

Summary of Key Provisions in Uyghur Forced Labor Prevention Act – H.R. 6210

The U.S. House passed the bill on Sept. 22 by a vote of 406 to 3. The Senate has not yet scheduled any consideration of the bill.

The key provisions impacting businesses and individuals regarding the trade of goods and products are outlined below.

Sec. 4

“All goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in the Xinjiang Uyghur Autonomous Region of China or by persons working with the Xinjiang Uyghur Autonomous Region government....shall not be entitled to entry at any of the ports of the US”.

Exception: If US Customs and Border Protection (CBP)

1. Determines by clear and convincing evidence that any specific goods, wares, articles or merchandise were not produced wholly or in part by convict labor, forced labor, or indentured labor under penal sanctions; and
2. Submits to the appropriate congressional committees and makes available to the public a report that contains such determination.

Effective date: 120 days after enactment

Sec. 6

Within 90 days after enactment the Secretary of State submit a report includes, among other items, a list of:

1. Chinese entities or affiliates of entities that directly or indirectly use forced or involuntary labor in the Xinjiang Uyghur Autonomous Region (XUAR);
2. Chinese persons that acted as agents of the entities or affiliates of entities described to import goods into the US;
3. List of products made wholly or in part by forced or involuntary labor in the XUAR;
4. List of business that sold products in the US made wholly or in part by forced or involuntary labor in the XUAR.

Sec. 8

Within 60 days after enactment the President submits a report to Congress whether with a determination whether reasonable grounds exist, and an explanation of the reasons for any conclusion such grounds do not exist, to issue a Withhold Release Order with respect to products of each of:

1. Yili Zhou Wan Garment Manufacturing Company
2. Zhihui Haipai Internet of Things Technology Company
3. Urumqi Shengshi Hua'er Culture Technology Limited Company
4. Litai Textiles, Huaifu Fashion Company
5. Esquel Group headquartered in Hong Kong
6. Cofco Tunhe Company

Sec. 9

In any required annual or quarterly filings to the Securities and Exchange Commission (SEC) companies shall disclose in the report if during the period covered by the report the following:

1. Knowingly engaged in an activity with an entity or the affiliate of an entity engaged in creating or providing technology or other assistance to create mass population surveillance systems in the XUAR including any entity included on the Dept. of Commerce Entity List in the XUAR;
2. Knowingly engaged in an activity with an entity or an affiliate of an entity building and running detention facilities for Uyghurs, Kazakhs, Kyrgyz and other members of Muslim minority groups in XUAR;
3. Knowingly, directly or indirectly, purchased or otherwise acquired significant types or amounts of textiles made from materials produced or manufactured in the XUAR;
4. Knowingly engaged in an activity with an entity or an affiliate of an entity described above that utilize, directly or indirectly, forced or involuntary labor in XUAR.

These reports shall include the nature and extent of the activity; gross revenues and net profits if any attributable to the activity; and whether the issuer or the affiliate of the issuer intends to continue the activity.

Effective date: 180 days after enactment