

**Commercial Customs Operations Advisory Committee
Government Issue Paper
Intelligent Enforcement Subcommittee
Forced Labor Working Group**

December 2023



**U.S. Customs and
Border Protection**

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Office of Trade/Trade Remedy Law Enforcement Directorate
Intelligent Enforcement Subcommittee
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Action Required: Informational

Background:

- U.S. Customs and Border Protection (CBP) enforces Sect. 307 of the Tariff Act of 1930 (19 U.S.C. § 1307), which prohibits importing any good, ware, or article that was mined, produced, or manufactured wholly or in part by forced labor, including forced or indentured child labor.
- On December 23, 2021, the President signed the Uyghur Forced Labor Prevention Act (UFLPA) into law. CBP worked with the Department of Homeland Security (DHS) to implement the UFLPA.
- DHS chairs the Forced Labor Enforcement Task Force (FLETF) and maintains oversight over the UFLPA provisions specific to DHS, its component agencies, and the FLETF.
- CBP’s meticulous planning—including analysis of U.S. imports affected by UFLPA, letters to importers advising them of risk, and educational events for both trade stakeholders and CBP employees—helped ensure the smooth implementation of the rebuttable presumption.
- CBP continues to employ a dynamic, risk-based approach to enforcement that prioritizes action against the highest-risk goods based on current data and intelligence to prevent prohibited goods from entering the United States.

Key CBP Activities:

- On September 18, 2023, CBP modified the Withhold Release Order (WRO) issued on October 21, 2021, against imports of synthetic disposable gloves manufactured by Supermax Corp Berhad (Supermax) in Malaysia. Steps taken by Supermax to remediate the forced labor indicators noted in the WRO included paying out over \$6 million in *ex gratia* payments, recruitment fees, and establishing a sinking fund for former eligible employees.
- On September 27, 2023, the FLETF added three new entities to the Entity List. CBP reviewed these recommendations before FLETF’s final review and vote on the additions.
 - Xinjiang Tianmian Foundation Textile Co., Ltd.
 - Xinjiang Tianshan Wool Textile Co. Ltd.
 - Xinjiang Zhongtai Group Co. Ltd.
- CBP is making automated detention notice enhancements to the Automated Commercial Environment (ACE). These enhancements will affect all detentions, not only those related to forced labor and UFLPA.
- The use of electronic detention notices will enhance visibility for CBP and importers on the due dates for documentation submissions on detention notices and will do so much quicker than traditional postal mailings. This enhancement is scheduled to launch in early 2024.
- CBP is also developing a centralized website portal for the public to submit forced labor allegations and WRO/Findings modification requests, as well submit requests for exception, applicability, and admissibility reviews for UFLPA, the *Countering America’s Adversaries Through Sanctions Act* (CAATSA), and WROs. We hope to deploy this portal in mid-2024.

- In Fiscal Year (FY) 2023, CBP participated in over 500 engagements with the trade community, the public, civil society organizations, members of Congress, and U.S. and other external stakeholders to strengthen education, awareness, and dialogue on forced labor enforcement and the implementation of the UFLPA.

Statistics:

- For FY 2023, CBP stopped an unprecedented 4,415 shipments, with a total value of more than \$1.46 billion, suspected to have been made wholly or in part with forced labor. This is a 78 percent increase in value of shipments and a 21 percent increase in number of shipments stopped in FY 2022. Of those stopped in FY 2023, CBP stopped 4,053 shipments with a value of \$1.44 billion under UFLPA.

Current Status:

- CBP and the COAC finalized the Statement of Work (SOW) for the Forced Labor Working Group (FLWG).
- In accordance with the SOW, CBP has implemented changes to increase transparency and improve information sharing and tools to address the trade community's questions related to the UFLPA and WROs.
- The COAC does not plan to make forced labor recommendations at the December COAC public meeting.

Next Steps:

- CBP and the FLWG are working to finalize a new SOW for the coming term to focus on priority enforcement areas, analysis of technology in forced labor enforcement, and continued updates of information for importers to comply with forced labor law.

Submitted by: Brian M. Hoxie, Trade Remedy Law Enforcement Directorate,
Forced Labor Division, Office of Trade

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