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H. R. 6256

IN THE SENATE OF THE UNITED STATES

DECEMBER 15, 2021

Received

AN ACT

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,*

1 **SECTION 1. STATEMENT OF POLICY.**

2 It is the policy of the United States—

3 (1) to strengthen the prohibition against the
4 importation of goods made with forced labor, includ-
5 ing by ensuring that the Government of the People’s
6 Republic of China does not undermine the effective
7 enforcement of section 307 of the Tariff Act of 1930
8 (19 U.S.C. 1307), which prohibits the importation of
9 all “goods, wares, articles, and merchandise mined,
10 produced or manufactured wholly or in part in any
11 foreign country by * * * forced labor”;

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

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

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

15 (6) to address gross violations of human rights
16 in the Xinjiang Uyghur Autonomous Region—

17 (A) through bilateral diplomatic channels
18 and multilateral institutions where both the
19 United States and the People’s Republic of
20 China are members; and

21 (B) using all the authorities available to
22 the United States Government, including visa
23 and financial sanctions, export restrictions, and
24 import controls.

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

20 (2) PERIOD FOR COMMENT.—The Forced
21 Labor Enforcement Task Force shall provide the
22 public with not less than 45 days to submit com-
23 ments in response to the notice required by para-
24 graph (1).

25 (b) PUBLIC HEARING.—

1 (1) IN GENERAL.—Not later than 45 days after
2 the close of the period to submit comments under
3 subsection (a)(2), the Forced Labor Enforcement
4 Task Force shall conduct a public hearing inviting
5 witnesses to testify with respect to the use of forced
6 labor in the People’s Republic of China and potential
7 measures, including the measures described in para-
8 graph (2), to prevent the importation of goods
9 mined, produced, or manufactured wholly or in part
10 with forced labor in the People’s Republic of China
11 into the United States.

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

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

20 (B) other measures for ensuring that
21 goods mined, produced, or manufactured wholly
22 or in part with forced labor do not enter the
23 United States.

24 (c) DEVELOPMENT OF STRATEGY.—After receiving
25 public comments under subsection (a) and holding the

1 hearing required by subsection (b), the Forced Labor En-
2 forcement Task Force, in consultation with the Secretary
3 of Commerce and the Director of National Intelligence,
4 shall develop a strategy for supporting enforcement of Sec-
5 tion 307 of the Tariff Act of 1930 (19 U.S.C. 1307) to
6 prevent the importation into the United States of goods
7 mined, produced, or manufactured wholly or in part with
8 forced labor in the People’s Republic of China.

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

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

20 (A) threats, including through the poten-
21 tial involvement in supply chains of entities that
22 may use forced labor, that could lead to the im-
23 portation into the United States from the Peo-
24 ple’s Republic of China, including through third
25 countries, of goods mined, produced, or manu-

1 factured wholly or in part with forced labor;
2 and

3 (B) what procedures can be implemented
4 or improved to reduce such threats.

5 (2) A comprehensive description and evalua-
6 tion—

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

21 (B) that includes—

22 (i) a list of entities in the Xinjiang
23 Uyghur Autonomous Region that mine,
24 produce, or manufacture wholly or in part

1 any goods, wares, articles and merchandise
2 with forced labor;

3 (ii) a list of entities working with the
4 government of the Xinjiang Uyghur Auton-
5 omous Region to recruit, transport, trans-
6 fer, harbor or receive forced labor or
7 Uyghurs, Kazakhs, Kyrgyz, or members of
8 other persecuted groups out of the
9 Xinjiang Uyghur Autonomous Region;

10 (iii) a list of products mined, pro-
11 duced, or manufactured wholly or in part
12 by entities on the list required by clause (i)
13 or (ii);

14 (iv) a list of entities that exported
15 products described in clause (iii) from the
16 People's Republic of China into the United
17 States;

18 (v) a list of facilities and entities, in-
19 cluding the Xinjiang Production and Con-
20 struction Corps, that source material from
21 the Xinjiang Uyghur Autonomous Region
22 or from persons working with the govern-
23 ment of the Xinjiang Uyghur Autonomous
24 Region or the Xinjiang Production and
25 Construction Corps for purposes of the

1 “poverty alleviation” program or the “pair-
2 ing-assistance” program or any other gov-
3 ernment labor scheme that uses forced
4 labor;

5 (vi) a plan for identifying additional
6 facilities and entities described in clause
7 (v);

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

14 (viii) a list of high-priority sectors for
15 enforcement, which shall include cotton, to-
16 matoes, and polysilicon; and

17 (ix) an enforcement plan for each
18 such high-priority sector.

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

1 (4) A description of how U.S. Customs and
2 Border Protection plans to enhance its use of legal
3 authorities and other tools to ensure that no goods
4 are entered at any of the ports of the United States
5 in violation of section 307 of the Tariff Act of 1930
6 (19 U.S.C. 1307), including through the initiation of
7 pilot programs to test the viability of technologies to
8 assist in the examination of such goods.

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

14 (6) Guidance to importers with respect to—

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

22 (B) the type, nature, and extent of evi-
23 dence that demonstrates that goods originating
24 in the People’s Republic of China were not
25 mined, produced, or manufactured wholly or in

1 part in the Xinjiang Uyghur Autonomous Re-
2 gion; and

3 (C) the type, nature, and extent of evi-
4 dence that demonstrates that goods originating
5 in the People’s Republic of China, including
6 goods detained or seized pursuant to section
7 307 of the Tariff Act of 1930 (19 U.S.C.
8 1307), were not mined, produced, or manufac-
9 tured wholly or in part with forced labor.

10 (7) A plan to coordinate and collaborate with
11 appropriate nongovernmental organizations and pri-
12 vate sector entities to implement and update the
13 strategy developed under subsection (c).

14 (e) SUBMISSION OF STRATEGY.—

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

22 (A) in the case of the first such report,
23 sets forth the strategy developed under sub-
24 section (c); and

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

3 (2) UPDATES OF CERTAIN MATTERS.—Not less
4 frequently than annually after the submission under
5 paragraph (1)(A) of the strategy developed under
6 subsection (c), the Forced Labor Enforcement Task
7 Force shall submit to the appropriate congressional
8 committees updates to the strategy with respect to
9 the matters described in clauses (i) through (ix) of
10 subsection (d)(2)(B).

11 (3) FORM OF REPORT.—Each report required
12 by paragraph (1) shall be submitted in unclassified
13 form, but may include a classified annex, if nec-
14 essary.

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

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

1 **SEC. 3. REBUTTABLE PRESUMPTION THAT IMPORT PROHI-**
2 **BITION APPLIES TO GOODS MINED, PRO-**
3 **DUCED, OR MANUFACTURED IN THE**
4 **XINJIANG UYGHUR AUTONOMOUS REGION**
5 **OR BY CERTAIN ENTITIES.**

6 (a) IN GENERAL.—The Commissioner of U.S. Cus-
7 toms and Border Protection shall, except as provided by
8 subsection (b), apply a presumption that, with respect to
9 any goods, wares, articles, and merchandise mined, pro-
10 duced, or manufactured wholly or in part in the Xinjiang
11 Uyghur Autonomous Region of the People’s Republic of
12 China or produced by an entity on a list required by clause
13 (i), (ii), (iv) or (v) of section 2(d)(2)(B)—

14 (1) the importation of such goods, wares, arti-
15 cles, and merchandise is prohibited under section
16 307 of the Tariff Act of 1930 (19 U.S.C. 1307); and
17 (2) such goods, wares, articles, and merchan-
18 dise are not entitled to entry at any of the ports of
19 the United States.

20 (b) EXCEPTIONS.—The Commissioner shall apply the
21 presumption under subsection (a) unless the Commis-
22 sioner determines—

23 (1) that the importer of record has—
24 (A) fully complied with the guidance de-
25 scribed in section 2(d)(6) and any regulations
26 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 mined, produced, or manufac-
5 tured wholly or in part with forced labor; and

6 (2) by clear and convincing evidence, that the
7 good, ware, article, or merchandise was not mined,
8 produced, or manufactured wholly or in part by
9 forced labor.

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

16 (d) REGULATIONS.—The Commissioner may pre-
17 scribe regulations—

18 (1) to implement paragraphs (1) and (2) of
19 subsection (b); or

20 (2) to amend any other regulations relating to
21 withhold release orders in order to implement this
22 section.

23 (e) EFFECTIVE DATE.—This section takes effect on
24 the date that is 180 days after the date of the enactment
25 of this Act.

1 **SEC. 4. DIPLOMATIC STRATEGY TO ADDRESS FORCED**
2 **LABOR IN THE XINJIANG UYGHUR AUTONO-**
3 **MOUS REGION.**

4 (a) **IN GENERAL.**—Not later than 90 days after the
5 date of the enactment of this Act, the Secretary of State,
6 in coordination with the heads of other appropriate Fed-
7 eral departments and agencies, shall submit to the appro-
8 priate congressional committees a report that contains a
9 United States strategy to promote initiatives to enhance
10 international awareness of and to address forced labor in
11 the Xinjiang Uyghur Autonomous Region of the People’s
12 Republic of China.

13 (b) **MATTERS TO BE INCLUDED.**—The strategy re-
14 quired by subsection (a) shall include—

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

21 (2) a description of public affairs, public diplo-
22 macy, and counter-messaging efforts to promote
23 awareness of the human rights situation, including
24 forced labor in the Xinjiang Uyghur Autonomous
25 Region; and

26 (3) a plan—

1 (A) to coordinate and collaborate with ap-
2 propriate nongovernmental organizations and
3 private sector entities to raise awareness about
4 goods mined, produced, or manufactured wholly
5 or in part with forced labor in the Xinjiang
6 Uyghur Autonomous Region; and

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

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

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

21 (A) entities in the People’s Republic of
22 China or affiliates of such entities that use or
23 benefit from forced labor in the Xinjiang
24 Uyghur Autonomous Region; and

1 (B) Foreign persons that acted as agents
2 of the entities or affiliates of entities described
3 in subparagraph (A) to import goods into the
4 United States.

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

10 (3) A plan 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 may 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 **SEC. 5. IMPOSITION OF SANCTIONS RELATING TO FORCED**
7 **LABOR IN THE XINJIANG UYGHUR AUTONO-**
8 **MOUS REGION.**

9 (a) IN GENERAL.—Section 6(a)(1) of the Uyghur
10 Human Rights Policy Act of 2020 (Public Law 116–145;
11 22 U.S.C. 6901 note) is amended by adding at the end
12 the following:

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

15 (b) EFFECTIVE DATE; APPLICABILITY.—The amend-
16 ment made by subsection (a)—

17 (1) takes effect on the date of the enactment of
18 this Act; and

19 (2) applies with respect to the first report re-
20 quired by section 6(a)(1) of the Uyghur Human
21 Rights Policy Act of 2020 submitted after such date
22 of enactment.

23 (c) TRANSITION RULE.—

24 (1) INTERIM REPORT.—Not later than 180
25 days after the date of the enactment of this Act, the

1 President shall submit to the committees specified in
2 section 6(a)(1) of the Uyghur Human Rights Policy
3 Act of 2020 a report that identifies each foreign per-
4 son, including any official of the Government of the
5 People’s Republic of China, that the President deter-
6 mines is responsible for serious human rights abuses
7 in connection with forced labor with respect to
8 Uyghurs, Kazakhs, Kyrgyz, or members of other
9 persecuted groups, or other persons in the Xinjiang
10 Uyghur Autonomous Region.

11 (2) IMPOSITION OF SANCTIONS.—The President
12 shall impose sanctions under subsection (c) of sec-
13 tion 6 of the Uyghur Human Rights Policy Act of
14 2020 with respect to each foreign person identified
15 in the report required by paragraph (1), subject to
16 the provisions of subsections (d), (e), (f), and (g) of
17 that section.

18 **SEC. 6. SUNSET.**

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

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

23 (2) the date on which the President submits to
24 the appropriate congressional committees a deter-
25 mination that the Government of the People’s Re-

1 public of China has ended mass internment, forced
2 labor, and any other gross violations of human
3 rights experienced by Uyghurs, Kazakhs, Kyrgyz,
4 Tibetans, and members of other persecuted groups
5 in the Xinjiang Uyghur Autonomous Region.

6 **SEC. 7. DEFINITIONS.**

7 In this Act:

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

11 (A) the Committee on Foreign Affairs, the
12 Committee on Financial Services, the Com-
13 mittee on Ways and Means and the Committee
14 on Homeland Security of the House of Rep-
15 resentatives; and

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

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

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

1 (B) includes convict labor and indentured
2 labor under penal sanctions.

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

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

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

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

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

Passed the House of Representatives December 14,
2021.

Attest: CHERYL L. JOHNSON,
Clerk.