

# Xinjiang Supply Chain Business Advisory Addendum

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DEPARTMENT OF STATE



DEPARTMENT OF THE TREASURY



DEPARTMENT OF COMMERCE



OFFICE OF THE UNITED STATES  
TRADE REPRESENTATIVE



Department of Labor



DEPARTMENT OF HOMELAND  
SECURITY

**Title: Addendum to July 2021 Advisory on the Risks and Considerations for Businesses and Individuals with Exposure to Entities Engaged in Forced Labor and other Human Rights Abuses linked to Xinjiang Uyghur Autonomous Region, People's Republic of China<sup>1</sup>**

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<sup>1</sup> This advisory is explanatory only and does not have the force of law. It does not supplement or modify statutory authorities, Executive orders, or regulations. It is not intended to be, nor should it be interpreted as, comprehensive or as imposing requirements under U.S. law, drawing any legal conclusions about specific fact scenarios regarding particular businesses or entities, or otherwise addressing any particular requirements under applicable law. Its sole intent is to provide information to businesses and individuals that they may consider in assessing their potential exposure to involvement with entities engaged in human rights abuses, as part of a risk-based approach to due diligence. Please see the legally binding provisions cited and other relevant legal authorities.

## **SUMMARY:**

Since the President signed the Uyghur Forced Labor Prevention Act (UFLPA) into law on December 23, 2021, there have been numerous reports of continuing human rights abuses, including the use of forced labor, in the Xinjiang Uyghur Autonomous Region (Xinjiang). This addendum highlights reports from both governmental and non-governmental sources. The agencies sponsoring this report – the U.S. Department of State, the U.S. Department of the Treasury, the U.S. Department of Commerce, the U.S. Department of Homeland Security, the U.S. Department of Labor, and the Office of the U.S. Trade Representative – would like to remind the business community of its obligations under the UFLPA and Section 307 of the Tariff Act of 1930. This addendum contains information about the ongoing, widespread, and pervasive risks in supply chains posed by state-sponsored forced labor and other human rights abuses in Xinjiang, as well as implementation and enforcement of the UFLPA that would be of particular interest to the business and importing communities.

### **I. Introduction**

This addendum to the July 2021 Business Advisory urges businesses and individuals to continue to undertake appropriate human rights due diligence measures to identify potential supply chain links to entities operating in Xinjiang, entities linked to Xinjiang (e.g., through the pairing program, Xinjiang supply chain inputs, or the Xinjiang Production and Construction Corps (XPCC)), entities included in the UFLPA Entity List, or

entities using the labor of Uyghurs, Kazakhs, Kyrgyz, or members of other persecuted groups from Xinjiang. This addendum focuses on potential supply chain exposure from entities engaged in human rights abuses through the sourcing of goods from Xinjiang, or from entities elsewhere in the People's Republic of China (PRC) connected to the use of forced labor of individuals from Xinjiang, including entities employing Uyghurs through state-sponsored "poverty alleviation" programs, or from entities outside of the PRC that source inputs from Xinjiang.

## II. Human Rights Abuses in Xinjiang

Since the U.S. Department of State, the U.S. Department of the Treasury, the U.S. Department of Commerce, the U.S. Department of Homeland Security, the U.S. Department of Labor, and Office of the U.S. Trade Representative published the revised Xinjiang Business Advisory in July 2021, there have been additional reports on the continuing human rights abuses in Xinjiang. Highlights of reports from both government and non-government sources are described below. Given these developments, the Biden Administration has also published official statements on its approach to the PRC, including on addressing human rights abuses.

### a. [The Administration's Approach to Human Rights Abuses by the PRC](#)

In his speech on the Administration's Approach to the PRC on May 26, 2022, Secretary of State Blinken said, "The United States stands with countries and people around the world against the genocide and crimes

against humanity happening in the Xinjiang region, where more than a million people have been placed in detention camps because of their ethnic and religious identity.... Now, Beijing insists that these are somehow internal matters that others have no right to raise. That is wrong. Its treatment of ethnic and religious minorities in Xinjiang and Tibet, along with many other actions, go against the core tenets of the UN Charter that Beijing constantly cites and the Universal Declaration of Human Rights that all countries are meant to adhere to.... We'll continue to raise these issues and call for change – not to stand against China, but to stand up for peace, security, and human dignity. ... And we will work to ensure that U.S. companies don't engage in commerce that facilitates or benefits from human rights abuses, including forced labor.”

In a statement on the first [anniversary of President Biden signing the UFLPA on December 23, 2022, Secretary of Homeland Security](#)

Mayorkas said “The use of forced labor is a heinous act and our Department will continue to devote its full energy to combat it....The enforcement of the UFLPA is a moral imperative; we will continue to prevent goods produced by forced labor, particularly through the repression of ethnic minorities in China, from entering the United States. We will uphold our nation’s values, enforce our laws, and protect the integrity of lawful trade and the rights of the individual worker.”

## United States Government Reports

These reports represent the official U.S. Government view on human rights abuses in Xinjiang.

### **b. 2022 Country Reports on Human Rights Practices: China (includes Hong Kong, Macau, and Tibet)**

In 2022, genocide and crimes against humanity continued to occur during the year against predominantly Muslim Uyghurs and members of other ethnic and religious minority groups in Xinjiang. There were reports of arbitrary imprisonment or other severe deprivation of physical liberty of more than one million civilians; forced sterilization, coerced abortions, and more restrictive application of the country's birth control policies; rape and other forms of sexual and gender-based violence; torture of a large number of those arbitrarily detained; and persecution including forced labor and draconian restrictions on freedom of religion or belief, freedom of expression, and freedom of movement. Reports continue of coercive labor transfer programs subjecting members of Xinjiang's ethnic and religious minority groups to forced labor throughout the country. Authorities also forced inmates to build new prison facilities in several areas of Xinjiang and may subject inmates to forced labor in coal, uranium, and asbestos mining, as well as in lead and zinc smelting and fertilizer production. Authorities also forced half a million Uyghur adults and children to pick and process cotton, tomatoes, sugar beets, and possibly apples and peanuts. Prison systems also reportedly

subjected ethnic Han inmates, many of whom may be victims of arbitrary detention, to forced labor.

**c. State Report: 2023 Trafficking in Persons (TIP) Report PRC Narrative**

During the TIP Report’s reporting period (April 1, 2022-March 31, 2023), there was a government policy or pattern of widespread forced labor, including through the continued mass arbitrary detention of Uyghurs, ethnic Kazakhs, ethnic Kyrgyz, and members of other ethnic and religious minority groups in the Xinjiang Uyghur Autonomous Region under the guise of “vocational training” and “deradicalization.” Authorities continued to implement the policy or pattern of widespread forced labor in other provinces and targeted other religious minorities under their auspices; and the government also sought the coerced repatriation and internment of religious and ethnic minorities living abroad through the use of transnational repression, including surveillance, harassment, threats against them and their family members, and extradition requests, increasing their vulnerability to the government’s policy or pattern of widespread forced labor. The government also reportedly continued to place ethnic Tibetans in vocational training and manufacturing jobs as part of an ostensible “poverty alleviation” and “labor dispatch program” that featured overt coercive elements.

PRC authorities did not take any steps to change policies in response to mounting public concern over Xinjiang abuses and the

contamination of international supply chains with goods produced by state-sponsored forced labor there in 2022. To the contrary, the government and affiliated commercial entities continued to engage in a concerted campaign to dispel these accusations through vehement denial in public messaging; state-ordered politically motivated academic research; falsified cotton production and harvest mechanization data; localized propaganda campaigns targeting consumers in trade partner countries; the establishment of false supply chain policy initiatives as alternatives to preexisting international monitoring and compliance programs; new sanctions on foreign government officials critical of PRC abuses; and pressure on international companies.

**d. [State Report: 2021 Report on International Religious Freedom: China \(Includes Tibet, Xinjiang, Hong Kong, and Macau\)](#)**

The U.S. government estimated that since April 2017, the PRC government has detained more than one million Uyghurs, ethnic Kazakhs, Hui, and members of other Muslim groups, as well as some Christians, in specially built internment camps or converted detention facilities in the Xinjiang under the national counterterrorism law and the regional counterextremism policy. Some nongovernmental organizations (NGOs) and academics estimated the number of individuals detained in internment camps or other facilities was higher. Human rights NGOs and former detainees said authorities

subjected individuals to forced disappearance, torture, other physical and psychological abuse, including forced sterilization and sexual abuse, forced labor, political indoctrination, and prolonged detention without trial because of their religion and ethnicity. Many of the camps are co-located with factories, where sources said detainees were subjected to forced labor and “reeducation.”

#### **e. Department of Labor: Identifying Goods with Inputs Produced with Forced Labor or Child Labor**

In response to the expanded mandate under the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018, the Department of Labor’s (DOL) Bureau of International Labor Affairs (ILAB) was tasked with including on the *List of Goods Produced with Forced Labor or Child Labor* “goods that are produced with inputs that are produced with forced labor or child labor.” In response to this tasking, DOL’s Office of Child Labor, Forced Labor, and Human Trafficking is identifying downstream products containing goods that ILAB has reason to believe are produced with forced labor or child labor for inclusion on the List. In September 2022, ILAB added 10 downstream goods to the List that were made with inputs produced with child labor or forced labor. Four of these, photovoltaic ingots, photovoltaic wafers, solar cells, and solar modules, were downstream goods from China linked to polysilicon from Xinjiang. [Additional information on identifying goods produced with inputs](#)



[produced with forced labor or child labor](#) is available on DOL's website.

#### **f. 2022 UFLPA Strategy and 2023 Updates**

Consistent with Section 2 of the UFLPA, the Forced Labor Enforcement Task Force (FLETF) developed a strategy for supporting the enforcement of 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 PRC. As the Chair of the FLETF, the Under Secretary for Strategy, Policy, and Plans of the U.S. Department of Homeland Security released the *Strategy to Prevent the Importation of Goods Mined, Produced, or Manufactured with Forced Labor in the People's Republic of China* (UFLPA Strategy) on June 17, 2022. **Pursuant to the UFLPA, the UFLPA Strategy includes:**

- 1) a comprehensive assessment of the risk of importing goods mined, produced, or manufactured, wholly or in part, with forced labor in the PRC;
- 2) an evaluation and description of forced-labor schemes, UFLPA-required lists (including the UFLPA Entity List), UFLPA-required plans, and high-priority sectors for enforcement;
- 3) recommendations for efforts, initiatives, tools, and technologies to accurately identify and trace affected goods;

- 4) a description of how U.S. Customs and Border Protection (CBP) plans to enhance its use of legal authorities and tools to prevent entry of goods at U.S. ports in violation of 19 U.S.C. § 1307;
- 5) a description of additional resources necessary to ensure no goods made with forced labor enter U.S. ports;
- 6) guidance to importers; and
- 7) a plan to coordinate and collaborate with appropriate NGOs and private-sector entities.

As the UFLPA requires that the FLETF provide annual updates to the [UFLPA Strategy](#), the FLETF released the 2023 Updates to the UFLPA Strategy on August 1, 2023. The 2023 Updates contained new information regarding additions to the UFLPA Entity List; additional resources necessary to ensure no goods made with forced labor enter at U.S. Ports; and coordination and collaboration with appropriate NGOs and private sector entities.

### **Reports from International Organizations**

The United States welcomes the independent assessment by international organizations on the appalling treatment and abuses of Uyghurs and members of other ethnic and religious minority groups in Xinjiang by the PRC government, including the following report from the UN Office of the High Commissioner for Human Rights (OHCHR):

## [OHCHR's Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China](#)

The OHCHR's August 2022 report outlines alarming details of the human rights violations and abuses occurring in Xinjiang. It concludes that “the extent of arbitrary and discriminatory detention of members of the Uyghur and predominantly Muslim groups ... may constitute international crimes, in particular crimes against humanity,” and that “serious human rights violations have been committed” in Xinjiang. The report includes two recommendations to the business community:

- 1) to take measures to meet the responsibility to respect human rights as set out in the UN Guiding Principles on Business and Human Rights; and
- 2) to strengthen human rights risk assessment by companies involved in the surveillance and security sector. Additional information can be found on the following UN website.

### **Reports from Academics and Non-Governmental Organizations**

The following reports highlight allegations of forced labor and human rights abuses in Xinjiang but do not necessarily reflect the views of the U.S. Government.

**g. Helena Kennedy Centre at Sheffield Hallam University's Driving Force Report on Forced Labor in the PRC Automotive Industry**

According to a report by Sheffield Hallam University, "Driving Force: Automotive Supply Chains and Forced Labor in the Uyghur Region," a large and growing share of the processing of raw materials central to automotive manufacturing in the PRC is being undertaken in the repressive environment of Xinjiang. The report states that "96 mining, processing, or manufacturing companies relevant to the automotive sector [are] operating in [Xinjiang,] including at least 38 that have documented engagement in state-sponsored labor transfer programs." The report identifies "more than 100 international automotive parts or car manufacturers that have some exposure to forced Uyghur labor made goods."

**h. The Center for Advanced Defense Studies' Shifting Gears Report on Industrial Transfers**

In the report "Shifting Gears: The Rise of Industrial Transfer into the Xinjiang Uyghur Autonomous Region," the Center for Advanced Defense Studies (C4ADS) highlights the approaches the PRC is implementing to industrialize Xinjiang, which "has led an increasing number of corporations to establish manufacturing operations there." The report states that the PRC "drives ... industrialization by mobilizing state-owned and private corporations via the Xinjiang pairing assistance program." The report further states that C4ADS

uses publicly available information to show “the political nature of industrial transfer in [Xinjiang] and the patterns and pathways through which it takes place.” The report concludes that “[t]he highest levels of the [PRC] government are developing policies of repression and forced assimilation which are being implemented, in part, by the transfer of east coast manufacturing into [Xinjiang.]”

i. [C4ADS’ Everybody’s Business: Xinjiang Goods Entering Global Supply Chains](#)

In the report “Everybody’s Business: The Xinjiang Goods Entering Global Supply Chains,” C4ADS maps the contours of the Xinjiang agricultural and industrial sectors and identifies nine goods produced in disproportionately high volumes in Xinjiang that are part of global supply chains: cotton, tomato products, pepper products, walnuts, rayon, calcium carbide, polysilicon, wind turbines, and beryllium. Some of these goods have been publicly linked to forced labor, and the UFLPA lists cotton, tomatoes, and polysilicon as high-priority sectors for enforcement. The report states that “[o]ther identified goods share similar forced labor risk factors or are linked by ownership or subsidies to the Chinese and Xinjiang governments, which perpetrate forced labor and mass detention of Uyghurs in the region.”

**j. The Uyghur Human Rights Project Report on Red Dates**

In [the report, “Fruits of Uyghur Forced Labor,” the Uyghur Human Rights Project \(UHRP\)](#) identifies red dates as a PRC export that is likely tainted with Uyghur forced labor. The report states that cotton, a high-priority sector for enforcement, “is frequently intercropped with fruit, including red dates.” The report notes that in 2019 in the PRC, “red dates accounted for 80 percent of fruit intercropped with cotton” where the two crops are grown simultaneously in the same field. According to the report, “because cotton production is well documented as being at a high risk of forced labor practices, fruit and fruit products [intercropped and commingled with cotton], including red dates, should be considered at the same risk for forced labor as cotton,” according to the report. The report notes that “China is the world’s top producer and exporter of red date products, producing 40 percent of the world’s output.” The report concludes that Xinjiang’s “output accounted for exactly half of all China’s production,” and “20 percent of the world’s red dates come from [Xinjiang] and are likely the products of forced labor.”

**k. [Helena Kennedy Centre at Sheffield Hallam University’s “Built on Repression” Report](#)**

The report “Built on Repression: PVC Building Materials’ Reliance on Labor and Environmental Abuses in the Uyghur Region,” addressed the evidence of use of Uyghur forced labor in the production of polyvinyl chloride or vinyl (PVC) through state-sponsored labor

transfers in Xinjiang. The report states that Xinjiang “has become a world leader in the production of PVC plastics,” producing 10 percent of the world’s PVC, and “[t]he two largest PVC manufacturers in China are both state-owned enterprises based in [Xinjiang]” actively participating in the Xinjiang’s labor transfer programs. The report further states that companies export to 73 intermediary manufacturers, who then export PVC-based building materials to at least 158 companies worldwide.

I. [Helena Kennedy Centre at Sheffield Hallam University’s “Over Exposed” Report](#)

The report “Over-Exposed: Uyghur Region Exposure Assessment for Solar Industry Sourcing,” assess ten solar firms and creates a model to determine manufacturers’ exposure to the Uyghur Region. Further, the report states that the Uyghur Region now accounts for approximately 35% of the world’s polysilicon (down from 45%) and as much as 32% of global metallurgical grade silicon production.

Additional findings include reports of manufacturers bifurcating supply chains in claims of creating product lines that are free of XUAR inputs; however, companies continue to source from suppliers or sub-suppliers that have exposure to the Uyghur Region for other product lines.

### III. Uyghur Forced Labor Prevention Act Implementation

- Enactment – Effective June 21, 2022, the UFLPA requires CBP to apply a rebuttable presumption, that goods mined, produced, or manufactured wholly or in part in Xinjiang or produced by entities identified on the UFLPA Entity List are prohibited from importation and entry into the United States under Section 307 of the Tariff Act of 1930.
- [UFLPA Strategy](#) – The UFLPA tasked the FLETF with developing a strategy for supporting enforcement to prevent the importation into the United States of goods mined, produced, or manufactured wholly or in part with forced labor in the PRC, especially from Xinjiang. As required by the UFLPA, the FLETF sought public comments and held a public hearing to solicit input for its development of that strategy. The “Strategy to Prevent the Importation of Goods, Produced, or Manufactured with Forced Labor in the People’s Republic of China” was published on June 17, 2022.
- CBP Operational Guidance for Importers
  - On June 13, 2022, [CBP published operational guidance for importers that complements the guidance in the UFLPA Strategy](#) and provides transparency to CBP’s operational approach for its enforcement of the UFLPA.

On February 23, 2023, CBP published new guidance on documents that an importer may present to CBP to



demonstrate that a shipment is not subject to the UFLPA because the merchandise was not produced in whole or in part in Xinjiang or by an entity on the UFLPA Entity List:

- [CBP's Guidance on Best Practices for Applicability Reviews and Importer Responsibilities](#) and
- [CBP's Guidance on Executive Summaries with Sample Tables of Contents.](#)
- [CBP also released an updated FAQ on UFLPA enforcement.](#)
- DHS has published updates to the UFLPA Entity List:
  - [Federal Register Notice published June 12, 2023 \(12481/Uyghur Forced Labor Prevention Act Entity List\)](#)
  - [Federal Register Notice published August 02, 2023 \(16361/Uyghur Forced Labor Prevention Act Entity List\)](#)

**The following information may be of interest to the business and importing communities:**

- a) **Third Countries** – The UFLPA applies to goods produced wholly or in part in Xinjiang or by an entity on the UFLPA Entity List, including goods exported to the United States from a third country. This includes merchandise produced in a third country using inputs from Xinjiang, as well as finished goods with Xinjiang content that are transshipped through another country to the United States. The existence of a trade agreement with the third country does not relieve an importer of the responsibility of following U.S. law.

- b) **Goods subject to WROs that are now being enforced under UFLPA rebuttable presumption**– Goods imported on or after June 21, 2022, that were or would have been subject to the Xinjiang-related WROs listed below are being enforced under UFLPA rebuttable presumption:
- i. Silica-based products - Hoshine Silicon Industry Co. Ltd. and Subsidiaries
  - ii. Cotton, Tomatoes and Downstream Products – Xinjiang Uyghur Autonomous Region
  - iii. Cotton and Cotton Products – XPCC and its subordinates
  - iv. Computer Parts – Hefei Bitland Information Technology Co., Ltd.
  - v. Cotton and Processed Cotton -Xinjiang Junggar Cotton and Linen Co., Ltd.
  - vi. Apparel – Yili Zhuowan Garment Manufacturing Co., Ltd. And Baoding LYSZD Trade and Business Co., Ltd.
  - vii. Hair Products – Lop County Hair Product Industrial Park
  - viii. All Products – No. 4 Vocational Skills Education Training Center (VSETC)
  - ix. Hair Products – Lop County Meixin Hair Products Co., Ltd.
  - x. Hair Products – Hetian Haolin Hair Accessories Co., Ltd.
  - xi. All Garments – Hetian Taida Apparel Co., Ltd.

#### IV. Table: Progress of enforcement under UFLPA as reported by CBP

\*Denied, Released, Pending number of shipments/dollar value of shipments **(in millions)**

\*\*Other products include Pharmaceuticals, Health and Chemicals; Consumer Products and Mass Merchandising; Industrial and Manufacturing Materials; Agriculture and Prepared Products; Machinery; Base Metals; Automotive and Aerospace Products

Year/Quarter	Product	Denied*	Released	Pending
3Q 2022	Electronics	4 / \$2.34	5 / \$4.23	1 / \$0.76
3Q 2022	Apparel/Footwear	17 / \$0.05	5 / \$.003	2 / \$0.03
3Q 2022	Other**	4 / \$0.09	4 / \$0.08	0 / \$0
4Q 2022	Electronics	558 / \$201.23	378 / \$215.43	99 / \$29.66
4Q 2022	Apparel/Footwear	93 / \$0.41	53 / \$1.88	21 / \$0.16
4Q 2022	Other**	80 / \$2.25	186 / \$10.67	27 / \$0.27
1Q 2023	Electronics	123 / \$80.17	220 / \$159.01	31 / \$12.79
1Q 2023	Apparel/Footwear	162 / \$3.90	83 / \$14.00	57 / \$4.19
1Q 2023	Other**	86 / \$11.01	156 / \$17.55	25 / \$1.09
2Q 2023	Electronics	48 / \$28.91	169 / \$125.13	111 / \$67.25
2Q 2023	Apparel/Footwear	73 / \$436.954	57 / \$2.24	45 / \$2.86
2Q 2023	Other**	254 / \$26.27	183 / \$17.85	109 / \$15.00

All data in the table above is sourced from [CBP's Uyghur Forced Labor Prevention Act Statistics](#).

## **V. Other Updates and U.S. Government actions to address human rights abuses in Xinjiang**

### **a. Export Controls**

The Department of Commerce's Bureau of Industry and Security (BIS) has used its authority under the Export Control Reform Act of 2018 and its implementing regulations, the Export Administration Regulations (EAR), to address human rights abuses in Xinjiang. Since 2019, BIS has added 72 entities to the Entity List for Xinjiang-related human rights reasons. The Department of Commerce's Entity List identifies entities reasonably believed to be involved, or to pose a significant risk of being or becoming involved, in activities contrary to the national security or foreign policy interests of the United States. The Entity List only includes non-U.S. persons, such as businesses, research institutions, government and private organizations, individuals, and other types of legal persons. Exports, reexports, or transfers (in-country) to these entities of items subject to the Export Administration Regulations (EAR) require a license from BIS, which will generally be denied, unless specified otherwise.

Since the issuance of the of the 2021 supply chain advisory, BIS has added government and commercial entities to the Entity List for their involvement in human rights violations and abuses in Xinjiang Uighur

Autonomous Region (XUAR). Several of these entities were engaged in the collection and analysis of genetic data, which poses a significant risk of contributing to monitoring and surveillance. BIS will continue to leverage export controls to protect human rights and respond to the PRC's campaign of repression, mass arbitrary detention and high-technology surveillance against Uyghurs and members of other Muslim minority groups in XUAR. BIS' actions target these entities' ability to access commodities, software, and technology subject to the Export Administration Regulations (EAR), recognizing the increasingly key role that technology plays in enabling campaigns of repression and other human rights abuses. The addition of these entities to the entity list also reaffirms BIS' longstanding position that the protection of human rights throughout the world is a foreign policy interest that is a basis for adding parties to the Entity List.

For additional information on the Entity List, see Sections 744.11 and 744.16 of the EAR. For questions or concerns related to the EAR and its requirements, contact BIS's Office of Exporter Services at 202-482-4811 or the BIS website at [www.bis.doc.gov](http://www.bis.doc.gov). [To provide information on potential violations of U.S. export control regulations, please use BIS's Confidential Enforcement Lead/Tip Form](#) or call BIS's Enforcement Hotline at 1-800-424-2980. For [more information on submitting a BIS license application](#), please visit the BIS website.

**b. Sanctions**

Executive Order 13959, as amended, addresses, among other concerns, the use of Chinese surveillance technology outside the PRC and the development or use of PRC surveillance technology to facilitate repression or serious human rights abuse. As part of the Department of the Treasury's continuing effort to address serious human rights abuses in Xinjiang, the Office of Foreign Assets Control identified a PRC firm, SenseTime Group Limited (SenseTime), as a Non-SDN Chinese Military-Industrial Complex Company pursuant to Executive Order 13959, as amended. SenseTime 100 percent owns Shenzhen Sensetime Technology Co. Ltd., which operates in the surveillance technology sector of the PRC's economy. Shenzhen Sensetime Technology Co. Ltd. has developed facial recognition programs that can determine a target's ethnicity, with a particular focus on identifying ethnic Uyghurs. When applying for patent applications, Shenzhen Sensetime Technology Co. Ltd. has highlighted its ability to identify Uyghurs wearing beards, sunglasses, and masks.

**c. Biometric Data Collection**

Since the 2021 release of the Xinjiang Business Advisory, there are continued reports of DNA collection of biometric data from Uyghur individuals in Xinjiang, including DNA samples, fingerprints, iris scans, and blood types. There are also allegations that U.S. products were

used in these surveillance activities. Similar medical biometric testing may be occurring in other regions of China, including Tibet.<sup>2</sup>

#### **d. Updated Travel Advisory for Mainland China, Hong Kong, and Macau**

On June 30, 2023, the Department of State reissued the China Travel Advisory with separate sections for the Hong Kong and Macau Special Administrative Regions (SARs) to clarify the unique conditions in each geographical area. Mainland China and the Macau SAR remain at a Level 3: Reconsider Travel, while the Hong Kong SAR is now at a Level 2: Exercise Increased Caution.

The People's Republic of China (PRC) government arbitrarily enforces local laws, including issuing exit bans on U.S. citizens and citizens of other countries, without fair and transparent process under the law. The Department of State has determined the risk of wrongful detention of U.S. nationals by the PRC government exists in the PRC. Foreigners in the PRC, including but not limited to businesspeople, former foreign-government personnel, academics, relatives of PRC citizens involved in legal disputes, and journalists have been interrogated and detained by PRC officials for alleged violations of PRC

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<sup>2</sup> There is evidence that the PRC is replicating human rights abuses related to high-technology surveillance in Tibetan areas of China. For example, recent, credible reporting from NGOs and media organizations documented mass, involuntary DNA collection of Tibetans across all seven prefectures of the Tibet Autonomous Region, with some reports alleging that PRC authorities used U.S.-produced DNA kits. For additional information on recent developments in Tibet, see [washingtonpost.com/opinions/2023/03/19/us-companies-mass-dna-collection-tibet/](https://www.washingtonpost.com/opinions/2023/03/19/us-companies-mass-dna-collection-tibet/) and [CECC/China commission/CECC Letter to Thermo Fisher - 12.15.22.pdf](https://www.ceccchina.commission/CECC%20Letter%20to%20Thermo%20Fisher%20-%2012.15.22.pdf).

national security laws. The PRC has also interrogated, detained, and expelled U.S. citizens living and working in the PRC.

PRC authorities appear to have broad discretion to deem a wide range of documents, data, statistics, or materials as state secrets and to detain and prosecute foreign nationals for alleged espionage. There is increased official scrutiny of U.S. and third-country firms, such as professional service and due diligence companies, operating in the PRC. Security personnel could detain U.S. citizens or subject them to prosecution for conducting research or accessing publicly available material inside the PRC.

Extra security measures, such as security checks and increased levels of police presence and surveillance, are common in the Xinjiang Uyghur Autonomous Region, Tibet Autonomous Region, and Tibetan Autonomous Prefectures. Authorities may impose curfews and travel restrictions on short notice.

There is increased official scrutiny of U.S. and third-country firms, such as professional service and due diligence companies, operating in the PRC. There have been raids on firms conducting standard due diligence which contradict the PRC's assertions that it is "open for business." U.S. firms should weigh the risks of operating in the PRC.

The Department of State encourages U.S. citizens traveling to or residing in the PRC, including the Hong Kong and Macau SARs, to [review the entire China Travel Advisory](#).