

116TH CONGRESS
2^D SESSION

H. R. 6210

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23, 2020

Received; read twice and referred to the Committee on Foreign Relations

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) In the Xinjiang Uyghur Autonomous Re-
7 gion of China, the Government of the People’s Re-
8 public of China has, since 2017, arbitrarily detained
9 as many as 1.8 million Uyghurs, Kazakhs, Kyrgyz,
10 and members of other Muslim minority groups in a
11 system of extrajudicial mass internment camps, and
12 has subjected detainees to forced labor, torture, po-
13 litical indoctrination, and other severe human rights
14 abuses.

15 (2) Forced labor exists within the Xinjiang
16 Uyghur Autonomous Region’s system of mass in-
17 ternment camps, and throughout the region, and is
18 confirmed by the testimony of former camp detain-
19 ees, satellite imagery, and official leaked documents
20 from the Government of the People’s Republic of
21 China as part of a targeted campaign of repression
22 of Muslim ethnic minorities.

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

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

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

20 (5) The Department of State’s June 2019 Traf-
21 ficking in Persons Report found that “Authorities
22 offer subsidies incentivizing Chinese companies to
23 open factories in close proximity to the internment
24 camps, and local governments receive additional
25 funds for each inmate forced to work in these sites

1 at a fraction of minimum wage or without any com-
2 pensation.”.

3 (6) U.S. Customs and Border Protection has
4 issued eight “Withhold Release Orders” on certain
5 garments, hair products, cotton, processed cotton,
6 and computer parts suspected to be produced with
7 prison or forced labor in the Xinjiang Uyghur Au-
8 tonomous Region.

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

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

22 (9) The policies of the Government of the Peo-
23 ple’s Republic of China are in contravention of inter-
24 national human rights instruments signed by that
25 government, including—

1 (A) the Universal Declaration of Human
2 Rights and the International Covenant on Civil
3 and Political Rights, which the People’s Repub-
4 lic of China has signed but not yet ratified;

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

8 (C) the United Nations Protocol to Pre-
9 vent, Suppress and Punish Trafficking in Per-
10 sons, Especially Women and Children (Palermo
11 Protocol), to which the People’s Republic of
12 China has been a state party since February
13 2010.

14 **SEC. 3. STATEMENT OF POLICY.**

15 It is the policy of the United States—

16 (1) to prohibit the import of all goods, wares,
17 articles, or merchandise mined, produced, or manu-
18 factured, wholly or in part, by forced labor from the
19 People’s Republic of China and particularly any such
20 goods, wares, articles, or merchandise produced in
21 the Xinjiang Uyghur Autonomous Region of China;

22 (2) to encourage the international community
23 to reduce the import of any goods made with forced
24 labor from the People’s Republic of China, particu-

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

3 (3) to coordinate with Mexico and Canada to ef-
4 fectively implement Article 23.6 of the United
5 States-Mexico-Canada Agreement to prohibit the im-
6 portation of goods produced in whole or in part by
7 forced or compulsory labor, which includes goods
8 produced in whole or in part by forced or compul-
9 sory labor in the People's Republic of China;

10 (4) to actively work to prevent, publicly de-
11 nounce, and end human trafficking as a horrific as-
12 sult on human dignity and to restore the lives of
13 those affected by human trafficking, a modern form
14 of slavery;

15 (5) to regard the prevention of atrocities as in
16 its national interest, including efforts to prevent tor-
17 ture, enforced disappearances, severe deprivation of
18 liberty, including mass internment, arbitrary deten-
19 tion, and widespread and systematic use of forced
20 labor, and persecution targeting any identifiable eth-
21 nic or religious group; and

22 (6) to address gross violations of human rights
23 in the Xinjiang Uyghur Autonomous Region through
24 bilateral diplomatic channels and multilateral insti-
25 tutions where both the United States and the Peo-

1 ple’s Republic of China are members and with all
2 the authorities available to the United States Gov-
3 ernment, including visa and financial sanctions, ex-
4 port restrictions, and import controls.

5 **SEC. 4. PROHIBITION ON IMPORTATION OF GOODS MADE**
6 **IN THE XINJIANG UYGHUR AUTONOMOUS RE-**
7 **GION.**

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

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

24 (1) determines, by clear and convincing evi-
25 dence, that any specific goods, wares, articles, or

1 merchandise described in subsection (a) were not
2 produced wholly or in part by convict labor, forced
3 labor, or indentured labor under penal sanctions;
4 and

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

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

11 **SEC. 5. ENFORCEMENT STRATEGY TO ADDRESS FORCED**
12 **LABOR IN THE XINJIANG UYGHUR AUTONO-**
13 **MOUS REGION.**

14 (a) IN GENERAL.—Not later than 120 days after the
15 date of the enactment of this Act, the Forced Labor En-
16 forcement Task Force, established under section 741 of
17 the United States-Mexico-Canada Agreement Implementa-
18 tion Act (19 U.S.C. 4681), shall submit to the appropriate
19 congressional committees a report that contains an en-
20 forcement strategy to effectively address forced labor in
21 the Xinjiang Uyghur Autonomous Region of China. The
22 enforcement strategy shall describe the specific enforce-
23 ment plans of the United States Government regarding—

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;

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

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

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

22 (1) A description of the actions taken by the
23 United States Government to address forced labor in
24 the Xinjiang Uyghur Autonomous Region under sec-
25 tion 307 of the Tariff Act of 1930 (19 U.S.C.

1 1307), including a description of all Withhold Re-
2 lease Orders issued, goods detained, and fines
3 issued.

4 (2) A list of products made wholly or in part
5 by forced or involuntary labor in the Xinjiang
6 Uyghur Autonomous Region and a list of businesses
7 that sold products in the United States made wholly
8 or in part by forced or involuntary labor in the
9 Xinjiang Uyghur Autonomous Region.

10 (3) A list of facilities and entities, including the
11 Xinjiang Production and Construction Corps, that
12 source material from the Xinjiang Uyghur Autono-
13 mous Region or by persons working with the
14 Xinjiang Uyghur Autonomous Region government
15 for purposes of the “poverty alleviation” program or
16 the “pairing-assistance” program, a plan for identi-
17 fying additional such facilities and entities, and
18 facility- and entity-specific enforcement plans, in-
19 cluding issuing specific Withhold Release Orders to
20 support enforcement of section 4, with regard to
21 each listed facility or entity.

22 (4) A list of high-priority sectors for enforce-
23 ment, which shall include cotton and tomatoes, and
24 a sector-specific enforcement plan for each high-pri-
25 ority sector.

1 (5) A description of the additional resources
2 necessary for U.S. Customs and Border Protection
3 to effectively implement the enforcement strategy.

4 (6) A plan to coordinate and collaborate with
5 appropriate nongovernmental organizations and pri-
6 vate sector entities to discuss the enforcement strat-
7 egy for products made in the Xinjiang Uyghur Au-
8 tonomous Region.

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

12 (d) UPDATES.—The Forced Labor Enforcement
13 Task Force shall provide briefings to the appropriate con-
14 gressional committees on a quarterly basis and, as applica-
15 ble, on any updates to the strategy required by subsection
16 (a) or any additional actions taken to address forced labor
17 in the Xinjiang Uyghur Autonomous Region, including ac-
18 tions described in this Act.

19 (e) SUNSET.—This section shall cease to have effect
20 on the 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 and members of other Muslim minority groups in
5 the Xinjiang Uyghur Autonomous Region.

6 **SEC. 6. DETERMINATION RELATING TO CRIMES AGAINST**
7 **HUMANITY OR GENOCIDE IN THE XINJIANG**
8 **UYGHUR AUTONOMOUS REGION.**

9 (a) IN GENERAL.—Not later than 90 days after the
10 date of the enactment of this Act, the Secretary of State
11 shall—

12 (1) determine if the practice of forced labor or
13 other crimes against Uyghurs, Kazakhs, Kyrgyz,
14 and members of other Muslim minority groups in
15 the Xinjiang Uyghur Autonomous Region of China
16 can be considered systematic and widespread and
17 therefore constitutes crimes against humanity or
18 constitutes genocide as defined in subsection (a) of
19 section 1091 of title 18, United States Code; and

20 (2) submit to the appropriate congressional
21 committees and make available to the public a report
22 that contains such determination.

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

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

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

3 **SEC. 7. DIPLOMATIC STRATEGY TO ADDRESS FORCED**
4 **LABOR IN THE XINJIANG UYGHUR AUTONO-**
5 **MOUS REGION.**

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

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

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

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

1 (3) opportunities to coordinate and collaborate
2 with appropriate nongovernmental organizations and
3 private sector entities to raise awareness about
4 forced labor made products from the Xinjiang
5 Uyghur Autonomous Region and to provide assist-
6 ance to Uyghurs, Kazakhs, Kyrgyz, and members of
7 other Muslim minority groups, including those for-
8 merly detained in mass internment camps in the re-
9 gion.

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

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

13 (A) entities in the People’s Republic of
14 China or affiliates of such entities that directly
15 or indirectly use forced or involuntary labor in
16 the Xinjiang Uyghur Autonomous Region; and

17 (B) Foreign persons that acted as agents
18 of the entities or affiliates of entities described
19 in subparagraph (A) to import goods into the
20 United States; and

21 (2) a description of actions taken by the United
22 States Government to address forced labor in the
23 Xinjiang Uyghur Autonomous Region under existing
24 authorities, including—

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

4 (B) the Ellie Wiesel Genocide and Atroc-
5 ities Prevention Act of 2018 (Public Law 115–
6 441; 22 U.S.C. 2656 note); and

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

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

12 (e) UPDATES.—The Secretary of State shall include
13 any updates to the strategy required by subsection (a) in
14 the annual Trafficking in Persons report required by sec-
15 tion 110(b) of the Trafficking Victims Protection Act of
16 2000 (22 U.S.C. 7107(b)).

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

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

21 (2) the date on which the President submits to
22 the appropriate congressional committees a deter-
23 mination that the Government of the People’s Re-
24 public of China has ended mass internment, forced
25 labor, and any other gross violations of human

1 rights experienced by Uyghurs, Kazakhs, Kyrgyz,
2 and members of other Muslim minority groups in
3 the Xinjiang Uyghur Autonomous Region.

4 **SEC. 8. IMPOSITION OF SANCTIONS RELATING TO FORCED**
5 **LABOR IN THE XINJIANG UYGHUR AUTONO-**
6 **MOUS REGION.**

7 (a) REPORT REQUIRED.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date of the enactment of this Act, and not
10 less frequently than annually thereafter, the Presi-
11 dent shall submit to the appropriate congressional
12 committees a report that identifies each foreign per-
13 son, including any official of the Government of the
14 People’s Republic of China, that the President deter-
15 mines—

16 (A) knowingly engages in, is responsible
17 for, or facilitates the forced labor of Uyghurs,
18 Kazakhs, Kyrgyz, and members of other Mus-
19 lim minority groups in the Xinjiang Uyghur
20 Autonomous Region of China; and

21 (B) knowingly engages in, contributes to,
22 assists, or provides financial, material or tech-
23 nological support for efforts to contravene
24 United States law regarding the importation of

1 forced labor goods from the Xinjiang Uyghur
2 Autonomous Region.

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

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

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

12 (1) ASSET BLOCKING.—The President shall ex-
13 ercise all of the powers granted to the President
14 under the International Emergency Economic Pow-
15 ers Act (50 U.S.C. 1701 et seq.) to the extent nec-
16 essary to block and prohibit all transactions in prop-
17 erty and interests in property of a foreign person
18 identified in the report required under subsection
19 (a)(1) if such property and interests in property—

20 (A) are in the United States;

21 (B) come within the United States; or

22 (C) come within the possession or control
23 of a United States person.

24 (2) INELIGIBILITY FOR VISAS, ADMISSION, OR
25 PAROLE.—

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

3 (i) inadmissible to the United States;

4 (ii) ineligible to receive a visa or other
5 documentation to enter the United States;

6 and

7 (iii) otherwise ineligible to be admitted
8 or paroled into the United States or to re-
9 ceive any other benefit under the Immigra-
10 tion and Nationality Act (8 U.S.C. 1101 et
11 seq.).

12 (B) CURRENT VISAS REVOKED.—

13 (i) IN GENERAL.—An alien described
14 in subsection (a)(1) is subject to revocation
15 of any visa or other entry documentation
16 regardless of when the visa or other entry
17 documentation is or was issued.

18 (ii) IMMEDIATE EFFECT.—A revoca-
19 tion under clause (i) shall—

20 (I) take effect immediately; and

21 (II) automatically cancel any
22 other valid visa or entry documenta-
23 tion that is in the alien's possession.

24 (d) IMPLEMENTATION; PENALTIES.—

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

6 (2) PENALTIES.—The penalties provided for in
7 subsections (b) and (c) of section 206 of the Inter-
8 national Emergency Economic Powers Act (50
9 U.S.C. 1705) shall apply to a foreign person that
10 violates, attempts to violate, conspires to violate, or
11 causes a violation of paragraph (1) to the same ex-
12 tent that such penalties apply to a person that com-
13 mits an unlawful act described in subsection (a) of
14 such section 206.

15 (e) WAIVER.—The President may waive the applica-
16 tion of sanctions under this section with respect to a for-
17 eign person identified in the report required under sub-
18 section (a)(1) if the President determines and certifies to
19 the appropriate congressional committees that such a
20 waiver is in the national interest of the United States.

21 (f) EXCEPTIONS.—

22 (1) EXCEPTION FOR INTELLIGENCE ACTIVI-
23 TIES.—Sanctions under this section shall not apply
24 to any activity subject to the reporting requirements
25 under title V of the National Security Act of 1947

1 (50 U.S.C. 3091 et seq.) or any authorized intel-
2 ligence activities of the United States.

3 (2) EXCEPTION TO COMPLY WITH INTER-
4 NATIONAL OBLIGATIONS AND FOR LAW ENFORCE-
5 MENT ACTIVITIES.—Sanctions under subsection
6 (c)(2) shall not apply with respect to an alien if ad-
7 mitting or paroling the alien into the United States
8 is necessary—

9 (A) to permit the United States to comply
10 with the Agreement regarding the Head-
11 quarters of the United Nations, signed at Lake
12 Success June 26, 1947, and entered into force
13 November 21, 1947, between the United Na-
14 tions and the United States, or other applicable
15 international obligations; or

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

18 (g) TERMINATION OF SANCTIONS.—The President
19 may terminate the application of sanctions under this sec-
20 tion with respect to a foreign person if the President deter-
21 mines and reports to the appropriate congressional com-
22 mittees not less than 15 days before the termination takes
23 effect that—

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

4 (2) the person has been prosecuted appro-
5 priately for the activity for which sanctions were im-
6 posed;

7 (3) the person has credibly demonstrated a sig-
8 nificant change in behavior, has paid an appropriate
9 consequence for the activity for which sanctions were
10 imposed, and has credibly committed to not engage
11 in an activity described in subsection (a)(1) in the
12 future; or

13 (4) the termination of the sanctions is in the
14 national security interests of the United States.

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

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

1 **SEC. 9. DISCLOSURES TO THE SECURITIES AND EXCHANGE**
2 **COMMISSION OF CERTAIN ACTIVITIES RE-**
3 **LATED TO THE XINJIANG UYGHUR AUTONO-**
4 **MOUS REGION.**

5 (a) **POLICY STATEMENT.**—It is the policy of the
6 United States to protect American investors, through
7 stronger disclosure requirements, alerting them to the
8 presence of Chinese and other companies complicit in
9 gross violations of human rights in United States capital
10 markets, including American and foreign companies listed
11 on United States exchanges that enable the mass intern-
12 ment and population surveillance of Uyghurs, Kazakhs,
13 Kyrgyz, and other Muslim minorities and source products
14 made with forced labor in the Xinjiang Uyghur Autono-
15 mous Region of China. Such involvements represent clear,
16 material risks to the share values and corporate reputa-
17 tions of certain of these companies and hence to prospec-
18 tive American investors, particularly given that the United
19 States Government has employed sanctions and export re-
20 strictions to target individuals and entities contributing to
21 human rights abuses in the People’s Republic of China.

22 (b) **DISCLOSURE OF CERTAIN ACTIVITIES RELATING**
23 **TO THE XINJIANG UYGHUR AUTONOMOUS REGION.**—

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

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

3 “(1) IN GENERAL.—Each issuer required to file
4 an annual or quarterly report under subsection (a)
5 shall disclose in that report the information required
6 by paragraph (2) if, during the period covered by
7 the report, the issuer or any affiliate of the issuer—

8 “(A) knowingly engaged in an activity with
9 an entity or the affiliate of an entity engaged
10 in creating or providing technology or other as-
11 sistance to create mass population surveillance
12 systems in the Xinjiang Uyghur Autonomous
13 Region of China, including any entity included
14 on the Department of Commerce’s ‘Entity List’
15 in the Xinjiang Uyghur Autonomous Region;

16 “(B) knowingly engaged in an activity with
17 an entity or an affiliate of an entity building
18 and running detention facilities for Uyghurs,
19 Kazakhs, Kyrgyz, and other members of Mus-
20 lim minority groups in the Xinjiang Uyghur
21 Autonomous Region;

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

1 “(i) any entity engaged in the ‘pair-
2 ing-assistance’ program which subsidizes
3 the establishment of manufacturing facili-
4 ties in the Xinjiang Uyghur Autonomous
5 Region; or

6 “(ii) any entity for which the Depart-
7 ment of Homeland Security has issued a
8 ‘Withhold Release Order’ under section
9 307 of the Tariff Act of 1930 (19 U.S.C.
10 1307); or

11 “(D) knowingly conducted any transaction
12 or had dealings with—

13 “(i) any person the property and in-
14 terests in property of which were sanc-
15 tioned by the Secretary of State for the de-
16 tention or abuse of Uyghurs, Kazakhs,
17 Kyrgyz, or other members of Muslim mi-
18 nority groups in the Xinjiang Uyghur Au-
19 tonomous Region;

20 “(ii) any person the property and in-
21 terests in property of which are sanctioned
22 pursuant to the Global Magnitsky Human
23 Rights Accountability Act (22 U.S.C. 2656
24 note); or

1 “(iii) any person or entity responsible
2 for, or complicit in, committing atrocities
3 in the Xinjiang Uyghur Autonomous Re-
4 gion.

5 “(2) INFORMATION REQUIRED.—

6 “(A) IN GENERAL.—If an issuer described
7 under paragraph (1) or an affiliate of the issuer
8 has engaged in any activity described in para-
9 graph (1), the information required by this
10 paragraph is a detailed description of each such
11 activity, including—

12 “(i) the nature and extent of the ac-
13 tivity;

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

16 “(iii) whether the issuer or the affil-
17 iate of the issuer (as the case may be) in-
18 tends to continue the activity.

19 “(B) EXCEPTION.—The requirement to
20 disclose information under this paragraph shall
21 not include information on activities of the
22 issuer or any affiliate of the issuer activities re-
23 lating to—

24 “(i) the import of manufactured
25 goods, including electronics, food products,

1 textiles, shoes, and teas, that originated in
2 the Xinjiang Uyghur Autonomous Region;
3 or

4 “(ii) manufactured goods containing
5 materials that originated or are sourced in
6 the Xinjiang Uyghur Autonomous Region.

7 “(3) NOTICE OF DISCLOSURES.—If an issuer
8 reports under paragraph (1) that the issuer or an
9 affiliate of the issuer has knowingly engaged in any
10 activity described in that paragraph, the issuer shall
11 separately file with the Commission, concurrently
12 with the annual or quarterly report under subsection
13 (a), a notice that the disclosure of that activity has
14 been included in that annual or quarterly report that
15 identifies the issuer and contains the information re-
16 quired by paragraph (2).

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

22 “(A) transmit the report to—

23 “(i) the President;

24 “(ii) the Committee on Foreign Af-
25 fairs and the Committee on Financial

1 Services of the House of Representatives;
2 and

3 “(iii) the Committee on Foreign Rela-
4 tions and the Committee on Banking,
5 Housing, and Urban Affairs of the Senate;
6 and

7 “(B) make the information provided in the
8 disclosure and the notice available to the public
9 by posting the information on the Internet
10 website of the Commission.

11 “(5) INVESTIGATIONS.—Upon receiving a re-
12 port under paragraph (4) that includes a disclosure
13 of an activity described in paragraph (1), the Presi-
14 dent shall—

15 “(A) make a determination with respect to
16 whether any investigation is needed into the
17 possible imposition of sanctions under the Glob-
18 al Magnitsky Human Rights Accountability Act
19 (22 U.S.C. 2656 note) or section 8 of the
20 Uyghur Forced Labor Prevention Act or wheth-
21 er criminal investigations are warranted under
22 statutes intended to hold accountable individ-
23 uals or entities involved in the importation of
24 goods produced by forced labor, including under

1 section 545, 1589, or 1761 of title 18, United
2 States Code; and

3 “(B) not later than 180 days after initi-
4 ating any such investigation, make a determina-
5 tion with respect to whether a sanction should
6 be imposed or criminal investigations initiated
7 with respect to the issuer or the affiliate of the
8 issuer (as the case may be).

9 “(6) ATROCITIES DEFINED.—In this subsection,
10 the term ‘atrocities’ has the meaning given the term
11 in section 6(2) of the Elie Wiesel Genocide and
12 Atrocities Prevention Act of 2018 (Public Law 115–
13 441; 22 U.S.C. 2656 note).”.

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

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

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

1 and members of other Muslim minority groups in
2 the Xinjiang Uyghur Autonomous Region.

3 (d) **EFFECTIVE DATE.**—The amendment made by
4 subsection (b) shall take effect with respect to reports re-
5 quired to be filed with the Securities and Exchange Com-
6 mission after the date that is 180 days after the date of
7 the enactment of this Act.

8 **SEC. 10. DEFINITIONS.**

9 In this Act:

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

13 (A) the Committee on Foreign Affairs, the
14 Committee on Financial Services, and the Com-
15 mittee on Ways and Means of the House of
16 Representatives; and

17 (B) the Committee on Foreign Relations,
18 the Committee on Banking, Housing, and
19 Urban Affairs, and the Committee on Finance
20 of the Senate.

21 (2) **ATROCITIES.**—The term “atrocities” has
22 the meaning given the term in section 6(2) of the
23 Elie Wiesel Genocide and Atrocities Prevention Act
24 of 2018 (Public Law 115–441; 22 U.S.C. 2656
25 note).

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

6 (A) murder;

7 (B) deportation or forcible transfer of pop-
8 ulation;

9 (C) torture;

10 (D) extermination;

11 (E) enslavement;

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

14 (G) persecution against any identifiable
15 group or collectivity on political, racial, na-
16 tional, ethnic, cultural, religious, gender, or
17 other grounds that are universally recognized as
18 impermissible under international law; and

19 (H) enforced disappearance of persons.

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

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

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

3 (7) MASS POPULATION SURVEILLANCE SYS-
4 TEM.—The term “mass population surveillance sys-
5 tem” means installation and integration of facial
6 recognition cameras, biometric data collection, cell
7 phone surveillance, and artificial intelligence tech-
8 nology with the “Sharp Eyes” and “Integrated Joint
9 Operations Platform” or other technologies that are
10 used by Chinese security forces for surveillance and
11 big-data predictive policing.

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

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

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

21 **SEC. 11. DETERMINATION OF BUDGETARY EFFECTS.**

22 The budgetary effects of this Act, for the purpose of
23 complying with the Statutory Pay-As-You-Go Act of 2010,
24 shall be determined by reference to the latest statement
25 titled “Budgetary Effects of PAYGO Legislation” for this

1 Act, submitted for printing in the Congressional Record
2 by the Chairman of the House Budget Committee, pro-
3 vided that such statement has been submitted prior to the
4 vote on passage.

Passed the House of Representatives September 22,
2020.

Attest:

CHERYL L. JOHNSON,

Clerk.