

United States Senate

WASHINGTON, DC 20510-0908

August 10, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr Avenue SE
Washington, D.C. 20528-0525

Dear Secretary Mayorkas:

We write to express our concern about products entering the U.S. from the Chinese battery company, Contemporary Amperex Technology, Co. Limited (CATL). It is our understanding that CATL's lithium-based batteries are being produced or, under U.S. law, would be presumed to be produced, through the forced labor of Uyghurs and other predominantly Muslim ethnic groups in the Xinjiang Uyghur Autonomous Region (XUAR). Specifically, the Uyghur Forced Labor Prevention Act (UFLPA) (P.L. 117-78) states that "any goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part" in the XUAR or by any entity identified by the U.S. Department of Homeland Security (DHS) shall be prohibited from being imported into the United States.

CATL has a direct supply relationship with Xinjiang Zhicun Lithium – a company which it previously owned. Although CATL has officially divested Xinjiang Zhicun Lithium, it appears to exercise significant control or guidance over the company's operations through a series of holding companies and through a former senior manager of CATL, Guan Chaoyu. The full details of CATL's lithium supply chain are obscure, but the continuing relationship between CATL and Xinjiang Zhicun Lithium suggests CATL products containing lithium imported into the U.S. warrant scrutiny if not seizure.

Xinjiang Zhicun Lithium, which aims to become the largest lithium carbonate producer in the world, is also tied to state-sponsored labor transfer programs in the XUAR. The company's subsidiaries, and its other commercial relationships, such as with TBEA Company and its subsidiaries, use labor provided through labor transfer programs that the U.S. has found to be coercive. The laborers in these programs are, in many cases, transferred directly from detention facilities to factories and subjected to stifling surveillance.

Consequently, we request that DHS' Forced Labor Enforcement Task Force add CATL, Xinjiang Zhicun Lithium, and TBEA Company—and their subsidiaries—to the UFLPA Entity List unless the task force can find clear and convincing evidence that CATL or any of its subsidiaries no longer does any of the following:

- Sources lithium from the XUAR;
- Exercises meaningful control or influence over Xinjiang Zhicun Lithium; and

- Participates in Uyghur labor transfer programs.

We remind you that Assistant Secretary of State Daniel Kritenbrink recently promised Congress, under oath, that “we will seek accountability for those involved” in “egregious and unacceptable human rights abuses across [the People’s Republic of China].” The Chinese Communist Party should not profit from genocide, U.S. companies should not aid and abet it, and the Biden Administration should not sit idly by when they do.

Thank you for your attention to this important matter.

Sincerely,



Marco Rubio
U.S. Senator



Joni K. Ernst
U.S. Senator



Rick Scott
U.S. Senator



Mike Braun
U.S. Senator



JD Vance
U.S. Senator