



THE ETHICS & RELIGIOUS
LIBERTY COMMISSION
OF THE SOUTHERN BAPTIST CONVENTION

OFFICE OF THE PRESIDENT

November 11, 2020

Thomas J. Donahue Sr.
President and Chief Executive Office
United States Chamber of Commerce
Washington, D.C.

Dear Mr. Donahue,

I pray that all is well with you and your family in this time of pandemic and distress. One of the great joys is working alongside you and the Chamber on several issues that unite various constituencies, including those of business and religious communities. On one such matter—a crucially important matter—I write to you today.

The United States Chamber of Commerce has raised objections to the Uyghur Forced Labor Prevention Act (H.R. 6210) and the Uyghur Forced Labor Disclosure Act (H.R.6270), objections which, as I understand the situation, have stymied the United States Congress' work over the past year to develop a sound policy to respond to what surely we should all agree to be one of the most horrific human rights abuses of our lifetimes: the Chinese Communist Party's (CCP) imprisonment of over one million Uyghur people in concentration camps.

I know that the United States House of Representatives committees on Judiciary, Financial Services, Foreign Affairs, and Ways and Means have worked to identify and resolve your issues with the bill in order to bring about floor consideration.

As I understand the situation, the Chamber has proposed two changes to these bills: targeted sanctions on complicit CCP persons and entities, and galvanizing the U.S. business community to redirect their supply chains voluntarily away from Xinjiang.

To the first point: the U.S. has already designated Chinese officials and companies under targeted sanctions, but these efforts have not deterred the Chinese government from abusing the Uyghur people.

As to the second recommendation, I give my wholehearted affirmation. Indeed, I am grateful for the Chamber's willingness to combat forced labor practices in China. And yet, precious few companies have actually taken the step to divest their supply chains from the Xinjiang province.

What the world needs from the American business community in this moment of moral crisis is severely lacking, and this lack of response is precisely what has made these bills necessary.

The Chamber's objections to H.R. 6210 and H.R. 6270 rest on Section 1502 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The argument, it seems, is that enforcement of this statute made the situation in the Democratic Republic of the Congo (DRC) worse, and, accordingly, Congress should not advance the two aforementioned bills on Uyghur forced labor.

The United Nations does not share your assessment of Section 1502. As U.S. Rep. Maxine Waters (D-Calif.), Chair of the Financial Services Committee, recently emphasized (in direct response to the Chamber's concerns): "The U.N. Group of Experts on the DRC has reported that Section 1502 'has had a massive and welcome impact so far, requiring chain participants all over the world to take due diligence and conflict financing seriously. This should not and must not be thrown away or weakened.'"

Even if, for the sake of argument, one accepted the Chamber's concerns, the Dodd-Frank Act and the forced labor bills—especially the respective situations in the DRC and Xinjiang—are substantively different.

The Uyghur Forced Labor Prevention Act prohibits goods made with forced labor in the Xinjiang Uyghur Autonomous Region (XUAR) or by entities using Uyghur labor forcibly transferred from the XUAR from entering the U.S. market. Unlike Section 1502 of Dodd-

Frank, the Uyghur Forced Labor Prevention Act designates the Commissioner of U.S. Customs and Border Protection as the screener, not private businesses.

The Chamber also seems to be concerned that these types of sanctions would actually harm the Uyghur people instead of helping them, while giving CCP violators a free pass. In defense of this argument, the Chamber cites a New York Times opinion piece from 2011, which made two arguments: (1) the sanctions harmed the livelihoods of innocent DRC miners, and (2) the warlords preempted these sanctions by consolidating with the military, which had funding streams independent of the resources that Dodd-Frank targeted.

But conditions are decidedly different in current day Xinjiang. Independent warlords are not running reeducation camps and detaining Uyghur people; the Chinese government alone is responsible. Our country loses moral authority every day that passes without action in response to the CCP's mass enslavement and cultural genocide of the Uyghur people.

Moreover, referencing the DRC actually introduces what may be the strongest case for supporting these pieces of legislation. In that aforementioned New York Times op-ed, the author observed that delay on Washington's part allowed DRC warlords necessary time to consolidate and reorient their financial operations. Is that not an argument for decisive, urgent action before the CCP channels forced Uyghur labor into a different product? After all, the SEC Commissioner, with the help of the Congressional-Executive Commission on China, has already identified specific products tainted by forced Uyghur labor.

Recently, the U.S. Customs and Border Protection issued five Withhold Release Orders (WRO) on products from China, including some imports of cotton, apparel, hair products, computer parts, and other goods from China's Xinjiang region due to the government's "illicit, inhumane, and exploitative practices of forced labor." That these grossly inhumane shipments are reaching America's shores—let alone the shores of any country—is reprehensible and unacceptable.

Ultimately, I believe the matter is simple: Forced labor is a violation of U.S. and international law. It is illegal for companies to import goods manufactured wholly or in part by forced labor.

I know you do not want to be a part of any complicity in the bloodthirsty human rights violations of the Chinese Communist Party. But, sadly, for far too long, many corporations have done just that. Human beings are made in the image of God and are more significant than temporal gains or losses on a spreadsheet. Even if this were not the case, a business community seen to be placing profits over the enslavement and genocide of human beings will not, in the long run, have the sort of credibility needed to ensure the kind of public trust that is necessary for economic growth. Even on the Chamber's own terms, this sort of action is counterproductive. But I would urge you to consider even more than those terms. I would urge you to consider the sort of ultimate moral accountability that will come before a God who counts human life as precious and as infinitely more than units of economic output.

I strongly urge you to reconsider your opposition to these bills. Again, I pray often for you, your family, and your leadership in these times and hope to visit in person again sometime after this pandemic is behind us.

Blessings to you,

A handwritten signature in black ink, appearing to read "Russell D. Moore". The signature is fluid and cursive, with the first name "Russell" and last name "Moore" clearly distinguishable.

Russell D. Moore, Ph.D.

President

Ethics & Religious Liberty Commission

Southern Baptist Convention