

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

March 2024



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



Pub # 3591-0224

**Commercial Customs Operations Advisory Committee Intelligent Enforcement
Subcommittee
Forced Labor Working Group
(December 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.
- Effective 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 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.

Issue:

- CBP to provide current forced labor enforcement activities and progress on Statement of Work (SOW).

Current Status:

- In Fiscal Year 2024 (FY24) to date, CBP has participated in 74 engagements with the trade, 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. This is putting us on track to meet or exceed the number of FY23 engagements, which was more than 500.
- In FY24 to date, CBP has stopped 1,442 shipments with a total value of more than \$602 million. Of these shipments stopped, 1,356 were stopped for UFLPA enforcement with a value of over \$599 million.
- Currently, CBP is enforcing 51 WROs and 8 Findings. CBP is reviewing 8 petitions for WRO modification or remediation.
 - 11 of these active WROs in China have been superseded by enforcement of UFLPA's rebuttable presumption. In addition, 6 of these active WROs have been superseded by Findings.
- CBP and the COAC finalized the SOW for the Forced Labor Working Group (FLWG).
- In accordance with the SOW, CBP has implemented changes for COAC FLWG 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 March 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, Office of Trade, Trade Remedy Law Enforcement Directorate, Forced Labor Division

Date: February 15, 2024