

mitted by the Secretary of the Treasury to Congress.

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SUBCHAPTER I—GENERAL PROVISIONS

§ 6901. Findings

The Congress finds the following:

(1) In 1980, the United States opened trade relations with the People's Republic of China by entering into a bilateral trade agreement, which was approved by joint resolution enacted pursuant to section 2435(c) of title 19.

(2) Since 1980, the President has consistently extended nondiscriminatory treatment to products of the People's Republic of China, pursuant to his authority under section 2434 of title 19.

(3) Since 1980, the United States has entered into several additional trade-related agreements with the People's Republic of China, including a memorandum of understanding on market access in 1992, two agreements on intellectual property rights protection in 1992 and 1995, and an agreement on agricultural cooperation in 1999.

(4) Trade in goods between the People's Republic of China and the United States totaled almost \$95,000,000,000 in 1999, compared with approximately \$18,000,000,000 in 1989, representing growth of approximately 428 percent over 10 years.

(5) The United States merchandise trade deficit with the People's Republic of China has grown from approximately \$6,000,000,000 in 1989 to over \$68,000,000,000 in 1999, a growth of over 1,000 percent.

(6) The People's Republic of China currently restricts imports through relatively high tariffs and nontariff barriers, including import licensing, technology transfer, and local content requirements.

(7) United States businesses attempting to sell goods to markets in the People's Republic of China have complained of uneven application of tariffs, customs procedures, and other laws, rules, and administrative measures affecting their ability to sell their products in the Chinese market.

(8) On November 15, 1999, the United States and the People's Republic of China concluded a bilateral agreement concerning terms of the People's Republic of China's eventual accession to the World Trade Organization.

(9) The commitments that the People's Republic of China made in its November 15, 1999, agreement with the United States promise to eliminate or greatly reduce the principal barriers to trade with and investment in the People's Republic of China, if those commitments are effectively complied with and enforced.

(10) The record of the People's Republic of China in implementing trade-related commitments has been mixed. While the People's Republic of China has generally met the requirements of the 1992 market access memorandum of understanding and the 1992 and 1995 agreements on intellectual property rights protection, other measures remain in place or have been put into place which tend to diminish the benefit to United States businesses, farmers, and workers from the People's Republic of China's implementation of those earlier commitments. Notably, administration of tariff-rate quotas and other trade-related laws re-

mains opaque, new local content requirements have proliferated, restrictions on importation of animal and plant products are not always supported by sound science, and licensing requirements for importation and distribution of goods remain common. Finally, the Government of the People's Republic of China has failed to cooperate with the United States Customs Service in implementing a 1992 memorandum of understanding prohibiting trade in products made by prison labor.

(11) The human rights record of the People's Republic of China is a matter of very serious concern to the Congress. The Congress notes that the Department of State's 1999 Country Reports on Human Rights Practices for the People's Republic of China finds that "[t]he Government's poor human rights record deteriorated markedly throughout the year, as the Government intensified efforts to suppress dissent, particularly organized dissent."

(12) The Congress deplores violations by the Government of the People's Republic of China of human rights, religious freedoms, and worker rights that are referred to in the Department of State's 1999 Country Reports on Human Rights Practices for the People's Republic of China, including the banning of the Falun Gong spiritual movement, denial in many cases, particularly politically sensitive ones, of effective representation by counsel and public trials, extrajudicial killings and torture, forced abortion and sterilization, restriction of access to Tibet and Xinjiang, perpetuation of "reeducation through labor", denial of the right of workers to organize labor unions or bargain collectively with their employers, and failure to implement a 1992 memorandum of understanding prohibiting trade in products made by prison labor.

(Pub. L. 106-286, div. B, title II, §202, Oct. 10, 2000, 114 Stat. 892.)

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 2020 AMENDMENT

Pub. L. 116-145, §1(a), June 17, 2020, 134 Stat. 648, provided that: "This Act [enacting provisions set out as a note under this section] may be cited as the 'Uyghur Human Rights Policy Act of 2020'."

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108-7, div. P, §1, Feb. 20, 2003, 117 Stat. 552, provided that: "This division [amending section 7002 of this title and enacting provisions set out as notes under section 7002 of this title] may be cited as the 'United States-China Economic and Security Review Commission'."

SHORT TITLE

Pub. L. 106-286, div. B, title II, §201(a), Oct. 10, 2000, 114 Stat. 891, provided that: "This division [enacting this chapter] may be cited as the 'U.S.-China Relations Act of 2000'."

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department

of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107-296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114-125, and section 802(b) of Pub. L. 114-125, set out as a note under section 211 of Title 6.

ENDING CHINA'S DEVELOPING NATION STATUS

Pub. L. 118-31, div. E, title LIV, §5413, Dec. 22, 2023, 137 Stat. 951, provided that:

"(a) FINDING; STATEMENT OF POLICY.—

"(1) FINDING.—Congress finds that the People's Republic of China is still classified as a developing nation under multiple treaties and international organization structures, even though China has grown to be the second largest economy in the world.

"(2) STATEMENT OF POLICY.—It is the policy of the United States—

"(A) to oppose the labeling or treatment of the People's Republic of China as a developing nation in current and future treaty negotiations and in each international organization of which the United States and the People's Republic of China are both current members;

"(B) to pursue the labeling or treatment of the People's Republic of China as a developed nation in each international organization of which the United States and the People's Republic of China are both current members; and

"(C) to work with allies and partners of the United States to implement the policies described in subparagraphs (A) and (B).

"(b) DEFINITIONS.—In this section:

"(1) The term 'appropriate committees of Congress' means—

"(A) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives with respect to subsection (c); and

"(B) the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to subsection (d).

"(2) The term 'OECD' means the Organisation for Economic Co-operation and Development.

"(3) The term 'Secretary' means the Secretary of State.

"(4) The term 'WTO' means the World Trade Organization.

"(c) DUTIES OF THE SECRETARY.—

"(1) REPORT ON DEVELOPMENT STATUS IN CURRENT TREATY NEGOTIATIONS.—Not later than 180 days after the date of the enactment of this Act [Dec. 22, 2023], the Secretary shall submit a report to the appropriate committees of Congress that—

"(A) identifies all current treaty negotiations in which—

"(i) the proposed treaty would provide for different treatment or standards for enforcement of the treaty based on respective development status of the states that are party to the treaty; and

"(ii) the People's Republic of China is actively participating in the negotiations, or it is reasonably foreseeable that the People's Republic of China would seek to become a party to the treaty; and

"(B) for each treaty negotiation identified pursuant to subparagraph (A), describes how the treaty under negotiation would provide different treatment or standards for enforcement of the treaty based on development status of the states parties.

"(2) REPORT ON DEVELOPMENT STATUS IN EXISTING ORGANIZATIONS AND TREATIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress that—

"(A) identifies all international organizations or treaties of which the United States is a member, that provide different treatment or standards for

enforcement based on the respective development status of the member states or states parties;

“(B) describes the mechanisms for changing the country designation for each relevant treaty or organization; and

“(C) for each of the organizations or treaties identified pursuant to subparagraph (A)—

“(i) includes a list of countries that—

“(I) are labeled as developing nations or receive the benefits of a developing nation under the terms of the organization or treaty; and

“(II) meet the World Bank classification for upper middle income or high-income countries; and

“(ii) describes how the organization or treaty provides different treatment or standards for enforcement based on development status of the member states or states parties.

“(3) MECHANISMS FOR CHANGING DEVELOPMENT STATUS.—

“(A) IN GENERAL.—In any international organization of which the United States and the People’s Republic of China are both current members, the Secretary, in consultation with allies and partners of the United States, shall pursue—

“(i) changing the status of the People’s Republic of China from developing nation to developed nation if a mechanism exists in such organization to make such status change; or

“(ii) the development of a mechanism described in clause (i) to change the status of the People’s Republic of China in such organization from developing nation to developed nation.

“(B) WAIVER.—The President may waive the application of clause (i) or (ii) of subparagraph (A) with respect to any international organization if the President notifies the appropriate committees of Congress that such a waiver is in the national interests of the United States.

“(4) EXCEPTION.—This subsection shall not apply to the WTO or any treaty identified in subsection (d).

“(d) DUTIES OF THE UNITED STATES TRADE REPRESENTATIVE.—

“(1) REPORT ON SPECIAL AND DIFFERENTIAL TREATMENT AT THE WORLD TRADE ORGANIZATION.—Not later than 180 days after the date of the enactment of this Act [Dec. 22, 2023], the United States Trade Representative shall submit a report to the appropriate committees of Congress that—

“(A) identifies each provision of a WTO agreement that provides for special and differential treatment based on the self-declared development status of WTO members, including the People’s Republic of China;

“(B) identifies—

“(i) all current multilateral negotiations at the WTO in which proposed negotiating text would provide for special and differential treatment for WTO members; and

“(ii) all current plurilateral negotiations at the WTO in which the People’s Republic of China is actively participating, or it is reasonably foreseeable that the People’s Republic of China would seek to become a party to the agreement, in which proposed negotiating text would provide for special and differential treatment for WTO members;

“(C) for each negotiation identified pursuant to subparagraph (B), describes how the draft provisions as of the date of the report would provide different treatment or standards for enforcement based on the self-declared development status of WTO members;

“(D) includes a list of WTO members that—

“(i) self-declare as developing country WTO members;

“(ii) meet the World Bank classification for upper middle-income or high-income countries; and

“(iii) (I) are members of, or applicants to, the OECD; or

“(II) account for not less than 0.5 percent of global merchandise trade annually for each of the most recently completed 5 calendar years; and

“(E) describes how the WTO provides different treatment or standards for enforcement based on the self-declared development status of the WTO members.

“(2) SENSE OF CONGRESS ON MECHANISMS FOR CHANGING SPECIAL AND DIFFERENTIAL TREATMENT AT THE WORLD TRADE ORGANIZATION.—It is the sense of Congress that the United States Trade Representative, in consultation with allies and partners of the United States, should—

“(A) oppose the use of special and differential treatment by the People’s Republic of China at the WTO;

“(B) work to preclude the People’s Republic of China from being eligible to use special and differential treatment in future WTO agreements; and

“(C) work to set appropriate thresholds, based on objective criteria, for determining each country’s eligibility for special and differential treatment in current and future WTO negotiations, consistent with subparagraphs (A) and (B).”

PROHIBITION ON IMPORTATION OF GOODS MADE THROUGH FORCED LABOR IN THE XINJIANG UYGHUR AUTONOMOUS REGION

Pub. L. 117–78, Dec. 23, 2021, 135 Stat. 1525, provided that:

“SECTION 1. STATEMENT OF POLICY.

“It is the policy of the United States—

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

“(2) to lead the international community in ending forced labor practices wherever such practices occur through all means available to the United States Government, including by stopping the importation of any goods made with forced labor, including those goods mined, produced, or manufactured wholly or in part in the Xinjiang Uyghur Autonomous Region;

“(3) to coordinate with Mexico and Canada to effectively implement Article 23.6 of the United States-Mexico-Canada Agreement to prohibit the importation of goods produced in whole or in part by forced or compulsory labor, including those goods mined, produced, or manufactured wholly or in part in the Xinjiang Uyghur Autonomous Region;

“(4) to actively work to prevent, publicly denounce, and end human trafficking including with respect to forced labor, whether sponsored by the government of a foreign country or not, and to restore the lives of those affected by human trafficking, a modern form of slavery;

“(5) to regard the prevention of atrocities as it is in the national interest of the United States, including efforts to prevent torture, enforced disappearances, severe deprivation of liberty, including mass internment, arbitrary detention, and widespread and systematic use of forced labor, and persecution targeting any identifiable ethnic or religious group; and

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

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

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

“SEC. 2. STRATEGY TO ENFORCE PROHIBITION ON IMPORTATION OF GOODS MADE THROUGH FORCED LABOR IN THE XINJIANG UYGHUR AUTONOMOUS REGION.

“(a) PUBLIC COMMENT.—

“(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act [Dec. 23, 2021], the Forced Labor Enforcement Task Force, established under section 741 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4681), shall publish in the Federal Register a notice soliciting public comments on how best to ensure that goods mined, produced, or manufactured wholly or in part with forced labor in the People’s Republic of China, including by Uyghurs, Kazakhs, Kyrgyz, Tibetans, and members of other persecuted groups in the People’s Republic of China, and especially in the Xinjiang Uyghur Autonomous Region, are not imported into the United States.

“(2) PERIOD FOR COMMENT.—The Forced Labor Enforcement Task Force shall provide the public with not less than 45 days to submit comments in response to the notice required by paragraph (1).

“(b) PUBLIC HEARING.—

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

“(2) MEASURES DESCRIBED.—The measures described in this paragraph are—

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

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

“(c) DEVELOPMENT OF STRATEGY.—After receiving public comments under subsection (a) and holding the hearing required by subsection (b), the Forced Labor Enforcement Task Force, in consultation with the Secretary of Commerce and the Director of National Intelligence, shall develop a strategy for supporting enforcement of Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) to prevent the importation into the United States of goods mined, produced, or manufactured wholly or in part with forced labor in the People’s Republic of China.

“(d) ELEMENTS.—The strategy developed under subsection (c) shall include the following:

“(1) A comprehensive assessment of the risk of importing goods mined, produced, or manufactured wholly or in part with forced labor in the People’s Republic of China, including from the Xinjiang Uyghur Autonomous Region or made by Uyghurs, Kazakhs, Kyrgyz, Tibetans, or members of other persecuted groups in any other part of the People’s Republic of China, that identifies, to the extent feasible—

“(A) threats, including through the potential involvement in supply chains of entities that may use forced labor, that could lead to the importation into the United States from the People’s Republic of China, including through third countries, of goods mined, produced, or manufactured wholly or in part with forced labor; and

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

“(2) A comprehensive description and evaluation—

“(A) of ‘pairing assistance’ and ‘poverty alleviation’ or any other government labor scheme that

includes the forced labor of Uyghurs, Kazakhs, Kyrgyz, Tibetans, or members of other persecuted groups outside of the Xinjiang Uyghur Autonomous Region or similar programs of the People’s Republic of China in which work or services are extracted from Uyghurs, Kazakhs, Kyrgyz, Tibetans, or members of other persecuted groups through the threat of penalty or for which the Uyghurs, Kazakhs, Kyrgyz, Tibetans, or members of other persecuted groups have not offered themselves voluntarily; and

“(B) that includes—

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

“(ii) a list of entities working with the government of the Xinjiang Uyghur Autonomous Region to recruit, transport, transfer, harbor or receive forced labor or Uyghurs, Kazakhs, Kyrgyz, or members of other persecuted groups out of the Xinjiang Uyghur Autonomous Region;

“(iii) a list of products mined, produced, or manufactured wholly or in part by entities on the list required by clause (i) or (ii);

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

“(v) a list of facilities and entities, including the Xinjiang Production and Construction Corps, that source material from the Xinjiang Uyghur Autonomous Region or from persons working with the government of the Xinjiang Uyghur Autonomous Region or the Xinjiang Production and Construction Corps for purposes of the ‘poverty alleviation’ program or the ‘pairing-assistance’ program or any other government labor scheme that uses forced labor;

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

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

“(viii) a list of high-priority sectors for enforcement, which shall include cotton, tomatoes, and polysilicon; and

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

“(3) Recommendations for efforts, initiatives, and tools and technologies to be adopted to ensure that U.S. Customs and Border Protection can accurately identify and trace goods made in the Xinjiang Uyghur Autonomous Region entering at any of the ports of the United States.

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

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

“(6) Guidance to importers with respect to—

“(A) due diligence, effective supply chain tracing, and supply chain management measures to ensure that such importers do not import any goods mined, produced, or manufactured wholly or in part with forced labor from the People’s Republic of China, especially from the Xinjiang Uyghur Autonomous Region;

“(B) the type, nature, and extent of evidence that demonstrates that goods originating in the People’s Republic of China were not mined, produced, or

manufactured wholly or in part in the Xinjiang Uyghur Autonomous Region; and

“(C) the type, nature, and extent of evidence that demonstrates that goods originating in the People’s Republic of China, including goods detained or seized pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307), were not mined, produced, or manufactured wholly or in part with forced labor.

“(7) A plan to coordinate and collaborate with appropriate nongovernmental organizations and private sector entities to implement and update the strategy developed under subsection (c).

“(e) SUBMISSION OF STRATEGY.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Forced Labor Enforcement Task Force, in consultation with the Department of Commerce and the Director of National Intelligence, shall submit to the appropriate congressional committees a report that—

“(A) in the case of the first such report, sets forth the strategy developed under subsection (c); and

“(B) in the case of any subsequent such report, sets forth any updates to the strategy.

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

“(3) FORM OF REPORT.—Each report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex, if necessary.

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

“(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit the application of regulations in effect on or measures taken before the date of the enactment of this Act to prevent the importation of goods mined, produced, or manufactured wholly or in part with forced labor into the United States, including withhold release orders issued before such date of enactment.

“SEC. 3. REBUTTABLE PRESUMPTION THAT IMPORT PROHIBITION APPLIES TO GOODS MINED, PRODUCED, OR MANUFACTURED IN THE XINJIANG UYGHUR AUTONOMOUS REGION OR BY CERTAIN ENTITIES.

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

“(1) the importation of such goods, wares, articles, and merchandise is prohibited under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); and

“(2) such goods, wares, articles, and merchandise are not entitled to entry at any of the ports of the United States.

“(b) EXCEPTIONS.—The Commissioner shall apply the presumption under subsection (a) unless the Commissioner determines—

“(1) that the importer of record has—

“(A) fully complied with the guidance described in section 2(d)(6) and any regulations issued to implement that guidance; and

“(B) completely and substantively responded to all inquiries for information submitted by the Commissioner to ascertain whether the goods were mined, produced, or manufactured wholly or in part with forced labor; and

“(2) by clear and convincing evidence, that the good, ware, article, or merchandise was not mined,

produced, or manufactured wholly or in part by forced labor.

“(c) REPORT REQUIRED.—The Commissioner shall submit to the appropriate congressional committees and make available to the public, not later than 30 days after making a determination of an exception under subsection (b), a report identifying the good and the evidence considered under subsection (b).

“(d) REGULATIONS.—The Commissioner may prescribe regulations—

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

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

“(e) EFFECTIVE DATE.—This section takes effect on the date that is 180 days after the date of the enactment of this Act [Dec. 23, 2021].

“SEC. 4. DIPLOMATIC STRATEGY TO ADDRESS FORCED LABOR IN THE XINJIANG UYGHUR AUTONOMOUS REGION.

“(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in coordination with the heads of other appropriate Federal departments and agencies, shall submit to the appropriate congressional committees a report that contains a United States strategy to promote initiatives to enhance international awareness of and to address forced labor in the Xinjiang Uyghur Autonomous Region of the People’s Republic of China.

“(b) MATTERS TO BE INCLUDED.—The strategy required by subsection (a) shall include—

“(1) a plan to enhance bilateral and multilateral coordination, including sustained engagement with the governments of United States partners and allies, to end forced labor of Uyghurs, Kazakhs, Kyrgyz, Tibetans, and members of other persecuted groups in the Xinjiang Uyghur Autonomous Region;

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

“(3) a plan—

“(A) to coordinate and collaborate with appropriate nongovernmental organizations and private sector entities to raise awareness about goods mined, produced, or manufactured wholly or in part with forced labor in the Xinjiang Uyghur Autonomous Region; and

“(B) to provide humanitarian assistance, including with respect to resettlement and advocacy for imprisoned family members, to Uyghurs, Kazakhs, Kyrgyz, Tibetans, and members of other persecuted groups, including members of such groups formerly detained in mass internment camps in the Xinjiang Uyghur Autonomous Region.

“(c) ADDITIONAL MATTERS TO BE INCLUDED.—The Secretary shall include in the report required by subsection (a), based on consultations with the Secretary of Commerce, the Secretary of Homeland Security, and the Secretary of the Treasury, the following—

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

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

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

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

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

“(A) the Trafficking Victims Protection Act of 2000 (Public Law 106-386; 22 U.S.C. 7101 et seq.);

“(B) the Elie Wiesel Genocide and Atrocities Prevention Act of 2018 (Public Law 115-441; 22 U.S.C. 2656 note) [see Short Title of 2019 Amendment note set out under section 2651 of this title]; and

“(C) the Global Magnitsky Human Rights Accountability Act [Pub. L. 114-328, div. A, title XII, subtitle F] ([former] 22 U.S.C. 2656 note [now 22 U.S.C. 10101 et seq.]).

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

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

“SEC. 5. IMPOSITION OF SANCTIONS RELATING TO FORCED LABOR IN THE XINJIANG UYGHUR AUTONOMOUS REGION.

“(a) IN GENERAL.—[Amended section 6 of Pub. L. 116-145, set out as a note below.]

“(b) EFFECTIVE DATE; APPLICABILITY.—The amendment made by subsection (a)—

“(1) takes effect on the date of the enactment of this Act [Dec. 23, 2021]; and

“(2) applies with respect to the first report required by section 6(a)(1) of the Uyghur Human Rights Policy Act of 2020 [Pub. L. 116-145] submitted after such date of enactment.

“(c) TRANSITION RULE.—

“(1) INTERIM REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the committees specified in section 6(a)(1) of the Uyghur Human Rights Policy Act of 2020 [Pub. L. 116-145, set out as a note below] a report that identifies each foreign person, including any official of the Government of the People’s Republic of China, that the President determines is responsible for serious human rights abuses in connection with forced labor with respect to Uyghurs, Kazakhs, Kyrgyz, or members of other persecuted groups, or other persons in the Xinjiang Uyghur Autonomous Region.

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

“SEC. 6. SUNSET.

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

“(1) the date that is 8 years after the date of the enactment of this Act [Dec. 23, 2021]; or

“(2) the date on which the President submits to the appropriate congressional committees a determination that the Government of the People’s Republic of China has ended mass internment, forced labor, and any other gross violations of human rights experienced by Uyghurs, Kazakhs, Kyrgyz, Tibetans, and members of other persecuted groups in the Xinjiang Uyghur Autonomous Region.

“SEC. 7. DEFINITIONS.

“In this Act:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Ways and Means and the Committee on Homeland Security of the House of Representatives; and

“(B) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate.

“(2) FORCED LABOR.—The term ‘forced labor’—

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

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

“(3) FOREIGN PERSON.—The term ‘foreign person’ means a person that is not a United States person.

“(4) PERSON.—The term ‘person’ means an individual or entity.

“(5) UNITED STATES PERSON.—The term ‘United States person’ means—

“(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

“(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity.”

[For delegation of functions of the President under section 5(c) of Pub. L. 117-78, set out above, see Memorandum of President of the United States, Dec. 7, 2023, 88 F.R. 87651, set out below.]

IMPOSITION OF SANCTIONS

Pub. L. 116-145, §6, June 17, 2020, 134 Stat. 651, as amended by Pub. L. 117-78, §5(a), Dec. 23, 2021, 135 Stat. 1531, provided that:

“(a) REPORT REQUIRED.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [June 17, 2020], and not less frequently than annually thereafter, the President shall submit a report to the Committee on Foreign Relations of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Financial Services of the House of Representatives that identifies each foreign person, including any official of the Government of the People’s Republic of China, that the President determines is responsible for any of the following with respect to Uyghurs, ethnic Kazakhs, Kyrgyz, members of other Muslim minority groups, or other persons in Xinjiang Uyghur Autonomous Region:

“(A) Torture.

“(B) Cruel, inhuman, or degrading treatment or punishment.

“(C) Prolonged detention without charges and trial.

“(D) Causing the disappearance of persons by the abduction and clandestine detention of those persons.

“(E) Other flagrant denial of the right to life, liberty, or the security of persons.

“(F) Serious human rights abuses in connection with forced labor.

“(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

“(b) IMPOSITION OF SANCTIONS.—The President shall impose the sanctions described in subsection (c) with respect to each foreign person identified in the report required under subsection (a)(1).

“(c) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

“(1) ASSET BLOCKING.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of a foreign person identified in the report required under subsection (a)(1) if such property and interests in property—

“(A) are in the United States;

“(B) come within the United States; or

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

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

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

“(i) inadmissible to the United States;

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

“(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

“(B) CURRENT VISAS REVOKED.—

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

“(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

“(I) take effect immediately; and

“(II) cancel any other valid visa or entry documentation that is in the alien’s possession.

“(3) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a foreign person that violates, attempts to violate, conspires to violate, or causes a violation of paragraph (1) to the same extent that such penalties apply to a person that commits an unlawful act described in subsection (a) of such section 206.

“(d) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

“(e) WAIVER.—The President may waive the application of sanctions under this section with respect to a person identified in the report required under subsection (a)(1) if the President determines and certifies to the Committee on Foreign Relations of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Financial Services of the House of Representatives that such a waiver is in the national interest of the United States.

“(f) EXCEPTIONS.—

“(1) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—Sanctions under this section shall not apply to any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

“(2) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS AND FOR LAW ENFORCEMENT ACTIVITIES.—Sanctions under subsection (c)(2) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

“(A) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations; or

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

“(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

“(A) IN GENERAL.—The authorities and requirements to impose sanctions authorized under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

“(B) GOOD DEFINED.—In this paragraph, the term ‘good’ means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

“(g) TERMINATION OF SANCTIONS.—The President may terminate the application of sanctions under this section with respect to a person if the President determines and reports to the Committee on Foreign Relations of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Financial Services of the House of Representatives not later than 15 days before the termination takes effect that—

“(1) information exists that the person did not engage in the activity for which sanctions were imposed;

“(2) the person has been prosecuted appropriately for the activity for which sanctions were imposed;

“(3) the person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activity for which sanctions were imposed, and has credibly committed to not engage in an activity described in subsection (a)(1) in the future; or

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

“(h) SUNSET.—This section, and any sanctions imposed under this section, shall terminate on the date that is 5 years after the date of the enactment of this Act [June 17, 2020].

“(i) DEFINITIONS.—In this section:

“(1) ADMISSION; ADMITTED; ALIEN.—The terms ‘admission’, ‘admitted’, and ‘alien’ have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

“(2) FOREIGN PERSON.—The term ‘foreign person’ means a person that is not a United States person.

“(3) UNITED STATES PERSON.—The term ‘United States person’ means—

“(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

“(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity.”

[For delegation of functions of the President under section 6 of Pub. L. 116–145, set out above, see Memorandum of President of the United States, Dec. 7, 2023, 88 F.R. 87651, set out below.]

MONITORING OF IMPLEMENTATION OF 1979 AGREEMENT BETWEEN THE UNITED STATES AND CHINA ON COOPERATION IN SCIENCE AND TECHNOLOGY

Pub. L. 107–314, div. A, title XII, §1207, Dec. 2, 2002, 116 Stat. 2666, as amended by Pub. L. 114–323, title VII, §715(b)(4), Dec. 16, 2016, 130 Stat. 1946, provided that:

“(a) IN GENERAL.—The Secretary of State shall—

“(1) monitor the implementation of the Agreement specified in subsection (c);

“(2) keep a systematic account of the protocols to the Agreement;

“(3) coordinate the activities of all agencies of the United States Government that carry out cooperative activities under the Agreement; and

“(4) ensure that all activities conducted under the Agreement comply with applicable laws and regulations concerning the transfer of militarily sensitive technologies and dual-use technologies.

“(b) RESPONSIBILITIES OF THE OFFICE OF SCIENCE AND TECHNOLOGY COOPERATION.—Except as otherwise provided by the Secretary of State, the functions of the Secretary under this section shall be carried out through the Director of the Office of Science and Technology Cooperation of the Department of State.

“(c) AGREEMENT DEFINED.—For purposes of this section, the term ‘Agreement’ means the agreement between the United States and the People’s Republic of China known as the ‘Agreement between the Government of the United States of America and the Government of the People’s Republic of China on Cooperation in Science and Technology’, signed in Washington on January 31, 1979, and its protocols.

“(d) INTERAGENCY WORKING GROUP.—The President shall establish an interagency working group to oversee the implementation of the Agreement by departments and agencies of the United States. The working group shall consist of representatives of such departments, agencies, and offices of the executive branch as the President considers appropriate. The working group shall perform the following functions:

“(1) Assisting the Secretary of State and other appropriate officials in setting standards under the

Agreement for science and technology transfers between the United States and the People's Republic of China.

“(2) Monitoring ongoing programs and activities under the Agreement and recommending future programs and activities under the Agreement.

“(3) Developing a comprehensive database of all government-to-government programs and United States Government-funded programs under the Agreement.

“(4) Coordinating activities under the Agreement between United States Government agencies, including elements of the intelligence community, as appropriate.”

[Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 3001 of Title 50, War and National Defense.]

TIBETAN POLICY

Pub. L. 116-260, div. FF, title III, §342, Dec. 27, 2020, 134 Stat. 3122, provided that:

“(a) FINDINGS.—Congress finds the following:

“(1) Tibetan Buddhism is practiced in many countries including Bhutan, India, Mongolia, Nepal, the People's Republic of China, the Russian Federation, and the United States, yet the Government of the People's Republic of China has repeatedly insisted on its role in managing the selection of Tibet's next spiritual leader, the Dalai Lama, through actions such as those described in the ‘Measures on the Management of the Reincarnation of Living Buddhas’ in 2007.

“(2) On March 19, 2019, Chinese Ministry of Affairs spokesperson reiterated that the ‘reincarnation of living Buddhas including the Dalai Lama must comply with Chinese laws and regulations and follow religious rituals and historical conventions’.

“(3) The Government of the People's Republic of China has interfered in the process of recognizing a successor or reincarnation of Tibetan Buddhist leaders, including in 1995 by arbitrarily detaining Gedhun Choekyi Nyima, a 6-year old boy who was identified as the 11th Panchen Lama, and purporting to install its own candidate as the Panchen Lama.

“(4) The 14th Dalai Lama, Tenzin Gyatso, issued a statement on September 24, 2011, explaining the traditions and spiritual precepts of the selection of Dalai Lamas, setting forth his views on the considerations and process for selecting his successor, and providing a response to the Chinese government's claims that only the Chinese government has the ultimate authority in the selection process of the Dalai Lama.

“(5) The 14th Dalai Lama said in his statement that the person who reincarnates has sole legitimate authority over where and how he or she takes rebirth and how that reincarnation is to be recognized and if there is a need for a 15th Dalai Lama to be recognized, then the responsibility shall primarily rest with the officers of the Dalai Lama's Gaden Phodrang Trust, who will be informed by the written instructions of the 14th Dalai Lama.

“(6) Since 2011, the 14th Dalai Lama has reiterated publicly on numerous occasions that decisions on the successions, emanations, or reincarnations of the Dalai Lama belongs to the Tibetan Buddhist faith community alone.

“(7) On June 8, 2015, the United States House of Representatives unanimously approved House Resolution 337 which calls on the United States Government to ‘underscore that government interference in the

Tibetan reincarnation process is a violation of the internationally recognized right to religious freedom . . . and to highlight the fact that other countries besides China have long Tibetan Buddhist traditions, and that matters related to reincarnations in Tibetan Buddhism are of keen interest to Tibetan Buddhist populations worldwide’.

“(8) On April 25, 2018, the United States Senate unanimously approved Senate Resolution 429 which ‘expresses its sense that the identification and installation of Tibetan Buddhist religious leaders, including a future 15th Dalai Lama, is a matter that should be determined solely within the Tibetan Buddhist faith community, in accordance with the inalienable right to religious freedom’.

“(9) The Department of State's Report on International Religious Freedom for 2018 reported on policies and efforts of the Government of the People's Republic of China to exert control over the selection of Tibetan Buddhist religious leaders, including reincarnate lamas, and stated that ‘[United States] officials underscored that decisions on the reincarnation of the Dalai Lama should be made solely by faith leaders.’

“(b) STATEMENT OF POLICY.—It is the policy of the United States that—

“(1) decisions regarding the selection, education, and veneration of Tibetan Buddhist religious leaders are exclusively spiritual matters that should be made by the appropriate religious authorities within the Tibetan Buddhist tradition and in the context of the will of practitioners of Tibetan Buddhism;

“(2) the wishes of the 14th Dalai Lama, including any written instructions, should play a key role in the selection, education, and veneration of a future 15th Dalai Lama; and

“(3) interference by the Government of the People's Republic of China or any other government in the process of recognizing a successor or reincarnation of the 14th Dalai Lama and any future Dalai Lamas would represent a clear abuse of the right to religious freedom of Tibetan Buddhists and the Tibetan people.

“(c) HOLDING CHINESE OFFICIALS RESPONSIBLE FOR RELIGIOUS FREEDOM ABUSES TARGETING TIBETAN BUDDHISTS.—It is the policy of the United States to take all appropriate measures to hold accountable senior officials of the Government of the People's Republic of China or the Chinese Communist Party who directly interfere with the identification and installation of the future 15th Dalai Lama of Tibetan Buddhism, successor to the 14th Dalai Lama, including by—

“(1) imposing sanctions pursuant to the Global Magnitsky Human Rights Accountability Act [sub-title F of title XII of div. A of Pub. L. 114-328] ([former] 22 U.S.C. 2656 note [now 22 U.S.C. 10101 et seq.]); and

“(2) prohibiting admission to the United States under section 212(a)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(G)).

“(d) DEPARTMENT OF STATE PROGRAMMING TO PROMOTE RELIGIOUS FREEDOM FOR TIBETAN BUDDHISTS.—Consistent with section 401 of the Frank R. Wolf International Religious Freedom Act (Public Law 114-281; 130 Stat. 1436), the Ambassador-at-Large for International Religious Freedom should support efforts to protect and promote international religious freedom in China and for programs to protect Tibetan Buddhism in China and elsewhere.”

Pub. L. 107-228, div. A, title VI, subtitle B, Sept. 30, 2002, 116 Stat. 1396, as amended by Pub. L. 114-323, title VII, §715(b)(1), Dec. 16, 2016, 130 Stat. 1946; Pub. L. 115-94, §13, Dec. 18, 2017, 131 Stat. 2041; Pub. L. 116-260, div. FF, title III, §341, Dec. 27, 2020, 134 Stat. 3119, provided that:

“SEC. 611. SHORT TITLE.

“This subtitle may be cited as ‘Tibetan Policy Act of 2002’.

“SEC. 612. STATEMENT OF PURPOSE.

“The purpose of this subtitle is to support the aspirations of the Tibetan people to safeguard their distinct identity.

“SEC. 613. TIBET NEGOTIATIONS.

“(a) POLICY.—

“(1) IN GENERAL.—The President and the Secretary should encourage the Government of the People’s Republic of China to enter into a dialogue without preconditions with the Dalai Lama or his representatives or democratically-elected leaders of the Tibetan community leading to a negotiated agreement on Tibet and should coordinate with other governments in multilateral efforts toward this goal.

“(2) POLICY COMMUNICATION.—The Secretary of State shall ensure that, in accordance with this Act, United States policy on Tibet, as coordinated by the United States Special Coordinator for Tibetan Issues, is communicated to all Federal departments and agencies in contact with the Government of the People’s Republic of China.

“(3) COMPLIANCE.—After such an agreement is reached, the President and the Secretary should work to ensure compliance with the agreement.

“(b) PERIODIC REPORTS.—Not later than 180 days after the date of the enactment of the Department of State Authorities Act, Fiscal Year 2017, Improvements Act [Dec. 18, 2017], and annually thereafter until December 31, 2031, the President shall transmit to the appropriate congressional committees and direct the Department of State to make public on its website a report on—

“(1) the steps taken by the President and the Secretary in accordance with subsection (a)(1) to implement the Tibetan Policy Act of 2002;

“(2) the status of any discussions between the People’s Republic of China and the Dalai Lama or his representatives or a successor selected by a method of the 14th Dalai Lama’s own choosing or the representatives of such successor; and

“(3) the steps taken by the United States Government to promote the human rights and distinct religious, cultural, linguistic, and historical identity of the Tibetan people, including the right of the Tibetan people to select, educate, and venerate their own religious leaders in accordance with their established religious practice and system.

“SEC. 614. REPORTING ON TIBET.

“Whenever a report is transmitted to Congress under section 116 or 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151m [2151n], 2304) or under section 102(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)), Tibet shall be included in such report as a separate section.

“SEC. 615. CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE’S REPUBLIC OF CHINA.

[Amended section 6912 of this title.]

“SEC. 616. ECONOMIC DEVELOPMENT IN TIBET.

“(a) DECLARATIONS OF POLICY.—It is the policy of the United States to support economic development, cultural preservation, health care, and education and environmental sustainability for Tibetans inside Tibet. In support of this policy, the United States shall use its voice and vote to support projects designed in accordance with the principles contained in subsection (d) that are designed to raise the standard of living for the Tibetan people and assist Tibetans to become self-sufficient.

“(b) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support projects in Tibet, if the projects are designed in accordance with the principles contained in subsection (d).

“(c) EXPORT-IMPORT BANK AND TDA.—The Export-Import Bank of the United States and the Trade and Development Agency should support projects proposed to be funded or otherwise supported by such entities in Tibet, if the projects are designed in accordance with the principles contained in subsection (d).

“(d) TIBET PROJECT PRINCIPLES.—Projects in Tibet supported by international financial institutions, other

international organizations, nongovernmental organizations, and the United States entities referred to in subsection (c), should—

“(1) be implemented only after conducting a thorough assessment of the needs of the Tibetan people through field visits and interviews;

“(2) be preceded by cultural and environmental impact assessments;

“(3) foster self-sufficiency and self-reliance of Tibetans;

“(4) promote accountability of the development agencies to the Tibetan people and active participation of Tibetans in all project stages;

“(5) respect Tibetan human rights, culture, traditions, and the Tibetan knowledge and wisdom about their landscape and survival techniques;

“(6) be subject to on-site monitoring by the development agencies to ensure that the intended target group benefits;

“(7) be implemented by development agencies prepared to use Tibetan as the working language of the projects;

“(8) neither provide incentive for, nor facilitate the migration and settlement of, non-Tibetans into Tibet;

“(9) neither provide incentive for, nor facilitate the involuntary or coerced transfer of ownership of, Tibetan land or natural resources to non-Tibetans; and

“(10) neither provide incentive for, nor facilitate the involuntary or coerced relocation of, Tibetan nomads from their traditional pasturelands into concentrated settlements.

“(e) UNITED STATES ASSISTANCE.—

“(1) IN GENERAL.—The President is authorized to provide assistance to nongovernmental organizations to support inclusive economic growth, resilience, global health, education, environmental stewardship, and cultural and historical preservation for Tibetan communities in Tibet, in accordance with the principles specified in subsection (d).

“(2) COORDINATION.—Assistance authorized under paragraph (1) shall be carried out in coordination with the United States Special Coordinator for Tibetan Issues in accordance with section 621(d).

“(f) PRIVATE SECTOR INVESTMENT.—The Secretary of State, in coordination with the Secretary of Commerce, should—

“(1) encourage United States businesses and individuals that are engaged in commerce or investing in enterprises in Tibet to be guided by the principles specified in subsection (d) and the United Nations Guiding Principles on Business and Human Rights; and

“(2) hold regular consultations with businesses and individuals that are engaged in commerce or are investing in enterprises in Tibet about the principles referenced in paragraph (1) and the business practices of such businesses and individuals in Tibet.

“SEC. 617. RELEASE OF PRISONERS AND ACCESS TO PRISONS.

“The President and the Secretary, in meetings with representatives of the Government of the People’s Republic of China, should—

“(1) request the immediate and unconditional release of all those held prisoner for expressing their political or religious views in Tibet;

“(2) seek access for international humanitarian organizations to prisoners in Tibet to ensure that prisoners are not being mistreated and are receiving necessary medical care; and

“(3) seek the immediate medical parole of Tibetan prisoners known to be in serious ill health.

“SEC. 618. DIPLOMATIC REPRESENTATION RELATING TO TIBET.

“(a) UNITED STATES CONSULATE IN LHASA, TIBET.—The Secretary should seek to establish a United States consulate in Lhasa, Tibet—

“(1) to provide consular services to United States citizens traveling in Tibet; and

“(2) to monitor political, economic, and cultural developments in Tibet.

“(b) **POLICY.**—The Secretary may not authorize the establishment in the United States of any additional consulate of the People’s Republic of China until such time as a United States consulate in Lhasa, Tibet, is established under subsection (a).

“(c) **WAIVER.**—The Secretary may waive the requirement under subsection (b), notwithstanding the lack of a United States consulate in Lhasa, not less than 30 days after the Secretary determines and reports to the appropriate congressional committees that it is in the national security interests of the United States to waive such requirements and submits to the appropriate congressional committees a report including—

“(1) a specific and detailed rationale for the determination that the waiver is in the national security interests of the United States; and

“(2) a description of the efforts by the Department of State to seek the establishment of a United States consulate in Lhasa.

“**SEC. 619. REQUIREMENT FOR TIBETAN LANGUAGE TRAINING.**

“The Secretary shall ensure that Tibetan language training is available to Foreign Service officers, and that every effort is made to ensure that a Tibetan-speaking Foreign Service officer is assigned to a United States post in the People’s Republic of China responsible for monitoring developments in Tibet.

“**SEC. 620. RELIGIOUS PERSECUTION IN TIBET.**

“(a) **HIGH-LEVEL CONTACTS.**—Pursuant to section 105 of the International Religious Freedom Act of 1998 (22 U.S.C. 6414), the United States Ambassador to the People’s Republic of China should—

“(1) meet with the 11th Panchen Lama, who was taken from his home on May 17, 1995, and otherwise ascertain information concerning his whereabouts and well-being; and

“(2) request that the Government of the People’s Republic of China release the 11th Panchen Lama and allow him to pursue his religious studies without interference and according to tradition.

“(b) **PROMOTION OF INCREASED ADVOCACY.**—Pursuant to section 108(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6417(a)), it is the sense of Congress that representatives of the United States Government in exchanges with officials of the Government of the People’s Republic of China should call for and otherwise promote the cessation of all interference by the Government of the People’s Republic of China or the Communist Party in the religious affairs of the Tibetan people, including with respect to the reincarnation system of Tibetan Buddhism.

“**SEC. 621. UNITED STATES SPECIAL COORDINATOR FOR TIBETAN ISSUES.**

“(a) **UNITED STATES SPECIAL COORDINATOR FOR TIBETAN ISSUES.**—There shall be within the Department a United States Special Coordinator for Tibetan Issues (in this section referred to as the ‘Special Coordinator’).

“(b) **CONSULTATION.**—The Secretary shall consult with the chairmen and ranking minority members of the appropriate congressional committees prior to the designation of the Special Coordinator.

“(c) **OBJECTIVES.**—The objectives of the Special Coordinator are to—

“(1) promote substantive dialogue without preconditions, between the Government of the People’s Republic of China and the Dalai Lama, his or her representatives, or democratically elected leaders of the Tibetan community, or explore activities to improve prospects for dialogue, that leads to a negotiated agreement on Tibet;

“(2) coordinate with other governments in multilateral efforts towards the goal of a negotiated agreement on Tibet;

“(3) encourage the Government of the People’s Republic of China to address the aspirations of the Ti-

betan people with regard to their distinct historical, cultural, religious, and linguistic identity;

“(4) promote the human rights of the Tibetan people;

“(5) promote activities to preserve environment and water resources of the Tibetan plateau;

“(6) encourage that any initiatives or activities for Tibetan communities in the Tibet Autonomous Region are conducted in accordance with the principles espoused in section 616(d); and

“(7) promote access to Tibet in accordance with the Reciprocal Access to Tibet Act of 2018 (Public Law 115-330) [8 U.S.C. 1182 note].

“(d) **DUTIES AND RESPONSIBILITIES.**—The Special Coordinator shall—

“(1) coordinate United States Government policies, programs, and projects concerning Tibet;

“(2) vigorously promote the policy of seeking to protect the distinct religious, cultural, linguistic, and national identity of Tibet, and pressing for improved respect for human rights;

“(3) maintain close contact with religious, cultural, and political leaders of the Tibetan people, including regular travel to Tibetan areas of the People’s Republic of China, and to Tibetan refugee settlements in India and Nepal;

“(4) consult with Congress on policies relevant to Tibet and the future and welfare of the Tibetan people;

“(5) make efforts to establish contacts in the foreign ministries of other countries to pursue a negotiated solution for Tibet;

“(6) provide guidance with respect to all projects carried out pursuant to assistance provided under section 616(e);

“(7) seek to establish international diplomatic coalitions to—

“(A) oppose any effort by the Government of the People’s Republic of China to select, educate, and venerate Tibetan Buddhist religious leaders in a manner inconsistent with the principle that the succession or identification of Tibetan Buddhist lamas, including the Dalai Lama, should occur without interference, in a manner consistent with traditional practice; and

“(B) ensure that the identification and installation of Tibetan Buddhist religious leaders, including any future Dalai Lama, is determined solely within the Tibetan Buddhist faith community, in accordance with the internationally-recognized right to religious freedom; and

“(8) take all appropriate steps to ensure adequate resources, staff, and bureaucratic support to fulfill the duties and responsibilities of the Special Coordinator.

“(e) **PERSONNEL.**—The Secretary shall ensure that the Office of the Special Coordinator is adequately staffed at all times to assist in the management of the responsibilities of this section.”

[For definitions of “Secretary” and “appropriate congressional committees” as used in subtitle B of title VI of div. A of Pub. L. 107-228, set out above, see section 3 of Pub. L. 107-228, set out as a note under section 2651 of this title.]

[Functions of President under section 613(b) of Pub. L. 107-228, set out above, delegated to Secretary of State by section 1 of Ex. Ord. No. 13313, July 31, 2003, 68 F.R. 46073, set out as a note under section 301 of Title 3, The President.]

POLICY OF THE UNITED STATES WITH RESPECT TO MACAU

Pub. L. 106-570, title II, Dec. 27, 2000, 114 Stat. 3040, provided that:

“**SEC. 201. SHORT TITLE.**

“This title may be cited as the ‘United States-Macau Policy Act of 2000’.

“**SEC. 202. FINDINGS AND DECLARATIONS; SENSE OF CONGRESS.**

“(a) **FINDINGS AND DECLARATIONS.**—Congress makes the following findings and declarations:

“(1) The continued economic prosperity of Macau furthers United States interests in the People’s Republic of China and Asia.

“(2) Support for democratization is a fundamental principle of United States foreign policy, and as such, that principle naturally applies to United States policy toward Macau.

“(3) The human rights of the people of Macau are of great importance to the United States and are directly relevant to United States interests in Macau.

“(4) A fully successful transition in the exercise of sovereignty over Macau must continue to safeguard human rights in and of themselves.

“(5) Human rights also serve as a basis for Macau’s continued economic prosperity, and Congress takes note of Macau’s adherence to the International Covenant on Civil and Political Rights and the International Convention on Economic, Social, and Cultural Rights.

“(b) SENSE OF CONGRESS.—It is the sense of Congress that—

“(1) the United States should play an active role in maintaining Macau’s confidence and prosperity, Macau’s unique cultural heritage, and the mutually beneficial ties between the people of the United States and the people of Macau;

“(2) through its policies, the United States should contribute to Macau’s ability to maintain a high degree of autonomy in matters other than defense and foreign affairs as promised by the People’s Republic of China and the Republic of Portugal in the Joint Declaration, particularly with respect to such matters as trade, commerce, law enforcement, finance, monetary policy, aviation, shipping, communications, tourism, cultural affairs, sports, and participation in international organizations, consistent with the national security and other interests of the United States; and

“(3) the United States should actively seek to establish and expand direct bilateral ties and agreements with Macau in economic, trade, financial, monetary, mutual legal assistance, law enforcement, communication, transportation, and other appropriate areas.

“SEC. 203. CONTINUED APPLICATION OF UNITED STATES LAW.

“(a) CONTINUED APPLICATION.—

“(1) IN GENERAL.—Notwithstanding any change in the exercise of sovereignty over Macau, and subject to subsections (b) and (c), the laws of the United States shall continue to apply with respect to Macau in the same manner as the laws of the United States were applied with respect to Macau before December 20, 1999, unless otherwise expressly provided by law or by Executive order issued pursuant to paragraph (2).

“(2) EXCEPTION.—Whenever the President determines that Macau is not sufficiently autonomous to justify treatment under a particular law of the United States, or any provision thereof, different from that accorded the People’s Republic of China, the President may issue an Executive order suspending the application of paragraph (1) to such law or provision of law. The President shall promptly notify the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives and the Committee on Foreign Relations of the Senate concerning any such determination and shall publish the Executive order in the Federal Register.

“(b) EXPORT CONTROLS.—

“(1) IN GENERAL.—The export control laws, regulations, and practices of the United States shall apply to Macau in the same manner and to the same extent that such laws, regulations, and practices apply to the People’s Republic of China, and in no case shall such laws, regulations, and practices be applied less restrictively to exports to Macau than to exports to the People’s Republic of China.

“(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed as prohibiting the provision of export control assistance to Macau.

“(c) INTERNATIONAL AGREEMENTS.—

“(1) IN GENERAL.—Subject to subsection (b) and paragraph (2), for all purposes, including actions in any court of the United States, Congress approves of the continuation in force after December 20, 1999, of all treaties and other international agreements, including multilateral conventions, entered into before such date between the United States and Macau, or entered into force before such date between the United States and the Republic of Portugal and applied to Macau, unless or until terminated in accordance with law.

“(2) EXCEPTION.—If, in carrying out this subsection, the President determines that Macau is not legally competent to carry out its obligations under any such treaty or other international agreement, or that the continuation of Macau’s obligations or rights under any such treaty or other international agreement is not appropriate under the circumstances, the President shall take appropriate action to modify or terminate such treaty or other international agreement. The President shall promptly notify the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives and the Committee on Foreign Relations of the Senate concerning such determination.

“SEC. 204. REPORTING REQUIREMENT.

“(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act [Dec. 27, 2000], and not later than March 31 of each of the years 2001, 2002, and 2003, the Secretary of State shall transmit to the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives and the Committee on Foreign Relations of the Senate a report on conditions in Macau of interest to the United States. The report shall describe—

“(1) significant developments in United States relations with Macau, including any determination made under section 203;

“(2) significant developments related to the change in the exercise of sovereignty over Macau affecting United States interests in Macau or United States relations with Macau and the People’s Republic of China;

“(3) the development of democratic institutions in Macau;

“(4) compliance by the Government of the People’s Republic of China and the Government of the Republic of Portugal with their obligations under the Joint Declaration; and

“(5) the nature and extent of Macau’s participation in multilateral forums.

“(b) SEPARATE PART OF COUNTRY REPORTS.—Whenever a report is transmitted to Congress on a country-by-country basis, there shall be included in such report, where applicable, a separate subreport on Macau under the heading of the country that exercises sovereignty over Macau.

“SEC. 205. DEFINITIONS.

“In this title:

“(1) JOINT DECLARATION.—The term ‘Joint Declaration’ means the Joint Declaration of the Government of the People’s Republic of China and the Government of the Republic of Portugal on the Question of Macau, dated April 13, 1987.

“(2) MACAU.—The term ‘Macau’ means the territory that prior to December 20, 1999, was the Portuguese Dependent Territory of Macau and after December 20, 1999, became the Macau Special Administrative Region of the People’s Republic of China.”

Executive Documents

DELEGATION OF CERTAIN FUNCTIONS AND AUTHORITIES UNDER THE UYGHUR HUMAN RIGHTS POLICY ACT OF 2020 AND PUBLIC LAW 117-78

Memorandum of President of the United States, Dec. 7, 2023, 88 F.R. 87651, provided:

Memorandum for the Secretary of State[,] the Secretary of the Treasury[, and] the Secretary of Homeland Security

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby order as follows:

SECTION 1. (a) I hereby delegate to the Secretary of State, in consultation with the Secretary of the Treasury, the functions and authorities vested in the President by the following provisions of the Uyghur Human Rights Policy Act of 2020 (Public Law 116-145) (UHRPA) [section 6 set out as a note above] and Public Law 117-78 [set out as a note above]:

(i) section 6(a)(1) of the UHRPA, with respect to submitting the report;

(ii) section 6(e) of the UHRPA; and

(iii) section 5(c)(1) of Public Law 117-78, with respect to submitting the report.

(b) I hereby delegate to the Secretary of the Treasury, in consultation with the Secretary of State, the functions and authorities vested in the President by the following provisions of the UHRPA and Public Law 117-78:

(i) section 6(a)(1) of the UHRPA, with respect to making the determinations;

(ii) section 6(g) of the UHRPA, with respect to terminating the sanctions described in section 6(c)(1) of the UHRPA and imposed under section 6(b) of the UHRPA; and

(iii) section 5(c)(1) of Public Law 117-78, with respect to making the determinations.

(c) I hereby delegate to the Secretary of the Treasury the functions and authorities vested in the President by the following provisions of the UHRPA and Public Law 117-78:

(i) section 6(b) of the UHRPA, with respect to imposing the sanctions described in section 6(c)(1) of the UHRPA;

(ii) section 6(c)(1) of the UHRPA;

(iii) section 6(d) of the UHRPA; and

(iv) section 5(c)(2) of Public Law 117-78, with respect to imposing the sanctions described in section 6(c)(1) of the UHRPA.

(d) I hereby delegate to the Secretary of State, in consultation with the Secretary of Homeland Security, the functions and authorities vested in the President by the following provisions of the UHRPA and Public Law 117-78:

(i) section 6(b) of the UHRPA, with respect to imposing the sanctions described in section 6(c)(2) of the UHRPA;

(ii) section 6(g) of the UHRPA, with respect to terminating the sanctions described in section 6(c)(2) of the UHRPA and imposed under section 6(b) of the UHRPA; and

(iii) section 5(c)(2) of Public Law 117-78, with respect to imposing the sanctions described in section 6(c)(2) of the UHRPA.

SEC. 2. The delegations in this memorandum shall apply to any provisions of any future public laws that are the same or substantially the same as those provisions referenced in this memorandum.

SEC. 3. The Secretary of State is authorized and directed to publish this memorandum in the Federal Register.

J.R. BIDEN, JR.

§ 6902. Policy

It is the policy of the United States—

(1) to develop trade relations that broaden the benefits of trade, and lead to a leveling up, rather than a leveling down, of labor, environmental, commercial rule of law, market access, anticorruption, and other standards across national borders;

(2) to pursue effective enforcement of trade-related and other international commitments

by foreign governments through enforcement mechanisms of international organizations and through the application of United States law as appropriate;

(3) to encourage foreign governments to conduct both commercial and noncommercial affairs according to the rule of law developed through democratic processes;

(4) to encourage the Government of the People's Republic of China to afford its workers internationally recognized worker rights;

(5) to encourage the Government of the People's Republic of China to protect the human rights of people within the territory of the People's Republic of China, and to take steps toward protecting such rights, including, but not limited to—

(A) ratifying the International Covenant on Civil and Political Rights;

(B) protecting the right to liberty of movement and freedom to choose a residence within the People's Republic of China and the right to leave from and return to the People's Republic of China; and

(C) affording a criminal defendant—

(i) the right to be tried in his or her presence, and to defend himself or herself in person or through legal assistance of his or her own choosing;

(ii) the right to be informed, if he or she does not have legal assistance, of the right set forth in clause (i);

(iii) the right to have legal assistance assigned to him or her in any case in which the interests of justice so require and without payment by him or her in any such case if he or she does not have sufficient means to pay for it;

(iv) the right to a fair and public hearing by a competent, independent, and impartial tribunal established by the law;

(v) the right to be presumed innocent until proved guilty according to law; and

(vi) the right to be tried without undue delay; and

(6) to highlight in the United Nations Human Rights Commission and in other appropriate fora violations of human rights by foreign governments and to seek the support of other governments in urging improvements in human rights practices.

(Pub. L. 106-286, div. B, title II, § 203, Oct. 10, 2000, 114 Stat. 893.)

§ 6903. Definitions

In this chapter:

(1) Dispute Settlement Understanding

The term “Dispute Settlement Understanding” means the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 3511(d)(16) of title 19.

(2) Government of the People's Republic of China

The term “Government of the People's Republic of China” means the central Government of the People's Republic of China and any other governmental entity, including any