



BOLETÍN INFORMATIVO

**The United States' Practice of Forced Labor at
Home and Abroad: Truth and Facts**

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August 9, 2022

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Introduction

Over the years, the United States has concocted the biggest lies of the century such as the so-called "genocide" and "forced labor" in Xinjiang, in an attempt to smear and contain China. It has enacted and implemented the "Uyghur Forced Labor Prevention Act", denigrated the human rights situation in Xinjiang and undermined people's livelihood and development of Xinjiang. In fact, the claim of forced labor does not apply at all to Xinjiang. It is instead a chronic disease of the United States that goes all the way back to the founding of the country. It remains rampant today, and is getting worse than ever.

This report records the United States' practice of forced labor at home and abroad from historical and current perspectives. The aim is to clarify facts, debunk lies, and help the world better understand what is forced labor and who is doing that. Let the truth shine through the darkness of lies.

I. There is clear definition of forced labor in international law

Since the 1930s, a series of conventions, protocols and other documents have established clear definition and determination standards of forced labor in international law.

◆ The core standards of the International Labour Organization (ILO) on forced labor include: Forced Labour Convention, 1930 (No. 29, ratified by 179 member states by the end of 2021), the Abolition of Forced Labour Convention, 1957 (No. 105, ratified by 176 member states by the end of 2021) and the Protocol of 2014 to the Forced Labour Convention, 1930 (ratified by 59

member states by the end of 2021).

◆ According to the Forced Labour Convention, 1930, the term forced labor "shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily." In other words, "involuntariness", "menace of penalty" and "work or service" are three core elements of forced labor.

◆ According to ILO statistics, the United States has ratified only 14 international labor conventions, one of the lowest numbers among member states. It has ratified only two out of the ten core conventions, and has not yet ratified the Forced Labour Convention, 1930 till this day.

◆ China has ratified 28 international labor conventions. The Forced Labor Convention, 1930 and the Abolition of Forced Labour Convention, 1957 were ratified in April 2022. China faithfully fulfills its obligations under international conventions, and truly protects the rights of workers and prohibits forced labor through legislation and policy formulation and implementation. Forced labor is explicitly prohibited by Chinese law. The crime of forced labor is specified in Article 244 of the Criminal Law. In Xinjiang, workers of all ethnic groups choose jobs according to their own will, and enter into labor contracts with employers and get remuneration and rights and interests in accordance with laws and regulations such as the Labor Law and the Labor Contract Law, and on the basis of equality, voluntariness and consensus. The governments at various levels in Xinjiang also provide necessary job skills training to workers who apply voluntarily.

Workers of all ethnic groups are free to choose where they work and what they do. They are never menaced by penalty or restricted in their personal freedom. There is no such thing as forced labor in Xinjiang.

II. Forced labor in the United States was born and grew with the founding of the nation

Slave trade was an original sin of the United States. When the United States was founded, it was the blood and tears of millions of black slaves sold to the country that helped create immense wealth and complete the primitive accumulation of capital.

◆ For a country with a history of only 246 years, slavery had been legal in the United States for almost one-third of its history. According to the Trans-Atlantic Slave Trade Database, in the history of slave trade, there were at least 36,000 "slaving expeditions" between 1514 and 1866. And according to German data firm Statista, there were about 700,000 black slaves in the United States in 1790, while by 1860 the number had exceeded 3.95 million, and fewer than 490,000 African Americans were free in the whole nation.

◆ Black slaves, without adequate food or clothing, were forced to work under harsh conditions at the bottom of society. They were cruelly exploited and many were even tortured to death. Lots of black slaves were forced into the cotton industry. As American writer Edward Baptist wrote in his book *The Half Has Never Been Told: Slavery and the Making of American Capitalism*, the whip drove the slaves to devote all of their physical strength and most of their energy to cotton picking, making the speed faster and faster.

Under the brute force of slave owners, cotton production in the United States by 1860 reached 130 times that of 1800. Behind the rapid increase in cotton production are the blood and tears of black slaves.

◆ Data shows that the value of labor extracted from black slaves by U.S. slave owners is as high as US\$14 trillion at current prices. According to the website of James Madison's Montpelier, the home to the fourth President of the United States James Madison, the slavery economy was once the main engine driving the American economy. Slavery was essential to the U.S. economy from tobacco farming in Virginia to shipbuilding in Rhode Island. In 1850, slaves produced 80 percent of America's exports. Sven Beckert, a historian from Harvard University, said that the United States and the West prospered through slavery, not democracy.

◆ The Conversation, a nonprofit news organization, noted when tracing the history of slavery in the United States that "criminal slaves" and "real estate slaves" have coexisted since the late 18th century. In Virginia, the state with the most African Americans in jail, prisoners were declared "dead spirits" and "state slaves". It was not until the early 20th century that states stopped leasing criminals to farmers and industrial and commercial operators as cheap labor for railroads, highways and coal mines. In Georgia, a 1907 cessation of renting out criminals led to an economic shock in industries ranging from brick making to mining, and many companies went out of business as a result.

◆ Archives show that by the end of the 1860s, hundreds of thousands of Chinese workers had taken part in the construction of

railways in the U.S. Poor Chinese peasants boarded ships known as "floating hells", where they were packed like sardines, and drifted on the sea for about two months before arriving in California and working as coolies. On these journeys, up to 64.21 percent of the Chinese died due to inhuman treatment, typhoons or infectious diseases. Those who survived became the target of racial discrimination and whipping from white supervisors. It took them only seven years to build a railway originally planned as a 14-year project. As some historians put it, the bones of Chinese laborers could be found under every sleeper of the railway.

III. The United States has a horrible track record of forced labor

Over the years, the U.S. government has deliberately evaded its responsibility for labor protection, resulting in "slave labor" among prisoners in private prisons, rampant use of child labor, and appalling forced labor in the agriculture sector, effectively making America a country of "modern slavery".

1. Forced labor is rampant in U.S. prisons

◆ The United States is a country of prisons in every sense. According to a report by the Prison Policy Initiative, 2 million inmates are held in 102 federal prisons, 1,566 state prisons, 2,850 local jails, 1,510 juvenile correctional facilities, 186 immigration detention facilities, and 82 Indian country jails, as well as in military prisons and other facilities in the United States. With less than five percent of global population, the United States holds a quarter of the world's detainees, making it the country with the largest imprisoned population and highest imprisonment rate.

◆ The 13th Amendment to the U.S. Constitution, while nominally protecting citizens from forced labor, excludes criminals. The U.S. prison system abuses the 13th Amendment to legalize forced labor among prisoners. In prisons at the federal and sub-national levels, there are a large number of incarcerated workers engaged in the daily maintenance of the prison system, including repairs, cooking, facility cleaning and laundry. Most of them are black or other people of color. Some prisoners are leased to public projects or employed by businesses in construction, road maintenance, forestry and funeral services, jobs that are considered dirty, heavy-duty or high-risk. According to Reuters, Suniva, one of the largest U.S. solar panel makers, uses prison labor to keep costs down. The head of the company has admitted to working with the Federal Prison Industries (UNICOR) in the relocation of production lines from Asia back to the United States for a lucrative federal contract.

◆ According to a report by the American Civil Liberties Union (ACLU), at least 30 U.S. states include prisoners as a labor source for disasters and other emergency operations, and at least 14 hire prisoners for forest firefighting. Most incarcerated workers say they have never received any formal job training and often have to conduct dangerous operations against safety protocols and without protective equipment. Casualties, which are not uncommon, often go unrecorded by the prisons. The Atlantic commented in 2015 that "convict leasing was cheaper than slavery, since farm owners and companies did not have to worry about the health of their workers."

◆ The United States has effectively formed a sprawling

"prison-industrial complex". Private prisons operating under contracts with the government have become a major source of forced labor in the United States. Incarcerated workers in private prisons are entirely at the mercy of their employers and have no right to refuse to work. As high as 76 percent of the inmates interviewed reported various punishments when they were unable or unwilling to work, including solitary confinement, reduction of family visits, or denial of bail or commutation. Besides, prisoners have no choice in their work assignments which are entirely based on the arbitrary, discriminatory or even punitive decisions by prison management personnel. Laura Appleman, a professor at the College of Law of Willamette University, points out in her report *Bloody Lucre: Carceral Labor and Prison Profit* that private prison is a "pernicious form of servitude", and that prisoners are "trapped in the service of endlessly increasing profit, the literal revenues of physical toil, suffering, and exploitation."

◆ For years, private prisons in the United States have colluded with greedy politicians to force prisoners to work, thus turning private prisons into "concentration camps" of slavery where they could make fortunes by exploiting the poor. Due to lack of oversight, prisoners of forced labor work long hours in harsh conditions while getting paid little, or in some cases, nothing at all. In early 2022, the ACLU filed a lawsuit, exposing the pervasive power-for-money dealings in the operation of detention facilities in American private prisons, which exacerbate excessive imprisonment and forced labor, and demanding that the U.S. Marshals Service provide information about operators' contracts and make it public.

◆ American prisons spend less than one percent of their budget on paying incarcerated workers, who produce goods and services worth more than US\$11 billion every year. Big American corporations use prison labor rampantly, as prisoners have no labor rights and are cheap. Private prisons under contracts with the government make millions of dollars a year from forced labor in prison. As of May 2022, average hourly wage in the United States was about US\$10.96, while incarcerated workers were paid less than one dollar per hour. Moreover, many prison facilities have not given prisoners any pay raise for years or even decades. In seven states including Florida, prisoners are not paid at all for most of their work assignments. In addition, the wages of many prisoners are withheld by prisons for "taxes, room and board expenses, and court costs". Over 70 percent of respondents said they were unable to afford basic necessities during imprisonment.

◆ During the COVID-19 pandemic, at least 40 U.S. states asked prison inmates to manufacture masks, hand sanitizers and other protective equipment, dispose of large amounts of medical waste from hospitals, move corpses, build coffins and dig graves. The inmates who performed these high-risk tasks hardly got the necessary protection. Since the start of the pandemic, nearly one third of the incarcerated people in the United States have contracted COVID-19, and 3,000 of them have died from inadequate health care or poor detention conditions. The Los Angeles Times revealed that during the pandemic, thousands of prisoners in California were forced to make masks and furniture under high-risk conditions. Prison factories kept running despite the numerous confirmed COVID cases. The inmates had to sew thousands of masks a day, without getting one for themselves.

Prison staff threatened postponed release date if inmates refuse to do the work.

2. Forced labor of women and children is appalling

◆ Child labor has long been an issue in the United States. American mines, tobacco farms and textile factories started hiring and exploiting children since over a century ago. To date, the United States remains the only one of the 193 member states of the United Nations (UN) that has not ratified the United Nations Convention on the Rights of the Child, and child labor remains an unresolved problem in the country. Statistics from the U.S. Department of Health and Human Services and other institutions show that half of the 100,000 people trafficked into the United States each year for forced labor are minors.

◆ According to estimates by the nonprofit organization Association of Farmworker Opportunity Programs, there remain about 500,000 child farm workers in the United States, many of which started working at the age of eight and work up to 72 hours a week. These child farm workers are regularly exposed to dangerous chemicals such as pesticides. In addition, they are at a greater risk of work-related injuries due to the need of operating sharp tools and heavy machines without necessary training and protection measures. According to the U.S. National Institute of Occupational Safety and Health, an estimated 907 youth fatalities happened on U.S. farms between 1995 and 2002. The Washington Post reported that about 452 children died of workplace injuries in the United States between 2003 and 2016, including 237 child fatalities in agriculture. A U.S. Government Accountability Office

report in November 2018 shows that around 5.5 percent of child labor is in agriculture and accounted for over 50 percent of all work-related child fatalities. In several U.S. states, tobacco farms employ a large number of children to harvest and dry tobacco leaves, posing a significant risk to their physical and mental health. Many children suffered from nicotine poisoning and some were even diagnosed with lung infection.

◆ According to official statistics, in 2019 alone, U.S. law enforcement officers found 858 cases of child labor in violation of the Fair Labor Standards Act, and 544 minors were found working in hazardous places. The American Federation of Labor and Congress of Industrial Organizations, the largest federation of unions in the United States, said that the Department of Labor (DOL) only reported 34 child labor violations on annual average, far lower than the real number, revealing deficiency in DOL's law enforcement.

◆ The Richmond Times-Dispatch reported that 240,000 to 325,000 women and children are at risk for sexual exploitation each year in the United States. American NGO End Slavery Now said a child trafficked to the sex industry "works" 12 hours a day and seven days a week, and perpetrators can exploit US\$150,000 to 200,000 each year.

3. Forced labor is prevalent in numerous sectors in the United States

◆ An article published on the website of the University of Denver reveals that at least 500,000 people in the United States are living under modern slavery and victims of forced labor. With

pervasive forced labor, labor trafficking in the United States is particularly serious in 23 sectors including domestic services, agricultural planting, tourism, catering, medical care and beauty services. In 2004, after studying relevant cases from 1998 to 2003, the Human Rights Center at the University of California, Berkeley, pointed out that ten thousand or more people work as forced laborers in scores of cities and towns across the country, forming an illicit trade that is hidden, inhumane, widespread and criminal.

◆ The existing U.S. immigration law is breeding modern slavery. The temporary visa system of the United States binds foreign workers with their employers by law, leaving them in a vulnerable position, as workers, for fear of deportation, dare not quit their jobs even if employers arbitrarily lower their wages or extend working hours. The asymmetry between employers and employees is systemic, and there is evidence that connects forced labor in the United States to certain visa types. A 2014 study by the Urban Institute and Northeastern University shows that more than 70 percent of the interviewed victims of forced labor entered the United States legally with a visa. Ending this form of modern slavery requires reform of U.S. immigration law. However, both the Congress and the administration lack the will to do such reform.

◆ Most of the sweatshops in the United States are headquartered in major cities like New York and Los Angeles. These shops usually make garment, coffee and electronic products. The DOL estimated that as many as 22,000 sweatshops in the country were in the garment industry alone. In order to minimize cost and maximize profit, sweatshop owners exploit legal loopholes by

various means to evade government regulation. Workers get wages and benefits far below legal thresholds and are not paid accordingly for working long and extra hours. In extreme cases, they are even abused by employers. According to a DOL investigation report obtained by The New York Times, Vietnamese workers at a garment factory in American Samoa were routinely beaten by factory guards, and a female worker lost her left eye after a guard beat her with a pipe. Indian workers at a food factory in Oklahoma were constantly provided with inadequate food. Many workers at the factory suffered serious malnutrition and looked like "walking skeletons".

◆ In the domestic services sector, the vast majority of service personnel are immigrants and are not recognized as employees by American law. According to the U.S. immigration policy, they are not allowed to freely change their clients, or they will be deported. Most of the victims work in very poor conditions. They often cannot get their wages on time and are paid below the minimum rate. They are subject to violence, sexual assault and intimidation from employers and their families, and are prohibited from complaining to anyone, otherwise they will face deportation. According to the 2014 report of the Urban Institute and Northeastern University, more than one third of the victims of forced labor in the United States are domestic servants.

◆ In the agricultural sector, about 30 percent of farm workers and their families live below the federal poverty line. They are subject to threatening, violence and forced labor, and unable to express their wishes. The town of Immokalee in southwest Florida is known as the "tomato town" of the United States. It has a

population of around 26,000 people, most of whom are farmers from countries including Mexico, Guatemala and Haiti. The local minimum wage is US\$8.65 per hour. Yet those farm workers are only paid US\$5.5 per hour, far lower than the minimum rate.

According to a survey by The Guardian, foreign workers of American corn farms are not protected by law. They live in extremely poor conditions and are paid only US\$225 after working 12 hours a day for 15 days. They often fall victim to sexual assault, harassment, wage theft and work injuries or even fatal accidents in work places, and are often exposed to hazardous chemicals.

Independent journalist Gina-Marie Cheeseman pointed out in her 2017 report *Forced Labor is More Common in the U.S. Than You Might Think* that in some U.S. farms, foreign workers are forced to sleep in shacks and box trucks, and are asked to pick farm products without being paid. Those who attempt to escape get beaten up.

According to a report by the American Economic Policy Institute, seasonal agricultural workers in the United States are vulnerable to wage theft and other abuses due to their immigration status and fear of retaliation and deportation. Millions of dollars of wage arrears are reported every year. The Wage and Hour Division of the DOL is too underfunded and understaffed to provide adequate protection and relief for agricultural workers. As a result, those workers believe it is neither necessary nor helpful to report employer violations to the DOL.

◆ According to a 2015 survey by The New York Times on the

nail industry in New York, the vast majority of workers in the nail industry are paid below the minimum wage and sometimes even not paid at all. Those workers are seriously exploited and subject to various kinds of humiliation including constant video monitoring and physical punishment. Most of these workers are immigrants from China, the ROK, Nepal and South America. They often work overtime with very low wages. Without legal residential status, many nail industry workers in New York, though being exploited by their employees, are often too scared to report.

◆ Denise Brennan, a U.S. writer, noted in her book that the U.S. immigration policy, instead of redressing the problem of human trafficking and improving the situation of vulnerable groups in society, has exacerbated social problems and allowed more disguised forms of forced labor to appear in American society. American society does not provide enough support and relief to victims who were freed from forced labor, leaving them voluntarily falling into new traps of forced labor just to make a living, and forever haunted by a vicious cycle of enslavement and oppression.

◆ According to the 2021 Federal Human Trafficking Report published by the Human Trafficking Institute of the United States in June 2022, the number of criminal forced labor cases filed in 2021 increased by 22 percent since 2020. Of the 449 victims in human trafficking cases filed to federal courts in the United States in 2021, 162 or 36 percent were victims of forced labor. And 93 percent of identified victims in forced labor cases were foreign nationals.

IV. The spillover effect of forced labor in the United States is felt worldwide

The widespread negative impact of forced labor in the United States has caused serious transnational human trafficking and human rights violations in other countries. The United States is an underperformer in the ratification and implementation of international labor conventions, which matches its long-standing poor record of forced labor and labor rights violations.

1. Forced labor leads to transnational human trafficking

◆ The United States is a source, transit hub, and destination country for victims of forced labor and slavery. Both legal and illegal industries in the United States have serious human trafficking problems. According to the U.S. Department of State, up to 100,000 people are trafficked to the United States annually and fall victim to forced labor. In the past five years, cases of forced labor and human trafficking were reported in all the 50 U.S. states and Washington D.C. According to statistics released by the National Human Trafficking Hotline, the number of reported cases increased significantly from over 3,200 in 2012 to about 11,500 in 2019. In 2020, 10,583 cases were reported, involving 16,658 victims.

Modern slavery featuring forced labor is widely seen in U.S. hotels, restaurants, massage parlors, farms, construction businesses, and domestic services industries. The victims are mostly new immigrants, children, women and other vulnerable groups. Means such as physical and mental abuses, threatening and humiliation are widely used to control the victims.

◆ According to a joint statement issued in April 2021 by the UNHRC Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights and the UN Working Group on Arbitrary Detention, the U.S. government forced foreign individuals to work with it by threatening to use sanctions, indicating a situation of forced labor and rights and interests violation. Urmila Bhoola, the UNHRC Special Rapporteur on contemporary forms of slavery pointed out in her 2018 report that cases of forced labor, bonded labor, sexual violence and threats of deportation against female migrant workers were discovered in several tomato farms in the United States.

◆ As highlighted by the Report on Human Rights Violations in the United States in 2021, tighter U.S. immigration policies, combined with weak supervision at home, have exacerbated human smuggling and labor trafficking targeting immigrants. Citing an indictment released in November, 2021 by the U.S. Department of Justice, the report reveals that dozens of workers from Mexico and Central American countries were smuggled to farms in the State of Georgia, where they were illegally imprisoned and forced to work under grueling conditions. These victims of modern-day slavery, under the threat of guns and violence, were required to dig onions with their bare hands for only 20 cents per bucket. At least two of the workers died and one suffered from multiple sexual assaults.

◆ Besides harsh working conditions, cruel management, confiscation of personal documents and restrictions on freedom

are also typical features of forced labor cases. In 2021, the Associated Press reported that hundreds of Indian workers were lured to build a massive Hindu temple in New Jersey. Their passports were taken away on arrival and they were forced to work over 87 hours a week for US\$1.2 an hour, while New Jersey's minimum hourly wage was US\$12. Reuters reported that Goodyear, an American company and the world's largest tire maker, was sued multiple times by foreign workers at its Malaysian factory, for accusations of unpaid wages, unlawful overtime and the denial of their full access to their own passports. According to the workers' lawyer, some migrants worked 229 hours a month in overtime, far exceeding the Malaysian limit of 104 hours.

◆ The U.S. law enforcement clearly have not done enough to crack down on human trafficking and forced labor. According to the Report on Human Trafficking Data Collection Activities, 2021 released by the U.S. Department of Justice, a total of 2,091 persons were referred to U.S. Attorneys for human-trafficking and forced labor offenses in 2019, but only 837 were convicted. Chrissey Buckley, a scholar at the University of Denver, points out that forced labor lingers on in the United States because it is a lucrative business, and because inadequate legislation and inefficient law enforcement diminish the risks of prosecution of the offenders.

2. U.S. companies has long practiced forced labor abroad

◆ In 2019, the Washington Post disclosed that in almost the past two decades, a number of U.S. chocolate giants including Mars

and Hershey had been using raw cocoa harvested by child workers in West Africa. More than two million cocoa workers are children earning less than US\$1 a day. UK's Channel 4 revealed in 2020 that the coffee beans used by Starbucks and other famous U.S. coffee companies were picked by workers aged under 13 in Guatemala. These children worked eight hours a day, over 40 hours a week, and the youngest was only eight. Their daily wage sometimes is only about the price of a cup of coffee.

V. The international community has long been criticizing forced labor in the United States

Long being seriously concerned about forced labor in the United States, the international community has been calling on the U.S. government to earnestly reflect on and address relevant issues.

◆ Child labor in America's agricultural sector has been an indelible stain on the U.S. track record of implementing International Labor Conventions (ICLs), in particular the fundamental conventions. It is also the most prominent concern of the ILO standards supervisory mechanism regarding U.S. implementation of conventions. Since 2012, the Committee of Experts on the Application of Conventions and Recommendations (CEACR) has repeatedly expressed concerns over fatal work-related injuries and accidents suffered by children under 18 working on U.S. farms. During the 103rd Session of the International Labor Conference in 2014, the Committee on the Application of Standards (CAS) had a detailed discussion on U.S. violations of the Worst Forms of Child Labour Convention, 1999.

◆ In addition, over the past decade, the CEACR has commented

on the U.S. compliance with the Abolition of Forced Labor Convention, 1957 and the Shipowners' Liability (Sick and Injured Seamen) Convention, 1936, urging the U.S. government to reverse its inappropriate practices and earnestly fulfill its obligations. The CEACR pointed out in 2017 that the U.S. government should adopt federal legislation to ensure that racial discrimination does not lead to racial disparities in the punishment involving compulsory labor in the criminal justice system, and should take necessary measures at the federal level to reduce racial and ethnic disparities in the criminal justice system to ensure that the punishment involving compulsory labor is not meted out more severely to certain racial and ethnic groups.

◆ In her statement made in 2016 after visiting the United States, the then UN Special Rapporteur in Trafficking in Persons Maria Grazia Giammarinaro urged the United States to engage in a more effective effort to detect trafficking for forced labor and labor exploitation. The statement cited data in 2015 that 75 percent of trafficking cases in the United States were related to sex deals, 13 percent labor trafficking, and 3 percent both. Women and girls, migrant workers, unaccompanied and homeless children, people fleeing conflict, runaway youth, Native Americans and the LGBTI individuals are particularly vulnerable to labor and sex trafficking and exploitation.

Conclusion

In disregard of its own enormous problems of forced labor and modern slavery in the past and present, the United States willfully discredits other countries and spreads lies about "forced labor".

This reveals nothing but its hypocrisy and double standards on human rights, and its modus operandi of using human rights as a pretext for political manipulation and economic bullying.

The "Uyghur Forced Labor Prevention Act" pushed by the United States is not an act of care and concern over the alleged "forced labor" in Xinjiang. It aims to deprive the people in Xinjiang of their right to work by creating "forced unemployment", destroy the livelihoods of all ethnic groups in Xinjiang by creating "forced poverty", and disrupt international economic and trade order and industrial and supply chains by creating "forced decoupling". What the United States has been doing is, in essence, violating human rights under the pretext of human rights, defying rules under the banner of rules, and breaking the law under the guise of law. Such attempts that go against the trend of the times are doomed to failure.

What the U.S. government should do is to stop styling itself as a "lecturer" on human rights, review its own spotty record on forced labor, stop spreading rumors and lies, stop interfering in China's internal affairs, stop implementing the "Uyghur Forced Labor Prevention Act", and stop "using Xinjiang to contain China."