*

11 **SEC. 5. REBUTTABLE PRESUMPTION THAT IMPORT PROHI-**
 12 **BITION APPLIES TO GOODS MINED, PRO-**
 13 **DUCED, OR MANUFACTURED IN THE**
 14 **XINJIANG UYGHUR AUTONOMOUS REGION OR**
 15 **BY CERTAIN ENTITIES.**

16 (a) *IN GENERAL.*—*The Commissioner of U.S. Customs*
 17 *and Border Protection shall, except as provided by sub-*
 18 *section (b), apply a presumption that, with respect to any*
 19 *goods, wares, articles, and merchandise mined, produced,*
 20 *or manufactured wholly or in part in the Xinjiang Uyghur*
 21 *Autonomous Region of the People's Republic of China or*
 22 *produced by an entity on a list required by clause (i), (iii),*
 23 *or (iv) of section 4(d)(2)(B)—*

1 (1) *the importation of such goods, wares, articles,*
 2 *and merchandise is prohibited under section 307 of*
 3 *the Tariff Act of 1930 (19 U.S.C. 1307); and*

4 (2) *such goods, wares, articles, and merchandise*
 5 *are not entitled to entry at any of the ports of the*
 6 *United States.*

7 (b) *EXCEPTIONS.—The Commissioner shall apply the*
 8 *presumption under subsection (a) unless the Commissioner*
 9 *determines that—*

10 (1) *the importer of record has—*

11 (A) *fully complied with the guidance de-*
 12 *scribed in section 4(d)(5) and any regulations*
 13 *issued to implement that guidance; and*

14 (B) *completely and substantively responded*
 15 *to all inquiries for information submitted by the*
 16 *Commissioner to ascertain whether the goods*
 17 *were mined, produced, or manufactured wholly*
 18 *or in part with forced labor; and*

19 (2) *the good was not mined, produced, or manu-*
 20 *factured wholly or in part by forced labor.*

21 (c) *REPORT REQUIRED.—Not less frequently than*
 22 *every 180 days, the Commissioner shall submit to the ap-*
 23 *propriate congressional committees and make available to*
 24 *the public a report that lists all instances in which the Com-*

1 *missioner declined to apply the presumption under sub-*
 2 *section (a) during the preceding 180-day period.*

3 *(d) REGULATIONS.—The Commissioner may prescribe*
 4 *regulations—*

5 *(1) to implement paragraphs (1) and (2) of sub-*
 6 *section (b); or*

7 *(2) to amend any other regulations relating to*
 8 *withhold release orders in order to implement this sec-*
 9 *tion.*

10 *(e) EFFECTIVE DATE.—This section takes effect on the*
 11 *date that is 300 days after the date of the enactment of*
 12 *this Act.*

13 **SEC. 6. DIPLOMATIC STRATEGY TO ADDRESS FORCED**
 14 **LABOR IN THE XINJIANG UYGHUR AUTONO-**
 15 **MOUS REGION.**

16 *(a) IN GENERAL.—Not later than 90 days after the*
 17 *date of the enactment of this Act, the Secretary of State,*
 18 *in coordination with the heads of other appropriate Federal*
 19 *agencies, shall submit to the appropriate congressional com-*
 20 *mittees a report that includes a United States strategy to*
 21 *promote initiatives to enhance international awareness of*
 22 *and to address forced labor in the Xinjiang Uyghur Autono-*
 23 *mous Region of the People’s Republic of China.*

1 (b) *MATTERS TO BE INCLUDED.*—*The Secretary shall*
 2 *include in the report required by subsection (a) the fol-*
 3 *lowing:*

4 (1) *A plan to enhance bilateral and multilateral*
 5 *coordination, including sustained engagement with*
 6 *the governments of countries that are partners and al-*
 7 *lies of the United States, to end the use of Uyghurs,*
 8 *Kazakhs, Kyrgyz, Tibetans, and members of other*
 9 *persecuted groups in the Xinjiang Uyghur Autono-*
 10 *mous Region for forced labor.*

11 (2) *A description of public affairs, public diplo-*
 12 *macy, and counter-messaging efforts to promote*
 13 *awareness of the human rights situation, including*
 14 *with respect to forced labor, in the Xinjiang Uyghur*
 15 *Autonomous Region.*

16 (3) *A plan—*

17 (A) *to coordinate and collaborate with ap-*
 18 *propriate nongovernmental organizations and*
 19 *private sector entities to raise awareness about*
 20 *goods mined, produced, or manufactured wholly*
 21 *or in part with forced labor in the Xinjiang*
 22 *Uyghur Autonomous Region; and*

23 (B) *to provide humanitarian assistance, in-*
 24 *cluding with respect to resettlement and advo-*
 25 *cacy for imprisoned family members, to*

1 *Uyghurs, Kazakhs, Kyrgyz, Tibetans, and mem-*
 2 *bers of other persecuted groups, including mem-*
 3 *bers of such groups formerly detained in mass*
 4 *internment camps in the Xinjiang Uyghur Au-*
 5 *tonomous Region.*

6 (c) *ADDITIONAL MATTERS TO BE INCLUDED.—The*
 7 *Secretary shall include in the report required by subsection*
 8 *(a), based on consultations with the Secretary of Commerce,*
 9 *the Secretary of Homeland Security, and the Secretary of*
 10 *the Treasury, the following:*

11 (1) *To the extent practicable, a list of—*

12 (A) *entities in the People’s Republic of*
 13 *China or affiliates of such entities that use or*
 14 *benefit from forced labor in the Xinjiang Uyghur*
 15 *Autonomous Region; and*

16 (B) *foreign persons that act as agents of the*
 17 *entities or affiliates described in subparagraph*
 18 *(A) to import goods into the United States.*

19 (2) *A plan for working with private sector enti-*
 20 *ties seeking to conduct supply chain due diligence to*
 21 *prevent the importation of goods mined, produced, or*
 22 *manufactured wholly or in part with forced labor*
 23 *into the United States.*

24 (3) *A description of actions taken by the United*
 25 *States Government to address forced labor in the*

1 *Xinjiang Uyghur Autonomous Region under existing*
 2 *authorities, including—*

3 *(A) the Trafficking Victims Protection Act*
 4 *of 2000 (22 U.S.C. 7101 et seq.);*

5 *(B) the Elie Wiesel Genocide and Atrocities*
 6 *Prevention Act of 2018 (Public Law 115–441; 22*
 7 *U.S.C. 2656 note); and*

8 *(C) the Global Magnitsky Human Rights*
 9 *Accountability Act (subtitle F of title XII of*
 10 *Public Law 114–328; 22 U.S.C. 2656 note).*

11 *(d) FORM.—The report required by subsection (a) shall*
 12 *be submitted in unclassified form, but may include a classi-*
 13 *fied annex, if necessary.*

14 **SEC. 7. IMPOSITION OF SANCTIONS RELATING TO FORCED**
 15 **LABOR IN THE XINJIANG UYGHUR AUTONO-**
 16 **MOUS REGION.**

17 *(a) IN GENERAL.—Section 6(a)(1) of the Uyghur*
 18 *Human Rights Policy Act of 2020 (Public Law 116–145;*
 19 *22 U.S.C. 6901 note) is amended by adding at the end the*
 20 *following:*

21 *“(F) Serious human rights abuses in con-*
 22 *nection with forced labor.”.*

23 *(b) EFFECTIVE DATE; APPLICABILITY.—The amend-*
 24 *ment made by subsection (a)—*

1 (1) *takes effect on the date of the enactment of*
 2 *this Act; and*

3 (2) *applies with respect to the first report re-*
 4 *quired by section 6(a)(1) of the Uyghur Human*
 5 *Rights Policy Act of 2020 submitted after such date*
 6 *of enactment.*

7 (c) *TRANSITION RULE.—*

8 (1) *INTERIM REPORT.—Not later than 180 days*
 9 *after the date of the enactment of this Act, the Presi-*
 10 *dent shall submit to the committees specified in sec-*
 11 *tion 6(a)(1) of the Uyghur Human Rights Policy Act*
 12 *of 2020 a report that identifies each foreign person,*
 13 *including any official of the Government of the Peo-*
 14 *ple’s Republic of China, that the President determines*
 15 *is responsible for serious human rights abuses in con-*
 16 *nection with forced labor with respect to Uyghurs,*
 17 *Kazakhs, Kyrgyz, or members of other Muslim minor-*
 18 *ity groups, or other persons in the Xinjiang Uyghur*
 19 *Autonomous Region.*

20 (2) *IMPOSITION OF SANCTIONS.—The President*
 21 *shall impose sanctions under subsection (c) of section*
 22 *6 of the Uyghur Human Rights Policy Act of 2020*
 23 *with respect to each foreign person identified in the*
 24 *report required by paragraph (1), subject to the provi-*

1 *sions of subsections (d), (e), (f), and (g) of that sec-*
 2 *tion.*

3 **SEC. 8. SUNSET.**

4 *Sections 4, 5, and 6 shall cease to have effect on the*
 5 *earlier of—*

6 *(1) the date that is 8 years after the date of the*
 7 *enactment of this Act; or*

8 *(2) the date on which the President submits to*
 9 *the appropriate congressional committees a deter-*
 10 *mination that the Government of the People’s Repub-*
 11 *lic of China has ended mass internment, forced labor,*
 12 *and any other gross violations of human rights expe-*
 13 *rienced by Uyghurs, Kazakhs, Kyrgyz, Tibetans, and*
 14 *members of other persecuted groups in the Xinjiang*
 15 *Uyghur Autonomous Region.*

16 **SEC. 9. DEFINITIONS.**

17 *In this Act:*

18 *(1) APPROPRIATE CONGRESSIONAL COMMIT-*
 19 *TEES.—The term “appropriate congressional commit-*
 20 *tees” means—*

21 *(A) the Committee on Foreign Affairs, the*
 22 *Committee on Financial Services, the Committee*
 23 *on Ways and Means, and the Committee on*
 24 *Homeland Security of the House of Representa-*
 25 *tives; and*

1 (B) *the Committee on Foreign Relations,*
 2 *the Committee on Banking, Housing, and Urban*
 3 *Affairs, the Committee on Finance, and the*
 4 *Committee on Homeland Security and Govern-*
 5 *mental Affairs of the Senate.*

6 (2) *FORCED LABOR.*—*The term “forced labor”—*

7 (A) *has the meaning given that term in sec-*
 8 *tion 307 of the Tariff Act of 1930 (19 U.S.C.*
 9 *1307); and*

10 (B) *includes convict labor and indentured*
 11 *labor under penal sanctions.*

12 (3) *FOREIGN PERSON.*—*The term “foreign per-*
 13 *son” means a person that is not a United States per-*
 14 *son.*

15 (4) *PERSON.*—*The term “person” means an in-*
 16 *dividual or entity.*

17 (5) *UNITED STATES PERSON.*—*The term “United*
 18 *States person” means—*

19 (A) *a United States citizen or an alien law-*
 20 *fully admitted for permanent residence to the*
 21 *United States; or*

22 (B) *an entity organized under the laws of*
 23 *the United States or any jurisdiction within the*
 24 *United States, including a foreign branch of*
 25 *such an entity.*

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A BILL

To ensure that goods made with forced labor in the Xinjiang Uyghur Autonomous Region of the People's Republic of China do not enter the United States market, and for other purposes.

JUNE 24, 2021

Reported with an amendment