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Ensuring 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 HOUSE OF REPRESENTATIVES

FEBRUARY 18, 2021

Mr. MCGOVERN (for himself, Mr. SMITH of New Jersey, Mr. SUOZZI, Mrs. HARTZLER, Mr. MALINOWSKI, Mr. GALLAGHER, and Ms. WEXTON) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

Ensuring 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:

3 (1) In the Xinjiang Uyghur Autonomous Re-
4 gion of China, the Government of the People's Re-
5 public of China has, since 2017, arbitrarily detained
6 as many as 1.8 million Uyghurs, Kazakhs, Kyrgyz,
7 and members of other Muslim minority groups in a
8 system of extrajudicial mass internment camps, in
9 addition to arbitrarily detaining many in formal
10 prisons and detention centers, and has subjected de-
11 tainees to forced labor, torture, political indoctrina-
12 tion, and other severe human rights abuses.

13 (2) Forced labor exists within the Xinjiang
14 Uyghur Autonomous Region's system of mass in-
15 ternment camps, and throughout the region, and is
16 confirmed by the testimony of former camp detain-
17 ees, satellite imagery, official media reports, publicly
18 available documents, official statements, and official
19 leaked documents from the Government of the Peo-
20 ple's Republic of China as part of a targeted cam-
21 paign of repression of Muslim ethnic minorities.

22 (3) In addition to reports from researchers and
23 civil society groups documenting evidence that many
24 factories and other suppliers in the Xinjiang Uyghur
25 Autonomous Region are exploiting forced labor, the
26 Department of Commerce's Bureau of Industry and

1 Security on July 22, 2020, added eleven entities to
2 the entity list after determining the entities had
3 been “implicated in human rights violations and
4 abuses in the implementation of China’s campaign of
5 repression, mass arbitrary detention, forced labor
6 and high-technology surveillance against Uyghurs,
7 Kazakhs, and other members of Muslim minority
8 groups in the Xinjiang Uyghur Autonomous Re-
9 gion”.

10 (4) Audits and efforts to vet products and sup-
11 ply chains in the Xinjiang Uyghur Autonomous Re-
12 gion are unreliable due to the extent forced labor
13 has been integrated into the regional economy, the
14 mixing of involuntary labor with voluntary labor, the
15 inability of witnesses to speak freely about working
16 conditions given government surveillance and coer-
17 cion, and the incentive of government officials to
18 conceal government-sponsored forced labor.

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

1 mate forced to work in these sites at a fraction of
2 minimum wage or without any compensation.”.

3 (6) U.S. Customs and Border Protection has
4 issued 11 “Withhold Release Orders” on products
5 suspected to be produced with prison or forced labor
6 in the Xinjiang Uyghur Autonomous Region. Prod-
7 ucts subject to the “Withhold Release Orders” in-
8 clude all cotton, cotton products, tomatoes, and to-
9 mato products as well as certain garments, hair
10 products, apparel, computer parts, and other prod-
11 ucts.

12 (7) In its 2019 Annual Report, the Congres-
13 sional-Executive Commission on China (CECC)
14 found that products reportedly produced with forced
15 labor by current and former mass internment camp
16 detainees included textiles, electronics, food prod-
17 ucts, shoes, tea, and handicrafts.

18 (8) Reports in 2020 indicated that, in recent
19 years, People’s Republic of China Government au-
20 thorities had organized a labor training and transfer
21 system on a mass scale. Under this system, hun-
22 dreds of thousands of rural residents of the Tibet
23 Autonomous Region participated in “military-style”
24 training, ideological education, and vocational train-
25 ing before being transferred to job postings in the

1 Tibetan Autonomous Region or elsewhere in China.
2 The similarity of the Tibet Autonomous Region sys-
3 tem to that in the Xinjiang Uyghur Autonomous Re-
4 gion raised fears that coercive practices or rights
5 abuses may be taking place in the Tibet Autonomous
6 Region.

7 (9) Section 307 of the Tariff Act of 1930 (19
8 U.S.C. 1307) states that it is illegal to import into
9 the United States “goods, wares, articles, and mer-
10 chandise mined, produced, or manufactured wholly
11 or in part” by forced labor. Such merchandise is
12 subject to exclusion or seizure and may lead to
13 criminal investigation of the importer.

14 (10) The policies of the Government of the Peo-
15 ple’s Republic of China are in contravention of inter-
16 national human rights instruments signed by that
17 government, including—

18 (A) the Universal Declaration of Human
19 Rights and the International Covenant on Civil
20 and Political Rights, which the People’s Repub-
21 lic of China has signed but not yet ratified;

22 (B) the International Covenant on Eco-
23 nomic, Social, and Cultural Rights, ratified by
24 the People’s Republic of China in 2001; and

1 (C) the United Nations Protocol to Pre-
2 vent, Suppress and Punish Trafficking in Per-
3 sons, Especially Women and Children (Palermo
4 Protocol), to which the People’s Republic of
5 China has been a state party since February
6 2010.

7 **SEC. 3. STATEMENT OF POLICY.**

8 It is the policy of the United States—

9 (1) to prohibit the import of all goods, wares,
10 articles, or merchandise mined, produced, or manu-
11 factured, wholly or in part, by forced labor from the
12 People’s Republic of China and particularly any such
13 goods, wares, articles, or merchandise produced in
14 the Xinjiang Uyghur Autonomous Region of China;

15 (2) to encourage the international community
16 to reduce the import of any goods made with forced
17 labor from the People’s Republic of China, particu-
18 larly those goods mined, manufactured, or produced
19 in the Xinjiang Uyghur Autonomous Region;

20 (3) to coordinate with Mexico and Canada to ef-
21 fectively implement Article 23.6 of the United
22 States-Mexico-Canada Agreement to prohibit the im-
23 portation of goods produced in whole or in part by
24 forced or compulsory labor, which includes goods

1 produced in whole or in part by forced or compul-
2 sory labor in the People's Republic of China;

3 (4) to actively work to prevent, publicly de-
4 nounce, and end human trafficking as a horrific as-
5 sult on human dignity and to restore the lives of
6 those affected by human trafficking, a modern form
7 of slavery;

8 (5) to regard the prevention of atrocities as in
9 its national interest, including efforts to prevent tor-
10 ture, enforced disappearances, severe deprivation of
11 liberty, including mass internment, arbitrary deten-
12 tion, and widespread and systematic use of forced
13 labor, and persecution targeting any identifiable eth-
14 nic or religious group; and

15 (6) to address gross violations of human rights
16 in the Xinjiang Uyghur Autonomous Region through
17 bilateral diplomatic channels and multilateral insti-
18 tutions where both the United States and the Peo-
19 ple's Republic of China are members and with all
20 the authorities available to the United States Gov-
21 ernment, including visa and financial sanctions, ex-
22 port restrictions, and import controls.

1 **SEC. 4. PROHIBITION ON IMPORTATION OF GOODS MADE**
2 **IN THE XINJIANG UYGHUR AUTONOMOUS RE-**
3 **GION.**

4 (a) IN GENERAL.—Except as provided in subsection
5 (b), all goods, wares, articles, and merchandise mined,
6 produced, or manufactured wholly or in part in the
7 Xinjiang Uyghur Autonomous Region of China, or by per-
8 sons working with the Xinjiang Uyghur Autonomous Re-
9 gion government for purposes of the “poverty alleviation”
10 program or the “pairing-assistance” program which sub-
11 sidizes the establishment of manufacturing facilities in the
12 Xinjiang Uyghur Autonomous Region, shall be deemed to
13 be goods, wares, articles, and merchandise described in
14 section 307 of the Tariff Act of 1930 (19 U.S.C. 1307)
15 and shall not be entitled to entry at any of the ports of
16 the United States.

17 (b) EXCEPTION.—The prohibition described in sub-
18 section (a) shall not apply if the Commissioner of U.S.
19 Customs and Border Protection—

20 (1) determines, by clear and convincing evi-
21 dence, that any specific goods, wares, articles, or
22 merchandise described in subsection (a) were not
23 produced wholly or in part by convict labor, forced
24 labor, or indentured labor under penal sanctions;
25 and

1 (2) submits to the appropriate congressional
2 committees and makes available to the public a re-
3 port that contains such determination.

4 (c) EFFECTIVE DATE.—This section shall take effect
5 on the date that is 120 days after the date of the enact-
6 ment of this Act.

7 **SEC. 5. ENFORCEMENT STRATEGY TO ADDRESS FORCED**
8 **LABOR IN THE XINJIANG UYGHUR AUTONO-**
9 **MOUS REGION.**

10 (a) IN GENERAL.—Not later than 120 days after the
11 date of the enactment of this Act, the Forced Labor En-
12 forcement Task Force, established under section 741 of
13 the United States-Mexico-Canada Agreement Implementa-
14 tion Act (19 U.S.C. 4681), shall submit to the appropriate
15 congressional committees a report that contains an en-
16 forcement strategy to effectively address forced labor in
17 the Xinjiang Uyghur Autonomous Region of China or
18 products made by Uyghurs, Kazakhs, Kyrgyz, Tibetans,
19 or members of other persecuted groups through forced
20 labor in any other part of the People’s Republic of China.
21 The enforcement strategy shall describe the specific en-
22 forcement plans of the United States Government regard-
23 ing—

24 (1) goods, wares, articles, and merchandise de-
25 scribed in section 4(a) that are imported into the

1 United States directly from the Xinjiang Uyghur
2 Autonomous Region or made by Uyghurs, Kazakhs,
3 Kyrgyz, Tibetans, or members of other persecuted
4 groups in any other part of the People’s Republic of
5 China;

6 (2) goods, wares, articles, and merchandise de-
7 scribed in section 4(a) that are imported into the
8 United States from the People’s Republic of China
9 and are mined, produced, or manufactured in part
10 in the Xinjiang Uyghur Autonomous Region or by
11 persons working with the Xinjiang Uyghur Autono-
12 mous Region government or the Xinjiang Production
13 and Construction Corps for purposes of the “poverty
14 alleviation” program or the “pairing-assistance” pro-
15 gram; and

16 (3) goods, wares, articles, and merchandise de-
17 scribed in section 4(a) that are imported into the
18 United States from third countries and are mined,
19 produced, or manufactured in part in the Xinjiang
20 Uyghur Autonomous Region or by persons working
21 with the Xinjiang Uyghur Autonomous Region gov-
22 ernment or the Xinjiang Production and Construc-
23 tion Corps for purposes of the “poverty alleviation”
24 program or the “pairing-assistance” program.

1 (b) MATTERS TO BE INCLUDED.—The strategy re-
2 quired by subsection (a) shall include the following:

3 (1) A description of the actions taken by the
4 United States Government to address forced labor in
5 the Xinjiang Uyghur Autonomous Region under sec-
6 tion 307 of the Tariff Act of 1930 (19 U.S.C.
7 1307), including a description of all Withhold Re-
8 lease Orders issued, goods detained, and fines
9 issued.

10 (2) A list of products made wholly or in part
11 by forced or involuntary labor in the Xinjiang
12 Uyghur Autonomous Region or made by Uyghurs,
13 Kazakhs, Kyrgyz, Tibetans, or members of other
14 persecuted groups in any other part of the People’s
15 Republic of China, and a list of businesses that sold
16 products in the United States made wholly or in
17 part by forced or involuntary labor in the Xinjiang
18 Uyghur Autonomous Region or made by Uyghurs,
19 Kazakhs, Kyrgyz, Tibetans, or members of other
20 persecuted groups in any other part of the People’s
21 Republic of China.

22 (3) A list of facilities and entities, including the
23 Xinjiang Production and Construction Corps, that
24 source material from the Xinjiang Uyghur Autono-
25 mous Region or by persons working with the

1 Xinjiang Uyghur Autonomous Region government or
2 the Xinjiang Production and Construction Corps for
3 purposes of the “poverty alleviation” program or the
4 “pairing-assistance” program, a plan for identifying
5 additional such facilities and entities, and facility-
6 and entity-specific enforcement plans, including
7 issuing specific Withhold Release Orders to support
8 enforcement of section 4, with regard to each listed
9 facility or entity.

10 (4) A list of high-priority sectors for enforce-
11 ment, which shall include cotton, tomatoes,
12 polysilicon, and a sector-specific enforcement plan
13 for each high-priority sector.

14 (5) A description of the additional resources
15 necessary for U.S. Customs and Border Protection
16 to effectively implement the enforcement strategy.

17 (6) A plan to coordinate and collaborate with
18 appropriate nongovernmental organizations and pri-
19 vate sector entities to discuss the enforcement strat-
20 egy for products made in the Xinjiang Uyghur Au-
21 tonomous Region.

22 (c) FORM.—The report required by subsection (a)
23 shall be submitted in unclassified form, but may include
24 a classified annex, if necessary.

1 (d) UPDATES.—The Forced Labor Enforcement
2 Task Force shall provide briefings to the appropriate con-
3 gressional committees on a quarterly basis and, as applica-
4 ble, on any updates to the strategy required by subsection
5 (a) or any additional actions taken to address forced labor
6 in the Xinjiang Uyghur Autonomous Region, including ac-
7 tions described in this Act.

8 (e) SUNSET.—This section shall cease to have effect
9 on the earlier of—

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

12 (2) the date on which the President submits to
13 the appropriate congressional committees a deter-
14 mination that the Government of the People’s Re-
15 public of China has ended mass internment, forced
16 labor, and any other gross violations of human
17 rights experienced by Uyghurs, Kazakhs, Kyrgyz,
18 and members of other Muslim minority groups in
19 the Xinjiang Uyghur Autonomous Region.

20 **SEC. 6. DETERMINATION RELATING TO CRIMES AGAINST**
21 **HUMANITY OR GENOCIDE IN THE XINJIANG**
22 **UYGHUR AUTONOMOUS REGION.**

23 (a) IN GENERAL.—Not later than 90 days after the
24 date of the enactment of this Act, the Secretary of State
25 shall—

1 (1) determine if the practice of forced labor or
2 other crimes against Uyghurs, Kazakhs, Kyrgyz,
3 and members of other Muslim minority groups in
4 the Xinjiang Uyghur Autonomous Region of China
5 can be considered systematic and widespread and
6 therefore constitutes crimes against humanity or
7 constitutes genocide as defined in subsection (a) of
8 section 1091 of title 18, United States Code; and

9 (2) submit to the appropriate congressional
10 committees and make available to the public a report
11 that contains such determination.

12 (b) FORM.—The report required by subsection (a)—

13 (1) shall be submitted in unclassified form but
14 may include a classified annex, if necessary; and

15 (2) may be included in the report required by
16 section 7.

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

20 (a) IN GENERAL.—Not later than 90 days after the
21 date of the enactment of this Act, the Secretary of State,
22 in coordination with the heads of other appropriate Fed-
23 eral departments and agencies, shall submit to the appro-
24 priate congressional committees a report that contains a
25 United States strategy to promote initiatives to enhance

1 international awareness of and to address forced labor in
2 the Xinjiang Uyghur Autonomous Region of China.

3 (b) MATTERS TO BE INCLUDED.—The strategy re-
4 quired by subsection (a) shall include—

5 (1) a plan to enhance bilateral and multilateral
6 coordination, including sustained engagement with
7 the governments of United States partners and al-
8 lies, to end forced labor of Uyghurs, Kazakhs,
9 Kyrgyz, and members of other Muslim minority
10 groups in the Xinjiang Uyghur Autonomous Region;

11 (2) public affairs, public diplomacy, and
12 counter-messaging efforts to promote awareness of
13 the human rights situation, including forced labor in
14 the Xinjiang Uyghur Autonomous Region; and

15 (3) opportunities to coordinate and collaborate
16 with appropriate nongovernmental organizations and
17 private sector entities to raise awareness about
18 forced labor made products from the Xinjiang
19 Uyghur Autonomous Region and to provide assist-
20 ance to Uyghurs, Kazakhs, Kyrgyz, and members of
21 other Muslim minority groups, including those for-
22 merly detained in mass internment camps in the re-
23 gion.

24 (c) ADDITIONAL MATTERS TO BE INCLUDED.—The
25 report required by subsection (a) shall also include—

1 (1) to the extent practicable, a list of—

2 (A) entities in the People’s Republic of
3 China or affiliates of such entities that directly
4 or indirectly use forced or involuntary labor in
5 the Xinjiang Uyghur Autonomous Region; and

6 (B) Foreign persons that acted as agents
7 of the entities or affiliates of entities described
8 in subparagraph (A) to import goods into the
9 United States; and

10 (2) a description of actions taken by the United
11 States Government to address forced labor in the
12 Xinjiang Uyghur Autonomous Region under existing
13 authorities, including—

14 (A) the Trafficking Victims Protection Act
15 of 2000 (Public Law 106–386; 22 U.S.C. 7101
16 et seq.);

17 (B) the Elie Wiesel Genocide and Atroc-
18 ities Prevention Act of 2018 (Public Law 115–
19 441; 22 U.S.C. 2656 note); and

20 (C) the Global Magnitsky Human Rights
21 Accountability Act (22 U.S.C. 2656 note).

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

1 (e) UPDATES.—The Secretary of State shall include
2 any updates to the strategy required by subsection (a) in
3 the annual Trafficking in Persons report required by sec-
4 tion 110(b) of the Trafficking Victims Protection Act of
5 2000 (22 U.S.C. 7107(b)).

6 (f) SUNSET.—This section shall cease to have effect
7 the earlier of—

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

10 (2) the date on which the President submits to
11 the appropriate congressional committees a deter-
12 mination that the Government of the People’s Re-
13 public of China has ended mass internment, forced
14 labor, and any other gross violations of human
15 rights experienced by Uyghurs, Kazakhs, Kyrgyz,
16 and members of other Muslim minority groups in
17 the Xinjiang Uyghur Autonomous Region.

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

21 (a) REPORT REQUIRED.—

22 (1) IN GENERAL.—Not later than 180 days
23 after the date of the enactment of this Act, and not
24 less frequently than annually thereafter, the Presi-
25 dent shall submit to the appropriate congressional

1 committees a report that identifies each foreign per-
2 son, including any official of the Government of the
3 People’s Republic of China, that the President deter-
4 mines—

5 (A) knowingly engages in, is responsible
6 for, or facilitates the forced labor of Uyghurs,
7 Kazakhs, Kyrgyz, and members of other Mus-
8 lim minority groups in the Xinjiang Uyghur
9 Autonomous Region of China; and

10 (B) knowingly engages in, contributes to,
11 assists, or provides financial, material or tech-
12 nological support for efforts to contravene
13 United States law regarding the importation of
14 forced labor goods from the Xinjiang Uyghur
15 Autonomous Region.

16 (2) FORM.—The report required under para-
17 graph (1) shall be submitted in unclassified form,
18 but may contain a classified annex.

19 (b) IMPOSITION OF SANCTIONS.—The President shall
20 impose the sanctions described in subsection (c) with re-
21 spect to each foreign person identified in the report re-
22 quired under subsection (a)(1).

23 (c) SANCTIONS DESCRIBED.—The sanctions de-
24 scribed in this subsection are the following:

1 (1) ASSET BLOCKING.—The President shall ex-
2 ercise all of the powers granted to the President
3 under the International Emergency Economic Pow-
4 ers Act (50 U.S.C. 1701 et seq.) to the extent nec-
5 essary to block and prohibit all transactions in prop-
6 erty and interests in property of a foreign person
7 identified in the report required under subsection
8 (a)(1) if such property and interests in property—
9 (A) are in the United States;
10 (B) come within the United States; or
11 (C) come within the possession or control
12 of a United States person.

13 (2) INELIGIBILITY FOR VISAS, ADMISSION, OR
14 PAROLE.—

15 (A) VISAS, ADMISSION, OR PAROLE.—An
16 alien described in subsection (a)(1) is—

17 (i) inadmissible to the United States;
18 (ii) ineligible to receive a visa or other
19 documentation to enter the United States;
20 and

21 (iii) otherwise ineligible to be admitted
22 or paroled into the United States or to re-
23 ceive any other benefit under the Immigra-
24 tion and Nationality Act (8 U.S.C. 1101 et
25 seq.).

1 (B) CURRENT VISAS REVOKED.—

2 (i) IN GENERAL.—An alien described
3 in subsection (a)(1) is subject to revocation
4 of any visa or other entry documentation
5 regardless of when the visa or other entry
6 documentation is or was issued.

7 (ii) IMMEDIATE EFFECT.—A revoca-
8 tion under clause (i) shall—

9 (I) take effect immediately; and

10 (II) automatically cancel any
11 other valid visa or entry documenta-
12 tion that is in the alien's possession.

13 (d) IMPLEMENTATION; PENALTIES.—

14 (1) IMPLEMENTATION.—The President may ex-
15 ercise all authorities provided under sections 203
16 and 205 of the International Emergency Economic
17 Powers Act (50 U.S.C. 1702 and 1704) to carry out
18 this section.

19 (2) PENALTIES.—The penalties provided for in
20 subsections (b) and (c) of section 206 of the Inter-
21 national Emergency Economic Powers Act (50
22 U.S.C. 1705) shall apply to a foreign person that
23 violates, attempts to violate, conspires to violate, or
24 causes a violation of paragraph (1) to the same ex-
25 tent that such penalties apply to a person that com-

1 mits an unlawful act described in subsection (a) of
2 such section 206.

3 (e) WAIVER.—The President may waive the applica-
4 tion of sanctions under this section with respect to a for-
5 eign person identified in the report required under sub-
6 section (a)(1) if the President determines and certifies to
7 the appropriate congressional committees that such a
8 waiver is in the national interest of the United States.

9 (f) EXCEPTIONS.—

10 (1) EXCEPTION FOR INTELLIGENCE ACTIVI-
11 TIES.—Sanctions under this section shall not apply
12 to any activity subject to the reporting requirements
13 under title V of the National Security Act of 1947
14 (50 U.S.C. 3091 et seq.) or any authorized intel-
15 ligence activities of the United States.

16 (2) EXCEPTION TO COMPLY WITH INTER-
17 NATIONAL OBLIGATIONS AND FOR LAW ENFORCE-
18 MENT ACTIVITIES.—Sanctions under subsection
19 (c)(2) shall not apply with respect to an alien if ad-
20 mitting or paroling the alien into the United States
21 is necessary—

22 (A) to permit the United States to comply
23 with the Agreement regarding the Head-
24 quarters of the United Nations, signed at Lake
25 Success June 26, 1947, and entered into force

1 November 21, 1947, between the United Na-
2 tions and the United States, or other applicable
3 international obligations; or

4 (B) to carry out or assist law enforcement
5 activity in the United States.

6 (g) TERMINATION OF SANCTIONS.—The President
7 may terminate the application of sanctions under this sec-
8 tion with respect to a foreign person if the President deter-
9 mines and reports to the appropriate congressional com-
10 mittees not less than 15 days before the termination takes
11 effect that—

12 (1) information exists that the person did not
13 engage in the activity for which sanctions were im-
14 posed;

15 (2) the person has been prosecuted appro-
16 priately for the activity for which sanctions were im-
17 posed;

18 (3) the person has credibly demonstrated a sig-
19 nificant change in behavior, has paid an appropriate
20 consequence for the activity for which sanctions were
21 imposed, and has credibly committed to not engage
22 in an activity described in subsection (a)(1) in the
23 future; or

24 (4) the termination of the sanctions is in the
25 national security interests of the United States.

1 (h) SUNSET.—This section, and any sanctions im-
2 posed under this section, shall terminate on the date that
3 is 5 years after the date of the enactment of this Act.

4 (i) DEFINITIONS OF ADMISSION; ADMITTED;
5 ALIEN.—In this section, the terms “admission”, “admit-
6 ted”, and “alien” have the meanings given those terms
7 in section 101 of the Immigration and Nationality Act (8
8 U.S.C. 1101).

9 **SEC. 9. DISCLOSURES TO THE SECURITIES AND EXCHANGE**
10 **COMMISSION OF CERTAIN ACTIVITIES RE-**
11 **LATED TO THE XINJIANG UYGHUR AUTONO-**
12 **MOUS REGION.**

13 (a) POLICY STATEMENT.—It is the policy of the
14 United States to protect American investors, through
15 stronger disclosure requirements, alerting them to the
16 presence of Chinese and other companies complicit in
17 gross violations of human rights in United States capital
18 markets, including American and foreign companies listed
19 on United States exchanges that enable the mass intern-
20 ment and population surveillance of Uyghurs, Kazakhs,
21 Kyrgyz, and other Muslim minorities and source products
22 made with forced labor in the Xinjiang Uyghur Autono-
23 mous Region of China. Such involvements represent clear,
24 material risks to the share values and corporate reputa-
25 tions of certain of these companies and hence to prospec-

1 tive American investors, particularly given that the United
2 States Government has employed sanctions and export re-
3 strictions to target individuals and entities contributing to
4 human rights abuses in the People’s Republic of China.

5 (b) DISCLOSURE OF CERTAIN ACTIVITIES RELATING
6 TO THE XINJIANG UYGHUR AUTONOMOUS REGION.—

7 (1) IN GENERAL.—Section 13 of the Securities
8 Exchange Act of 1934 (15 U.S.C. 78m) is amended
9 by adding at the end the following new subsection:

10 “(s) DISCLOSURE OF CERTAIN ACTIVITIES RELAT-
11 ING TO THE XINJIANG UYGHUR AUTONOMOUS REGION.—

12 “(1) IN GENERAL.—Each issuer required to file
13 an annual or quarterly report under subsection (a)
14 shall disclose in that report the information required
15 by paragraph (2) if, during the period covered by
16 the report, the issuer or any affiliate of the issuer—

17 “(A) knowingly engaged in an activity with
18 an entity or the affiliate of an entity engaged
19 in creating or providing technology or other as-
20 sistance to create mass population surveillance
21 systems in the Xinjiang Uyghur Autonomous
22 Region of China, including any entity included
23 on the Department of Commerce’s ‘Entity List’
24 in the Xinjiang Uyghur Autonomous Region;

1 “(B) knowingly engaged in an activity with
2 an entity or an affiliate of an entity building
3 and running detention facilities for Uyghurs,
4 Kazakhs, Kyrgyz, and other members of Mus-
5 lim minority groups in the Xinjiang Uyghur
6 Autonomous Region;

7 “(C) knowingly engaged in an activity with
8 an entity or an affiliate of an entity described
9 in section 7(c)(1) of the Uyghur Forced Labor
10 Prevention Act, including—

11 “(i) any entity engaged in the ‘pair-
12 ing-assistance’ program which subsidizes
13 the establishment of manufacturing facili-
14 ties in the Xinjiang Uyghur Autonomous
15 Region; or

16 “(ii) any entity for which the Depart-
17 ment of Homeland Security has issued a
18 ‘Withhold Release Order’ under section
19 307 of the Tariff Act of 1930 (19 U.S.C.
20 1307); or

21 “(D) knowingly conducted any transaction
22 or had dealings with—

23 “(i) any person the property and in-
24 terests in property of which were sanc-
25 tioned by the Secretary of State for the de-

1 tention or abuse of Uyghurs, Kazakhs,
2 Kyrgyz, or other members of Muslim mi-
3 nority groups in the Xinjiang Uyghur Au-
4 tonomous Region;

5 “(ii) any person the property and in-
6 terests in property of which are sanctioned
7 pursuant to the Global Magnitsky Human
8 Rights Accountability Act (22 U.S.C. 2656
9 note); or

10 “(iii) any person or entity responsible
11 for, or complicit in, committing atrocities
12 in the Xinjiang Uyghur Autonomous Re-
13 gion.

14 “(2) INFORMATION REQUIRED.—

15 “(A) IN GENERAL.—If an issuer described
16 under paragraph (1) or an affiliate of the issuer
17 has engaged in any activity described in para-
18 graph (1), the information required by this
19 paragraph is a detailed description of each such
20 activity, including—

21 “(i) the nature and extent of the ac-
22 tivity;

23 “(ii) the gross revenues and net prof-
24 its, if any, attributable to the activity; and

1 “(iii) whether the issuer or the affil-
2 iate of the issuer (as the case may be) in-
3 tends to continue the activity.

4 “(B) EXCEPTION.—The requirement to
5 disclose information under this paragraph shall
6 not include information on activities of the
7 issuer or any affiliate of the issuer activities re-
8 lating to—

9 “(i) the import of manufactured
10 goods, including electronics, food products,
11 textiles, shoes, and teas, that originated in
12 the Xinjiang Uyghur Autonomous Region;
13 or

14 “(ii) manufactured goods containing
15 materials that originated or are sourced in
16 the Xinjiang Uyghur Autonomous Region.

17 “(3) NOTICE OF DISCLOSURES.—If an issuer
18 reports under paragraph (1) that the issuer or an
19 affiliate of the issuer has knowingly engaged in any
20 activity described in that paragraph, the issuer shall
21 separately file with the Commission, concurrently
22 with the annual or quarterly report under subsection
23 (a), a notice that the disclosure of that activity has
24 been included in that annual or quarterly report that

1 identifies the issuer and contains the information re-
2 quired by paragraph (2).

3 “(4) PUBLIC DISCLOSURE OF INFORMATION.—
4 Upon receiving a notice under paragraph (3) that an
5 annual or quarterly report includes a disclosure of
6 an activity described in paragraph (1), the Commis-
7 sion shall promptly—

8 “(A) transmit the report to—

9 “(i) the President;

10 “(ii) the Committee on Foreign Af-
11 fairs and the Committee on Financial
12 Services of the House of Representatives;
13 and

14 “(iii) the Committee on Foreign Rela-
15 tions and the Committee on Banking,
16 Housing, and Urban Affairs of the Senate;
17 and

18 “(B) make the information provided in the
19 disclosure and the notice available to the public
20 by posting the information on the Internet
21 website of the Commission.

22 “(5) INVESTIGATIONS.—Upon receiving a re-
23 port under paragraph (4) that includes a disclosure
24 of an activity described in paragraph (1), the Presi-
25 dent shall—

1 “(A) make a determination with respect to
2 whether any investigation is needed into the
3 possible imposition of sanctions under the Glob-
4 al Magnitsky Human Rights Accountability Act
5 (22 U.S.C. 2656 note) or section 8 of the
6 Uyghur Forced Labor Prevention Act or wheth-
7 er criminal investigations are warranted under
8 statutes intended to hold accountable individ-
9 uals or entities involved in the importation of
10 goods produced by forced labor, including under
11 section 545, 1589, or 1761 of title 18, United
12 States Code; and

13 “(B) not later than 180 days after initi-
14 ating any such investigation, make a determina-
15 tion with respect to whether a sanction should
16 be imposed or criminal investigations initiated
17 with respect to the issuer or the affiliate of the
18 issuer (as the case may be).

19 “(6) ATROCITIES DEFINED.—In this subsection,
20 the term ‘atrocities’ has the meaning given the term
21 in section 6(2) of the Elie Wiesel Genocide and
22 Atrocities Prevention Act of 2018 (Public Law 115–
23 441; 22 U.S.C. 2656 note).”.

1 (c) SUNSET.—Section 13(s) of the Securities Ex-
2 change Act of 1934, as added by subsection (b), is re-
3 pealed on the earlier of—

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

6 (2) the date on which the President submits to
7 the appropriate congressional committees a deter-
8 mination that the Government of the People’s Re-
9 public of China has ended mass internment, forced
10 labor, and any other gross violations of human
11 rights experienced by Uyghurs, Kazakhs, Kyrgyz,
12 and members of other Muslim minority groups in
13 the Xinjiang Uyghur Autonomous Region.

14 (d) EFFECTIVE DATE.—The amendment made by
15 subsection (b) shall take effect with respect to reports re-
16 quired to be filed with the Securities and Exchange Com-
17 mission after the date that is 180 days after the date of
18 the enactment of this Act.

19 **SEC. 10. DEFINITIONS.**

20 In this Act:

21 (1) APPROPRIATE CONGRESSIONAL COMMIT-
22 TEES.—The term “appropriate congressional com-
23 mittees” means—

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

1 committee on Ways and Means of the House of
2 Representatives; and

3 (B) the Committee on Foreign Relations,
4 the Committee on Banking, Housing, and
5 Urban Affairs, and the Committee on Finance
6 of the Senate.

7 (2) ATROCITIES.—The term “atrocities” has
8 the meaning given the term in section 6(2) of the
9 Elie Wiesel Genocide and Atrocities Prevention Act
10 of 2018 (Public Law 115–441; 22 U.S.C. 2656
11 note).

12 (3) CRIMES AGAINST HUMANITY.—The term
13 “crimes against humanity” includes, when com-
14 mitted as part of a widespread or systematic attack
15 directed against any civilian population, with knowl-
16 edge of the attack—

17 (A) murder;

18 (B) deportation or forcible transfer of pop-
19 ulation;

20 (C) torture;

21 (D) extermination;

22 (E) enslavement;

23 (F) rape, sexual slavery, or any other form
24 of sexual violence of comparable severity;

1 (G) persecution against any identifiable
2 group or collectivity on political, racial, na-
3 tional, ethnic, cultural, religious, gender, or
4 other grounds that are universally recognized as
5 impermissible under international law; and

6 (H) enforced disappearance of persons.

7 (4) FORCED LABOR.—The term “forced labor”
8 has the meaning given the term in section 307 of the
9 Tariff Act of 1930 (19 U.S.C. 1307).

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

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

15 (7) MASS POPULATION SURVEILLANCE SYS-
16 TEM.—The term “mass population surveillance sys-
17 tem” means installation and integration of facial
18 recognition cameras, biometric data collection, cell
19 phone surveillance, and artificial intelligence tech-
20 nology with the “Sharp Eyes” and “Integrated Joint
21 Operations Platform” or other technologies that are
22 used by Chinese security forces for surveillance and
23 big-data predictive policing.

24 (8) UNITED STATES PERSON.—The term
25 “United States person” means—

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

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

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