

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 587

By: Senator J. Dismang

For An Act To Be Entitled

AN ACT TO PROHIBIT PUBLIC ENTITIES FROM CONTRACTING WITH COMPANIES THAT BENEFIT FROM UYGHUR FORCED LABOR; TO REQUIRE A CERTIFICATION IN PUBLIC CONTRACTS; AND FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT PUBLIC ENTITIES FROM CONTRACTING WITH COMPANIES THAT BENEFIT FROM UYGHUR FORCED LABOR; AND TO REQUIRE A CERTIFICATION IN PUBLIC CONTRACTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) There is currently a cultural and ethnic genocide occurring in Xinjiang, China hidden under the thin cover of "reeducation camps," as documented through countless investigations, including credible investigative journalism outlets, congressional findings, formal reports issued by the United States Department of State, the United States Department of Homeland Security and other agencies, leaked Chinese government documents and files, and first-hand witness accounts;

(2) Outside the internment camps and prisons, the Xinjiang government is implementing an apartheid-like system of persecution of ordinary people, including forced sterilization, forced birth control, forced abortion, forced marriage, forced labor, and other atrocity crimes;

(3) These camps and the system of total control target citizens



on the basis of their religious and ethnic identity, especially Uyghurs, Kazakhs, and Kyrgyz, and other Turkic majority-Muslim peoples.

(4) Those who identify with these groups are being placed into camps without cause, tortured, politically indoctrinated, sexually abused, sterilized, and subjected to state-imposed forced labor in factories that they are unable to leave;

(5) Within the camps, detainees are required to memorize Communist propaganda, repeat the anthems of the Chinese Communist Party, and are forbidden from expressing any form of their religion including without limitation praying, abstaining from haram foods, owning religious books, having a beard, or wearing the hijab;

(6) First-hand accounts of these atrocity crimes detail the horrors occurring, as illustrated in the following account from a book by Gulbahar Haitiwaji and Rozenn Morgat: “Their mouths were gagged, just like mine. Beyond the forest of barbed wire around Baijiantan, the “reeducation” of Uyghurs was proceeding apace. Whether or not they locked us up, China reserved one fate and one fate alone for us all: ‘reeducation’ through fear, coercion, and censorship. Without distinction, they ground us all underfoot in the open-air prison that Xinjiang had become”;

(7) Uyghurs under China’s constant surveillance systems are unable to speak publicly without risking immediate detention, international observers must provide a voice for the voiceless by ensuring by law that international business operations do not lend support and assistance to the atrocity crimes detailed above;

(8) In the United States Declaration of Independence, it is stated that all men are created equal and endowed with certain unalienable rights and it is the role of the government to protect and secure the rights of life, liberty, and the pursuit of happiness for all people;

(9) In Article 2, Section 25 of the Arkansas Constitution, it is stated that “the General Assembly shall enact suitable laws to protect every religious denomination”;

(10) The United States Department of State, United States Department of the Treasury, United States Department of Commerce, United States Department of Labor, and United States Department of Homeland Security have condemned the Chinese government’s repression of Uyghurs and have twice, in July 2020 and July 2021, warned American businesses that there is a “high

risk” of complicity, and of violating federal laws, unless they conduct a detailed analysis of their global supply chains;

(11) In December of 2021, the United States led a diplomatic boycott of the Winter Olympics held in Beijing, China, because of the human rights abuses of the country; and

(12) Horizon Advisory, in cooperation with Victims of Communism Memorial Foundation, have documented global business complicity and called on companies in the United States to reassess their role in facilitating China’s abusive domestic and international policies;

(13) Under Secretary of State Keith Krach issued a letter confirming that the People’s Republic of China is committing some of the most serious acts involving mass human rights abuses since World War II. He states that “corporate responsibility is social responsibility” and that companies should feel obligated to dissociate themselves from the atrocity crimes occurring in China;

(14) In June of 2021, the Uyghur genocide was condemned by the Southern Baptist Convention;

(15) Passage of the Uyghur Forced Labor Prevention Act on the national level is a significant step towards justice for Uyghurs, and state governments should take further action to ensure that there is more transparency within supply chains;

(16) A tremendous amount of companies have been linked to benefitting from the forced labor within this region;

(17) Various organizations that support the Uyghurs, such as the Athenai Institute and the Uyghur Human Rights Project, have modeled and support this bill; and

(18) This is a cause that many Arkansans support throughout the state, as seen through the widespread support of the youth-led End the Uyghur Genocide project.

(b) It is the intent of the General Assembly that a state entity shall not enter into a contract with a company benefiting financially from the use of Uyghur forced labor.

SECTION 2. Arkansas Code Title 25, Chapter 1, Subchapter 1, is amended to add an additional section to read as follows:

25-1-126. Prohibition on contracting with entities that use Uyghur

forced labor - Definitions.

(a) As used in this section:

(1) "Company" means a sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of those entities or business associations and:

(A) Is directly controlled by the Government of China;

(B) Which the Government of China owns a majority interest; or

(C) Contracts with or provides goods, services, or credit directly to the Government of China;

(2) "Government of China" means:

(A) The government of the People's Republic of China led by the Chinese Communist Party;

(B) Any governmental unit of the People's Republic of China or of a province, region, or other political subdivision of the People's Republic of China; and

(C) Any instrumentality of the People's Republic of China or the Communist Party of China; and

(3) "State entity" means a state government entity, including a department, division, agency, office, commission, board, constitutional office, or other government organization.

(b) A state entity shall not enter into or renew a contract with a company to acquire or dispose of services, supplies with a company benefiting financially from the use of Uyghur forced labor.

(c) A contract under subsection (b) of this section includes companies that provide services or products including without limitation:

(1) Technology; and

(2) Construction.

(d) To enter into a contract with a company, a state entity shall require the company provide a certificate stating the company:

(1) Is not engaged in a business relationship of any kind with a company that benefits from Uyghur forced labor; and

(2) Will not enter into a business relationship of any kind with

a company that benefits from Uyghur forced labor.