

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 provincial, prefectural, or local entity and any enterprise that is controlled by the central Government or any such governmental entity or as to which the central Government or any

such governmental entity is entitled to receive a majority of the profits.

(3) Internationally recognized worker rights

The term “internationally recognized worker rights” has the meaning given that term in section 2467(4) of title 19 and includes the right to the elimination of the “worst forms of child labor”, as defined in section 2467(6) of title 19.

(4) Trade Representative

The term “Trade Representative” means the United States Trade Representative.

(5) WTO; World Trade Organization

The terms “WTO” and “World Trade Organization” mean the organization established pursuant to the WTO Agreement.

(6) WTO Agreement

The term “WTO Agreement” means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

(7) WTO member

The term “WTO member” has the meaning given that term in section 3501(10) of title 19.

(Pub. L. 106–286, div. B, title II, §204, Oct. 10, 2000, 114 Stat. 894.)

SUBCHAPTER II—CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE’S REPUBLIC OF CHINA

§ 6911. Establishment of Congressional-Executive Commission on the People’s Republic of China

There is established a Congressional-Executive Commission on the People’s Republic of China (in this subchapter referred to as the “Commission”).

(Pub. L. 106–286, div. B, title III, §301, Oct. 10, 2000, 114 Stat. 895.)

§ 6912. Functions of the Commission

(a) Monitoring compliance with human rights

The Commission shall monitor the acts of the People’s Republic of China which reflect compliance with or violation of human rights, in particular, those contained in the International Covenant on Civil and Political Rights and in the Universal Declaration of Human Rights, including, but not limited to, effectively affording—

- (1) the right to engage in free expression without fear of any prior restraints;
- (2) the right to peaceful assembly without restrictions, in accordance with international law;
- (3) religious freedom, including the right to worship free of involvement of and interference by the government;
- (4) 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;
- (5) the right of a criminal defendant—
 - (A) 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;

(B) to be informed, if he or she does not have legal assistance, of the right set forth in subparagraph (A);

(C) 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;

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

(E) to be presumed innocent until proved guilty according to law; and

(F) to be tried without undue delay;

(6) the right to be free from torture and other forms of cruel or unusual punishment;

(7) protection of internationally recognized worker rights;

(8) freedom from incarceration as punishment for political opposition to the government;

(9) freedom from incarceration as punishment for exercising or advocating human rights (including those described in this section);

(10) freedom from arbitrary arrest, detention, or exile;

(11) the right to fair and public hearings by an independent tribunal for the determination of a citizen’s rights and obligations; and

(12) free choice of employment.

(b) Victims lists

The Commission shall compile and maintain lists of persons believed to be imprisoned, detained, or placed under house arrest, tortured, or otherwise persecuted by the Government of the People’s Republic of China due to their pursuit of the rights described in subsection (a). In compiling such lists, the Commission shall exercise appropriate discretion, including concerns regarding the safety and security of, and benefit to, the persons who may be included on the lists and their families.

(c) Monitoring development of rule of law

The Commission shall monitor the development of the rule of law in the People’s Republic of China, including, but not limited to—

(1) progress toward the development of institutions of democratic governance;

(2) processes by which statutes, regulations, rules, and other legal acts of the Government of the People’s Republic of China are developed and become binding within the People’s Republic of China;

(3) the extent to which statutes, regulations, rules, administrative and judicial decisions, and other legal acts of the Government of the People’s Republic of China are published and are made accessible to the public;

(4) the extent to which administrative and judicial decisions are supported by statements of reasons that are based upon written statutes, regulations, rules, and other legal acts of the Government of the People’s Republic of China;

(5) the extent to which individuals are treated equally under the laws of the of the¹ Peo-

¹ So in original.