

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

June 2024



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

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Office of Trade / Trade Remedy Law Enforcement Directorate
Intelligent Enforcement Subcommittee
Forced Labor Working Group
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Action Required: Informational

Background:

- U.S. Customs and Border Protection (CBP) continues to enforce the Uyghur Forced Labor Prevention Act's (UFLPA) rebuttable presumption, which went into effect June 21, 2022, as well as Section 307 of the Tariff Act of 1930 (19 U.S.C. § 1307).
- CBP continues to employ a dynamic, risk-based approach to enforcement that prioritizes action against the highest-risk goods based on current data and intelligence to prevent prohibited goods from entering the United States.

Issue: The COAC Forced Labor Working Group is advocating for an enhanced partnership with CBP to eradicate forced labor in the supply chain. CBP is committed to enforcing 19 U.S.C. §1307 to facilitate legitimate trade and provides updates to key activities.

Key CBP Activities:

- On April 10, 2024, CBP issued a Withhold Release Order (WRO) against Shanghai Select Safety Products Company, Limited and its two subsidiaries Nantong and HK, based on information that reasonably indicates the use of convict labor in violation of 19 U.S.C. § 1307 in the production of that merchandise.
- On May 16, 2024, the Forced Labor Enforcement Task Force added 26 entities (textile) to the entity list, bringing the total number on the list to 65.
- CBP advises stakeholders on new and emerging technologies to glean valuable insights and lessons in forced labor risk management. CBP also provides industry input and guidance for isotopic testing, with a focus on cotton, which may help inform isotopic testing on other commodities in the future.
- CBP continues to take steps to further strengthen dialogue with industry partners. In fiscal year (FY) 2024 to date, CBP participated in over 180 engagements with the trade, the public, civil society organizations, members of Congress, and other stakeholders to reinforce education on forced labor enforcement and the implementation of the Uyghur Forced Labor Prevention Act (UFLPA), putting us on track to meet or exceed 500 engagements in FY 2023.
- CBP is improving educational UFLPA material for the private sector.
 - In February 2024, CBP updated five public guides/documents:
 - Allegation Submission Checklist (CBP Pub # 3148-0323),
 - Supporting Documents Submissions Guide (CBP Pub #3149-0323),
 - Best Practices for Applicability Reviews (CBP Pub #3083-0223),
 - Executive Summary and Sample Tables of Contents (CBP Pub # 3082-0223), and
 - UFLPA Fact Sheet (CBP Pub #1791-0522).

- CBP posted the forced labor video series: “Understanding Forced Labor, U.S. Laws, and CBP Enforcement” and “How to Submit Forced Labor Allegations.” More videos will be posted in the coming months.
- Stakeholders are testing CBP’s forced labor chatbot, which provides customer support to visitors that browse the site for UFLPA guidance.
- CBP provides additional transparency to importers when their shipments are stopped for a suspected UFLPA violation, while protecting business confidential and law enforcement-sensitive information.
 - In January 2024, CBP made automated detention notice enhancements to the Automated Commercial Environment (ACE). This affects all detentions, not just those related to forced labor and UFLPA. Electronic detention notices provide CBP and importers with documentation submission due date visibility on detention notices quicker than using traditional postal mailings.
 - In January 2024, CBP also launched the Protest Module, which the trade community can access through the ACE system. This update allows the trade to file protests to CBP’s UFLPA decisions and upload supporting documentation. CBP can issue a decision on the protest and inform the trade via ACE system.
 - CBP posted the UFLPA Attachment to the Notice of Detention, or Addendum, as a supplement to a CBP detention notice in January 2024. The addendum provides examples of documentation importers may provide if they wish to prove their goods are not made in whole or in part with forced labor and to secure release of their shipment. It is important to note that this list is not exhaustive nor is it a reflection of the entirety of CBP’s efforts to enforce the UFLPA.

Current Status:

- CBP and the COAC Forced Labor Working Group continue to engage on issues in accordance with the statement of work.
- The COAC is planning to submit forced labor recommendations at the June 26, 2024, COAC public meeting.

Next Steps:

- CBP and the COAC Forced Labor Working Group will focus upcoming meetings on information guidance on isotopic testing and increased transparency efforts for importers when shipments are stopped for suspected UFLPA violations.

Submitted by: Brian M. Hoxie, Director, FLD, OT

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