



Strategy to Prevent the Importation of Goods Mined, Produced, or Manufactured with Forced Labor in the People's Republic of China

Report to Congress

June 17, 2022



**Homeland
Security**

Office of Strategy, Policy, and Plans

Message from the Under Secretary for Strategy, Policy, and Plans

June 17, 2022

The United States is committed to promoting respect for human rights and dignity and supporting a system of global trading free from forced labor. As the Chair of the Forced Labor Enforcement Task Force (FLETF), and on behalf of the U.S. Department of Homeland Security (DHS), I am pleased to present to Congress this “Strategy to Prevent the Importation of Goods Mined, Produced, or Manufactured with Forced Labor in the People’s Republic of China.” Additional members of the FLETF include the Office of the U.S. Trade Representative and the U.S. Departments of Commerce, Justice, Labor, State, and the Treasury. The U.S. Departments of Agriculture and Energy, the U.S. Agency for International Development, U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and the National Security Council participate as FLETF observers.



This strategy has been prepared by the FLETF, in consultation with the U.S. Department of Commerce and the Office of the Director of National Intelligence, pursuant to Section 2(c) of Public Law No. 117-78, *an Act to ensure that goods made with forced labor in the Xinjiang Uyghur Autonomous Region of the People’s Republic of China do not enter the United States market, and for other purposes*, otherwise known as the Uyghur Forced Labor Prevention Act. This report reflects public input received in response to a Federal Register notice published on January 24, 2022 and during a public hearing held on April 8, 2022.

Ending forced labor is a moral, economic, and national security imperative. DHS and its FLETF partners remain steadfast in their duty to address the global challenge of prohibiting the importation of goods mined, produced, or manufactured wholly or in part with forced labor. Combating trade in illicit goods produced with forced labor, including government-sponsored forced labor or convict labor, protects against unfair competition for compliant U.S. and international manufacturers and promotes American values of free and fair trade, the rule of law, and respect for human dignity.

Pursuant to Pub. L. No. 117-78, this report will be made publicly available and is being submitted to relevant congressional committee leaders listed below:

The Honorable Gregory Meeks, Chairman
U.S. House of Representatives Foreign Affairs Committee

The Honorable Michael McCaul, Ranking Member
U.S. House of Representatives Foreign Affairs Committee

The Honorable Maxine Waters, Chairwoman
U.S. House of Representatives Committee on Financial Services

The Honorable Patrick McHenry, Ranking Member
U.S. House Committee on Financial Services

The Honorable Richard Neal, Chair
U.S. House of Representatives Committee on Ways and Means

The Honorable Kevin Brady, Ranking Member
U.S. House of Representatives Committee on Ways and Means

The Honorable Bennie G. Thompson, Chairman
U.S. House of Representatives Committee on Homeland Security

The Honorable John Katko, Ranking Member
U.S. House of Representatives Committee on Homeland Security

The Honorable Bob Menendez, Chairman
U.S. Senate Committee on Foreign Relations

The Honorable James E. Risch, Ranking Member
U.S. Senate Committee on Foreign Relations

The Honorable Sherrod Brown, Chairman
U.S. Senate Committee on Banking, Housing, and Urban Affairs

The Honorable Patrick J. Toomey, Ranking Member
U.S. Senate Committee on Banking, Housing, and Urban Affairs

The Honorable Ron Wyden, Chairman
U.S. Senate Committee on Finance

The Honorable Mike Crapo, Ranking Member
U.S. Senate Committee on Finance

The Honorable Gary C. Peters, Chairman
U.S. Senate Committee on Homeland Security and Governmental Affairs

The Honorable Rob Portman, Ranking Member
U.S. Senate Committee on Homeland Security and Governmental Affairs

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Silvers", with a stylized flourish at the end.

Robert Silvers
Under Secretary for Strategy, Policy, and Plans
U.S. Department of Homeland Security

Executive Summary

The Uyghur Forced Labor Prevention Act¹ (UFLPA) was enacted on December 23, 2021, to strengthen the existing prohibition against the importation of goods made wholly or in part with forced labor into the United States and to end the systematic use of forced labor in the Xinjiang Uyghur Autonomous Region (Xinjiang). Among its mandates, the UFLPA charged the Forced Labor Enforcement Task Force (FLETF), chaired by the U.S. Department of Homeland Security (DHS), to develop a strategy for supporting the enforcement of Section 307 of the Tariff Act of 1930, as amended (19 U.S.C. § 1307) to prevent the importation into the United States of goods mined, produced, or manufactured wholly or in part with forced labor in the People's Republic of China (PRC).

This strategy incorporates input from various public and private-sector stakeholders. It incorporates significant contributions from FLETF members and observers and takes into account public comments received through the FLETF's Federal Register request for information and the UFLPA public hearing.²

Pursuant to the UFLPA, this strategy includes:

- A comprehensive assessment of the risk of importing goods mined, produced, or manufactured, wholly or in part, with forced labor in the PRC;
- An evaluation and description of forced-labor schemes, UFLPA-required lists (including the UFLPA Entity List), UFLPA-required plans, and high priority sectors for enforcement;
- Recommendations for efforts, initiatives, tools, and technologies to accurately identify and trace affected goods;
- A description of how U.S. Customs and Border Protection (CBP) plans to enhance its use of legal authorities and tools to prevent entry of goods at U.S. ports in violation of 19 U.S.C. § 1307;
- A description of additional resources necessary to ensure no goods made with forced labor enter U.S. ports;
- Guidance to importers; and
- A plan to coordinate and collaborate with appropriate nongovernmental organizations (NGOs) and private-sector entities.

¹ Pub. L. No. 117-78, 135 Stat. 1525 (2021).

² See Notice Seeking Public Comments on Methods to Prevent the Importation of Goods Mined, Produced, or Manufactured with Forced Labor in the People's Republic of China, Especially in the Xinjiang Uyghur Autonomous Region, Into the United States, 87 Fed. Reg. 3567 (Jan. 24, 2022); Notice of Public Hearing on the Use of Forced Labor in the People's Republic of China and Measures to Prevent the Importation of Goods Produced, Mined, or Manufactured, Wholly or in Part, With Forced Labor in the People's Republic of China Into the United States, 87 Fed. Reg. 15448 (Mar. 18, 2022); *Nonrulemaking Docket: Notice of Public Hearing on the Use of Forced Labor in the People's Republic of China and Measures to Prevent the Importation of Goods Produced, Mined, or Manufactured, Wholly or in Part, With Forced Labor in the People's Republic of China Into the United States*, Regulations.gov, <https://www.regulations.gov/docket/DHS-2022-0001> (last visited May 19, 2022) (containing public comments submitted in response to 87 Fed. Reg. 3567 and a transcript of verbal testimony from the hearing on April 8, 2022).

Assessment of the Risk of Importing Goods Mined, Produced, or Manufactured with Forced Labor in the People’s Republic of China

The assessment addresses the risk of importing goods made with forced labor in the PRC, threats that may lead to the importation of forced labor-made goods from the PRC, and procedures to reduce such threats. Complex supply chains that touch Xinjiang are highly susceptible to contamination by goods made using forced labor. Threats that amplify the risk of such goods in U.S. supply chains include lack of supply chain visibility, commingling inputs made with forced labor into otherwise legitimate production processes, import prohibition evasion, and forced labor practices that target vulnerable populations within the PRC.

Securing U.S. supply chains against forced labor will require cooperation across stakeholders, including industry, civil society, and federal agencies. All entities whose supply chains touch Xinjiang should undertake due diligence measures to ensure compliance with U.S. laws and trace their supply chains for potential exposure to forced labor.

Evaluation and Description of Forced-Labor Schemes and UFLPA Entity List

The evaluation of labor schemes and the UFLPA Entity List provides an overview of PRC-sponsored labor programs that include forced labor by Uyghurs and other persecuted groups; lists of entities, products, and high-priority sectors affiliated with forced labor in the PRC; and U.S. department and agency enforcement plans related to the lists. Forced labor in internment camps and other labor schemes remain a central PRC tactic for the repression of Uyghurs, Kazakhs, Kyrgyz, Tibetans, and members of other persecuted groups. The possibility of internment in these labor programs functions as an explicit or implicit threat to compel members of persecuted minorities to work. In some cases, workers are transferred directly from detention to factories in and outside of Xinjiang. Even when workers in these programs are not transferred directly from internment camps, their work is the product of forced labor. They do not undertake the labor with free and informed consent and are not free to leave; they are subject to discriminatory social control, including pervasive surveillance, and the threat of detention.³

UFLPA Section 2(d)(2)(B) requires the strategy to include: (i) entities in Xinjiang that produce goods using forced labor; (ii) entities that work with the Xinjiang government to recruit, transport, transfer, harbor, or receive forced labor or Uyghurs, Kazakhs, Kyrgyz or members of other persecuted groups out of Xinjiang; (iii) products made by entities in lists (i) and (ii); (iv) entities that export products identified in (iii) from the PRC to the United States; and (v) entities and facilities that source material from Xinjiang or from persons working with the Xinjiang government or the Xinjiang Production and Construction Corps (XPCC) for purposes of any government-labor scheme that uses forced labor. Goods from these entities will be subject to the UFLPA rebuttable presumption under 19 U.S.C. § 1307. Furthermore, this strategy includes high-priority sectors for enforcement, and FLETF enforcement plans and plans to identify additional entities associated with these labor schemes in the future.

³ See e.g., Amy K. Lehr, *Addressing Forced Labor in the Xinjiang Uyghur Autonomous Region: Towards a Shared Agenda*, Ctr. for Strategic & Int’l Studies, 1-2 (July 30, 2020), <https://www.csis.org/analysis/addressing-forced-labor-xinjiang-uyghur-autonomous-region-toward-shared-agenda>.

Recommended Efforts, Initiatives, Tools, and Technologies to Accurately Identify and Trace Goods

The strategy outlines several recommendations for efforts, initiatives, tools, and technologies that CBP will adopt to identify and trace goods made with forced labor. CBP will procure cutting-edge technologies that provide improved visibility into trade networks, and that improve supply-chain tracing to identify goods made wholly or in part with forced labor. CBP will improve its existing enterprise automated systems to increase data quality and communication to enhance both forced labor enforcement actions and processes that facilitate lawful trade. Finally, CBP will expand collaboration with interagency partners and leverage existing U.S. government tools.

CBP Enhancement of Use of Legal Authorities and Tools to Prevent Entry of Goods at U.S. Ports in Violation of 19 U.S.C. § 1307

This strategy also provides a description of how CBP plans to enhance its use of legal authorities to prevent the importation of goods prohibited by 19 U.S.C. § 1307. CBP will consider enhancing its use of its detention and exclusion authorities under 19 U.S.C. § 1499, and seizure authorities under 19 U.S.C. § 1595a(c). CBP will consider other regulatory changes that will allow CBP to respond more quickly to forced labor allegations, provide importers with clear guidance on admissibility determination timeframes, and provide a more uniform process for the determination of merchandise admissibility. Overall, the plan to enhance use of authorities and tools will provide for a more effective and efficient enforcement of 19 U.S.C. § 1307.

Additional Resources Necessary to Ensure No Goods Made with Forced Labor Enter U.S. Ports

This section highlights additional resources required to administer and implement the UFLPA. FLETF agencies must manage existing resources effectively, identify resource shortfalls, and adequately resource implementation of this enforcement strategy, not only through direct operational requirements but also through policy, management, and oversight. This section outlines what will be required by the FLETF Chair, the DHS Office of Strategy, Policy, and Plans (PLCY); CBP; and U.S. Immigrations and Customs Enforcement (ICE) Homeland Security Investigations (HSI).

Guidance to Importers

The UFLPA establishes a rebuttable presumption that goods mined, produced, or manufactured wholly or in part in Xinjiang or by an entity on the UFLPA Entity List are prohibited from U.S. importation under 19 U.S.C. § 1307. If an importer of record can demonstrate by clear and convincing evidence that the goods in question were not produced wholly or in part by forced labor, fully respond to all CBP requests for information about goods under CBP review, and demonstrate that it has fully complied with the guidance outlined in this strategy, the Commissioner of CBP may grant an exception to the presumption. Within 30 days of any determination to grant an exception, the Commissioner of CBP must submit to Congress and make available to the public a report outlining the evidence supporting the exception.

As mandated by the UFLPA, this report’s guidance includes information on three topics: (1) due diligence, effective supply-chain tracing, and supply-chain management measures to ensure that such importers do not import any goods produced wholly or in part with forced labor from the PRC, especially from Xinjiang; (2) the type, nature, and extent of evidence that demonstrates that goods originating in the PRC were not produced wholly or in part in Xinjiang; and (3) the type, nature, and extent of evidence that demonstrates that goods originating in the PRC, including goods detained, excluded or seized for violations of the UFLPA, were not produced wholly or in part with forced labor.

Coordination and Collaboration with Appropriate Nongovernmental Organizations and Private-Sector Entities

Finally, the strategy features the FLETF’s plan to coordinate with appropriate NGOs and private-sector entities to implement and update this strategy. The FLETF will continue to engage with NGOs and the private sector on UFLPA implementation and to host joint-interagency meetings with NGOs and the private sector to discuss enforcement and trade facilitation opportunities. The FLETF will institute biannual working-level meetings with both private-sector and NGO partners on the UFLPA strategy. Finally, the FLETF will establish a dhs.gov webpage that will include information on the FLETF, public reports issued by the FLETF, and a compiled list of FLETF agency resources to address forced labor concerns, as well as resources related to the presence of forced labor in U.S. supply chains and mitigating the risk of forced labor in global supply chains.

Path Forward

This strategy outlines the FLETF’s recommendations for fully implementing the UFLPA’s mandates in accordance with congressional intent to ensure U.S. supply chains are free of forced labor based in the PRC, especially forced labor by Uyghurs, Kazakhs, Kyrgyz, Tibetans, and members of other persecuted groups in the PRC. The strategy should be implemented in a way that strengthens U.S. supply chains and prioritizes long-term U.S. economic security.



Strategy to Prevent the Importation of Goods Mined, Produced, or Manufactured with Forced Labor in the People’s Republic of China

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Organization of Report

This report begins with an introduction, including the UFLPA’s statutory language and background on the FLETF. Sections I through VII correspond directly to each of the UFLPA’s requirements described in 1 through 7 of Section 2(c) of Pub. L. No. 117-78. A conclusion and appendices complete the strategy.

Statutory Language

Section 2(c) of Public Law 117-78, *An Act [t]o ensure that goods made with forced labor in the Xinjiang Uyghur Autonomous Region of the People's Republic of China do not enter the United States market, and for other purposes*, also known as the Uyghur Forced Labor Prevention Act (UFLPA), requires that “the Forced Labor Enforcement Task Force, in consultation with the Secretary of Commerce and the Director of National Intelligence, shall develop a strategy for supporting enforcement of Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) to prevent the importation into the United States of goods mined, produced, or manufactured wholly or in part with forced labor in the People's Republic of China.”

The UFLPA requires that the FLETF solicit public comments and host a public hearing, as described in Sections 2(a) and 2(b):

(a) *PUBLIC COMMENT.* —

(1) *IN GENERAL.*— Not later than 30 days after the date of the enactment of this Act, the Forced Labor Enforcement Task Force, established under section 741 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4681), shall publish in the Federal Register a notice soliciting public comments on how best to ensure that goods mined, produced, or manufactured wholly or in part with forced labor in the People's Republic of China, including by Uyghurs, Kazakhs, Kyrgyz, Tibetans, and members of other persecuted groups in the People's Republic of China, and especially in the Xinjiang Uyghur Autonomous Region, are not imported into the United States.

(2) *PERIOD FOR COMMENT.*— The Forced Labor Enforcement Task Force shall provide the public with not less than 45 days to submit comments in response to the notice required by paragraph (1).

(b) *PUBLIC HEARING.*—

(1) *IN GENERAL.*— Not later than 45 days after the close of the period to submit comments under subsection (a)(2), the Forced Labor Enforcement Task Force shall conduct a public hearing inviting witnesses to testify with respect to the use of forced labor in the People's Republic of China and potential measures, including the measures described in paragraph (2), to prevent the importation of goods mined, produced, or manufactured wholly or in part with forced labor in the People's Republic of China into the United States.

(2) *MEASURES DESCRIBED.* — The measures described in this paragraph are—

(A) measures that can be taken to trace the origin of goods, offer greater supply chain transparency, and identify third country supply chain routes for goods mined, produced, or manufactured wholly or in part with forced labor in the People's Republic of China; and

(B) other measures for ensuring that goods mined, produced, or manufactured wholly or in part with forced labor do not enter the United States.

UFLPA Section 2(c) requires the FLETF to develop a strategy to support enforcement of Section 307 of the Tariff Act of 1930 to prevent the importation into the United States of goods mined, produced, or manufactured wholly or in part with forced labor in the PRC; Section 2(d) outlines the required content of the strategy:

(c) *DEVELOPMENT OF STRATEGY.*— After receiving public comments under subsection (a) and holding the hearing required by subsection (b), the Forced Labor Enforcement Task Force, in consultation with the Secretary of Commerce and the Director of National Intelligence, shall develop a strategy for supporting enforcement of Section 307 of the Tariff Act of 1930 (19 U.S.C. § 1307) to prevent the importation into the United States of goods mined, produced, or manufactured wholly or in part with forced labor in the People's Republic of China.

(d) *ELEMENTS.* — The strategy developed under subsection (c) shall include the following:

(1) A comprehensive assessment of the risk of importing goods mined, produced, or manufactured wholly or in part with forced labor in the People's Republic of China, including from the Xinjiang Uyghur Autonomous Region or made by Uyghurs, Kazakhs, Kyrgyz, Tibetans, or members of other persecuted groups in any other part of the People's Republic of China, that identifies, to the extent feasible—

(A) threats, including through the potential involvement in supply chains of entities that may use forced labor, that could lead to the importation into the United States from the People's Republic of China, including through third countries, of goods mined, produced, or manufactured wholly or in part with forced labor; and

(B) what procedures can be implemented or improved to reduce such threats.

(2) A comprehensive description and evaluation—

(A) of “pairing assistance” and “poverty alleviation” or any other government labor scheme that includes the forced labor of Uyghurs, Kazakhs, Kyrgyz, Tibetans, or members of other persecuted groups outside of the Xinjiang Uyghur Autonomous Region or similar programs of the People's Republic of China in which work or services are extracted from Uyghurs, Kazakhs, Kyrgyz, Tibetans, or members of other persecuted groups through the threat of penalty or for which the Uyghurs, Kazakhs, Kyrgyz, Tibetans, or members of other persecuted groups have not offered themselves voluntarily; and

(B) that includes—

(i) a list of entities in the Xinjiang Uyghur Autonomous Region that mine, produce, or manufacture wholly or in part any goods, wares, articles and merchandise with forced labor;

(ii) a list of entities working with the government of the Xinjiang Uyghur Autonomous Region to recruit, transport, transfer, harbor or receive forced labor or Uyghurs, Kazakhs, Kyrgyz, or members of other persecuted groups out of the Xinjiang Uyghur Autonomous Region;

(iii) a list of products mined, produced, or manufactured wholly or in part by entities on the list required by clause (i) or (ii);

(iv) a list of entities that exported products described in clause (iii) from the People’s Republic of China into the United States;

(v) a list of facilities and entities, including the Xinjiang Production and Construction Corps, that source material from the Xinjiang Uyghur Autonomous Region or from persons working with the government of the Xinjiang Uyghur Autonomous Region or the Xinjiang Production and Construction Corps for purposes of the “poverty alleviation” program or the “pairing-assistance” program or any other government labor scheme that uses forced labor;

(vi) a plan for identifying additional facilities and entities described in clause (v);

(vii) an enforcement plan for each such entity whose goods, wares [sic] articles, or merchandise are exported into the United States, which may include issuing withhold release orders to support enforcement of section 4 with respect to the entity;

(viii) a list of high-priority sectors for enforcement, which shall include cotton, tomatoes, and polysilicon; and

(ix) an enforcement plan for each such high-priority sector.

(3) Recommendations for efforts, initiatives, and tools and technologies to be adopted to ensure that U.S. Customs and Border Protection can accurately identify and trace goods made in the Xinjiang Uyghur Autonomous Region entering at any of the ports of the United States.

(4) A description of how U.S. Customs and Border Protection plans to enhance its use of legal authorities and other tools to ensure that no goods are entered at any of the ports of the United States in violation of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307),

including through the initiation of pilot programs to test the viability of technologies to assist in the examination of such goods.

(5) A description of the additional resources necessary for U.S. Customs and Border Protection to ensure that no goods are entered at any of the ports of the United States in violation of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

(6) Guidance to importers with respect to—

(A) due diligence, effective supply chain tracing, and supply chain management measures to ensure that such importers do not import any goods mined, produced, or manufactured wholly or in part with forced labor from the People’s Republic of China, especially from the Xinjiang Uyghur Autonomous Region;

(B) the type, nature, and extent of evidence that demonstrates that goods originating in the People’s Republic of China were not mined, produced, or manufactured wholly or in part in the Xinjiang Uyghur Autonomous Region; and

(C) the type, nature, and extent of evidence that demonstrates that goods originating in the People’s Republic of China, including goods detained or seized pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307), were not mined, produced, or manufactured wholly or in part with forced labor.

(7) A plan to coordinate and collaborate with appropriate nongovernmental organizations and private sector entities to implement and update the strategy developed under subsection (c).

UFLPA Section 2(e) outlines the timeline for the initial report and frequency of subsequent updates to the strategy:

(e) *SUBMISSION OF STRATEGY.*—

(1) *IN GENERAL.*— Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Forced Labor Enforcement Task Force, in consultation with the Department of Commerce and the Director of National Intelligence, shall submit to the appropriate congressional committees a report that —

(A) in the case of the first such report, sets forth the strategy developed under subsection (c); and

(B) in the case of any subsequent such report, sets forth any updates to the strategy.

(2) *UPDATES OF CERTAIN MATTERS.*— Not less frequently than annually after the submission under paragraph (1)(A) of the strategy developed under subsection (c), the Forced Labor Enforcement Task Force shall submit to the appropriate congressional

committees updates to the strategy with respect to the matters described in clauses (i) through (ix) of subsection (d)(2)(B).

(3) *FORM OF REPORT.* — Each report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex, if necessary.

(4) *PUBLIC AVAILABILITY.* — The unclassified portion of each report required by paragraph (1) shall be made available to the public.

UFLPA Section 2(f) outlines that nothing in the UFLPA legislation or in this report will be construed to limit the application of regulations or actions taken before UFLPA enactment, that is, before December 23, 2021:

(f) *RULE OF CONSTRUCTION.* — Nothing in this section may be construed to limit the application of regulations in effect on or measures taken before the date of the enactment of this Act to prevent the importation of goods mined, produced, or manufactured wholly or in part with forced labor into the United States, including withhold release orders issued before such date of enactment.

Background

Section 1307 of Title 19, United States Code, prohibits goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by forced labor from being imported into the United States, including convict labor, indentured labor under penal sanctions, and forced or indentured child labor. CBP enforces this prohibition while facilitating legitimate trade at 328 ports of entry throughout the United States. CBP has authority to detain, seize, or exclude goods produced with forced labor, as well as to issue civil penalties against those who facilitate such imports.⁴

Establishment of the FLETF

The FLETF was authorized on January 29, 2020 by the United States-Mexico-Canada Agreement (USMCA) Implementation Act (19 U.S.C. § 4681). Executive Order 13923, signed May 15, 2020, established the FLETF and identified the Secretary of Homeland Security as its Chair. The Secretary delegated the role of FLETF Chair to the Under Secretary for Strategy, Policy, and Plans. The FLETF's additional members are the Office of the U.S. Trade Representative (USTR) and the U.S. Departments of Commerce (DOC), Justice (DOJ), Labor (DOL), State (DOS), and the Treasury (Treasury). The U.S. Departments of Agriculture and Energy, the U.S. Agency for International Development (USAID), CBP, ICE, and the National Security Council participate as observers.⁵

Role of the FLETF

The FLETF is responsible for monitoring the enforcement of 19 U.S.C. § 1307. The FLETF convenes quarterly leadership meetings and coordinates amongst its members to fulfill its mission. The FLETF provides biannual reports to Congress that include information and statistics related to CBP's enforcement of 19 U.S.C. § 1307 and plans regarding goods included in DOL's *Findings on the Worst Forms of Child Labor* report⁶ and *List of Goods Produced by Child Labor or Forced Labor* report.⁷

Forced Labor in Xinjiang and the UFLPA

The United States condemns the PRC's violations and abuses of human rights in Xinjiang. The PRC government engages in genocide and crimes against humanity against predominantly

⁴ 19 U.S.C. §§ 1592, 1595a.

⁵ The FLETF Chair has the authority to invite agencies and departments to participate as members or observers, as appropriate.

⁶ DOL's *Findings on the Worst Forms of Child Labor* report is submitted in accordance with the requirements for an annual report per section 504 of the Trade Act of 1974, as amended (19 U.S.C. § 2464).

⁷ DOL's *List of Goods Produced by Child Labor or Forced Labor* report is submitted to Congress and made publicly available at least every two years in accordance with section 105(b)(2)(C) of the Trafficking Victims Protection Reauthorization Act of 2005 (22 U.S.C. § 7112(b)(2)(C)).

Muslim Uyghurs and members of other ethnic and religious minority groups in Xinjiang.⁸ Crimes against humanity include imprisonment, torture, forced sterilization, and persecution, including through forced labor and the imposition of draconian restrictions on the freedom of religion or belief, expression, and movement.⁹ Congress enacted the UFLPA to highlight these abhorrent practices, combat the PRC's systematic use of forced labor in Xinjiang, and prevent goods produced in whole or in part by this repressive system from entering the United States.

Enforcement Actions Prior to the Implementation of the UFLPA

The U.S. government has undertaken significant efforts to mitigate the use of forced labor in Xinjiang, including by identifying and targeting specific entities and products affiliated with forced labor and publishing reports highlighting the risks of forced labor in supply chains. Since 2019, CBP has issued Withhold Release Orders¹⁰ (WROs) on specific goods from nine PRC companies using government-sponsored forced labor,¹¹ on cotton from the XPCC, and on all Xinjiang cotton and tomatoes and all downstream products using Xinjiang cotton and tomatoes as inputs.¹² The DOC Bureau of Industry and Security (BIS) has added entities that use forced labor in Xinjiang to the *BIS Entity List*, which imposes a license requirement on exports, reexports, or transfers (in-country) of commodities, software, and technology subject to the Export Administration Regulations (EAR)¹³ to such entities. DOL has identified goods produced in Xinjiang or through the labor transfer program on its *List of Goods Produced by Child Labor or Forced Labor*, and Treasury has identified individuals and entities for the *Specially*

⁸ *Risks and Considerations for Businesses and Individuals with Exposure to Entities Engaged in Forced Labor and other Human Rights Abuses linked to Xinjiang, China*, U.S. Department of State, 1-2 (July 13, 2021), <https://www.state.gov/wp-content/uploads/2021/07/Xinjiang-Business-Advisory-13July2021-1.pdf> [hereinafter *Xinjiang Business Advisory*].

⁹ *See id.* at 2.

¹⁰ Pursuant to 19 C.F.R. § 12.42, CBP issues WROs against a good or goods from an entity when information reasonably, but not conclusively, indicates that a good produced by forced labor, as defined under 19 U.S.C. § 1307, is being, or is likely to be, imported into the United States. A WRO allows CBP to detain the goods in question at all U.S. ports of entry unless importers can prove the absence of forced labor in their good's supply chain.

¹¹ The nine WROs issued against companies using government-labor schemes include: (1) silica-based products from Hoshine Silicon Industry Co. Ltd. and subsidiaries; (2) all products from Lop County No. 4 Vocational Skills Education and Training Center; (3) hair products made in the Lop County Hair Product Industrial Park; (4) apparel produced by Yili Zhuowan Garment Manufacturing Co., Ltd. and Baoding LYSZD Trade and Business Co., Ltd; (5) cotton produced and processed by Xinjiang Junggar Cotton and Linen Co., Ltd; (6) computer parts made by Hefei Bitland Information Technology Co., Ltd.; (7) hair products from Lop County Meixin Hair Product Co. Ltd; (8) hair products from Hetian Haolin Hair Accessories Co. Ltd.; and (9) garments produced by Hetian Taida Apparel Co., Ltd.

¹² *Withhold Release Orders and Findings List*, U.S. Customs and Border Protection, <https://www.cbp.gov/trade/forced-labor/withhold-release-orders-and-findings> (last visited May 19, 2022).

¹³ The Export Administration Regulations (15 C.F.R. §§ 730-774) impose additional license requirements on, and limit the availability of most license exceptions for, exports, reexports, and transfers (in country) to certain listed entities. The *BIS Entity List* (supplement no. 4 to part 744 of the EAR) identifies entities reasonably believed to be involved in, or to pose a significant risk of being or becoming involved in, activities contrary to the national security or foreign policy interests of the United States. The End-User Review Committee, composed of representatives of the Departments of Commerce (Chair), State, Defense, Energy and, where appropriate, the Treasury, makes all decisions regarding additions to, removals from, or other modifications to the *BIS Entity List*.

Designated Nationals and Blocked Persons List, including the XPCC.¹⁴ DOS led an interagency effort to issue an updated *Xinjiang Supply Chain Business Advisory* in July 2021, which provided information highlighting the heightened risks for businesses with supply chain and investment links to Xinjiang.¹⁵ Additionally, DOS submitted the *Diplomatic Strategy to Address Forced Labor in Xinjiang* to Congress on April 12, 2022. Current members of the FLETF contributed to these efforts through interagency coordination and communication with U.S. stakeholders, including the private sector and NGOs. Although past efforts have prevented specific goods made with forced labor from entering the U.S. economy, the UFLPA bolsters the U.S. government's enforcement authority for prohibiting the importation of forced labor-made goods from Xinjiang and across the PRC. The UFLPA will supersede current WROs related to Xinjiang for goods imported on or after June 21, 2022.¹⁶

Implementation of the UFLPA

Rebuttable Presumption

The UFLPA establishes a rebuttable presumption effective June 21, 2022 that any goods mined, produced, or manufactured wholly or in part in Xinjiang are in violation of 19 U.S.C. § 1307. Pursuant to the UFLPA, the same presumption applies to goods produced by any entity included in this strategy's UFLPA Entity List. The Commissioner of CBP may grant an exception to the presumption if an importer meets specific criteria outlined in Section 3(b) of the UFLPA.¹⁷

Public Comments

The UFLPA also mandated that the FLETF solicit input from the public regarding the use of forced labor in the PRC and how best to ensure that goods mined, produced, or manufactured wholly or in part with forced labor in the PRC are not imported into the United States.

On January 24, 2022, DHS, on behalf of the FLETF, published a Federal Register notice (FRN) soliciting comments from the public.¹⁸ DHS received 180 comments from U.S. and foreign businesses, industry associations, civil society organizations, labor unions, academia, NGOs, and

¹⁴ 2020 *List of Goods Produced by Child Labor or Forced Labor*, U.S. Department of Labor, (Sept. 2020), https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/2020_TVPRAListOnlineFinal.pdf; *Specially Designated Nationals and Blocked Persons List (SDN) Human Readable Lists*, U.S. Department of the Treasury, <https://home.treasury.gov/policy-issues/financial-sanctions/specially-designated-nationals-and-blocked-persons-list-sdn-human-readable-lists> (last updated May 9, 2022).

¹⁵ *Xinjiang Supply Chain Business Advisory*, *supra* note 8.

¹⁶ Shipments that were imported prior to June 21, 2022 will be adjudicated through the CBP WRO/Findings process. Shipments imported on or after June 21, 2022 that are subject to the UFLPA, which previously would have been subject to a Xinjiang WRO, will be processed under UFLPA procedures, and detained, excluded, or seized.

¹⁷ See Pub. L. No. 117-78, § 3, 135 Stat. 1525 (2021).

¹⁸ Notice Seeking Public Comments on Methods To Prevent the Importation of Goods Mined, Produced, or Manufactured With Forced Labor in the People's Republic of China, Especially in the Xinjiang Uyghur Autonomous Region, Into the United States, 87 Fed. Reg. 3567 (Jan. 24, 2022).

private individuals.¹⁹ The comments addressed a wide array of issues such as transshipment of materials produced by forced labor, labor conditions in Xinjiang and the PRC, innovative supply-chain tracing technologies, reports of labor transfers and other programs connected to forced labor in the region, and PRC-government retaliation against businesses. Commenters made recommendations for implementing the UFLPA, raised concerns regarding the necessary information to rebut the presumption, and provided suggestions on how importers can meet the “clear and convincing” evidentiary standard, which governs exceptions to the presumption.

The FLETF held a hearing on April 8, 2022, on the use of forced labor in the PRC and measures to prevent the importation into the United States of goods produced, mined, or manufactured, wholly or in part, with forced labor.²⁰ The hearing was organized to encompass the following topics: (i) forced-labor schemes in Xinjiang and the PRC; (ii) risks of importing goods made wholly or in part with forced labor; (iii) measures that can be taken to trace the origin of goods and to offer greater supply chain transparency; (iv) measures that can be taken to identify third country supply chain routes; (v) factors to consider in developing and maintaining the required UFLPA Entity List; (vi) high-priority enforcement sectors, including cotton, tomato, and polysilicon; (vii) importer guidance; (viii) opportunities for coordination and collaboration; and (ix) other general comments related to the UFLPA and covering multiple topics.

Sixty members of the public provided verbal testimony, and nine submitted supplemental written testimony. Witnesses included private individuals, industry associations, consultancy and risk-management companies, civil society organizations, NGOs, research and educational institutions, advocacy groups, labor unions, and importers or their representatives. Testimony addressed topics such as forced labor conditions in Xinjiang; concerns related to UFLPA implementation; and technologies, roadblocks, and potential solutions related to UFLPA implementation.²¹

The FLETF has considered all public comments received in response to the January 24, 2022 FRN and April 8, 2022 public hearing in the development of this strategy.

¹⁹ *Id.*

²⁰ Notice of Public Hearing on the Use of Forced Labor in the People's Republic of China and Measures To Prevent the Importation of Goods Produced, Mined, or Manufactured, Wholly or in Part, With Forced Labor in the People's Republic of China Into the United States, 87 Fed. Reg. 15448 (Mar. 18, 2022).

²¹ Notice of Public Hearing on the Use of Forced Labor in the People's Republic of China and Measures to Prevent the Importation of Goods Produced, Mined, or Manufactured, Wholly or in Part, With Forced Labor in the People's Republic of China Into the United States, Regulations.gov, <https://www.regulations.gov/docket/DHS-2022-0001> (last visited May 19, 2022) (containing public comments submitted in response to 87 Fed. Reg. 3567 and a transcript of verbal testimony from the hearing on April 8, 2022).

I. Assessment of the Risk of Importing Goods Mined, Produced, or Manufactured with Forced Labor in the People’s Republic of China

This section provides a comprehensive assessment of the risk of importing goods mined, produced, or manufactured wholly or in part with forced labor in the PRC due to threats, including the use of forced labor in supply chains.²² This assessment of risk supports the overall strategy to enforce the prohibition on the importation of goods made with forced labor in Xinjiang and will address the following:

- Threats that may lead to the importation into the United States of goods mined, produced, or manufactured wholly or in part with forced labor in the PRC; and
- Procedures that can be implemented or improved to reduce such threats.²³

Overview of Forced Labor in Xinjiang

The PRC government has committed genocide and crimes against humanity against Uyghurs and members of other ethnic and religious minority groups in Xinjiang. Other human rights abuses in Xinjiang involve discriminatory surveillance, ethno-racial profiling measures designed to subjugate and exploit minority populations in internment camps and, since at least 2017, the use of widespread state-sponsored forced labor.²⁴ DOS’s 2021 *Trafficking in Persons Report* stated that the PRC arbitrarily detained more than one million Uyghurs and members of other mostly Muslim minority groups in Xinjiang.²⁵ Many detained individuals approved to “graduate” from internment were sent to external manufacturing sites in proximity to the camps or in other provinces and subjected to forced labor.²⁶ The government continued to transfer some non-interned members of minority communities designated arbitrarily as “rural surplus labor” to other areas within Xinjiang as part of a “poverty alleviation” program to exploit them for forced labor.²⁷ Authorities also used the threat of internment to coerce members of Muslim communities into forced labor in manufacturing.²⁸

²² As used in this assessment, a “supply chain” is the sequence of steps taken to produce a final good from primary factors, starting with processing of raw materials, continuing with production of (often a series of) intermediate inputs, and ending with final assembly and distribution.

²³ Pub. L. No. 117-78, § 2(d)(1), 135 Stat. 1525 (2021).

²⁴ *Xinjiang Business Advisory*, *supra* note 8, at 1-2; 2021 *Trafficking in Persons Report*, U.S. Department of State (June 2020), <https://www.state.gov/wp-content/uploads/2021/09/TIPR-GPA-upload-07222021.pdf>.

²⁵ 2021 *Trafficking in Persons Report*, *supra* note 24, at 46.

²⁶ *Id.* at 177.

²⁷ *Id.*

²⁸ *Id.*

PRC-government documents shared by the New York Times in November 2019 confirm that forced labor is part of the government’s targeted campaign of repression, mass internment, and indoctrination of ethnic minorities in Xinjiang.²⁹ Personal testimonies of former internment camp detainees indicate PRC authorities are systemically forcing predominantly Muslim ethnic minorities to engage in forced labor in Xinjiang.³⁰ Additionally, the PRC has expanded its mass detention and political indoctrination campaign through the transfer of more than 80,000 detainees into forced labor in as many as 19 other provinces between April 1, 2019 and March 31, 2020, according to a DOS report.³¹ Satellite imagery also shows rapid construction of camps in Xinjiang between 2015 and 2020.³²



PRC authorities also placed more than 500,000 rural Tibetans in “military-style” vocational training and manufacturing jobs around the country under the auspices of a quota-based “surplus labor”

²⁹ Austin Ramzy & Chris Buckley, ‘*Absolutely No Mercy*’: Leaked Files Expose How China Organized Mass Detentions of Muslims, N.Y. Times (Nov. 16, 2019),

<https://www.nytimes.com/interactive/2019/11/16/world/asia/china-xinjiang-documents.html>.

³⁰ *Global Supply Chains, Forced Labor, and the Xinjiang Uyghur Autonomous Region*, Congressional-Executive Commission on China, 5 (Mar. 2020),

<https://www.cecc.gov/sites/chinacommission.house.gov/files/documents/CECC%20Staff%20Report%20March%202020%20-%20Global%20Supply%20Chains%2C%20Forced%20Labor%2C%20and%20the%20Xinjiang%20Uyghur%20Autonomous%20Region.pdf>;

Vicky Xiuzhong Xu et al., *Uyghurs for Sale: ‘Re-education,’ forced labour and surveillance beyond Xinjiang*, Australian Strategic Policy Institute, 5 (Mar. 1, 2020), <https://ad-aspi.s3.ap-southeast-2.amazonaws.com/2021-10/Uyghurs%20for%20sale%2020OCT21.pdf?VersionId=zIRFV8AtLg1ITtRpzBm7ZcfnHKm6Z0Ys>.

³¹ 2021 *Trafficking in Persons Report*, *supra* note 24, at 177.

³² *Who are the Uyghurs and why is China being accused of genocide?*, BBC News (June 21, 2021), <https://www.bbc.com/news/world-asia-china-22278037>; Eric Robinson & Sean Mann, *Part 2: Have Any of Xinjiang’s Detention Facilities Closed?*, Tearline.mil (Feb. 26, 2021), https://www.tearline.mil/public_page/xinjiang-nighttime-2/.

transfer program ostensibly intended as a “poverty alleviation” measure.³³ Observers noted that victims were subjected to forced labor and had little to no ability to refuse participation due to the PRC’s social control over Tibet.³⁴

Threats that May Lead to the Importation of Goods Made with Forced Labor from the PRC

Supply chains that touch Xinjiang are highly susceptible to the use of forced labor. Complex supply chains obscure the use of PRC-based forced labor in goods that enter the United States. Threats that amplify the likelihood of the presence of such goods in U.S. supply chains include lack of supply chain visibility, obscured Xinjiang inputs into multi-tiered manufacturing, supply chains that commingle inputs made with forced labor with legitimate production processes, intentional import prohibition evasion through transshipment, and forced labor practices that target vulnerable populations within the PRC.

Lack of Supply Chain Visibility

Global supply chain distribution and complexity in the production, processing, and manufacturing of goods is a key challenge in preventing goods produced with state-sponsored forced labor in the PRC from entering the United States.³⁵ This complexity obscures the origins of goods sourced from Xinjiang—a challenge compounded by the limited means of reliably tracing product sourcing.

Importers face challenges in tracing their supply chains due to a lack of tracing technologies, restrictions on independent auditors in the region, and other challenges.³⁶ As a result, importers often have visibility only into primary stages of their supply chains but not into the raw, or near-raw, material supplier level.³⁷ Forced labor often occurs at this supplier level, for example in agriculture and extraction of raw materials; and, in some cases, forced labor will be in mid-tier production chains, for example in manufacturing and assembly.³⁸ U.S. businesses may struggle

³³ Adrian Zenz, *Xinjiang’s System of Militarized Vocational Training Comes to Tibet*, The Jamestown Foundation: China Brief (Sept. 22, 2020), <https://jamestown.org/program/jamestown-early-warning-brief-xinjiangs-system-of-militarized-vocational-training-comes-to-tibet/>.

³⁴ *Id.*

³⁵ *Not for Sale-Advertising Forced Labor Products for Illegal Export*, Laogai Research Foundation, 6-7 (Feb. 2010), <https://d18mm95b2k9j1z.cloudfront.net/wp-content/uploads/2019/01/21-Not-for-sale.pdf>; *Global Supply Chains*, *supra* note 30, at 7.

³⁶ See Eva Xiao, *Auditors to Stop Inspecting Factories in China’s Xinjiang Despite Forced-Labor Concerns*, Wall St. J. (Sept. 21, 2020), <https://www.wsj.com/articles/auditors-say-they-no-longer-will-inspect-labor-conditions-at-xinjiang-factories-11600697706>.

³⁷ Consumer Technology Association Comment to the Forced Labor Enforcement Task Force, Regulations.gov, 2, 6 (Mar. 11, 2022), https://downloads.regulations.gov/DHS-2022-0001-0139/attachment_1.pdf.

³⁸ Lehr, *supra* note 3, at 2-3; *Ending child labour, forced labour and human trafficking in global supply chains*, International Labour Organization, 62 (Nov. 12, 2019), https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/publication/wcms_716930.pdf. Suppliers in a supply chain are often ranked by “tier,” depending on their distance from the business producing the good at issue. First-tier suppliers are those who supply direct to the business, second-tier are suppliers to the first-tier, and so on until the raw or near-raw supplier level.

to gain visibility into the suppliers involved in the early stages of manufacturing, and therefore are not always aware of supplier level or mid-tier manufacturer sourcing, and will continue to be unaware without wider availability of adequate tracing technologies.³⁹ If not aware of material supplier level or mid-tier sourcing, final tier manufacturers and U.S. importers would not be able to confirm if those materials were sourced directly or indirectly from Xinjiang.

Third Country or Province Manufacturing Processes

In 2019, total exports from Xinjiang totaled \$17.6 billion, including only \$300 million in direct U.S. imports.⁴⁰ The China Chamber of International Commerce reports that in 2020, Xinjiang had direct exports to 177 countries and regions, exporting 4,761 different kinds of products, therefore introducing risk that imports from these 177 countries may be impacted by labor conditions in Xinjiang.⁴¹ For example, Xinjiang produces about one-fifth of the world's cotton⁴² and about half of the world's polysilicon.⁴³ Raw or processed materials (e.g., cotton, thread or yarn) manufactured in Xinjiang may be shipped to another region or province in the PRC or to a third country for processing. Those materials could be commingled with inputs from other regions and obscure the origin of the materials imported into the United States.⁴⁴ Companies that purchase raw or processed materials from third countries may in fact be procuring goods from Xinjiang indirectly.

Intentional Transshipment and Evasion

In efforts to circumvent 19 U.S.C. § 1307, companies attempt to use illegal transshipment to conceal the origin of goods or inputs from Xinjiang. For example, even though CBP issued a WRO on the XPCC in 2020 for using forced labor, the XPCC has sustained trade relationships

³⁹ National Association of Manufacturers Comment to the Forced Labor Enforcement Task Force, Regulations.gov, 2 (Mar. 11, 2022), https://downloads.regulations.gov/DHS-2022-0001-0176/attachment_1.pdf.

⁴⁰ *Working on the chain gang: Congress is moving to block goods made with the forced labor of Uyghurs*, The Economist (Jan. 9 2021), <https://www.economist.com/united-states/2021/01/09/congress-is-moving-to-block-goods-made-with-the-forced-labour-of-uyghurs>.

⁴¹ China Chamber of International Commerce Comment to the Forced Labor Enforcement Task Force, Regulations.gov, 21-22 (Mar. 11, 2022), <https://www.regulations.gov/comment/DHS-2022-0001-0157>.

⁴² BBC News, *supra* note 32; Laura T. Murphy Comment to the Forced Labor Enforcement Task Force, Regulations.gov, 3 (Mar. 11, 2022), https://downloads.regulations.gov/DHS-2022-0001-0148/attachment_1.pdf.

⁴³ Solar Energy Industries Association Response to Senator Rubio and Senator Merkley, SEIA, 1 (Mar. 26, 2021), <https://www.seia.org/sites/default/files/2021-03/SEIA%20Response%20to%20Senators%20Rubio%20and%20Merkley%20%283.26.2021%29.pdf>; Dan Murtaugh et al., *Secrecy and Abuse Claims Haunt China's Solar Factories in Xinjiang*, Bloomberg (Apr. 13, 2021), <https://www.bloomberg.com/graphics/2021-xinjiang-solar/?sref=Tj5BOuJ2>.

⁴⁴ International Union, United Automobile, Aerospace & Agricultural Implement Workers of America Comment to the Forced Labor Enforcement Task Force, Regulations.gov, 2 (Mar. 8, 2022), https://downloads.regulations.gov/DHS-2022-0001-0047/attachment_1.pdf.

with commercial actors in third countries.⁴⁵ These relationships allow the XPCC to evade U.S. import restrictions by transshipping goods through these third countries. One study that traced goods produced by XPCC-majority owned companies found that, since 2019, these companies have exported 4,559 shipments to their top trade partners, who then reexported these goods to the United States and other countries.⁴⁶ For example, XPCC subsidiaries have exported tomato products to a third country food company, which, since 2019, has likely used these inputs in over 300 shipments exported to the United States.⁴⁷ Goods originating from Xinjiang, but that arrive in the United States under a declared country of origin other than the PRC, may evade detection as forced labor-made products.

Manufacturing processes and multi-tiered supply chains can further obscure the use of forced labor inputs by incorporating them into legitimate manufacturing processes. A 2021 USAID-funded Sheffield Hallam University study detailed the practice of PRC textile companies that, although not using forced labor in their own mid-tier third country facilities, rely on prohibited Xinjiang raw materials or semi-finished goods. Such goods could then be exported from a third country to the United States as a means of obscuring or “laundering” the importation of tainted raw materials from Xinjiang.⁴⁸

PRC Policies and Practices Pose Challenges to U.S. Forced Labor Enforcement

Suppliers and manufacturers located in the PRC face pressures, including via the PRC’s Anti-Foreign Sanctions Law, to defy U.S. import laws and regulations.⁴⁹ In March 2022, U.S. industry stakeholders reported that the PRC government has acted against PRC companies for complying with U.S. requirements to eliminate Xinjiang supply chain inputs.⁵⁰ The PRC also encourages the use of forced labor through its “mutual pairing assistance” programs, which provide companies with government incentives to establish factories near Xinjiang internment camps and to train detainees in labor-intensive industries like textile and garment manufacturing.⁵¹

⁴⁵ Irina Bukharin, *Long Shadows: How the Global Economy Supports Oppression in Xinjiang*, C4ADS, 16-17 (2021), <https://c4ads.org/s/Xinjiang-Report.pdf>; Treasury Sanctions Chinese Entity and Officials Pursuant to Global Magnitsky Human Rights Executive Order, U.S. Department of the Treasury (July 31, 2020), <https://home.treasury.gov/news/press-releases/sm1073>; CBP Issues Detention Order on Cotton Products Made by Xinjiang Production and Construction Corps Using Prison Labor, U.S. Customs and Border Protection (Dec. 2, 2020), <https://www.cbp.gov/newsroom/national-media-release/cbp-issues-detention-order-cotton-products-made-xinjiang-production>.

⁴⁶ Bukharin, *supra* note 45, at 18.

⁴⁷ *Id.* at 20.

⁴⁸ Laura T. Murphy et al., *Laundering Cotton: How Xinjiang Cotton is Obscured in International Supply Chains*, Sheffield Hallam University Helena Kennedy Centre for International Justice, 51 (2021), <https://www.shu.ac.uk/helena-kennedy-centre-international-justice/research-and-projects/all-projects/laundered-cotton>.

⁴⁹ Seyfarth Shaw LLP, *Anti-Foreign Sanctions Law: Update for Companies Doing Business in China*, JDSupra (Oct. 15, 2021), <https://www.jdsupra.com/legalnews/anti-foreign-sanctions-law-update-for-3549235/>.

⁵⁰ United States Council for International Business Comment to the Forced Labor Enforcement Task Force, Regulations.gov, 29 (Mar. 10, 2022), https://downloads.regulations.gov/DHS-2022-0001-0137/attachment_1.pdf.

⁵¹ See *infra* Section II. Evaluation and Description of Forced Labor Schemes and UFLPA Entity List.; Xinjiang Business Advisory, *supra* note 8, at 7.

U.S. and other Western companies have also been targeted by the PRC government, potentially due to public statements against forced labor in Xinjiang.⁵² In March 2021, a clothing retailer was removed from all major e-commerce platforms in the PRC after the Communist Youth League of China accused the retailer of “spreading rumors” about the cotton industry in Xinjiang.⁵³ In June 2021, the PRC’s General Administration of Customs confiscated, destroyed, or returned several shipments from U.S. companies that had spoken out against forced labor.⁵⁴

Procedures to Reduce Such Threats

Existing Efforts to Address the Threat of Forced Labor Goods Entering U.S. Supply Chains

State-sponsored forced labor in the PRC continues to pose a significant threat to U.S. and global supply chains. As of April 2022, CBP has 35 active WROs⁵⁵ against goods from the PRC, accounting for nearly 65 percent of all WROs. Many recent WROs issued against entities based in the PRC have been tied to the government’s use of forced labor targeting Uyghurs and members of other ethnic and religious minorities in Xinjiang. In addition, CBP maintains five active Findings⁵⁶ against goods produced with forced labor in the PRC, accounting for 55 percent of CBP’s total forced labor Findings worldwide.⁵⁷

⁵² *China accuses Western firms over ‘harmful’ kids’ goods*, BBC News (June 3, 2021), <https://www.bbc.com/news/business-57339758>.

⁵³ Allard K. Lowenstein International Human Rights Clinic Comment to the Forced Labor Enforcement Task Force, Regulations.gov, 5-6 (Mar. 11, 2022), https://downloads.regulations.gov/DHS-2022-0001-0141/attachment_1.pdf.

⁵⁴ Karen M. Sutter, *China’s Recent Trade Measures and Countermeasures: Issues for Congress*, Congressional Research Service, 55 (Dec. 10, 2021), <https://crsreports.congress.gov/product/pdf/R/R46915>.

⁵⁵ CBP implements 19 U.S.C. 1307 through the issuance of WROs and Findings to prevent merchandise produced in whole or in part in a foreign country using forced labor from being imported into the United States. There are 35 active WROs and one partially active WRO as of April 2022. CBP is now partially implementing one WRO involving goods from the PRC as a result of a modification that removed some goods covered by the original WRO.

⁵⁶ CBP issues a Finding when the agency makes a determination based on probable cause that forced labor is used in the manufacturing or production of a good or goods. See 19 CFR 12.42(f). A Finding allows CBP to seize the product(s) in question at all U.S. ports of entry.

⁵⁷ *Withhold Release Orders and Findings List*, *supra* note 12.

Active Withhold Release Orders & Findings

This map provides an overview of all active WROs and Findings around the world. CBP is currently enforcing 54 active WROs and 9 Findings across the globe.

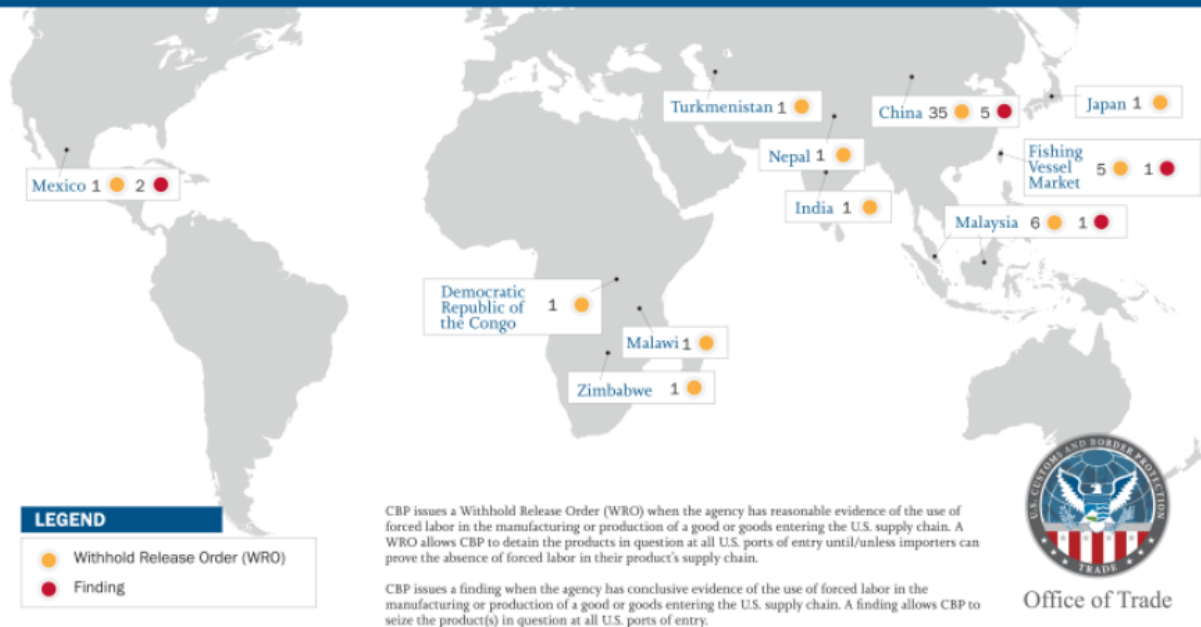


Image as of April 27, 2022 from <https://www.cbp.gov/trade/forced-labor/withhold-release-orders-and-findings>

DOL's *List of Goods Produced by Child or Forced Labor* includes 18 goods made with forced labor in China: artificial flowers, Christmas decorations, coal, fish, footwear, garments, gloves, hair products, nails, thread or yarn, tomato products, bricks, cotton, electronics, fireworks, textiles, toys,⁵⁸ and polysilicon (added in 2021).⁵⁹ Of these, ten have links to forced labor in Xinjiang or by Uyghur workers transferred to other parts of China: cotton, garments, footwear, electronics, gloves, hair products, polysilicon, textiles, thread/yarn, and tomato products. In addition, citing widespread state-sponsored forced labor, DOS has for years identified the PRC as a Tier 3 country, the lowest rank, in its *Trafficking in Persons Report* due to the PRC's failure to meet minimum standards on eliminating human trafficking set forth in the Trafficking Victims' Protection Act.⁶⁰

Future Efforts to Reduce Such Threats

Businesses and individuals should undertake heightened due diligence to ensure compliance with U.S. law and to identify potential supply chain exposure to companies operating in Xinjiang,

⁵⁸ 2020 *List of Goods Produced by Child Labor or Forced Labor*, *supra* note 14, at 31.

⁵⁹ Notice of Update to the Department Labor's List of Goods Produced by Child Labor or Forced Labor, 86 FR 32977 (Jun. 23, 2021).

⁶⁰ 2021 *Trafficking in Persons Report*, *supra* note 24, at 47.

linked to Xinjiang (e.g., through the pairing assistance program or Xinjiang supply chain inputs), or using Uyghur or other minority laborers in the PRC.

Businesses and individuals must review the risks and both civil and criminal liabilities in doing business with suppliers in the PRC and in third countries that may touch PRC forced labor. The United Nations' *Guiding Principles on Business and Human Rights*, the Organisation for Economic Cooperation and Development's *Guidelines for Multinational Enterprises*, the International Labor Organization's (ILO) *Combating Forced Labour: A Handbook for Employers and Business*, and the Office of the High Commissioner for Human Rights guide on *The Corporate Responsibility to Respect Human Rights* provide guidance for heightened due diligence in high-risk and conflict-affected regions. These documents highlight factors that may be considered in determining appropriate action, including whether and how to responsibly end relationships when a business is unable to prevent or mitigate the use of forced labor. Additional recommendations to secure supply chains against the risk of forced labor can be found in Section VI of this strategy.

II. Evaluation and Description of Forced-Labor Schemes and UFLPA Entity List

This section provides a description and evaluation of PRC government-labor schemes, as mandated by Section 2(d)(2)(A) of the UFLPA.

“Pairing Assistance,” “Poverty Alleviation,” and Other Government-Labor Schemes Overview

The PRC government engages in genocide and crimes against humanity against Uyghurs and other ethnic and religious minority groups in Xinjiang.⁶¹ Forced labor is a central tactic used for repression in state-run internment camps.⁶² The PRC has implemented labor programs across the country with a stated objective of eradicating poverty. However, use of such programs in Xinjiang and the use of labor sourced from persecuted groups carries a particularly high-risk of forced labor for members of ethnic and religious minority groups. In some cases, workers are transferred directly from detention to factories in and outside of Xinjiang.⁶³ Even when workers in these programs are not directly transferred from internment, they are not voluntarily offering themselves as labor.⁶⁴

The PRC government administers labor programs that target Uyghurs, Kazakhs, Kyrgyz, Tibetans, and members of other persecuted groups. Purported “poverty alleviation,” “pairing assistance,” and “labor transfer” programs can include discriminatory social control, pervasive surveillance, and large-scale internment.⁶⁵ An official PRC government report published in September 2020 indicated that the government reports to have placed over two and a half million workers at farms and factories in Xinjiang and across the PRC.⁶⁶ Research has since shown that workers in these schemes are largely members of ethnic minorities who are subjected to systemic oppression through forced labor and do not offer themselves voluntarily.⁶⁷ Notably, reports and testimony from former workers from Xinjiang who are members of ethnic and religious minority groups have consistently identified indicators of forced labor in four specific sectors: apparel, cotton and cotton products, silica-based products (including polysilicon), and tomatoes and downstream products.⁶⁸

⁶¹ *Xinjiang Business Advisory*, *supra* note 8 at 1-2.

⁶² *Forced Labor in China’s Xinjiang Region*, U.S. Department of State (July 1, 2021), https://www.state.gov/wp-content/uploads/2021/06/Forced-Labor-in-Chinas-Xinjiang-Region_LOW.pdf.

⁶³ Lehr, *supra* note 3 at 1-2.

⁶⁴ See, e.g., *id.*

⁶⁵ Murphy et al., *supra* note 48, at 26-29.

⁶⁶ *Employment and Labor Rights in Xinjiang* [English version], The State Council Information Office of the People’s Republic of China (Sept. 2020).

⁶⁷ Murphy et al., *supra* note 48, at 9.

⁶⁸ The FLETF has identified these four sectors as high priority for enforcement in Strategy Section II.

State-Sponsored Forced Labor in the PRC's Labor Programs

The PRC refers to internment camps as “Vocational Training Centers.”⁶⁹ Uyghurs and members of other ethnic and religious minority groups are subjected to forced labor in the internment camps, but so too are individuals who “graduate” from the camps.⁷⁰ Such individuals are often required to work at nearby facilities or are sent to satellite factories in their home region or other provinces.⁷¹

The PRC “Mutual Pairing Assistance” Program

Xinjiang government documents indicate that the PRC administers the “mutual pairing assistance” program, which facilitates PRC companies establishing satellite factories in Xinjiang and in conjunction with the internment camps.⁷² Through the PRC government’s mutual pairing assistance program, at least 19 cities and developed provinces have spent billions of Chinese yuan to establish factories in Xinjiang.⁷³ Factories are directly involved in the use of internment camp labor, including as part of labor programs that require parents to leave behind children as young as 18 months old while forced to work full-time under constant surveillance. Those children are then sent to state-controlled orphanages and other facilities.⁷⁴

The PRC’s pairing strategy relies generally on low-skilled labor industries that require only limited job training.⁷⁵ Private companies receive subsidies and other incentives for operating in Xinjiang or “absorbing” ethnic minority workers through government-labor assignment programs.⁷⁶ Xinjiang attracts textile and garment companies by building production sites near internment camps and providing companies subsidies for each detainee they train and employ.⁷⁷ These subsidies create a windfall for these PRC-linked companies, artificially lowering labor costs and supporting unfair competition. Reports and testimony from minority-group former workers have indicated the use of forced labor at private-sector labor assignments in the cotton textile sector, including through restriction of movement, deception about the terms of work, retention of identification documents, withholding of wages, and physical abuse.⁷⁸

⁶⁹ 2021 Trafficking in Persons Report, *supra* note 24, at 178.

⁷⁰ *Id.*

⁷¹ Adrian Zenz, *Beyond the Camps: Beijing’s Grand Scheme of Coercive Labor, Poverty Alleviation and Social Control in Xinjiang*, Congressional Executive Commission on China, 6-14 (Oct. 17, 2019), <https://www.cecc.gov/sites/chinacommission.house.gov/files/documents/Beyond%20the%20Camps%20CECC%20testimony%20version%20%28Zenz%20Oct%202019%29.pdf>.

⁷² *Id.* at 8-13.

⁷³ *Id.* at 23-24.

⁷⁴ *Id.* at 21-23.

⁷⁵ *Xinjiang Business Advisory*, *supra* note 8, at 7.

⁷⁶ Murphy et al., *supra* note 48, at 10.

⁷⁷ *Id.* at 17.

⁷⁸ *Id.*; see also Xinjiang Victims Database, <https://www.shahit.biz/eng> (last visited May 19, 2022).

PRC's Poverty Alleviation Programs

The PRC's "poverty alleviation" programs place Uyghurs and members of other persecuted minority groups in farms and factories across the PRC and compel them to work involuntarily under threat of penalty. PRC government policy documents indicate that these programs are intended to exercise control over the employment of every working-age person in Xinjiang.⁷⁹

Factories that accept minority workers through these labor programs receive government subsidies, as do the recruitment intermediaries who organize transfers of workers from Xinjiang to other provinces.⁸⁰ According to an NGO report, between 2017 and 2019 an estimated 80,000 ethnic minority workers were assigned out of Xinjiang to work in factories in eastern Chinese provinces through labor transfer programs under a PRC government policy known as "Xinjiang Aid."⁸¹ The factories produce inputs for a variety of industries, including apparel and textiles, electronics, solar energy, and the automotive sector.⁸²

Land Transfer and Reemployment

In rural areas, coercive expropriation of farmland from small-scale farmers also facilitates involuntary labor transfers.⁸³ The Xinjiang government administers crop production programs under which predominantly minority owners of (usually small) agricultural plots are required to transfer their land to "cooperatives" run by a small group of prominent farmers or a Han Chinese person.⁸⁴ The cooperatives in turn grow crops for use in private companies' manufacturing, at purchase prices set by the company. Dispossessed farmers are left unemployed and vulnerable to forced labor transfers or, if they refuse, internment. In some cases, farmers are required to work as hired labor for the cooperatives and companies that assume control over expropriated land, including their own, in a program described as "land transfer and reemployment."⁸⁵

Indicators of Forced Labor in PRC Labor Programs

The ILO Forced Labour Convention defines forced labor as "all work or service...exacted from any person under the menace of any penalty and for which the said person has not offered...[them]self voluntarily."⁸⁶ This is the same definition set forth in 19 U.S.C. § 1307. The ILO has identified 11 indicators of forced labor: abuse of vulnerability, deception, restriction of movement, isolation, physical and sexual violence, intimidation and threats, retention of identity

⁷⁹ Zenz, *supra* note 71, at 4.

⁸⁰ *Id.* at 10-11.

⁸¹ Xu et al., *supra* note 30, at 3, 13.

⁸² *Id.* at 5.

⁸³ Laura T. Murphy, Kendyl Salcito & Nyrola Elimä, *Financing & Genocide: Development Finance and the Crisis in the Uyghur Region*, The Atlantic Council, 8 (Feb. 2022), https://www.atlanticcouncil.org/wp-content/uploads/2022/02/Financing_Genocide.pdf.

⁸⁴ *Id.*

⁸⁵ *Id.* at 26; Murphy et al., *supra* note 48, at 11-12.

⁸⁶ International Labour Organization, Forced Labour Convention, 1930, No. 29, https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029.

documents, withholding of wages, debt bondage, abusive working and living conditions, and excessive overtime.⁸⁷

The following forced labor indicators⁸⁸ are present in government-labor schemes that use the forced labor of members of persecuted minorities from Xinjiang:

- **Intimidation and threats:** Labor transfer and work is undertaken involuntarily as a result of pervasive government intimidation and threats, as well as penalty of detention and indoctrination. Individuals who attempt to resist government work assignments are subjected to mandatory ideological education, sometimes in a prison or detention facility. Workers do not have the option to decline employment under the poverty alleviation or pairing assistance labor transfer programs without explicit or implicit threats of penalty. Ethnic and religious minority residents of Xinjiang are subject to the threat of arbitrary detention. Workers are also subjected to threats to family members in Xinjiang, including threats of detention of family members.⁸⁹ Workers are subjected to constant surveillance, and are monitored by security personnel and digital surveillance tools.⁹⁰ Surveillance is done through electronic means, watchtowers, government minders, or by employers reporting to the government.⁹¹ Workers' movements are tightly restricted even outside the workplace.⁹²
- **Abuse of vulnerability:** The persecution of members of ethnic minority groups in Xinjiang makes them vulnerable to forced labor and abuse. Members of minority groups are often transferred from internment camps to factories or are subject to threats of imprisonment at detention camps or traditional prisons.⁹³ Such threats make these persecuted minorities dependent on their employers for safety. The PRC also exploits the vulnerability of minority workers in Xinjiang by expropriating their private land, thereby dispossessing them of homes and income sources and forcing them into transfer programs.⁹⁴ Any entity who knowingly or has reason to believe it is employing workers impacted by "pairing assistance" or "poverty alleviation" who were subject to forced recruitment is abusing the worker's vulnerability and is itself implicated in forced labor.
- **Restriction of Movement:** Workers perform duties in internment camps and fenced-in factories with surveillance, guards, and requirements to report their movements.⁹⁵ Uyghur,

⁸⁷ *ILO Indicators of Forced Labour*, International Labour Organization, 3 (Oct. 1, 2012), https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf.

⁸⁸ *Id.*

⁸⁹ *See, e.g.,* Xu et al., *supra* note 30, at 6.

⁹⁰ *Id.*

⁹¹ *Id.* at 10.

⁹² *Id.* at 6.

⁹³ *2021 Trafficking in Persons Report*, *supra* note 24, at 177-78; Murphy et al., *supra* note 48, at 9.

⁹⁴ Murphy et al., *supra* note 48, at 11-12.

⁹⁵ Murphy et al., *supra* note 48, at 7; Xu et al., *supra* note 30, at 6; *see also* Xinjiang Victims Database, *supra* note 78; Lehr, *supra* note 3; Zenz, *supra* note 71, at 2.

Kazakh, and other ethnic minority group workers are often not allowed to leave the factories, or are heavily monitored when they do.⁹⁶

- **Isolation:** Authorities segregate Turkic and Muslim forced laborers from other workers at factories in and outside Xinjiang. Workers live in segregated dormitories and are transported in dedicated trains.⁹⁷
- **Abusive working conditions:** Workers are subject to political, cultural, and ideological indoctrination, police guard posts in factories, military-style management, and a ban on religious practices, such as praying or reading the Quran.⁹⁸
- **Excessive overtime:** Workers are required to attend “patriotic education” and “vocational training,” which includes Mandarin Chinese language classes, sometimes after working factory shifts that include full days of work activities.⁹⁹

The below addresses the remaining requirements of Section 2(d)(2)(B), which includes the UFLPA Entity List, lists of products made by listed entities, FLETF member and observer agencies’ plan to identify additional entities and facilities, a list of high-priority enforcement sectors, and enforcement plans for entities and high-priority sectors. The entities listed are subject to the presumption that their products are prohibited from entry into the United States under 19 U.S.C. § 1307, effective June 21, 2022.¹⁰⁰ The FLETF has identified the entities, facilities, and products based on the criteria outlined by the UFLPA. The initial sources for the entities listed pursuant to Sections 2(d)(2)(B)(i), (ii), (iv), and (v) are existing CBP WROs and the *BIS Entity List*. The listed entities, as well as any future updates, will be published in the Federal Register.

Section 2(d)(2)(B) of the UFLPA requires the FLETF to provide the following lists and plans outlined in subsections (i) through (ix).

Section 2(d)(2)(B)(i) A list of entities in Xinjiang that mine, produce, or manufacture wholly or in part any goods, wares, articles and merchandise with forced labor

Baoding LYSZD Trade and Business Co., Ltd.
Changji Esquel Textile Co. Ltd. (and one alias ¹⁰¹ : Changji Yida Textile)
Hetian Haolin Hair Accessories Co. Ltd. (and two aliases: Hotan Haolin Hair Accessories; and Hollin Hair Accessories)
Hetian Taida Apparel Co., Ltd (and one alias: Hetian TEDA Garment)

⁹⁶ *Id.*

⁹⁷ Xu et al., *supra* note 30, at 4-6.

⁹⁸ See, e.g., Lehr, *supra* note 3, at 2; Zenz, *supra* note 71, at 11; Xu et al., *supra* note 30, at 4.

⁹⁹ Murphy et al., *supra* note 48, at 20; Zenz, *supra* note 71, at 6; Xu et al., *supra* note 30, at 6.

¹⁰⁰ Pub. L. No. 117-78, § 3(a), 135 Stat. 1525 (2021).

¹⁰¹ Aliases for listed entities were collected through public or commercially available information.

Hoshine Silicon Industry (Shanshan) Co., Ltd (including one alias: Hesheng Silicon Industry (Shanshan) Co.) and subsidiaries
Xinjiang Daqo New Energy, Co. Ltd (including three aliases: Xinjiang Great New Energy Co., Ltd.; Xinjiang Daxin Energy Co., Ltd.; and Xinjiang Daqin Energy Co., Ltd.)
Xinjiang East Hope Nonferrous Metals Co. Ltd. (including one alias: Xinjiang Nonferrous)
Xinjiang GCL New Energy Material Technology, Co. Ltd (including one alias: Xinjiang GCL New Energy Materials Technology Co.)
Xinjiang Junggar Cotton and Linen Co., Ltd.
Xinjiang Production and Construction Corps (including three aliases: XPCC; Xinjiang Corps; and Bingtuan) and its subordinate and affiliated entities

Section 2(d)(2)(B)(ii) A list of entities working with the government of Xinjiang to recruit, transport, transfer, harbor or receive forced labor or Uyghurs, Kazakhs, Kyrgyz, or members of other persecuted groups out of Xinjiang

Aksu Huaifu Textiles Co. (including two aliases: Akesu Huaifu and Aksu Huaifu Dyed Melange Yarn)
Hefei Bitland Information Technology Co., Ltd. (including three aliases: Anhui Hefei Baolongda Information Technology; Hefei Baolongda Information Technology Co., Ltd.; and Hefei Bitland Optoelectronic Technology Co., Ltd.)
Hefei Meiling Co. Ltd. (including one alias: Hefei Meiling Group Holdings Limited)
KTK Group (including three aliases: Jiangsu Jinchuang Group; Jiangsu Jinchuang Holding Group; and KTK Holding)
Lop County Hair Product Industrial Park
Lop County Meixin Hair Products Co., Ltd.
Nanjing Synergy Textiles Co., Ltd. (including two aliases: Nanjing Xinyi Cotton Textile Printing and Dyeing; and Nanjing Xinyi Cotton Textile)
No. 4 Vocation Skills Education Training Center (VSETC)
Tanyuan Technology Co. Ltd. (including five aliases: Carbon Yuan Technology; Changzhou Carbon Yuan Technology Development; Carbon Element Technology; Jiangsu Carbon Element Technology; and Tanyuan Technology Development)
Xinjiang Production and Construction Corps (XPCC) and its subordinate and affiliated entities

Section 2(d)(2)(B)(iii) A list of products mined, produced, or manufactured wholly or in part by entities on the list required by clause (i) or (ii)

Name of entity listed in clause (i) or (ii)	Products mined, produced, or manufactured wholly or in part by each entity
Aksu Huaifu Textiles Co. (including two aliases: Akesu Huaifu and Aksu Huaifu Dyed Melange Yarn)	Textiles; Clothing
Baoding LYSZD Trade and Business Co., Ltd.	Apparel

Name of entity listed in clause (i) or (ii)	Products mined, produced, or manufactured wholly or in part by each entity
Changji Esquel Textile Co. Ltd. (and one alias: Changji Yida Textile)	Textiles; Clothing
Hefei Bitland Information Technology Co., Ltd. (including three aliases: Anhui Hefei Baolongda Information Technology; Hefei Baolongda Information Technology Co., Ltd.; and Hefei Bitland Optoelectronic Technology Co., Ltd.)	Computer parts; Electronics
Hefei Meiling Co. Ltd. (including one alias: Hefei Meiling Group Holdings Limited)	Electronics
Hetian Haolin Hair Accessories Co. Ltd. (and two aliases: Hotan Haolin Hair Accessories; and Hollin Hair Accessories)	Hair Products
Hetian Taida Apparel Co., Ltd (and one alias: Hetian TEDA Garment)	Garments
Hoshine Silicon Industry (Shanshan) Co., Ltd (including one alias: Hesheng Silicon Industry (Shanshan) Co.) and subsidiaries	Silica-Based Products
KTK Group (including three aliases: Jiangsu Jinchuang Group; Jiangsu Jinchuang Holding Group; and KTK Holding)	Rail Transportation Equipment
Lop County Hair Product Industrial Park	Hair Products
Lop County Meixin Hair Products Co., Ltd.	Hair Products
Nanjing Synergy Textiles Co., Ltd. (including two aliases: Nanjing Xinyi Cotton Textile Printing and Dyeing; and Nanjing Xinyi Cotton Textile)	Textiles; Clothing
Tanyuan Technology Co. Ltd. (including five aliases: Carbon Yuan Technology; Changzhou Carbon Yuan Technology Development; Carbon Element Technology; Jiangsu Carbon Element Technology; and Tanyuan Technology Development)	Touch Screens for Handheld Devices and Cars; Other Similar Products. Electronics
Xinjiang Daqo New Energy, Co. Ltd (including three aliases: Xinjiang Great New Energy Co., Ltd.; Xinjiang Daxin Energy Co., Ltd.; and Xinjiang Daqin Energy Co., Ltd.)	Polysilicon, including Solar-Grade Polysilicon
Xinjiang East Hope Nonferrous Metals Co. Ltd. (including one alias: Xinjiang Nonferrous)	Polysilicon, including Solar-Grade Polysilicon
Xinjiang GCL New Energy Material Technology, Co. Ltd (including one alias: Xinjiang GCL New Energy Materials Technology Co.)	Polysilicon, including Solar-Grade Polysilicon
Xinjiang Junggar Cotton and Linen Co., Ltd.	Cotton; Processed Cotton

Name of entity listed in clause (i) or (ii)	Products mined, produced, or manufactured wholly or in part by each entity
Xinjiang Production and Construction Corps (including three aliases: XPCC; Xinjiang Corps; and Bingtuan) and its subordinate and affiliated entities	Cotton and Cotton Products
Yili Zhuowan Garment Manufacturing Co., Ltd.	Apparel

Section 2(d)(2)(B)(iv) A list of entities that exported products described in clause (iii) from the PRC into the United States

Entities identified in sections (i) and (ii) above may serve as both manufactures and exporters. We have not identified additional exporters at this time but will continue to investigate and gather information about additional relevant entities.

Section 2(d)(2)(B)(v) A list of facilities and entities, including the Xinjiang Production and Construction Corps, that source material from Xinjiang or from persons working with the government of Xinjiang or the Xinjiang Production and Construction Corps for purposes of the “poverty alleviation” program or the “pairing-assistance” program or any other government-labor scheme that uses forced labor

Baoding LYSZD Trade and Business Co., Ltd.
Hefei Bitland Information Technology Co. Ltd.
Hetian Haolin Hair Accessories Co. Ltd.
Hetian Taida Apparel Co., Ltd.
Hoshine Silicon Industry (Shanshan) Co., Ltd., and Subsidiaries
Xinjiang Junggar Cotton and Linen Co., Ltd.
Lop County Hair Product Industrial Park
Lop County Meixin Hair Products Co., Ltd.
No. 4 Vocation Skills Education Training Center (VSETC)
Xinjiang Production and Construction Corps (XPCC) and its subordinate and affiliated entities
Yili Zhuowan Garment Manufacturing Co., Ltd.

Section 2(d)(2)(B)(vi) A plan for identifying additional facilities and entities described in clause (v)

FLETF agencies will be able to recommend the addition, removal, or modification of entities for the UFLPA Entity List. The UFLPA Entity List will be published on a DHS FLETF website and the Federal Register. Pursuant to Section 2(e) of the UFLPA, the UFLPA Entity List will also be incorporated into the public-facing annual congressional report. Depending on the level of information or evidence available, the FLETF may make referrals to relevant U.S. government, agencies for additional follow-up or action(s) (e.g., if appropriate, the FLETF may make a referral to HSI and DOJ for further investigation). While any FLETF member agency can make

recommendations for the addition of entities or facilities to this list, the following members provided specific plans as follow.

DOS, in coordination with the FLETF, will provide guidance to U.S. embassies abroad on the identification of prospective new entities and facilities in Xinjiang and elsewhere in the PRC that produce goods with forced labor; entities that participate in recruitment, transfer, receipt, or other facilitation of forced labor and labor transfer of members of persecuted groups; and entities that export products produced with forced labor or by entities using the labor transfer program. When appropriate, DOS will submit recommendations for the addition and/or removal of an entry on the UFLPA Entity List. DOS will continue to engage with NGOs to obtain relevant information to identify additional facilities and entities.

CBP will use a range of sources and research tools, both public and non-public, to identify entities in Xinjiang, and XPCC subsidiaries and affiliates, as well as entities that utilize forced labor via the PRC “poverty alleviation” program, the “pairing assistance” program, or any other government-labor scheme using forced labor with potential nexus to U.S. imports. This will include entities within Xinjiang and entities, whether or not located in Xinjiang, using products in their supply chain that were produced in Xinjiang.

DOC BIS will identify additional facilities or entities by utilizing the End-User Review Committee (ERC) process and the criteria set forth under the EAR. DOC’s BIS will continue to review activities of the Chinese government and commercial entities to determine whether placement of additional entities on the *BIS Entity List* or removal of compliant entities is warranted.

Section 2(d)(2)(B)(vii) An enforcement plan for each such entity whose goods, wares articles, or merchandise are exported into the United States, which may include issuing withhold release orders to support enforcement of section 4 with respect to the entity

In bilateral engagements with foreign governments, DOS, U.S. embassies and consulates, and other federal departments and agencies will continue to emphasize the United States’ commitment to ending forced labor, including the commitment to preventing the importation of any goods made with forced labor into the United States pursuant to 19 U.S.C. § 1307. DOS will also use these engagements to encourage foreign governments to prevent rerouting to third countries of shipments of goods produced with forced labor; encourage likeminded allies and partners, including trade partners, to publicly denounce PRC atrocities, and other human rights violations and abuses in Xinjiang; and encourage foreign governments to pursue complementary actions to hold entities accountable to prevent the importation of goods that utilize forced labor.

CBP will identify and interdict shipments exported to the United States by those entities located in Xinjiang, subsidiaries and affiliates of the XPCC, and any other entities, whether or not located in Xinjiang, found to utilize products in their supply chain produced in Xinjiang. The goods targeted will include all products produced and exported by these entities, as well as finished goods exported by other manufacturers that were produced with inputs (e.g., raw materials) from the aforementioned entities.

CBP will employ a risk-based approach, dynamic in nature, that prioritizes the highest-risk goods based on current data and intelligence. Currently the highest-risk goods include those imported directly from Xinjiang into the United States and from entities on the UFLPA Entity List. CBP will also prioritize illegally transshipped goods with inputs from Xinjiang, as well as goods imported into the United States by entities that, although not located in Xinjiang, are related to an entity in Xinjiang (whether as a parent, subsidiary, or affiliate) and likely to contain inputs from that region.

In addition to CBP identifying and interdicting goods subject to the rebuttable presumption, other DHS Components will also undertake separate enforcement efforts. The DHS Center for Countering Human Trafficking (CCHT) will send viable referrals of allegations of forced labor by entities in the PRC or affiliates of such entities that use or benefit from forced labor in Xinjiang to HSI field offices for pursuit of criminal investigations and federal prosecution, as appropriate.

Section 2(d)(2)(B)(viii) A list of high-priority sectors for enforcement, which shall include cotton, tomatoes, and polysilicon¹⁰²

Apparel: There are reports that forced labor is used in the production of apparel in the PRC. Researchers note that Xinjiang is undergoing an expansion of the garment and textile industry, and it is possible that hundreds of thousands of workers are being subjected to forced labor as part of this effort. There are indicators of forced labor, including the restriction of movement, isolation, intimidation and threats, withholding of wages, and abusive working and living conditions. Workers are also subjected to constant surveillance, retribution for religious beliefs, exclusion from community and social life, and threats to family members. Further, some workers have been subject to military-style management, government indoctrination, and are paid below the minimum wage. Through the “mutual pairing assistance” and “poverty alleviation” programs, workers can be placed at factories within Xinjiang, where the camps are located, or be transferred to factories in eastern PRC.

Cotton and cotton products: There are reports that forced labor is used in the production of cotton in the PRC. Reports indicate that even as rates of mechanization in the cotton harvest in Xinjiang have increased, up to half a million ethnic minority workers each year are mobilized to pick cotton as part of coercive labor transfer programs. “Labor transfer of rural surplus laborers” and “poverty alleviation” programs place farmers into seasonal wage labor harvesting cotton on plantations in southern Xinjiang. Workers are recruited through intrusive government door-to-door pressure and indoctrination campaigns, and are subjected to constant surveillance and control while working. Workers also report receiving wages below the national minimum. In addition, many workers are subjected to forced labor at yarn factories within Xinjiang, particularly for cotton yarns. Reports indicate that more than 2,000 adult Uyghur and ethnic

¹⁰² The paragraphs in this section are based on the U.S. Department of Labor Trafficking Victims Protection Reauthorization Act List, *supra* note 14 and the U.S. Customs and Border Protection Withhold Release Orders, *supra* note 12.

Kazakh workers have been involuntarily transferred out of Xinjiang to yarn factories in the east and forced to produce thread or yarn products.

Silica-Based Products (including polysilicon): There are reports of forced labor in the production of silica-based products in the PRC. Silica is a raw material that is used to make aluminum alloys, silicones, and polysilicon, which is then used in buildings, automobiles, petroleum, concrete, glass, ceramics, sealants, electronics, solar panels, and other goods. Companies operating in Xinjiang are offered government subsidies to use the labor of ethnic minority groups. There are credible reports that factories have engaged in coercive recruitment; intimidation and threats; limited workers' freedom of movement and communication; subjected workers to constant surveillance, retribution for religious beliefs, and exclusion from community and social life; and threatened workers' family members.

Tomatoes and Downstream Products: There are reports of forced labor in the production of tomato products in the PRC. The factories that produce tomato products, especially tomato paste, have frequently engaged in coercive recruitment; limited workers' freedom of movement and communication; and subjected workers to constant surveillance, retribution for religious beliefs, and isolation. Through the "mutual pairing assistance" and "poverty alleviation" programs, workers can be placed at factories within Xinjiang or be transferred to factories in eastern PRC.

Section 2(d)(2)(B)(ix) An enforcement plan for each such high-priority sector

Existing Enforcement Actions by U.S. Agencies

The rebuttable presumption, effective June 21, 2022, will apply to all products (whether or not already subject to WROs) within these high-priority sectors produced in Xinjiang or by entities on the UFLPA Entity List.¹⁰³ Shipments that were imported prior to June 21, 2022 will be adjudicated through the CBP WRO/Findings process. Shipments imported on or after June 21, 2022 that are subject to the UFLPA, which previously would have been subject to a Xinjiang WRO, will be processed under UFLPA procedures, and detained, excluded, or seized. Upon detention or exclusion of the merchandise, importers should consult Section VI of this strategy and CBP's *Uyghur Forced Labor Prevention Act U.S. Customs and Border Protection Operational Guidance for Importers*¹⁰⁴ to understand the options to export the goods, to request a review of whether the importation is within the UFLPA's purview, or to request an exception from the rebuttable presumption in accordance with Section 3(b) of the UFLPA.¹⁰⁵

CCHT supports HSI investigations of alleged criminal violations of 18 U.S.C. § 1589 forced labor, including those related to the importation of garments and silica-based products from Xinjiang.

¹⁰³ See Pub. L. No. 117-78, § 3(a), 135 Stat. 1525 (2021).

¹⁰⁴ *Uyghur Forced Labor Prevention Act U.S. Customs and Border Protection Operational Guidance for Importers*, U.S. Customs and Border Protection (June 2022), <https://www.cbp.gov/document/guidance/uflpa-operational-guidance-importers>

¹⁰⁵ *Id.* § 3(b).

Since October 2019, BIS has added a total of 67 entities to the *BIS Entity List* for their involvement in the PRC's repression, mass arbitrary detention, forced labor programs, and high-technology surveillance targeted at Uyghurs and members of other Muslim minority groups in Xinjiang, including 15 entities that were identified by BIS as implicated in the practice of accepting or utilizing forced labor. A U.S. company wishing to export, reexport, or transfer (in-country) any item subject to the EAR to any of the 67 entities is required to apply for a license.

Future Enforcement Actions

The U.S. government agencies listed above will continue to follow developments in and gather information about these sectors and others, as relevant, using their existing processes and authorities. Each of these agencies will also continue to use this information to carry out its own legally mandated enforcement actions or sanctions.

CBP will implement an enforcement plan that identifies and interdicts goods from high-priority sectors that are found to have a nexus to producers in Xinjiang, subsidiaries and affiliates of the XPCC, and any other producing entity found to utilize forced labor via a government-labor scheme, including those identified in the UFLPA Entity List. This enforcement plan will cover primary commodities and finished goods produced and exported from Xinjiang or an XPCC-linked entity, as well as finished and semi-finished goods manufactured by other entities that were produced with inputs from Xinjiang or the XPCC (e.g., textiles and apparel manufactured with cotton from Xinjiang). This enforcement plan will apply to any producer of finished products found to utilize inputs from Xinjiang or entities on the UFLPA Entity List, irrespective of the country of final manufacture.

In regards to the listed high priority sectors, CBP will employ a risk-based approach, dynamic in nature, that prioritizes the highest-risk goods based on current data and intelligence. Currently the highest-risk goods include those imported directly from Xinjiang into the United States and from entities on the UFLPA Entity List. CBP will also prioritize illegally transshipped goods with inputs from Xinjiang, as well as goods imported into the United States by entities that, although not located in Xinjiang, are related to an entity in Xinjiang (whether as a parent, subsidiary, or affiliate) and likely to contain inputs from that region.

CCHT will send viable referrals of allegations against those identified as high-priority sectors under Section 2 (d)(2)(B)(viii) of the UFLPA to HSI to pursue criminal investigation and federal prosecution, as appropriate.

BIS will continue to use the ERC process to identify and review activities of the PRC government and commercial entities to determine whether placement of additional entities on the *BIS Entity List* is warranted. Under Section 744.11(b) of the EAR,¹⁰⁶ persons for whom there is reasonable cause to believe, based on specific and articulable facts, that they have been involved,

¹⁰⁶ 15 C.F.R. §§ 730-774

are involved, or pose a significant risk of being or becoming involved in, activities that are contrary to the national security or foreign policy interests of the United States, along with those acting on behalf of such persons, may be added to the *BIS Entity List*. Included in activities that are deemed contrary to U.S. foreign policy interests are human rights violations including the use of forced labor.

As part of its commitment to putting human rights at the center of U.S. foreign policy, which includes holding accountable entities that engage in forced labor, DOS will continue to use appropriate tools and authorities to draw attention to and promote accountability for human rights violations and abuses in Xinjiang. Utilizing mechanisms to promote accountability, including the Elie Wiesel Genocide and Atrocities Prevention Act of 2018¹⁰⁷ and visa restriction authorities under Section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021,¹⁰⁸ DOS will contribute to the whole-of-government effort to hold accountable those who seek to benefit from forced labor in Xinjiang. Further details on DOS's *Diplomatic Strategy to Address Forced Labor in Xinjiang* are contained in the report submitted to Congress in April 2022, required by Section 4 of the UFLPA.

¹⁰⁷ Pub. L. No. 115-441, 132 Stat. 5586 (2019).

¹⁰⁸ Pub. L. No. 116-260, § 7031(c), 134 Stat. 1743 (2020).

III. Efforts, Initiatives, Tools, and Technologies to Accurately Identify and Trace Goods

The following section provides recommendations for efforts, initiatives, and tools and technologies to ensure CBP can accurately identify and trace goods made in Xinjiang upon arrival at any port of entry in the United States. In developing these recommendations, the FLETF explored approaches for CBP to improve supply-chain tracing and identify goods made in Xinjiang entering at U.S. ports of entry. The FLETF identified innovative technology-based solutions that would enhance CBP's automated systems.

Assessment of New Supply-Chain Tracing Technology

CBP is assessing cutting-edge technologies to identify and trace goods made with forced labor, specifically those technologies that support enhanced visibility into trade networks and supply chains that source goods or materials made with forced labor. CBP will prioritize technological capabilities that include:

- Integration of commercial-data sources with artificial intelligence and machine learning;
- Scanning, translation, and data extraction of non-text-searchable documents and sources;
- Remote sensing to support the digital traceability of raw materials sourced from Xinjiang;
- Foreign corporate registry data to map the structure of multinational companies and their global corporate networks; and
- Mapping major global supply chains that source from Xinjiang.

CBP plans to adopt enhanced supply-chain tracing technology that can connect imported goods to Xinjiang and other parts of the world at high-risk for forced labor. CBP also plans to invest in advanced search engines that may allow CBP to link known or suspected forced labor violators with their related business structures and transactions. These links may expose shell companies and layered ownership structures for entities involved in forced labor.

CBP is exploring other leading-edge technologies that can expedite the translation of documents in multiple languages (to include Chinese script) and improve the targeting of goods at high-risk of being made with forced labor by using enhanced modeling. These unique and scalable technological solutions have the potential to significantly enhance forced labor enforcement efforts by allowing CBP to quickly and accurately identify those entities that attempt to bypass the law through fraudulent documentation or shipping practices.

Additionally, CBP will work with interagency partners, including Federally Funded Research and Development Centers, to identify potential advanced-analytic models capable of identifying previously unknown entities engaged in forced labor practices and enhancing the speed of entity identification.

Investments to Enhance Existing Systems

In addition to exploring new technologies, CBP will continue to invest in its existing automated systems. CBP plans to enhance its current case management system to include an official record of a forced labor investigation's life cycle, which will be visible CBP-wide. The enhanced system will include all evidence, correspondence, and other documents related to the investigation, including detention orders, materials obtained and considered by CBP during an investigation, information submitted by importers with an admissibility petition, and materials from other agencies provided to CBP pursuant to the investigation. The planned enhancements also include a portal to track admissibility petitions.

CBP is considering other enhancements, which include:

- Improving current diagnostic analysis and analytical targeting to effectively enforce the UFLPA and prevent the importation of goods at high-risk of forced labor from other parts of the world.
- Advancing the integration of agency-wide systems to streamline user interface and data alignment between systems to support legitimate trade and provide uniform and reliable data capture and reporting.

Investments in CBP automated processes related to forced labor detentions, reviews, validations, and subsequent actions to facilitate lawful trade will improve CBP's ability to efficiently implement the UFLPA and include the following:

- Automating detention and seizure notices to provide immediate shipment status notifications to relevant parties (importer and broker);
- Developing a portal where importers submit evidence to contest the UFLPA rebuttable presumption, which will expedite admissibility determinations; and,
- Creating a common interface where field operators can access laboratory validation results for imported goods suspected of originating in regions at high-risk for forced labor and directly connect to existing systems that document release or enforcement efforts based on laboratory validation results.

Modernized and integrated enterprise systems will increase data quality and communication, enabling CBP to make better informed decisions more rapidly about admissibility of goods. The trade community will benefit from the enhancements as CBP decreases examination time, submits focused examination requests, and automates notifications.

Enhanced Interagency Collaboration on the Identification and Tracing of Goods

CBP will continue to leverage DOL's *List of Goods Produced by Child Labor or Forced Labor*,¹⁰⁹ *List of Products Produced by Forced or Indentured Child Labor*,¹¹⁰ and *Better Trade Tool*,¹¹¹ as well as DOS's *Trafficking in Person Report*¹¹² and *Responsible Sourcing Tool*,¹¹³ to help identify and target imported goods at risk of being made with forced labor. CBP will also continue to utilize DOL's tools such as *Comply Chain*¹¹⁴ to educate importers on effective supply-chain tracing and transparency. CBP encourages importers to manage their global supply chains by developing comprehensive and transparent due diligence systems.¹¹⁵

CBP will collaborate with industry analysts from other FLETF member and observer agencies to gain commodity expertise and supply-chain insights for specific goods or production inputs. This enhanced collaboration will support CBP audits to determine the veracity of the documentation that an importer may provide to petition for the admissibility of goods.

The existing collaboration between HSI and CBP has resulted in a significant increase in WROs and Findings issued in Fiscal Years (FY) 2021 and 2022. CBP and HSI will continue to investigate forced labor with a high-level of coordination and explore innovative solutions and combined investments to support investigations.

¹⁰⁹ *List of Goods Produced by Child Labor or Forced Labor*, U.S. Department of Labor, <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods> (last visited May 19, 2022).

¹¹⁰ *List of Products Produced by Forced or Indentured Child Labor*, U.S. Department of Labor, <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-products> (last visited May 19, 2022).

¹¹¹ *Better Trade Tool*, U.S. Department of Labor, <https://www.dol.gov/agencies/ilab/better-trade-tool> (last visited May 19, 2022).

¹¹² *2021 Trafficking in Persons Report*, *supra* note 24.

¹¹³ *Responsible Sourcing Tool*, <https://www.responsiblesourcingtool.org> (last visited May 19, 2022).

¹¹⁴ *Comply Chain: Business Tools for Labor Compliance in Global Supply Chains*, U.S. Department of Labor, <https://www.dol.gov/general/apps/ilab-comply-chain> (last visited May 19, 2022).

¹¹⁵ See *The Basics of a Social Compliance System*, *Comply Chain*, U.S. Department of Labor, <https://www.dol.gov/ilab/complychain/steps/2> (last visited May 19, 2022).

IV. CBP Enhancement of the Use of Legal Authorities and Tools to Prevent Entry of Goods in Violation of 19 United States Code 1307 at U.S. Ports

The UFLPA requires a description of how CBP plans to enhance its use of legal authorities and other tools to ensure that no goods in violation of 19 U.S.C. § 1307 are entered at any U.S. port, including through the initiation of pilot programs to test the viability of technologies to assist in the examination of such goods. Such existing authorities include, but are not limited to, detention and exclusion authorities under 19 U.S.C. § 1499 and seizure authorities under 19 U.S.C. § 1595a(c).

CBP is considering revisions to its regulations that will allow the agency to respond more quickly and nimbly to allegations of forced labor; provide importers with clear guidance as to processes, requirements, and timeframes for admissibility and exception determinations; and more uniformly implement admissibility determination processes for those determinations. The projected revisions are intended to provide well-defined requirements for importers for more effective and efficient enforcement of the prohibition of goods made with forced labor, with the goal of deterring and discouraging the use of forced labor.

V. Additional Resources Necessary to Ensure No Goods Made with Forced Labor Enter at U.S. Ports

Effectively combating the importation of goods made wholly or in part by forced labor requires relevant federal agencies to manage existing resources effectively; identify resource shortfalls; and, subject to Administration priorities, the President’s budget process, and appropriations, adequately resource implementation of this strategy. Such investments include not only direct operational costs, but also management and oversight requirements.

DHS Office of Strategy, Policy, and Plans

DHS PLCY supports the Undersecretary in his role as the Chair of the FLETF, which is currently comprised of thirteen department and agency members and observers.¹¹⁶ The FLETF was authorized pursuant to Section 741 of the USMCA Implementation Act,¹¹⁷ formally established by Executive Order 13923 on May 15, 2020 and tasked with monitoring enforcement of 19 U.S.C. § 1307. The UFLPA tasked the FLETF with hosting a public comment period and public hearing, both of which informed the development of this strategy. As a result, PLCY has undertaken a significant reallocation of resources to meet those demands and anticipates both near- and long-term resource needs to effectively execute ongoing requirements.

Staffing and Overtime

The FLETF, and the administration of the new congressionally mandated lines of effort for the FLETF, were not allocated separate staff or resourcing. Each FLETF member and observer agency has relied on its existing resources for participation. DHS PLCY has oversight and administration responsibilities for the FLETF. PLCY has routinely organized meetings, established FLETF priorities, coordinated bi-annual reports to Congress, and, most recently, led FLETF efforts to implement provisions of the UFLPA.

As PLCY prioritized the UFLPA implementation in FY 2022, it realigned existing staff members to support the coordination of an expedited whole-of-government strategy. Overtime was critical to address the required surge in work. This prioritization, however, resulted in the temporary diversion of resources away from other DHS trade policy priorities. Additional resources will be needed for the oversight and coordination role intended by Congress for the FLETF and sustainable implementation of the UFLPA. To this end, PLCY is recruiting additional full-time staff policy analysts in FY 2022 and 2023 to execute FLETF responsibilities.

¹¹⁶ The Secretary of Homeland Security is designated as Chair of the FLETF, per Executive Order 13923, and has since delegated this position to the Under Secretary for the Office of Strategy, Policy, and Plans. As Chair, the Undersecretary for the Office of Strategy, Policy, and Plans has the authority to invite departments and agencies to participate as members or observers, as appropriate.

¹¹⁷ 19 U.S.C. § 4681.

Strategy and Coordination

PLCY led coordination efforts among interagency and DHS Component partners, through a series of *ad hoc* working groups, to meet congressional requirements and produce this strategy. Moving forward, the FLETF will need to maintain oversight of future implementation efforts of elements of this strategy. PLCY will continue to facilitate coordination on various policy and operational matters set before the FLETF, including in the following areas:

- Assessment, evaluation, and designation of entities to be included or removed from the UFLPA Entity List.
- Enhanced outreach and coordination with civil society, private-sector organizations, and congressional stakeholders on the continued implementation of the UFLPA.
- Alignment with any other U.S. government initiative affecting the prohibition of imports of goods made with forced labor or policies related to the PRC.
- Proactive engagement with international partners to support the Diplomatic Strategy and to prohibit trade in products made with forced labor in Xinjiang.
- Annual updates to the strategy.

Communication and Outreach

To implement the UFLPA, the statute requires the FLETF to take on a new public engagement role. Whereas interagency staff assigned to the FLETF previously consisted of analysts focused on U.S. supply chains, forced labor, and interagency coordination, PLCY staff must now execute external-engagement and public-affairs coordination. As outlined in Section VII of this strategy, the FLETF, led by PLCY, will increase its regular meetings with different stakeholder groups on a range of issues related to the UFLPA. To facilitate these meetings, PLCY will be heavily involved in communicating and coordinating with stakeholders and monitoring public concerns submitted to the FLETF public email inbox. PLCY will also lead the establishment and maintenance of a FLETF website hosted on dhs.gov. Since no resources have been authorized or appropriated to the FLETF, PLCY must prioritize among mission areas within DHS and the other FLETF member agencies to support this new function.

U.S. Customs and Border Protection

CBP is the primary federal agency responsible for enforcing customs laws to combat the importation of goods produced with forced labor, as required by 19 U.S.C. § 1307. CBP investigates suspected forced labor in U.S. supply chains, targets and inspects imports that may contain goods that were produced with forced labor; detains, excludes, or seizes particular goods at U.S. ports of entry; investigates suspicious trade activity; conducts audits related to forced labor allegations; pursues civil penalties against individuals and companies involved in the importation of those prohibited goods; and works with HSI in support of criminal investigations related to forced labor.

CBP anticipates a significant increase in workload because of the rebuttable presumption in the UFLPA. Implementation of the rebuttable presumption increases the scope and volume of goods

subject to examination and enforcement under the UFLPA at ports of entry as well as a proportionate increase in administrative requirements across the agency. The increase in staff actions at ports of entry and headquarters to enforce UFLPA provisions has the potential to overcome other trade-enforcement priorities and requirements that are risk-based, such as intellectual property rights, detection and interdiction of opioids and other contraband, duty collections, and antidumping and countervailing duty evasion cases. The end-to-end forced labor enforcement process requires the support of nearly every CBP program office and an increase in resources commensurate to the impact to these offices. The pay funding request in the FY 2023 President's Budget includes positions critical for the vast actions within the forced labor enforcement process. The significant increase in scope and volume of reviews and the anticipated scale of requests for exceptions will require increased resources at ports of entry and in every CBP program office involved in forced labor enforcement to manage, audit, review, and generate reports to Congress for each exception.

CBP has assessed current resources against anticipated needs and identified needs for significant investments in the areas of staffing, training, strategy and outreach, and tools and technology. Thanks to the support of Congress, CBP secured \$27.5 million in the FY 2022 Enacted Budget to implement initial UFLPA requirements. An additional \$70.3 million is included in the FY 2023 President's Budget request, with FY 2024 and outyear support to be considered as part of future annual budget processes. This initial resourcing (FY 2022 and FY 2023) includes funding for continued enforcement, but CBP recognizes that acquiring, training, and equipping adequate staff and technologies will be an ongoing process.

Staffing and Overtime

Of the \$27.5 million secured in the FY 2022 Enacted Budget, funding of \$5.6 million was secured for staffing to allow for 65 positions, and \$10 million was secured for overtime to supplement staffing shortages at the ports of entry. Overtime was deemed critical to address the anticipated surge in cases that would require time and training to fully ingest. For FY 2023, CBP estimates another 300 positions will be required to effectively implement the new legislation. Staffing needs will include CBP Officers, Import Specialists, Seized Property Specialists, Technicians, Paralegals, Trade Analysts, Auditors, Attorneys, Scientists, Instructors, Technical Experts, and support staff. These positions are critical to ensuring proper staffing levels are provided to carry out CBP's trade mission and address the increased workload associated with the UFLPA.

Internal Communications and Training

Funding of \$526,000 was secured in the FY 2022 Enacted Budget to allow CBP to continue to ensure its personnel have the necessary knowledge of forced labor legislation and the policies and procedures to effectively implement and enforce the UFLPA. CBP will educate personnel at all levels about the requirements and operational impact of the UFLPA using various communication channels available to CBP. A robust training program for CBP personnel involved in forced labor enforcement will be initiated, to include webinars and a new forced labor curriculum at the Trade and Cargo Academy. The training will enable personnel involved

in trade enforcement to adapt to the changing trade environment and build expertise in the complexities of supply chains, risk management, and forced labor.

Strategy & Outreach

Funding of \$3 million was appropriated in the FY 2022 Enacted Budget for enhanced strategy development and outreach. CBP will evaluate and establish an organizational mechanism to leverage, and as appropriate, centralize and coordinate its capabilities and resources to effectively combat the importation of goods produced with forced labor.

Industry compliance is essential to combatting forced labor. If industry views violating laws and regulations prohibiting forced labor as a cost of doing business, then those laws and regulations have not achieved their goal of preventing this illegal activity from occurring. Additionally, if industry lacks information or necessary investments and tools to identify forced labor risks in supply chains, industry will not achieve the goal of preventing this illegal activity.

Therefore, industry education and collaboration are essential to ensuring the facilitation of legitimate trade. CBP will educate the public on forced labor and its impact on commerce and society through a *Public Awareness Campaign: U.S. Consumers and American Producers*. The goal of this campaign is to highlight CBP's global leadership of forced labor enforcement efforts and to enhance public awareness of forced labor and its impact on commerce and society. As part of this campaign, CBP will use various communication platforms to educate the public, the trade community, NGOs, and international organizations on forced labor, including: webinars, digital print materials, articles, media messages, and CBP social media.

Additionally, CBP will continue to provide timely and accurate information to the trade community to ensure that importers, customs brokers, and other relevant entities maintain compliance with forced labor legislation, including the newly enacted UFLPA. Trade outreach will focus on:

- Increasing awareness of the passage of the UFLPA;
- Communicating the timeline of its implementation; and
- Educating importers on how the rebuttable presumption will be applied and how the trade community can request a review of whether the importation is within UFLPA's purview or an exception to the rebuttable presumption.

CBP will implement the most efficient, cost-effective measures possible to engage and support partner efforts to prevent importation of goods made wholly or in part with forced labor. This will include posting updated forced labor resource links, Informed Compliance Publications, fact sheets, and frequently asked questions on the [cbp.gov](https://www.cbp.gov) informational web page.¹¹⁸ In addition, CBP will continue to work in collaboration with partner government agencies to develop

¹¹⁸ *Forced Labor*, U.S. Customs and Border Protection, <https://www.cbp.gov/trade/forced-labor> (last visited May 20, 2022)

education and training materials and host extensive trade outreach events such as educational webinars, panels, trade fairs, and international and domestic training with public, private, and international stakeholders. Furthermore, DHS will continue to meet with partner government agencies, NGOs, the trade community, and foreign governments seeking information on forced labor within supply chains.

Tools and Technology

Funding of \$8.3 million was secured in the FY 2022 Enacted Budget to provide enforcement and trade personnel with the appropriate tools and technology to enforce trade laws to combat the importation of goods produced with forced labor. An additional \$19.4 million is included in the FY 2023 President's Budget request, with FY 2024 and beyond support to be considered as part of outyear budget processes. This funding will support workforce modernization efforts and technology enhancements as described in Sections III and IV of this strategy. The goals of CBP's technology enhancements are to:

- Streamline the appeal process for admissibility reviews and exceptions to the rebuttable presumption;
- Improve the integration of CBP systems to modernize and streamline workflows that will result in better enforcement of 19 U.S.C. § 1307, facilitation of legitimate cargo, and support targeting of high-risk country-commodity-producer combinations for forced labor;
- Advance supply-chain tracing capabilities;¹¹⁹ and
- Expand on CBP's Forced Labor Case Management system.

U.S. Immigration and Customs Enforcement

The DHS CCHT, led by ICE HSI, is working with CBP to determine the possible increased workload for ICE HSI, and to request commensurate resources to address the anticipated increase in investigative referrals after various provisions of UFLPA become effective in June 2022. This resourcing, subject to the President's Budget process and appropriations, will include personnel, overtime, technology, and training but cannot be accurately assessed at this time due to uncertainty as to the rate of referrals.

¹¹⁹ See *supra* Section III. Efforts, Initiatives, Tools, and Technologies to Accurately Identify and Trace Goods.

VI. Guidance to Importers

The UFLPA requires the Commissioner of CBP to apply a rebuttable presumption that all goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in Xinjiang, or by entities on the UFLPA Entity List, are prohibited from entry into the United States under 19 U.S.C. § 1307. The rebuttable presumption applies to downstream products that incorporate these goods as inputs, regardless of where the products are produced, *i.e.*, to goods produced in the PRC outside Xinjiang, as well as goods produced in third countries or shipped through third countries, if they contain inputs mined, produced, or manufactured in Xinjiang or by an entity on the UFLPA Entity List.

It should be noted that an importer may provide information to CBP indicating that the goods are not in any way subject to the UFLPA, *i.e.*, its importations, and inputs, are sourced completely from outside Xinjiang and have no connection to the UFLPA Entity List. CBP will release such shipments, provided they are otherwise in compliance with U.S. law. If CBP has taken an enforcement action under the UFLPA on an importation, but an importer believes that its importation is outside the scope of the UFLPA, an importer may provide information to CBP to that effect, *i.e.*, information that the imported goods and their inputs are sourced completely from outside Xinjiang and have no connection to the UFLPA Entity List. Providing such documentation in English will facilitate CBP's efficient review of these exception requests. For the types of information required to establish that the importation is outside the scope of the UFLPA, refer to Section IV (B) of this strategy.

For an importation that is within the scope of the UFLPA, an importer may request an exception, which requires the importer to demonstrate that it has complied with the guidance set forth in this section, responded completely and substantively to all CBP requests for information, as well as demonstrate, by clear and convincing evidence that its imports were not mined, produced, or manufactured wholly or in part with forced labor. For guidance on the evidence relevant to the latter, refer to Section IV (C) of this strategy.

Section 2(d)(6) of the UFLPA requires the FLETF to provide guidance to importers on the following topics:

- due diligence, effective supply-chain tracing, and supply-chain management measures to ensure that importers do not import any goods mined, produced, or manufactured wholly or in part with forced labor from the PRC, especially from Xinjiang;
- the type, nature, and extent of evidence that demonstrates that goods originating in the PRC were not mined, produced, or manufactured wholly or in part in Xinjiang; and
- the type, nature, and extent of evidence that demonstrates that goods originating in the PRC, including goods detained or seized pursuant to 19 U.S.C. § 1307, were not mined, produced, or manufactured wholly or in part with forced labor.

An importer seeking an exception to the rebuttable presumption must demonstrate that it has fully complied with the requirements set forth in this section, and with any regulations that may

be issued in the future by CBP to implement this section. Barriers to performing due diligence, to supply-chain tracing, and supply-chain management, and to obtaining evidence to demonstrate that goods were not made wholly or in part in Xinjiang or by an entity on the UFLPA Entity List, may make it difficult for importers to fully comply with this guidance. Such barriers may prevent an importer from qualifying for an exception to the rebuttable presumption. Goods that do not qualify for an exception are subject to exclusion, or seizure and forfeiture.

In addition, the UFLPA requires that an importer seeking an exception to the rebuttable presumption must completely and substantively respond to all CBP requests for information to ascertain whether the goods were made wholly or in part with forced labor. CBP must also determine that there is clear and convincing evidence that the goods, wares, articles, or merchandise at issue were not mined, produced, or manufactured wholly or in part by forced labor. Importers may identify additional shipments that have identical supply chains to those that have been reviewed previously and determined to be admissible by CBP, to facilitate the faster release of identical shipments.

To facilitate implementation of the rebuttable presumption, CBP has also provided complementary guidance that is operational in nature, and which is available on CBP's UFLPA website.¹²⁰

Shipments imported prior to June 21 will be adjudicated through the WRO/Findings process. Shipments imported on or after June 21 that are subject to the UFLPA, which previously would have been subject to a Xinjiang WRO, will be processed under UFLPA procedures, and detained, excluded, or seized.

A. Due diligence, effective supply chain tracing, and supply chain management measures to ensure that importers do not import any goods mined, produced, or manufactured wholly or in part with forced labor from the People's Republic of China, especially from Xinjiang

Due Diligence

To overcome the rebuttable presumption, importers must conduct due diligence to ensure they do not import any goods mined, produced, or manufactured wholly or in part with forced labor. For the purposes of this guidance, due diligence includes assessing, preventing, and mitigating forced labor risk in the production of goods imported into the United States.

DOL's *Comply Chain*¹²¹ lays out in detail the ways in which an importer may demonstrate due diligence by developing a due diligence system. While systems may vary from industry to industry, an effective due diligence system in any industry may include the following elements:

- Engage stakeholders and partners

¹²⁰ Uyghur Forced Labor Prevention Act, U.S. Customs and Border Protection, <https://www.cbp.gov/trade/forced-labor/UFLPA> (last visited May 19, 2022).

¹²¹ *Comply Chain*, U.S. Department of Labor, <https://www.dol.gov/ilab/complychain/> (last visited May 19, 2022).

- Assess risks and impacts
- Develop a code of conduct
- Communicate and train across supply chain
- Monitor compliance
- Remediate violations
- Independent review
- Report performance and engagement

Importers may refer to DOL's *Comply Chain* for more information on the elements of an effective due diligence system. The following information summarizes these elements.

1) Engage stakeholders and partners

Due diligence includes identifying and engaging with stakeholders. Stakeholders may include individuals and communities affected by the operations and practices of a business, including those who work for suppliers throughout the supply chain.

Importers must engage with suppliers involved directly in the production of goods that will be imported into the United States and either work through those suppliers to engage, or engage directly, with producers of raw materials and components used in the imported goods to assess and address forced labor risk.

Sufficient due diligence may not be possible with regard to goods made in Xinjiang or made using the labor of workers from PRC-labor schemes if barriers prevent safe and secure engagement with the workers.

2) Assess risks and impacts

Forced labor risk assessments identify those places in supply chains where goods or materials are at risk of being made wholly or in part with forced labor.¹²² To conduct a forced labor risk assessment, importers must map supply chains for their imported goods and then identify steps at risk of using forced labor.

In making a forced labor risk assessment, factors to consider include, but are not limited to:

- Origin of imported goods and any raw materials or components in the imported good;
- Transactions among entities along the supply chain tied to the specific imported goods;
- Locations and identities of entities in the supply chain;

¹²² *ILO Indicators of Forced Labour*, *supra* note 87. The ILO has developed 11 forced labor indicators to identify the most common signs that point to the possible existence of forced labor. With respect to PRC's forced-labor schemes (including transfer of workers from Xinjiang), the most common ILO indicators of forced labor are: intimidation and threats; exploitation of a position of dependency and vulnerability; restriction on freedom of movement; isolation; abusive working and living conditions; and excessive hours, as described in Section II.

- Business relationships among entities in the supply chain;
- Use of publicly available datasets to estimate probability that raw materials or components originated in Xinjiang (when there are indications that raw materials or components do not originate from the stated location, such as inputs from countries that are known to lack production capacity that matches its output volume, additional due diligence is needed); and
- Indications that a supplier at any tier of the supply chain is using detainee or ex-detainee labor or is receiving workers from Xinjiang through PRC government-labor programs. For examples, see Strategy Section II.

3) Develop a code of conduct

A written code of conduct or equivalent statement of supply-chain standards that provides a framework for addressing the risk of forced labor in supply chains is an important element of due diligence. For supply chains that touch Xinjiang or involve entities that use labor transferred from Xinjiang under PRC-labor programs, the code of conduct must specifically forbid the use of forced labor and address the risk of use of PRC government-labor schemes, such as pairing assistance, poverty alleviation, or other labor transfer programs.

The importer should incorporate its code of conduct into its supplier contracts, including specification of all activities that a supplier is required to undertake as part of the importer's due diligence system, such as allowing auditors and verification organizations necessary access to facilities. In addition, if the importer plans to rely on direct suppliers to ensure its upstream suppliers implement standards consistent with the importer's code of conduct, the contract with the direct supplier should require the direct supplier to ensure that upstream suppliers train employees on detecting forced labor; conduct self-audits or obtain independent audits, including on recruitment of workers and use of PRC government-labor programs; implement corrective action plans; track and report on its performance of the contract's requirements; and require and monitor subcontractor adherence to the code of conduct.

4) Communicate and train across supply chain

Importers must provide training to their employees or agents responsible for selecting suppliers, including on risks of forced labor identified by the risk assessments, the prohibition on importation of goods produced by forced labor into the United States, the presumption that goods made in Xinjiang or by companies on the UFLPA Entity List are made using forced labor, risks of suppliers being included on future additions to the UFLPA Entity List, and the importer's code of conduct. Importers' employee and agent training should integrate efforts to eliminate forced labor risk into the supplier selection and contracting process.

Communicating the standards included in the code of conduct to agents (if applicable); suppliers at all tiers of the supply chain; labor brokers, recruiters, and employment agencies (if applicable); workers and trade unions; and communities and civil society groups is also an important element of a due diligence system. Importers should provide a thorough and comprehensive overview of coercive recruitment through PRC poverty alleviation, pairing assistance, and other labor transfer

programs; what to expect from an audit or verification process; and opportunities for worker input including grievance mechanisms.

5) Monitor compliance

Importers should monitor supplier compliance with their code of conduct, particularly for those suppliers and subcontractors in Xinjiang or on the UFLPA Entity List. This may be accomplished by conducting credible audits or through processes that go beyond traditional auditing and may involve the use of technology or partnerships with civil society.

A credible audit includes the following core elements: (1) unannounced arrival at the worksite and at a time when the workforce, especially workers at risk of forced labor, are likely to be present; (2) examination of ILO indicators of forced labor, in particular those described in Section II; (3) worker, management, and labor broker or recruiter interviews completed in the interviewee's native language and free of employer or government intimidation; (4) unrestricted access to the worksite and any associated locations, such as cafeterias and dormitories, to observe conditions; and (5) review of documents and other information to provide additional proof of compliance and to identify or corroborate discrepancies in the information and observations of the worksite and associated facilities. Because coercion often occurs at the recruitment stage, a credible audit should include documentation of the supplier's involvement with PRC-labor transfer programs, receipt of workers from Xinjiang, and measures to ensure voluntary participation by all workers in the supply chain.¹²³

As discussed in the updated *Xinjiang Supply Chain Business Advisory*¹²⁴ (issued in July 2021), audits, including third-party audits, are not alone sufficient to demonstrate due diligence and may not be a credible source of information for indicators of forced labor in Xinjiang. It is difficult to conduct a credible audit in Xinjiang (or of the use of ethnic and religious minority workers transferred from Xinjiang) due to the extent in which forced labor has been integrated into the regional economy, the restrictions on access to Xinjiang, the commingling of involuntary labor with voluntary labor, the inability of witnesses to speak freely about working conditions given government surveillance and coercion, and the incentives of government officials and entities doing business in the PRC to conceal government-sponsored forced labor. These due diligence barriers do not relieve importers seeking an exception to the rebuttable presumption of the statutory requirement to comply with this guidance. See Strategy Section VI (C) for information on credible audits and other evidence that demonstrates that goods originating in the PRC were not mined, produced, or manufactured wholly or in part with forced labor.

¹²³ Even where companies are not directly involved in the coercion, the PRC government may be providing workers who were recruited through coercion by threat of detention. Entities receiving ethnic and religious minority workers from Xinjiang through the labor transfer program may also be involved in creating coercive conditions at the entity itself, including limiting freedom of movement, pervasive surveillance, or failure to pay workers directly. Where there are multiple indicators of forced labor, all indicators must be addressed.

¹²⁴ *Xinjiang Supply Chain Business Advisory*, *supra* note 8.

6) Remediate violations

If forced labor indicators (see Strategy Section II) are identified, thus signifying the presence of forced labor in the supply chain, all importations of goods made prior to remediation are prohibited from entry into the United States. In order to import goods made by that supplier, the importer must demonstrate that it has fully remediated all such indicators of forced labor. Any imported goods that were produced prior to full remediation are prohibited. The importer must therefore develop a corrective action plan if it intends to continue sourcing inputs from the supplier. The corrective action plan must specifically address all indicators of forced labor.

Some abuses, including PRC-sponsored forced labor, may be impossible to fully remediate. Similarly, it may not be possible to require additional monitoring or transparency due to the PRC laws or policies. Corrective action in such cases may be limited to terminating the relationship with the supplier. When ending a business relationship, it is also recommended that the importer mitigate impacts on the workers, where possible, such as by communicating and engaging with the supplier and workers on the decision and timeline for disengagement.¹²⁵

7) Independent review

Independent third-party verification can demonstrate the implementation and effectiveness of an importer's due diligence system and is part of due diligence. Importers should periodically assess performance of their due diligence and evaluate the effectiveness of system components for ensuring that the supply chain is free of forced labor.

8) Report performance and engagement

An importer is encouraged to provide regular and timely public reporting on its due diligence system, including the auditing and verification processes. Such reporting may take many forms, such as a formal annual report or periodic web-based updates. Such reporting does not entail the disclosure of business proprietary information or other confidential data.

Effective Supply-Chain Tracing

Effective supply-chain tracing is a critical first step of due diligence. Importers must know their suppliers and labor sources at all levels of the supply chain.

The first step in conducting supply-chain tracing is “mapping” the entire supply chain, up to and including suppliers of raw materials used in the production of the imported good or material. Mapping is an exercise by which a company or a third-party collects information on the suppliers

¹²⁵ Failure to terminate the relationship with the supplier or take other appropriate remedial action could expose an importer to potential criminal liability if the importer continues to benefit, financially or by receiving anything of value, from participating in a venture engaged in forced labor, while knowing of or recklessly disregarding the forced labor. See 18 U.S.C. § 1589(b).

throughout the supply chain. It should also allow the importer to identify who is doing the work at each step in the process and the conditions under which the work is being done. The more comprehensively an importer can map its supply chains, the more accurately it can identify those places along the chain with the greatest risks of forced labor.

Beyond mapping, supply-chain tracing is the ability to demonstrate chain of custody of goods and materials from the beginning of the supply chain to the buyer of the finished product. Some established methods for supply-chain tracing include identity preservation and segregation. Identity preservation requires each product input to be packaged, processed, and traced separately from other product inputs or modifications throughout the supply chain. Most importantly, it does not allow any commingling of product inputs at any point in the supply chain. Alternative approaches such as segregation permit commingling of inputs, provided that each batch to be commingled is fully traced and documented to be free of forced labor prior to mixing. Segregated products must be kept separate from other products that cannot be identified as free of forced labor both physically and in documentation.

Importers should be aware that if their importations involve inputs from factories that source materials both from within Xinjiang and outside of Xinjiang, they risk having their importations subject to detention, as it may be harder to verify that the supply chain for imports to the U.S. is using only non-Xinjiang materials that have not been replaced by or commingled with Xinjiang materials at any point in the manufacturing process.

Supply-Chain Management Measures

Supply-chain management measures are also part of due diligence; they are measures taken to prevent and mitigate identified risks of forced labor.¹²⁶ Effective supply-chain management measures include having a process to vet potential suppliers for forced labor prior to entering a contract with them; requiring that supplier contracts necessitate corrective action by the supplier if forced labor is identified in the supply chain; and outlining the consequences if corrective action is not taken, such as termination of the contractual relationship. Effective supply-chain management also includes having access to documentation, personnel, and workers for verification of the absence of forced labor indicators, including at the recruitment stage.

Importers should have an information system to manage supply-chain management data, including all mapping and risk and impact assessment information, which should be entered into this system and updated on a regular basis. Importers should be able to demonstrate how risk and impact assessment information is used to inform forced labor risk prevention and mitigation.

¹²⁶ Failure to take appropriate remedial action could expose an importer to potential criminal liability if the importer continues to benefit, financially or by receiving anything of value, from participating in a venture engaged in forced labor, while knowing of or recklessly disregarding the forced labor. See 18 U.S.C. § 1589(b).

Importers may leverage U.S. government and NGO publications and other information to assist in implementing due diligence, effective supply-chain tracing, and supply-chain management measures to limit risks of forced labor in their supply chains. The following list provides resources to help importers and others address forced labor abuses in global supply chains (this list is illustrative, and the practices described in these documents do not supersede this guidance):

International Standards:

- The United Nations Guiding Principles on Business and Human Rights;¹²⁷
- The Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises (including sector-specific guidance);¹²⁸
- The ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;¹²⁹
- The ILO publication, *Combating Forced Labour: A Handbook for Employers and Business*;¹³⁰
- ILO Guidelines Concerning the Measurement of Forced Labor;¹³¹
- ILO General Principles and Operational Guidelines for Fair Recruitment;¹³²
- International Organization for Migration's ethical recruitment standards;¹³³ and
- The Office of the High Commissioner for Human Rights guide on *The Corporate Responsibility to Respect Human Rights* (OHCHR guide).¹³⁴

U.S. Government:

- The U.S. Department of State's *Responsible Sourcing Tool*;¹³⁵

¹²⁷ *UN Guiding Principles on Business and Human Rights*, Business & Human Rights Resource Centre, <https://www.business-humanrights.org/en/big-issues/un-guiding-principles-on-business-human-rights/> (last visited May 19, 2022).

¹²⁸ *Guidelines for Multinational Enterprises*, Organisation for Economic Co-operation and Development, <https://www.oecd.org/corporate/mne/> (last visited May 19, 2022).

¹²⁹ *Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy*, International Labour Organization, <https://www.ilo.org/empent/areas/mne-declaration/lang--en/index.htm> (last visited May 19, 2022).

¹³⁰ *Combating Forced Labour: A Handbook for Employers and Business*, International Labour Organization, (June 25, 2015) https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_101171.pdf.

¹³¹ *Guidelines Concerning the Measurement of Forced Labor*, International Labour Organization (2018), https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/meetingdocument/wcms_648619.pdf.

¹³² *General Principles and Operational Guidelines for Fair Recruitment*, International Labour Organization (2019), https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536755.pdf.

¹³³ *The IRIS Standard Report Version 1.2*, International Organization for Migration: IRIS Ethical Recruitment, (2019) <https://iris.iom.int/sites/g/files/tmzbdl201/files/documents/IRIS%20Standard%20Report%20.pdf>.

¹³⁴ *The Corporate Responsibility to Respect Human Rights*, UN Human Rights Office of the High Commissioner (June 1, 2012), https://www.ohchr.org/sites/default/files/Documents/Publications/HR.PUB.12.2_En.pdf.

¹³⁵ *Responsible Sourcing Tool*, *supra* note 104.

- The U.S. Department of Labor’s *Comply Chain*;¹³⁶
- The U.S. Department of Labor’s *Findings on the Worst Forms of Child Labor*;¹³⁷
- The U.S. Department of Labor’s *List of Goods Produced by Child Labor or Forced Labor*;¹³⁸
- The U.S. Department of Labor’s *List of Products Produced by Forced or Indentured Child Labor*;¹³⁹
- The U.S. Department of Labor’s *Better Trade Tool*;¹⁴⁰
- Federal Acquisition Regulations;¹⁴¹
- National Action Plan on Responsible Business Conduct;¹⁴²
- The updated *Xinjiang Supply Chains Business Advisory* (July 2021);¹⁴³
- The U.S. Customs and Border Protection’s *Reasonable Care: An Informed Compliance Publication* and other relevant publications;¹⁴⁴
- The U.S. Customs and Border Protection’s Forced Labor website resources;¹⁴⁵ and
- The U.S. Customs and Border Protection’s Withhold Release Orders and Findings, including those involving China and Xinjiang, and related FAQs that may aid importers in identifying additional merchandise, regions, and producers whose imports into the United States may be subject to exclusion and/or seizure.¹⁴⁶

Other:

- Group of Seven (G7) Trade Ministers’ Statement on Forced Labor;¹⁴⁷ and
- The Human Trafficking Legal Center’s guide, *Importing Freedom: Using the U.S. Tariff Act to Combat Forced Labor in Supply Chains*.¹⁴⁸

¹³⁶ *Comply Chain: Business Tools for Labor Compliance in Global Supply Chains*, *supra* note 114.

¹³⁷ *Findings on the Worst Forms of Child Labor*, U.S. Department of Labor, <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> (last visited June 15, 2022).

¹³⁸ *2020 List of Goods Produced by Child Labor or Forced Labor*, *supra* note 14.

¹³⁹ *List of Products Produced by Forced or Indentured Child Labor*, *supra* note 110.

¹⁴⁰ *Better Trade Tool*, *supra* note 111.

¹⁴¹ FAR, Acquisition.gov, <https://www.acquisition.gov/browse/index/far> (last visited May 19, 2022). Contractors or other suppliers of the U.S. Government that violate U.S. law or the FAR prohibition on human trafficking in U.S. Government acquisitions, per FAR clauses 52.222-18, -19, and -50, are subject to administrative enforcement action.

¹⁴² *National Action Plan on Responsible Business Conduct*, U.S. Department of State (June 22, 2021), <https://www.state.gov/responsible-business-conduct-national-action-plan/>.

¹⁴³ *Xinjiang Supply Chain Business Advisory*, *supra* note 8.

¹⁴⁴ *Reasonable Care: An Informed Compliance Publication*, U.S. Customs and Border Protection (Oct. 25, 2017), <https://www.cbp.gov/sites/default/files/assets/documents/2020-Feb/icprescare2017revision.pdf> (last updated Feb. 26, 2020).

¹⁴⁵ *See Forced Labor*, U.S. Customs and Border Protection, <https://www.cbp.gov/trade/forced-labor/> (last visited May 19, 2022).

¹⁴⁶ *Withhold Release Orders and Findings List*, *supra* note 12.

¹⁴⁷ *G7 Trade Ministers’ Statement on Forced Labor*, GOV.UK (Oct. 22, 2021), <https://www.gov.uk/government/news/g7-trade-ministers-statement-on-forced-labour-annex-a>.

¹⁴⁸ *Importing Freedom: Using the U.S. Tariff Act to Combat Forced Labor in Supply Chains*, The Human Trafficking Legal Center (June 2020), https://htlegalcenter.org/?smd_process_download=1&download_id=4935.

B. Evidence to demonstrate that a good was not mined, produced, or manufactured, wholly or in part, in Xinjiang

CBP is responsible for determining whether goods have been mined, produced, or manufactured wholly or in part with forced labor and imported into the United States in violation of the UFLPA. This section outlines the forms of evidence that typically facilitate this determination.

This section also reflects the forms of evidence that would facilitate a determination that an importation is not subject to the UFLPA—*i.e.*, information that the imported goods and their inputs are sourced completely from outside Xinjiang and have no connection to the UFLPA Entity List.

The type, nature, and extent of evidence required from the importer, however, will vary based on the facts and circumstances of the import in question. The following information is not intended to be an exhaustive list of the documentation CBP may request, and the goal is to provide importers flexibility to provide documentation consistent with their business operations.

Translation of documents into English will allow CBP to properly and more efficiently evaluate the information.

Supply-chain tracing is the general method to demonstrate that imported goods were not mined, produced, or manufactured in Xinjiang. In some instances, transshipment of goods made in Xinjiang, as described in Section I of this report, may be used to obscure the good's origin. Based on the facts and circumstances of a particular entry, CBP may request evidence to demonstrate supply-chain tracing of the entire supply chain of an imported good or a specific component of the good. When requested, importers should be able to trace the complete supply chain of the good under CBP review. Documentation should include:

- Detailed description of the supply chain for the imported good and components thereof, including all stages of mining, production, or manufacture, including any step of the sourcing, manufacturing, or processing of goods in third countries. This includes documenting how the imported good was made from raw materials to finished good, by what entities, and where, including all in-house manufacturing, sub-assembly operations, and outsourced production related to the imported good. This also includes documenting the roles of the entities involved at each stage of the supply chain, as well as the relationship between the entities (e.g., whether a supplier is also a manufacturer).
- Evidence that indicates the provenance of each component of the imported good. When possible, unique identifiers should be used to track raw materials and other inputs through the supply chain. When raw materials/inputs from different suppliers are commingled, there should be an auditable process for demonstrating the origin and control of each raw material or input.

DNA traceability or isotopic testing may make it possible to identify the origin of particular goods or materials without tracing the supply chain. For such evidence to be considered, its reliability must be demonstrated; it must relate to the part of the supply chain for which the

alternative evidence is being substituted, and the test results must be traceable to the specific import under CBP review.

C. Evidence to demonstrate that a good originating in the PRC, including goods detained or seized pursuant to 19 U.S.C. § 1307, was not mined, produced, or manufactured wholly or in part by forced labor

To obtain an exception to the UFLPA presumption, the importer must provide “clear and convincing evidence, that the good, ware, article, or merchandise was not mined, produced, or manufactured wholly or in part by forced labor” to CBP. CBP is responsible for determining whether goods have been mined, produced, or manufactured wholly or in part with forced labor and imported into the United States in violation of the UFLPA. This section outlines the forms of evidence that will typically facilitate this determination. The type, nature, and extent of evidence required from the importer, however, will vary based on the facts and circumstances of the import in question. The following information is not intended to be an exhaustive list of the documentation CBP may request, and the goal is to provide importers flexibility to provide documentation consistent with their business operations.

Translation of documents into English will allow CBP to properly and more efficiently evaluate the information.

Evidence must demonstrate that indicators of forced labor, including intimidation and threats, abuse of vulnerability, restriction of movement, isolation, abusive living and/or working conditions, and excessive hours, do not exist or are fully remediated.

Evidence to demonstrate that goods originating in the PRC were not made wholly or in part with forced labor may include:

- Evidence mapping the entire supply chain, and transport along the supply chain, including which entities were involved at each stage;
- Complete list of all workers at an entity subject to the rebuttable presumption in the production of the imported goods, including:
 - Evidence to demonstrate how and to whom wages are paid at each workplace;
 - Evidence to identify whether each worker comes from Xinjiang, as well as the worker’s residency status;
 - Evidence to demonstrate that output is consistent with the documented workers, including:
 - number of workers in each job category, total volume of material or goods input, and total volume of outputs of materials or goods; and,
 - documents relating to hours worked and daily production output of goods.
- Evidence that none of the workers who were involved in the production of the product were a) recruited, b) transported, c) transferred, d) harbored, or e) received with the involvement of the government of the PRC, XPCC, or entities on the UFLPA Entity List. Evidence should specifically address the controls each entity has in place to ensure that all workers are recruited voluntarily;

- Evidence that reliably demonstrates that every worker from Xinjiang is working voluntarily, and without menace or threat of penalty, including credible evidence that demonstrates for each such worker that:
 - recruitment to work, including recruitment to any job fair, was fully voluntary;
 - recruitment and continuation at the job were and are not subject to government or entity coercion;
 - recruitment was free of any forced labor indicator (see Strategy Section II), including detention, prior detention or threats of detention, detention or threats of detention of family members, or forced transfer of land to the government;
 - transport from Xinjiang was voluntary and free of any forced labor indicator, including government surveillance or control of worker movements during transport from Xinjiang;
 - transfer to the entity was voluntary and free of any forced labor indicator, including government surveillance;
 - living and working conditions at the entity are free of any forced labor indicator, including government surveillance or reporting by the entity to the government, restriction of movement, or required activities such as political, language, or cultural classes; and,
 - receipt of the worker by the entity was undertaken voluntarily and without any indicators of forced labor, including government surveillance or reporting.

Any audit performed to demonstrate that goods originating in the PRC were not made wholly or in part with forced labor including such evidence must explain its methodology, how it determined the presence or absence of forced labor indicators, a description of all evidence upon which the determination was based, and a description of how the auditor determined the reliability of the evidence used to reach the audit's conclusions. See Strategy Section VI (A) for additional information on due diligence and credible audits.

VII. Coordination and Collaboration with Appropriate Nongovernmental Organizations and Private-Sector Entities

This section addresses the FLETf's plan to coordinate and collaborate with appropriate NGOs and private-sector entities to implement and update this strategy. This section also outlines the FLETf's considerations for such a plan, lays out new FLETf engagement efforts related to the UFLPA implementation, and highlights ongoing FLETf engagements in which UFLPA strategy efforts can be incorporated.

Considerations

Forced Labor Enforcement Task Force UFLPA Mandate

The UFLPA requires the FLETf to develop a plan to engage with the U.S. public to implement and update this strategy.¹⁴⁹ This requirement is new to the FLETf, which has previously primarily focused on forced labor enforcement monitoring, interagency collaboration, and information sharing. This new role requires an increased commitment of public engagement resources for FLETf efforts.

The FLETf developed this strategy in a way that considers the breadth of public input and comments on the UFLPA. The FLETf aims to leverage member and observer agencies' existing partnerships with NGOs, the private-sector, and other stakeholders for continued engagement. In addition, the FLETf will be instituting UFLPA-specific mechanisms to engage the public in advance of future updates to the UFLPA strategy.

Receiving Public Input and Concerns Surrounding Retaliation

During the public comment period and prior to the hearing the FLETf heard concerns that certain individuals, NGOs, and businesses abstained from the public comment and public hearing process due to fear of potential PRC retaliation against parties that make statements related to the use of forced labor in the PRC, specifically in Xinjiang. These stakeholders may include the following groups:

- Survivors, Uyghurs, Kazakhs, Kyrgyz, Tibetans, or members of other persecuted groups who reside in the PRC or countries with bilateral extradition treaties with the PRC, or who have friends and family in the PRC or countries with bilateral extradition treaties with the PRC;
- Survivors, Uyghurs, Kazakhs, Kyrgyz, Tibetans, or members of other persecuted groups who do not have legal status in their countries of current residence, who fear removal to the PRC;
- NGOs that operate in the PRC or have the potential to operate in the PRC;

¹⁴⁹ *Id.* § 2(d)(7).

- U.S. importers with supply chains dependent on inputs from the PRC; and
- U.S. companies that have a physical presence in the PRC or have a PRC customer base.

Recognizing this challenge, the FLETF will promote collaboration with the groups identified above and seek ways to mitigate the fear of retaliation. The FLETF will also increase its coordination on external outreach related to the UFLPA strategy to ensure a whole-of-government approach. The increased FLETF coordination and synchronization will also ensure any potential gaps are identified and addressed in updates to the strategy.

Expanding Engagement Efforts of the FLETF

Engaging with NGOs and the Private Sector

As part of the FLETF's effort to engage NGOs and the private sector on the UFLPA, the FLETF will host more joint-interagency meetings with NGOs and the private sector to discuss the enforcement initiatives and trade facilitation measures. Additionally, the FLETF will institute recurring working-level meetings with the private sector and NGOs on this strategy and will meet with these NGOs and private-sector groups no less than biannually. The FLETF will also use platforms for survivors and entities fearing retaliation to share feedback anonymously.

Interested parties can inquire about participation in these meetings by reaching out to the FLETF via FLETF.PUBLIC.COMMENTS@hq.dhs.gov. The FLETF will structure appropriate representation for NGO and private-sector participation in meetings and adjust the parameters and implementation of these meetings as needed to reflect participant input, congressional guidance, and available resources.

DHS.gov Landing Page for the FLETF

The FLETF will be launching a FLETF webpage housed on the dhs.gov domain. The webpage will include:

- Information about the FLETF;
- Publicly available reports issued by the FLETF;
- A compiled list of .gov links to FLETF agency resources on 19 U.S.C. § 1307;
- Resources related to forced labor in supply chains of goods imported into the United States and mitigation of forced labor in global supply chains;
- Information about ongoing UFLPA implementation; and
- The UFLPA Entity List.

In addition to the FLETF webpage, DHS will continue to monitor the FLETF.PUBLIC.COMMENTS@hq.dhs.gov email inbox and include this email address as a contact point on the dhs.gov landing page to provide parties interested in participating in the FLETF public collaboration efforts an avenue to engage directly with the FLETF.

FLETF Recommendations for Stakeholder Engagements

The FLETF recommends stakeholders, including importers subject to the rebuttable presumption, consider the following types of supply chain-related stakeholder roles and engagements. The FLETF encourages NGOs and the private sector to share information with the FLETF related to engagements and efforts to implement programs to support these engagements, so the FLETF can continue to develop and define best practices. The FLETF will share updates on best practices on the FLETF webpage.

Stakeholder	Roles
Company employees	• Suggest ways that risk assessment and auditing data and analysis could assist in making decisions on sourcing, product development, strategy, and other issues • Act as extra “eyes and ears” on social compliance issues to supplement worksite monitoring programs
Workers in production facilities and worker representative unions	• Help identify risks of forced labor and other code of conduct violations at their worksites • Be involved in remediation planning where appropriate • Suggest opportunities for the company to address root causes of labor violations
Suppliers throughout the supply chain	• Be involved in code of conduct development • Help ensure that suppliers’ employees, agents, and suppliers are educated on the code; for example, ensure that recruiters understand any prohibition on using the labor transfer programs • Cooperate fully with auditors and independent verifiers
Communities and community-based organizations throughout the supply chain	• Provide valuable input into risk assessment; for example, provide advice on indicators of forced labor in recruitment of minority workers • Provide information to auditors and independent verifiers, as appropriate and safe • Provide comment on public reporting to enhance accuracy and credibility
National or international civil society organizations	• Supply information, via research, reports, or personnel in-country, to inform risk assessment • Carry out audits or independent verification, as appropriate and safe • Contribute to or provide comment on public reporting to enhance accuracy and credibility

Stakeholder	Roles
Shareholders and investor groups	• Communicate with companies on specific risks, including the risk of forced labor, in their supply chains (vocal shareholders can also advocate for change if they believe the social compliance system is not effective); this heightened attention from shareholders can also increase reputational risk • Encourage the company to dedicate resources to public reporting • Engage with the company to help identify root causes of labor abuse that may be linked to its operations
Other companies in the importer's industry	• Share risk assessment information about particular sourcing locations or suppliers • Join together to train or communicate with shared suppliers and other stakeholders on codes of conduct • Arrange joint audits or independent verification processes

Opportunities for Public Engagement through Existing U.S. Government Mechanisms

To build robust NGO and private-sector engagement on UFLPA implementation, FLETF member agencies must take advantage of existing U.S. government mechanisms, as appropriate for each stakeholder group. FLETF members and observers have commenced planning to integrate UFLPA-related discussions into current working bodies such as CBP's Commercial Customs Operations Advisory Committee (COAC)¹⁵⁰ and Civil Society Roundtable, USTR's Labor Advisory Committee, DOL's ongoing reporting requirements and tools to identify labor exploitation around the world, USAID's ongoing work with advocacy NGOs focused on Xinjiang forced labor, and DOS's ongoing work with NGOs and engagement with the foreign private sector and governments. The DHS Office of Partnership and Engagement (OPE) and PLCY will build on ongoing engagements with private-sector and NGO stakeholders to work collaboratively on initiatives to ensure goods made with forced labor are not imported into the United States. The recently established CCHT will also be engaging with its NGO and private sector stakeholders to increase awareness of UFLPA implementation and CBP enforcement of 19 U.S.C. § 1307.

Engagement with NGOs

CBP's Office of Trade plans to use its existing Civil Society Roundtable to continue discussing forced labor enforcement opportunities, as well as UFLPA implementation. The Civil Society Roundtable convenes quarterly and consists of many members who spend a significant amount

¹⁵⁰ *Commercial Customs Operations Advisory Committee (COAC)*, U.S. Customs and Border Protection, <https://www.cbp.gov/trade/stakeholder-engagement/coac> (last updated Mar. 21, 2022).

of time on the issue of forced labor in Xinjiang.¹⁵¹ Many of these NGOs continue to advocate for the victims of forced labor across the globe, especially in Xinjiang.

USAID will continue its support for research and advocacy through a coalition of dozens of NGOs globally. Through this work, USAID partners advocate for like-minded governments to adopt legislation and improve enforcement to address Xinjiang forced labor and companies to extricate themselves from tainted supply chains.

DOS will continue its diplomatic efforts, in Washington and via U.S. embassies and consulates abroad, to exchange ideas and information with appropriate domestic and international NGOs, including diaspora groups and survivors, about goods mined, produced, or manufactured wholly or in part with forced labor in Xinjiang and U.S. government efforts to address atrocities and human rights violations and abuses in the PRC. Since its original release in July 2020 and its update in July 2021, the *Xinjiang Supply Chain Business Advisory*¹⁵² has provided a platform to engage and raise awareness with NGOs about the risks associated with sourcing goods mined, produced, or manufactured wholly or in part with forced labor in Xinjiang. DOS continues to consult civil society organizations, inform messaging strategies related to the *Xinjiang Supply Chain Business Advisory* and provide updates as appropriate to NGOs on new guidance developed pursuant to Sections 2 and 3 of the UFLPA.

Private-Sector Engagements

CBP announced the sixteenth term of the COAC in early 2022. The COAC is a statutorily-mandated advisory committee comprised of a representative sample of U.S. industry and makes recommendations on regulations, policies or practices relating to CBP, including CBP's forced labor enforcement authority. CBP and private-sector representatives of the COAC will continue to discuss UFLPA implementation, including the rebuttable presumption requirement, in the COAC's Intelligent Enforcement Sub-Committee. As part of this subcommittee's efforts, CBP subject-matter experts and the private sector will discuss many of the concerns the industry raised in their public comments. This continuing dialogue is vital to informing CBP's enforcement of the UFLPA rebuttable presumption.

¹⁵¹ Members of the quarterly Civil Society Roundtable are: The Australian Strategic Policy Institute, Business and Human Rights Resource Centre, Center for Advanced Defense Studies, Center for Strategic & International Studies, Child Labor Coalition, China Labor Watch, Citizen Power Initiatives for China, Corporate Accountability Lab, Environmental Justice Foundation, Fair Labor Association, Freedom Fund, Global Labor Justice-International Labor Rights Forum (GLJ-ILRF), GoodWeave International, Greenpeace, Human Rights Training Center, Human Rights Watch, Human Trafficking Legal Center, Humanity United, Impact, International Corporate Accountability Roundtable, International Initiative on Exploitative Child Labor, International Labor Rights Forum, Kailash Satyarthi Children's Foundation, Laogai Research Foundation, Laudes Foundation, Minderoo Foundation, Liberty Shared, Rainforest Alliance/UTZ, Solidarity Center, The Hong Kong Polytechnic University, Transparentem, Uyghur Human Rights Project, Verité, Walk Free Foundation, Workers Rights Consortium, and Xinjiang Victims' Database. There were two meetings held between October 1, 2020 and March 31, 2021.

¹⁵² *Xinjiang Supply Chain Business Advisory*, *supra* note 8.

DOL will continue to leverage its connections with organized labor, civil society, and industry to engage on forced labor issues in a range of fora. DOL's Bureau of International Labor Affairs (ILAB) uses its research and reporting to regularly collaborate with other U.S. government agencies to improve the response to forced labor with respect to public procurement, diplomatic engagement, and trade considerations. ILAB frequently provides briefings on these topics to external groups, such as unions, civil society organizations, business associations, and companies, often in conjunction with other U.S. government partners. ILAB shares reporting insights and other tools like *Comply Chain*,¹⁵³ which is a mobile app that provides guidance to companies and industry groups that do not have a social compliance system in place, or those needing to strengthen their existing systems or achieve operational efficiencies. Further, DOL supports the Global Business Network on Forced Labor, which is an ILO forum for companies to collaborate and share best practices to address forced labor and other abusive labor practices within supply chains.

DOS will continue strengthening diplomatic outreach to relevant overseas private-sector entities, including international industry leaders, foreign trade and business associations in key sectors, particularly those using inputs sourced from the PRC, U.S. business associations in the PRC, and other foreign businesses where appropriate. DOS's outreach aims to target foreign companies that may be less aware of the risks they face in not complying with the UFLPA's requirements. DOS's outreach also seeks to increase private-sector awareness in foreign markets that the law not only covers products and components sourced directly from Xinjiang, but also those shipped to other parts of the PRC or to third countries for further manufacture, and those manufactured in other parts of the PRC by entities that use the labor transfer program to receive members of persecuted groups from Xinjiang.

Finally, DOC is leading an interagency effort that implements part of the *National Action Plan to Combat Human Trafficking* to develop industry outreach on forced labor in global supply chains (not limited to Xinjiang). As part of the President's Interagency Task Force to Monitor and Combat Trafficking in Persons, DOC, in collaboration with other U.S. government agencies, including DHS, DOL, DOS, and USTR, will create an interactive tool that provides information and guidance to U.S. firms on identifying and addressing the use of forced labor in global supply chains. The program will provide extensive information on relevant U.S. laws and regulations (including the UFLPA); suggest best practices in establishing an internal due diligence program to identify and address possible incidents of forced labor; and highlight the extensive U.S. government resources available to the private sector to better understand and mitigate the risks of forced labor in a company's supply chain. The program is scheduled to be released by the end of FY 2022 and will be supported with introductory webinars hosted by DOC and subject-matter experts from a number of FLETF member agencies to promote the program with key industry stakeholders.

¹⁵³ *Comply Chain: Business Tools for Labor Compliance in Global Supply Chains*, *supra* note 114.

Conclusion

The United States is deeply committed to combating forced labor, ensuring the global supply chain remains free and clear of these illicit goods. Importation of goods made using forced labor is an affront to our shared national values, exploiting vulnerable populations around the world. Thus, DHS and the FLETF remain dedicated to ensuring that the United States is doing its part in promoting human rights, fair labor standards, and allowing American workers and manufacturers a fair and equal playing field in the global marketplace. PRC forced-labor schemes and practices have drastic effects beyond the United States, impacting regions across the globe, and undermining development and worker rights in developing nations. Allowing such weaknesses in the global trading system undermines national security and the long-term stability of international labor standards. Combating forced labor is a moral imperative, and the United States will remain diligent in standing up against these human rights abuses.

Prohibitions on the entry of items tainted by forced labor have been a cornerstone of U.S. trade law for almost a century. The UFLPA strengthens the existing 19 U.S.C. § 1307 prohibition against the importation of goods made wholly or in part with forced labor and will better ensure that the U.S. economy is free from goods made with forced labor. The FLETF is supporting CBP's enforcement of the rebuttable presumption through the issuance of this strategy and will continue to monitor the enforcement of 19 U.S.C. § 1307 broadly. Moreover, as industry is adjusting to the UFLPA, FLETF agencies are continuing engagement with NGOs and the private sector to ensure all interested parties have the necessary resources and methods for engagement. DHS will update the FLETF webpage regularly to provide information and resources on the UFLPA.

The UFLPA has significant resource implications for CBP, as well as DHS PLCY and ICE. The effective use of legal authorities and resources are critical to effectively implement each provision of the UFLPA. As CBP is enforcing the rebuttable presumption, increased staffing is necessary to keep up with the significant increase in scope and volume of reviews and the anticipated scale of requests for exceptions. Further, funding is needed to enhance technologies to ensure accurate targeting of forced labor goods. DHS PLCY has led all FLETF coordination efforts among the interagency.

Pursuant to the UFLPA, this strategy will be updated annually. The FLETF also intends to update the UFLPA Entity List multiple times per year. The FLETF encourages concerned individuals, members of Congress, civil society groups, and other stakeholders to continue efforts to ensure the use of forced labor is eradicated from U.S. and international supply chains and better understand the labor conditions affecting those supply chains.

Appendix A - Acronyms

List of Abbreviations and Acronyms

BIS	Bureau of Industry and Security
CCHT	Center for Countering Human Trafficking
CBP	U.S. Customs and Border Protection
COAC	Commercial Operations Advisory Committee
DHS	U.S. Department of Homeland Security
DOC	U.S. Department of Commerce
DOJ	U.S. Department of Justice
DOL	U.S. Department of Labor
DOS	U.S. Department of State
EAR	Export Administration Regulations
ERC	End-User Review Committee
FLETF	Forced Labor Enforcement Task Force
FRN	Federal Register notice
FY	Fiscal Year
HSI	Homeland Security Investigations
ICE	U.S. Immigration and Customs Enforcement
ILAB	Bureau of International Labor Affairs (DOL)
ILO	International Labor Organization
NGO	Nongovernmental Organization
PLCY	Office of Strategy, Policy, and Plans (DHS)
PRC	People's Republic of China
TIP Report	Trafficking in Persons Report
Treasury	U.S. Department of the Treasury
TVPA	Trafficking Victims Protection Act
TVPRA	Trafficking Victims Protection Reauthorization Act
UFLPA	Uyghur Forced Labor Prevention Act
USAID	U.S. Agency for International Development
USMCA	U.S.-Mexico-Canada Agreement
USTR	Office of the U.S. Trade Representative
WRO	Withhold Release Orders
Xinjiang	Xinjiang Uyghur Autonomous Region
XPCC	Xinjiang Production and Construction Corps

Appendix B – Public Perspective on FLETF Collaboration Opportunities

As part of the public comment and hearing process, various stakeholders welcomed having an increased level of engagement with the FLETF on the implementation of the UFLPA. Both NGOs and private-sector entities emphasized the importance of a robust continued partnership and information sharing and provided recommendations for the FLETF as follows:

- Establish advisory groups of experts and advocates to inform the FLETF implementation of the UFLPA and to work closely with existing CBP groups;
- Lead importer education engagements on the FLETF implementation of the UFLPA;
- Establish a primary point of contact for stakeholders to contact the FLETF about UFLPA implementation;
- Establish an information-sharing database for better evidence-based coordination on UFLPA enforcement;
- Better engage U.S. allies and partners on the issue of forced labor;
- Determine a FLETF mechanism to evaluate effective remediation;
- Create a formal and confidential process by which all U.S. importers, manufacturers, distributors, and other entities can report the names, addresses, and operations of all known business entities in Xinjiang; and
- Establish multi-stakeholder engagements related to UFLPA implementation.

Public comments also emphasized the importance of public-private cooperation on specific issues covered by the strategy, including:

- The implementation and maintenance of the UFLPA Entity List;
- Limitations on supply-chain traceability and visibility due to current supply-chain systems and standards;
- Importer guidance and the evidence needed to rebut the presumption under the UFLPA and the presence of forced labor in a good's supply chain; and
- Ideas for potential plans and programs that could support the mitigation of the risk of forced labor in U.S. supply chains.