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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

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 HOUSE OF REPRESENTATIVES

Mr. MCGOVERN introduced the following bill; which was 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. STATEMENT OF POLICY.**

4 It is the policy of the United States—

5 (1) to strengthen the prohibition against the
6 importation of goods made with forced labor, includ-
7 ing by ensuring that the Government of the People's

1 Republic of China does not undermine the effective
2 enforcement of section 307 of the Tariff Act of 1930
3 (19 U.S.C. 1307), which prohibits the importation of
4 all “goods, wares, articles, and merchandise mined,
5 produced or manufactured wholly or in part in any
6 foreign country by ... forced labor”;

7 (2) to lead the international community in end-
8 ing forced labor practices wherever such practices
9 occur through all means available to the United
10 States Government, including by stopping the impor-
11 tation of any goods made with forced labor, includ-
12 ing those goods mined, produced, or manufactured
13 wholly or in part in the Xinjiang Uyghur Autono-
14 mous Region;

15 (3) to coordinate with Mexico and Canada to ef-
16 fectively implement Article 23.6 of the United
17 States-Mexico-Canada Agreement to prohibit the im-
18 portation of goods produced in whole or in part by
19 forced or compulsory labor, including those goods
20 mined, produced, or manufactured wholly or in part
21 in the Xinjiang Uyghur Autonomous Region;

22 (4) to actively work to prevent, publicly de-
23 nounce, and end human trafficking including with
24 respect to forced labor, whether sponsored by the
25 government of a foreign country or not, and to re-

1 store the lives of those affected by human traf-
2 ficking, a modern form of slavery;

3 (5) to regard the prevention of atrocities as it
4 is in the national interest of the United States, in-
5 cluding efforts to prevent torture, enforced dis-
6 appearances, severe deprivation of liberty, including
7 mass internment, arbitrary detention, and wide-
8 spread and systematic use of forced labor, and per-
9 secution targeting any identifiable ethnic or religious
10 group; and

11 (6) to address gross violations of human rights
12 in the Xinjiang Uyghur Autonomous Region

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

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

21 **SEC. 2. STRATEGY TO ENFORCE PROHIBITION ON IMPOR-**
22 **TATION OF GOODS MADE THROUGH FORCED**
23 **LABOR IN THE XINJIANG UYGHUR AUTONO-**
24 **MOUS REGION.**

25 (a) PUBLIC COMMENT.—

1 (1) IN GENERAL.—Not later than 30 days after
2 the date of the enactment of this Act, the Forced
3 Labor Enforcement Task Force, established under
4 section 741 of the United States-Mexico-Canada
5 Agreement Implementation Act (19 U.S.C. 4681),
6 shall publish in the Federal Register a notice solici-
7 ting public comments on how best to ensure that
8 goods mined, produced, or manufactured wholly or
9 in part with forced labor in the People’s Republic of
10 China, including by Uyghurs, Kazakhs, Kyrgyz, Ti-
11 betans, and members of other persecuted groups in
12 the People’s Republic of China, and especially in the
13 Xinjiang Uyghur Autonomous Region, are not im-
14 ported into the United States.

15 (2) PERIOD FOR COMMENT.—The Forced
16 Labor Enforcement Task Force shall provide the
17 public with not less than 45 days to submit com-
18 ments in response to the notice required by para-
19 graph (1).

20 (b) PUBLIC HEARING.—

21 (1) IN GENERAL.—Not later than 45 days after
22 the close of the period to submit comments under
23 subsection (a)(2), the Forced Labor Enforcement
24 Task Force shall conduct a public hearing inviting
25 witnesses to testify with respect to the use of forced

1 labor in the People’s Republic of China and potential
2 measures, including the measures described in para-
3 graph (2), to prevent the importation of goods
4 mined, produced, or manufactured wholly or in part
5 with forced labor in the People’s Republic of China
6 into the United States.

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

9 (A) measures that can be taken to trace
10 the origin of goods, offer greater supply chain
11 transparency, and identify third country supply
12 chain routes for goods mined, produced, or
13 manufactured wholly or in part with forced
14 labor in the People’s Republic of China; and

15 (B) other measures for ensuring that
16 goods mined, produced, or manufactured wholly
17 or in part with forced labor do not enter the
18 United States.

19 (c) DEVELOPMENT OF STRATEGY.—After receiving
20 public comments under subsection (a) and holding the
21 hearing required by subsection (b), the Forced Labor En-
22 forcement Task Force, in consultation with the Secretary
23 of Commerce and the Director of National Intelligence,
24 shall develop a strategy for supporting enforcement of Sec-
25 tion 307 of the Tariff Act of 1930 (19 U.S.C. 1307) to

1 prevent the importation into the United States of goods
2 mined, produced, or manufactured wholly or in part with
3 forced labor in the People’s Republic of China.

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

6 (1) A comprehensive assessment of the risk of
7 importing goods mined, produced, or manufactured
8 wholly or in part with forced labor in the People’s
9 Republic of China, including from the Xinjiang
10 Uyghur Autonomous Region or made by Uyghurs,
11 Kazakhs, Kyrgyz, Tibetans, or members of other
12 persecuted groups in any other part of the People’s
13 Republic of China, that identifies, to the extent fea-
14 sible—

15 (A) threats, including through the poten-
16 tial involvement in supply chains of entities that
17 may use forced labor, that could lead to the im-
18 portation into the United States from the Peo-
19 ple’s Republic of China, including through third
20 countries, of goods mined, produced, or manu-
21 factured wholly or in part with forced labor;
22 and

23 (B) what procedures can be implemented
24 or improved to reduce such threats.

1 (2) A comprehensive description and evalua-
2 tion—

3 (A) of “pairing assistance” and “poverty
4 alleviation” or any other government labor
5 scheme that includes the forced labor of
6 Uyghurs, Kazakhs, Kyrgyz, Tibetans, or mem-
7 bers of other persecuted groups outside of the
8 Xinjiang Uyghur Autonomous Region or similar
9 programs of the People’s Republic of China in
10 which work or services are extracted from
11 Uyghurs, Kazakhs, Kyrgyz, Tibetans, or mem-
12 bers of other persecuted groups through the
13 threat of penalty or for which the Uyghurs,
14 Kazakhs, Kyrgyz, Tibetans, or members of
15 other persecuted groups have not offered them-
16 selves voluntarily; and

17 (B) that includes—

18 (i) a list of entities in the Xinjiang
19 Uyghur Autonomous Region that mine,
20 produce, or manufacture wholly or in part
21 any goods, wares, articles and merchandise
22 with forced labor;

23 (ii) a list of entities working with the
24 government of the Xinjiang Uyghur Auton-
25 omous Region to recruit, transport, trans-

1 fer, harbor or receive forced labor or
2 Uyghurs, Kazakhs, Kyrgyz, or members of
3 other persecuted groups out of the
4 Xinjiang Uyghur Autonomous Region;

5 (iii) a list of products mined, pro-
6 duced, or manufactured wholly or in part
7 by entities on the list required by clause (i)
8 or (ii);

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

13 (v) a list of facilities and entities, in-
14 cluding the Xinjiang Production and Con-
15 struction Corps, that source material from
16 the Xinjiang Uyghur Autonomous Region
17 or from persons working with the govern-
18 ment of the Xinjiang Uyghur Autonomous
19 Region or the Xinjiang Production and
20 Construction Corps for purposes of the
21 “poverty alleviation” program or the “pair-
22 ing-assistance” program or any other gov-
23 ernment labor scheme that uses forced
24 labor;

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

4 (vii) an enforcement plan for each
5 such entity whose goods, wares articles, or
6 merchandise are exported into the United
7 States, which may include issuing withhold
8 release orders to support enforcement of
9 section 4 with respect to the entity;

10 (viii) a list of high-priority sectors for
11 enforcement, which shall include cotton, to-
12 matoes, and polysilicon; and

13 (ix) an enforcement plan for each
14 such high-priority sector.

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

21 (4) A description of how U.S. Customs and
22 Border Protection plans to enhance its use of legal
23 authorities and other tools to ensure that no goods
24 are entered at any of the ports of the United States
25 in violation of section 307 of the Tariff Act of 1930

1 (19 U.S.C. 1307), including through the initiation of
2 pilot programs to test the viability of technologies to
3 assist in the examination of such goods.

4 (5) A description of the additional resources
5 necessary for U.S. Customs and Border Protection
6 to ensure that no goods are entered at any of the
7 ports of the United States in violation of section 307
8 of the Tariff Act of 1930 (19 U.S.C. 1307).

9 (6) Guidance to importers with respect to—

10 (A) due diligence, effective supply chain
11 tracing, and supply chain management meas-
12 ures to ensure that such importers do not im-
13 port any goods mined, produced, or manufac-
14 tured wholly or in part with forced labor from
15 the People’s Republic of China, especially from
16 the Xinjiang Uyghur Autonomous Region;

17 (B) the type, nature, and extent of evi-
18 dence that demonstrates that goods originating
19 in the People’s Republic of China were not
20 mined, produced, or manufactured wholly or in
21 part in the Xinjiang Uyghur Autonomous Re-
22 gion; and

23 (C) the type, nature, and extent of evi-
24 dence that demonstrates that goods originating
25 in the People’s Republic of China, including

1 goods detained or seized pursuant to section
2 307 of the Tariff Act of 1930 (19 U.S.C.
3 1307), were not mined, produced, or manufac-
4 tured wholly or in part with forced labor.

5 (7) A plan to coordinate and collaborate with
6 appropriate nongovernmental organizations and pri-
7 vate sector entities to implement and update the
8 strategy developed under subsection (c).

9 (e) SUBMISSION OF STRATEGY.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of the enactment of this Act, and an-
12 nually thereafter, the Forced Labor Enforcement
13 Task Force, in consultation with the Department of
14 Commerce and the Director of National Intelligence,
15 shall submit to the appropriate congressional com-
16 mittees a report that—

17 (A) in the case of the first such report,
18 sets forth the strategy developed under sub-
19 section (c); and

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

22 (2) UPDATES OF CERTAIN MATTERS.—Not less
23 frequently than annually after the submission under
24 paragraph (1)(A) of the strategy developed under
25 subsection (c), the Forced Labor Enforcement Task

1 Force shall submit to the appropriate congressional
2 committees updates to the strategy with respect to
3 the matters described in clauses (i) through (ix) of
4 subsection (d)(2)(B).

5 (3) FORM OF REPORT.—Each report required
6 by paragraph (1) shall be submitted in unclassified
7 form, but may include a classified annex, if nec-
8 essary.

9 (4) PUBLIC AVAILABILITY.—The unclassified
10 portion of each report required by paragraph (1)
11 shall be made available to the public.

12 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
13 tion may be construed to limit the application of regula-
14 tions in effect on or measures taken before the date of
15 the enactment of this Act to prevent the importation of
16 goods mined, produced, or manufactured wholly or in part
17 with forced labor into the United States, including with-
18 hold release orders issued before such date of enactment.

19 **SEC. 3. REBUTTABLE PRESUMPTION THAT IMPORT PROHI-**
20 **BITION APPLIES TO GOODS MINED, PRO-**
21 **DUCTION, OR MANUFACTURED IN THE**
22 **XINJIANG UYGHUR AUTONOMOUS REGION**
23 **OR BY CERTAIN ENTITIES.**

24 (a) IN GENERAL.—The Commissioner of U.S. Cus-
25 toms and Border Protection shall, except as provided by

1 subsection (b), apply a presumption that, with respect to
2 any goods, wares, articles, and merchandise mined, pro-
3 duced, or manufactured wholly or in part in the Xinjiang
4 Uyghur Autonomous Region of the People's Republic of
5 China or produced by an entity on a list required by clause
6 (i), (ii), (iv) or (v) of section 2(d)(2)(B)—

- 7 (1) the importation of such goods, wares, arti-
8 cles, and merchandise is prohibited under section
9 307 of the Tariff Act of 1930 (19 U.S.C. 1307); and
10 (2) such goods, wares, articles, and merchan-
11 dise are not entitled to entry at any of the ports of
12 the United States.

13 (b) EXCEPTIONS.—The Commissioner shall apply the
14 presumption under subsection (a) unless the Commis-
15 sioner determines—

- 16 (1) that the importer of record has—
17 (A) fully complied with the guidance de-
18 scribed in section 2(d)(6) and any regulations
19 issued to implement that guidance; and
20 (B) completely and substantively re-
21 sponded to all inquiries for information sub-
22 mitted by the Commissioner to ascertain wheth-
23 er the goods were mined, produced, or manufac-
24 tured wholly or in part with forced labor; and

1 (2) by clear and convincing evidence, that the
2 good, ware, article, or merchandise was not mined,
3 produced, or manufactured wholly or in part by
4 forced labor.

5 (c) REPORT REQUIRED.—The Commissioner shall
6 submit to the appropriate congressional committees and
7 make available to the public, not later than 30 days after
8 making a determination of an exception under subsection
9 (b), a report identifying the good and the evidence consid-
10 ered under subsection (b).

11 (d) REGULATIONS.—The Commissioner may pre-
12 scribe regulations—

13 (1) to implement paragraphs (1) and (2) of
14 subsection (b); or

15 (2) to amend any other regulations relating to
16 withhold release orders in order to implement this
17 section.

18 (e) EFFECTIVE DATE.—This section takes effect on
19 the date that is 180 days after the date of the enactment
20 of this Act.

21 **SEC. 4. DIPLOMATIC STRATEGY TO ADDRESS FORCED**
22 **LABOR IN THE XINJIANG UYGHUR AUTONO-**
23 **MOUS REGION.**

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

1 in coordination with the heads of other appropriate Fed-
2 eral departments and agencies, shall submit to the appro-
3 priate congressional committees a report that contains a
4 United States strategy to promote initiatives to enhance
5 international awareness of and to address forced labor in
6 the Xinjiang Uyghur Autonomous Region of the People's
7 Republic of China.

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

10 (1) a plan to enhance bilateral and multilateral
11 coordination, including sustained engagement with
12 the governments of United States partners and al-
13 lies, to end forced labor of Uyghurs, Kazakhs,
14 Kyrgyz, Tibetans, and members of other persecuted
15 groups in the Xinjiang Uyghur Autonomous Region;

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

21 (3) a plan—

22 (A) to coordinate and collaborate with ap-
23 propriate nongovernmental organizations and
24 private sector entities to raise awareness about
25 goods mined, produced, or manufactured wholly

1 or in part with forced labor in the Xinjiang
2 Uyghur Autonomous Region; and

3 (B) to provide humanitarian assistance, in-
4 cluding with respect to resettlement and advo-
5 cacy for imprisoned family members, to
6 Uyghurs, Kazakhs, Kyrgyz, Tibetans, and
7 members of other persecuted groups, including
8 members of such groups formerly detained in
9 mass internment camps in the Xinjiang Uyghur
10 Autonomous Region

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

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

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

21 (B) Foreign persons that acted as agents
22 of the entities or affiliates of entities described
23 in subparagraph (A) to import goods into the
24 United States.

1 (2) A plan for working with private sector enti-
2 ties seeking to conduct supply chain due diligence to
3 prevent the importation of goods mined, produced,
4 or manufactured wholly or in part with forced labor
5 into the United States.

6 (3) A plan of actions taken by the United
7 States Government to address forced labor in the
8 Xinjiang Uyghur Autonomous Region under existing
9 authorities, including—

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

13 (B) the Elie Wiesel Genocide and Atroc-
14 ities Prevention Act of 2018 (Public Law 115–
15 441; 22 U.S.C. 2656 note); and

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

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

21 (e) UPDATES.—The Secretary of State may include
22 any updates to the strategy required by subsection (a) in
23 the annual Trafficking in Persons report required by sec-
24 tion 110(b) of the Trafficking Victims Protection Act of
25 2000 (22 U.S.C. 7107(b)).

1 **SEC. 5. IMPOSITION OF SANCTIONS RELATING TO FORCED**
2 **LABOR IN THE XINJIANG UYGHUR AUTONO-**
3 **MOUS REGION.**

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

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

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

12 (1) takes effect on the date of the enactment of
13 this Act; and

14 (2) applies with respect to the first report re-
15 quired by section 6(a)(1) of the Uyghur Human
16 Rights Policy Act of 2020 submitted after such date
17 of enactment.

18 (c) **TRANSITION RULE.**—

19 (1) **INTERIM REPORT.**—Not later than 180
20 days after the date of the enactment of this Act, the
21 President shall submit to the committees specified in
22 section 6(a)(1) of the Uyghur Human Rights Policy
23 Act of 2020 a report that identifies each foreign per-
24 son, including any official of the Government of the
25 People’s Republic of China, that the President deter-
26 mines is responsible for serious human rights abuses

1 in connection with forced labor with respect to
2 Uyghurs, Kazakhs, Kyrgyz, or members of other
3 persecuted groups, or other persons in the Xinjiang
4 Uyghur Autonomous Region.

5 (2) IMPOSITION OF SANCTIONS.—The President
6 shall impose sanctions under subsection (c) of sec-
7 tion 6 of the Uyghur Human Rights Policy Act of
8 2020 with respect to each foreign person identified
9 in the report required by paragraph (1), subject to
10 the provisions of subsections (d), (e), (f), and (g) of
11 that section.

12 **SEC. 6. SUNSET.**

13 Sections 3, 4, and 5 shall cease to have effect on the
14 earlier of—

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

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

1 **SEC. 7. DEFINITIONS.**

2 In this Act:

3 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
4 **TEES.**—The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Foreign Affairs, the
7 Committee on Financial Services, the Com-
8 mittee on Ways and Means and the Committee
9 on Homeland Security of the House of Rep-
10 resentatives; and

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

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

18 (A) has the meaning given that term in
19 section 307 of the Tariff Act of 1930 (19
20 U.S.C. 1307); and

21 (B) includes convict labor and indentured
22 labor under penal sanctions.

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

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

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

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

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