117TH CONGRESS	C	
1st Session	5.	

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

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, and Mr. Young) introduced the following bill; which was read twice and referred to the Committee on ______

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".

1 SEC. 2. FINDINGS.

2 Congress finds the following:

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

- (2) Forced labor, a severe form of human trafficking, exists within the Xinjiang Uyghur Autonomous Region's system of mass internment camps, and throughout the region, and is confirmed by the testimony of former camp detainees, satellite imagery, and official leaked documents from the Government of the People's Republic of China as part of a targeted campaign of repression of Muslim ethnic minorities.
- (3) In addition to reports from researchers and civil society groups documenting evidence that many factories and other suppliers in the Xinjiang Uyghur Autonomous Region are exploiting forced labor, on July 22, 2020, the Bureau of Industry and Security of the Department of Commerce added 11 entities to

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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, and members of other persecuted groups in the Xinjiang Uyghur Autonomous Region".

- (4) The Government of the People's Republic of China interferes with audits and traditional due diligence efforts to vet goods and supply chains in the Xinjiang Uyghur Autonomous Region to hinder identifying goods made in whole or part with forced labor, including by intimidating potential witnesses and concealing relevant information.
- (5) Reports cited by the Department of Labor estimate that hundreds of thousands of ex-detainees who are Uyghurs, Kazakhs, Kyrgyz, or members of other persecuted groups in the People's Republic of China may be working in conditions of forced labor following detention in re-education camps. Moreover, nongovernmental organizations estimate that more than 80,000 Uyghurs were transferred out of the Xinjiang Uyghur Autonomous Region to work in

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factories across the People's Republic of China between 2017 and 2019, and some of them were sent directly from detention camps.

(6) The Department of State's June 2020 Trafficking in Persons Report found, "Authorities offer subsidies incentivizing Chinese companies to open factories in close proximity to the internment camps and to receive transferred detainees at satellite manufacturing sites in other provinces. Local governments receive additional funds for each inmate forced to work in these sites at a fraction of minimum wage or without any compensation. The government has transported tens of thousands of these individuals to other areas within Xinjiang and to other provinces for forced labor under the guise of poverty alleviation and industrial aid programs.".

(7) U.S. Customs and Border Protection has issued 11 withhold release orders on goods suspected to be produced with prison or forced labor in the Xinjiang Uyghur Autonomous Region. Goods subject to the withhold release orders include all cotton, cotton products, tomatoes, and tomato products, as well as certain garments, hair products, apparel, computer parts, and other goods.

1	(8) In its 2019 annual report, the Congres-
2	sional-Executive Commission on China found that
3	goods reportedly produced with forced labor by cur-
4	rent and former mass internment camp detainees in-
5	cluded textiles, electronics, food products, shoes, tea,
6	and handicrafts.
7	(9) Under section 1091(a) of title 18, United
8	States Code, a person commits genocide if the per-
9	son "whether in time of peace or in time of war and
10	with the specific intent to destroy, in whole or in
11	substantial part, a national, ethnic, racial, or reli-
12	gious group as such—
13	"(1) kills members of that group;
14	"(2) causes serious bodily injury to mem-
15	bers of that group;
16	"(3) causes the permanent impairment of
17	the mental faculties of members of the group
18	through drugs, torture, or similar techniques;
19	"(4) subjects the group to conditions of life
20	that are intended to cause the physical destruc-
21	tion of the group in whole or in part;
22	"(5) imposes measures intended to prevent
23	births within the group; or
24	"(6) transfers by force children of the
25	group to another group.".

1	(10) As a direct result of the campaign of tar-
2	geted and coercive population control of the Govern-
3	ment of the People's Republic of China's against
4	Uyghurs, the birthrate of the Uyghur population in
5	the Xinjiang Uyghur Autonomous Region plum-
6	meted by 24 percent from 2017 to 2018, with birth-
7	rates in the Uyghur majority regions of Hotan and
8	Kashgar decreasing by more than 60 percent from
9	2015 to 2018.
10	(11) The policies of the Government of the Peo-
11	ple's Republic of China are in contravention of its
12	human rights commitments and obligations, includ-
13	ing under—
14	(A) the Universal Declaration of Human
15	Rights;
16	(B) the International Covenant on Civil
17	and Political Rights, which the People's Repub-
18	lic of China has signed but not yet ratified; and
19	(C) the United Nations Protocol to Pre-
20	vent, Suppress and Punish Trafficking in Per-
21	sons Especially Women and Children (com-
22	monly known as the "Palermo Protocol"), to
23	which the People's Republic of China has been
24	a state party since February 2010.

1 SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States—

- (1) to strengthen the prohibition against the importation of goods made with forced labor, including by ensuring that the Government of the People's Republic of China does not undermine the effective enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307), which prohibits the importation of "[a]ll goods, wares, articles, and merchandise mined, produced or manufactured wholly or in part in any foreign country by . . . forced labor";
 - (2) to lead the international community in ending forced labor practices wherever such practices occur through all means available to the United States Government, including by stopping the importation of any goods made with forced labor, including those goods mined, produced, or manufactured in the Xinjiang Uyghur Autonomous Region;
 - (3) to actively work to prevent, publicly denounce, and end human trafficking, including with respect to forced labor, whether sponsored by the government of a foreign country or not, and to restore the lives of those affected by human trafficking, a modern form of slavery;

1	(4) to regard the prevention of atrocities as a
2	priority in the national interests of the United
3	States; and
4	(5) to address gross violations of human rights
5	in the Xinjiang Uyghur Autonomous Region—
6	(A) through bilateral diplomatic channels
7	and multilateral institutions in which both the
8	United States and the People's Republic of
9	China are members; and
10	(B) using all the authorities available to
11	the United States Government, including visa
12	and financial sanctions, export restrictions, and
13	import controls.
14	SEC. 4. STRATEGY TO ENFORCE PROHIBITION ON IMPOR-
15	TATION OF GOODS MADE THROUGH FORCED
16	LABOR IN THE XINJIANG UYGHUR AUTONO-
17	MOUS REGION.
18	(a) Public Comment.—
19	(1) IN GENERAL.—Not later than 45 days after
20	the date of the enactment of this Act, the Secretary
21	of Homeland Security, in consultation with the
22	United States Trade Representative, the Secretary
22	
23	of State, and the Secretary of Labor, shall publish
2324	of State, and the Secretary of Labor, shall publish in the Federal Register a notice soliciting public

1 with forced labor in the People's Republic of China, 2 including by Uyghurs, Kazakhs, Kyrgyz, and mem-3 bers of other persecuted groups in the Xinjiang 4 Uyghur Autonomous Region of the People's Repub-5 lic of China, are not imported into the United 6 States. 7 (2) Period for comment.—The Secretary of 8 Homeland Security shall provide the public with not 9 less than 60 days to submit comments in response 10 to the notice required by paragraph (1). 11 (b) Public Hearing.— 12 (1) IN GENERAL.—Not later than 45 days after 13 the close of the period to submit comments under 14 subsection (a)(2), the Secretary of Homeland Secu-15 rity, the Secretary of Labor, the United States 16 Trade Representative, and the Secretary of State 17 shall jointly conduct a public hearing inviting wit-18 nesses to testify with respect to the use of forced 19 labor in the People's Republic of China and potential 20 measures, including the measures described in para-21 graph (2), to prevent the importation of goods made 22 with forced labor into the United States from the 23 People's Republic of China.

(2) Measures described.—The measures de-

scribed in this paragraph are—

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1	(A) measures that can be taken to trace
2	goods or to prevent goods from leaving the Peo-
3	ple's Republic of China; and
4	(B) other measures for ensuring that
5	goods made with forced labor do not enter the
6	United States.
7	(c) Development of Strategy.—After receiving
8	public comments under subsection (a) and holding the
9	hearing required by subsection (b), the Secretary of
10	Homeland Security, in consultation with the Secretary of
11	Labor, the United States Trade Representative, the Sec-
12	retary of State, and the Director of National Intelligence,
13	shall develop a strategy for preventing the importation
14	into the United States of goods made with forced labor
15	in the Xinjiang Uyghur Autonomous Region.
16	(d) Elements.—The strategy developed under sub-
17	section (c) shall include the following:
18	(1) A comprehensive assessment of the risk of
19	the possibility of importing goods made with forced
20	labor from the People's Republic of China, including
21	from the Xinjiang Uyghur Autonomous Region or
22	made by Uyghurs, Kazakhs, Kyrgyz, or members of
23	other persecuted groups in any other part of the
24	People's Republic of China, that identifies, to the ex-
25	tent feasible—

1	(A) threats, including through the poten-
2	tial involvement in supply chains of entities that
3	may use forced labor, that could lead to the im-
4	portation of goods made with forced labor into
5	the United States; and
6	(B) what procedures can be implemented
7	or improved to reduce such threats.
8	(2) A comprehensive description and evalua-
9	tion—
10	(A) of "pairing assistance" and "poverty
11	alleviation" programs that include the forced
12	labor of Uyghurs, Kazakhs, Kyrgyz, or mem-
13	bers of other persecuted groups outside of the
14	Xinjiang Uyghur Autonomous Region or similar
15	programs of the People's Republic of China in
16	which work or services are extracted from
17	Uyghurs, Kazakhs, Kyrgyz, or members of
18	other persecuted groups through the threat of
19	penalty or for which the Uyghurs, Kazakhs,
20	Kyrgyz, or members of other persecuted groups
21	have not offered themselves voluntarily; and
22	(B) that includes—
23	(i) a list of entities working with the
24	government of the Xinjiang Uyghur Auton-
25	omous Region to move forced labor or

1	Uyghurs, Kazakhs, Kyrgyz, or members of
2	other persecuted groups out of the
3	Xinjiang Uyghur Autonomous Region; and
4	(ii) a list of goods made with such
5	labor for importation to the United States.
6	(3) Recommendations for efforts, initiatives,
7	and tools and technologies to be adopted to ensure
8	that U.S. Customs and Border Protection can accu-
9	rately identify and trace goods made in the Xinjiang
10	Uyghur Autonomous Region entering at any of the
11	ports of the United States.
12	(4) A description of how U.S. Customs and
13	Border Protection plans to enhance its use of legal
14	authorities and other tools to ensure that no goods
15	are entered at any of the ports of the United States
16	in violation of section 307 of the Tariff Act of 1930
17	(19 U.S.C. 1307), including through the initiation of
18	pilot programs to test the viability of technologies to
19	assist in the examination of such goods.
20	(5) Guidance to importers with respect to—
21	(A) best practices or effective due diligence
22	measures to ensure that such importers do not
23	import any goods made with forced labor from
24	the Xinjiang Uyghur Autonomous Region; and

1	(B) the type, nature, and extent of evi-
2	dence that demonstrates that imported goods
3	detained or seized pursuant to section 307 of
4	the Tariff Act of 1930 (19 U.S.C. 1307) were
5	not made with forced labor.
6	(e) Submission of Strategy.—Not later than 270
7	days after the date of the enactment of this Act, and annu-
8	ally thereafter, the Secretary of Homeland Security, in
9	consultation with the Secretary of Labor, the United
10	States Trade Representative, and the Secretary of State,
11	shall submit to the appropriate congressional committees
12	a report that—
13	(1) in the case of the first such report, sets
14	forth the strategy developed under subsection (c);
15	and
16	(2) in the case of any subsequent such report,
17	sets forth any updates to the strategy.
18	(f) Form of Report.—Each report required by sub-
19	section (e) shall be submitted in unclassified form, but
20	may include a classified annex, if necessary.
21	(g) Public Availability.—The unclassified portion
22	of each report required by subsection (e) shall be made
23	available to the public.

1	SEC. 5. REBUTTABLE PRESUMPTION THAT IMPORT PROHI-
2	BITION APPLIES TO GOODS PRODUCED IN
3	THE XINJIANG UYGHUR AUTONOMOUS RE-
4	GION.
5	(a) In General.—The Commissioner of U.S. Cus-
6	toms and Border Protection shall, except as provided by
7	subsection (b), apply a presumption that, with respect to
8	any significant goods, wares, articles, and merchandise
9	mined, produced, or manufactured wholly or in part in the
10	Xinjiang Uyghur Autonomous Region of the People's Re-
11	public of China or produced by entities on a list required
12	by section $4(d)(2)(B)(i)$ —
13	(1) the importation of such goods, wares, arti-
14	cles, and merchandise is prohibited under section
15	307 of the Tariff Act of 1930 (19 U.S.C. 1307); and
16	(2) such goods, wares, articles, and merchan-
17	dise are not entitled to entry at any of the ports of
18	the United States.
19	(b) Exceptions.—The Commissioner shall apply the
20	presumption under subsection (a) unless the Commis-
21	sioner determines that—
22	(1) the importer of record has—
23	(A) fully complied with the guidance de-
24	scribed in section $4(d)(5)$ and any regulations
25	issued to implement that guidance; and

1	(B) completely and substantively re-
2	sponded to all inquiries for information sub-
3	mitted by the Commissioner to ascertain wheth-
4	er the goods were manufactured through forced
5	labor;
6	(2) the good was not produced wholly or in part
7	by forced labor; or
8	(3) the President certifies that the Government
9	of the People's Republic of China is not impeding in
10	any way attempts to investigate abuses of Uyghurs,
11	Kazakhs, Kyrgyz, or members of other persecuted
12	groups or to address any other instances of forced
13	labor in the People's Republic of China.
14	(c) Regulations.—The Commissioner may pre-
15	scribe regulations—
16	(1) to implement paragraphs (1) and (2) of
17	subsection (b); or
18	(2) to amend any other regulations relating to
19	withhold release orders in order to implement this
20	section.
21	(d) Effective Date.—This section takes effect on
22	the date that is 300 days after the date of the enactment
23	of this Act.

1	SEC. 6. DETERMINATION RELATING TO ATROCITIES AND
2	GENOCIDE IN THE XINJIANG UYGHUR AU-
3	TONOMOUS REGION.
4	(a) In General.—Not later than 180 days after the
5	date of the enactment of this Act, the Secretary of State
6	shall submit to the appropriate congressional committees
7	a report setting forth the formal determination of the Sec-
8	retary with respect to whether—
9	(1) the human rights abuses committed by the
10	Government of the People's Republic of China
11	against Uyghurs, Kazakhs, Kyrgyz, and members of
12	other persecuted groups in the Xinjiang Uyghur Au-
13	tonomous Region of the People's Republic of China
14	constitute genocide within the meaning of section
15	1091(a) of title 18, United States Code; and
16	(2) the actions taken by the Government of the
17	People's Republic of China in support of the use of
18	forced labor against Uyghurs, Kazakhs, Kyrgyz, and
19	members of other persecuted groups in the Xinjiang
20	Uyghur Autonomous Region constitute an atrocity
21	within the meaning of the term "atrocities" as de-
22	fined in section 6 of the Elie Wiesel Genocide and
23	Atrocities Prevention Act of 2018 (Public Law 115–
24	441; 22 U.S.C. 2656 note).

1	(b) FORM.—The report required by subsection (a)
2	shall be submitted in unclassified form, but may include
3	a classified annex, if necessary.
4	(c) Public Availability.—The unclassified portion
5	of each report required by subsection (a) shall be made
6	available to the public.
7	SEC. 7. DIPLOMATIC STRATEGY TO ADDRESS FORCED
8	LABOR IN THE XINJIANG UYGHUR AUTONO-
9	MOUS REGION.
10	(a) In General.—Not later than 90 days after the
11	date of the enactment of this Act, the Secretary of State,
12	in coordination with the heads of other appropriate Fed-
13	eral agencies, shall submit to the appropriate congres-
14	sional committees a report that includes a United States
15	strategy to promote initiatives to enhance international
16	awareness of and to address forced labor in the Xinjiang
17	Uyghur Autonomous Region of the People's Republic of
18	China.
19	(b) Matters To Be Included.—The Secretary
20	shall include in the report required by subsection (a) the
21	following:
22	(1) A plan to enhance bilateral and multilateral
23	coordination, including sustained engagement with
24	the governments of countries that are partners and
25	allies of the United States, to end the use of

1 Uyghurs, Kazakhs, Kyrgyz, and members of other 2 persecuted groups in the Xinjiang Uyghur Autono-3 mous Region for forced labor. 4 (2) A description of public affairs, public diplo-5 macy, and counter-messaging efforts to promote 6 awareness of the human rights situation, including 7 with respect to forced labor, in the Xinjiang Uyghur 8 Autonomous Region. 9 (3) A plan— 10 (A) to coordinate and collaborate with ap-11 propriate nongovernmental organizations and 12 private sector entities to raise awareness about 13 goods made with forced labor in the Xinjiang 14 Uvghur Autonomous Region; and 15 (B) to provide humanitarian assistance, in-16 cluding with respect to resettlement and advo-17 imprisoned family members, cacy for 18 Uyghurs, Kazakhs, Kyrgyz, and members of 19 other persecuted groups, including members of 20 such groups formerly detained in mass intern-21 ment camps in the Xinjiang Uyghur Autono-22 mous Region. 23 (c) Additional Matters To Be Included.—The 24 Secretary shall include in the report required by sub-25 section (a), based on consultations with the Secretary of

1	Commerce, the Secretary of Homeland Security, and the
2	Secretary of the Treasury, the following:
3	(1) To the extent practicable, a list of—
4	(A) entities in the People's Republic of
5	China or affiliates of such entities that use or
6	benefit from forced labor in the Xinjiang
7	Uyghur Autonomous Region; and
8	(B) foreign persons that act as agents of
9	the entities or affiliates described in subpara-
10	graph (A) to import goods into the United
11	States.
12	(2) A plan for working with private sector enti-
13	ties seeking to conduct supply chain due diligence to
14	prevent the importation of goods made with forced
15	labor into the United States.
16	(3) A description of actions taken by the United
17	States Government to address forced labor in the
18	Xinjiang Uyghur Autonomous Region under existing
19	authorities, including—
20	(A) the Trafficking Victims Protection Act
21	of 2000 (22 U.S.C. 7101 et seq.);
22	(B) the Elie Wiesel Genocide and Atroc-
23	ities Prevention Act of 2018 (Public Law 115–
24	441; 22 U.S.C. 2656 note); and

1	(C) the Global Magnitsky Human Rights
2	Accountability Act (subtitle F of title XII of
3	Public Law 114–328; 22 U.S.C. 2656 note).
4	(d) FORM.—The report required by subsection (a)
5	shall be submitted in unclassified form, but may include
6	a classified annex, if necessary.
7	SEC. 8. IMPOSITION OF SANCTIONS RELATING TO FORCED
8	LABOR IN THE XINJIANG UYGHUR AUTONO
9	MOUS REGION.
10	(a) In General.—Section 6(a)(1) of the Uyghur
11	Human Rights Policy Act of 2020 (Public Law 116–145)
12	22 U.S.C. 6901 note) is amended by adding at the end
13	the following:
14	"(F) Serious human rights abuses in con-
15	nection with forced labor.".
16	(b) Effective Date; Applicability.—The amend-
17	ment made by subsection (a)—
18	(1) takes effect on the date of the enactment of
19	this Act; and
20	(2) applies with respect to the first report re-
21	quired by section 6(a)(1) of the Uyghur Human
22	Rights Policy Act of 2020 submitted after such date
23	of enactment.
24	(c) Transition Rule.—

1	(1) Interim report.—Not later than 180
2	days after the date of the enactment of this Act, the
3	President shall submit to the committees specified in
4	section 6(a)(1) of the Uyghur Human Rights Policy
5	Act of 2020 a report that identifies each foreign per-
6	son, including any official of the Government of the
7	People's Republic of China, that the President deter-
8	mines is responsible for serious human rights abuses
9	in connection with forced labor with respect to
10	Uyghurs, Kazakhs, Kyrgyz, or members of other
11	Muslim minority groups, or other persons in the
12	Xinjiang Uyghur Autonomous Region.
13	(2) Imposition of Sanctions.—The President
14	shall impose sanctions under subsection (c) of sec-
15	tion 6 of the Uyghur Human Rights Policy Act of
16	2020 with respect to each foreign person identified
17	in the report required by paragraph (1), subject to
18	the provisions of subsections (d), (e), (f), and (g) of
19	that section.
20	SEC. 9. SUNSET.
21	Sections 4, 5, and 7 shall cease to have effect on the
22	earlier of—
23	(1) the date that is 8 years after the date of the
24	enactment of this Act; or

1	(2) the date on which the President submits to
2	the appropriate congressional committees a deter-
3	mination that the Government of the People's Re-
4	public of China has ended mass internment, forced
5	labor, and any other gross violations of human
6	rights experienced by Uyghurs, Kazakhs, Kyrgyz,
7	and members of other persecuted groups in the
8	Xinjiang Uyghur Autonomous Region.
9	SEC. 10. DEFINITIONS.
10	In this Act:
11	(1) Appropriate congressional commit-
12	TEES.—The term "appropriate congressional com-
13	mittees" means—
14	(A) the Committee on Foreign Affairs, the
15	Committee on Financial Services, the Com-
16	mittee on Ways and Means, and the Committee
17	on Homeland Security of the House of Rep-
18	resentatives; and
19	(B) the Committee on Foreign Relations,
20	the Committee on Banking, Housing, and
21	Urban Affairs, the Committee on Finance, and
22	the Committee on Homeland Security and Gov-
23	ernmental Affairs of the Senate.

1	(2) Foreign person.—The term "foreign per-
2	son" means a person that is not a United States
3	person.
4	(3) Person.—The term "person" means an in-
5	dividual or entity.
6	(4) United states person.—The term
7	"United States person" means—
8	(A) a United States citizen or an alien law-
9	fully admitted for permanent residence to the
10	United States; or
11	(B) an entity organized under the laws of
12	the United States or any jurisdiction within the
13	United States, including a foreign branch of
14	such an entity.