

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

**March 2023**



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

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**Office of Trade / Trade Remedy Law Enforcement Directorate**  
**Intelligent Enforcement Subcommittee**  
**Forced Labor Working Group**  
**March 2023**

**Action Required:** Informational

**Background:**

- Section 307 of the Tariff Act of 1930 (19 U.S.C. § 1307) 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. U.S. Customs and Border Protection (CBP) enforces the prohibition.
- In 2015, Congress removed the “consumptive demand” clause from 19 U.S.C. 1307 through the Trade Facilitation and Trade Enforcement Act of 2015 (P.L. 114-125). Since then, and amid ongoing interest in worker rights in trade policy and anti-trafficking, CBP’s use of Section 307 has gained greater visibility.
- On December 23, 2021, the President signed the Uyghur Forced Labor Prevention Act (UFLPA) into law. The Department of Homeland Security (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 worked with DHS to implement the UFLPA.
- The UFLPA requires CBP to apply a rebuttable presumption that all goods produced wholly or in part in China’s Xinjiang Uyghur Autonomous Region (XUAR) – or by entities on the Entity List in the *Strategy to Prevent Importation of Goods Mined, Produced or Manufactured with Forced Labor in the People’s Republic of China* (Strategy) – are produced by forced labor and prohibited from entry to the United States under 19 U.S.C. § 1307. The presumption applies to goods imported on or after June 21, 2022.
- CBP may grant an exception to the presumption if the agency determines the importer complied with the importer guidance in the Strategy, responded to all CBP requests for information, and clear and convincing evidence demonstrates the goods were not produced wholly or in part by forced labor.
- Within 30 days of granting an exception, CBP must report to Congress and make public the information on the goods and the evidence considered.
- On June 17, 2022, as part of the Strategy, the FLETF published guidance for importers. CBP published operational guidance for importers on [cbp.gov](https://www.cbp.gov) regarding the rebuttable presumption.
  - This guidance complements the importer guidance published by the FLETF in the Strategy.
  - Importers requesting an exception and submitting information to rebut the presumption must comply with the importer guidance in the Strategy.
- CBP’s meticulous planning, including analysis of U.S. imports impacted 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 November 23, 2022, CBP issued a Withhold Release Order (WRO) on raw sugar and sugar-based products produced by Central Romana Corporation Limited, in the Dominican Republic.
- On January 1, 2023, CBP updated requirements for Customs Trade Partnership Against Terrorism (CTPAT) Trade Compliance members to include a mandatory social compliance program for new partners.
- On February 3, 2023, CBP modified its Finding in the [Customs Bulletin](#) and in the **Federal Register**, pursuant to 19 CFR §12.42(g), based on satisfactory evidence that Sime Darby Plantation Berhad, its subsidiaries, and joint ventures no longer produce palm oil and its derivative products using forced labor.
- On February 8, 2023, CBP modified the WRO issued on January 28, 2022, against imports of synthetic disposable gloves manufactured by YTY Industry Holdings Sdn. Bhd. (YTY Group) in Malaysia. This was the second modification CBP issued in 2023. Since the implementation of the WRO, YTY Group has taken numerous actions to remediate forced labor indicators within its manufacturing process and employee housing facilities, including drafting and implementing a corrective action plan to address indicators of forced labor, reimbursing recruitment fees paid by its migrant workers, commissioning an independent social compliance audit, and submitting comprehensive documentation that sufficiently demonstrates YTY Group's sustained commitment to remediate conditions of forced labor in its production and housing facilities.
- On February 23, 2023, CBP posted updated UFLPA Frequently Asked Questions (FAQs), Best Practice for Applicability Reviews: Importer Responsibilities, and Guidance on Executive Summaries and Sample Tables of Contents on Applicability Review Submissions.
- On March 14 and 15, CBP will hold a Forced Labor Technical Expo in Washington, D.C., to provide a forum for industry to share best practices on how technology can help secure and manage the flow of goods to comply with U.S. forced labor laws.
  - The goal of the Expo is for attendees to leave educated and informed on the tools and technologies available to achieve greater supply chain transparency.
  - The event will feature panel discussions on topics such as forced labor initiatives and future technologies, with participation from the DHS, CBP, and other U.S. Government agencies.
- On March 18, 2023, CBP will require a postal code for Chinese manufacturer so that CBP can alert importers that their shipment may be subject to UFLPA if their shipments are made wholly or in parts with inputs from the XUAR postal code area. Policy and regulations have not changed. The only change is the Chinese manufacturer postal code field is now mandatory instead of optional in the ACE Cargo Release Module. CBP will be publishing a public FAQ document on the CBP.gov UFLPA page to assist the trade and broker communities with this change.
- In the near future, CBP will launch an interactive, public dashboard of UFLPA statistics, including information on shipment values, shipment counts, industry, countries of origin, and exam results for UFLPA enforcement actions. Additionally, CBP will publish a Data Dictionary to accompany the dashboard and provide guidance on how to use the filters and define the various data elements.

- CBP looks forward to continued dialogue with the COAC regarding its recommendations and efforts to increase the effectiveness of CBP's forced labor enforcement mandate.

**Current Status:**

- CBP and the COAC finalized the SOW for the FLWG.
- In accordance with the SOW, CBP has implemented changes with the COAC FLWG to increase transparency and share information 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 March COAC public meeting.

**Next Steps:**

- The FLWG will continue work under the current SOW with an extended date.

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