



March 10, 2022

**U.S. Department of Homeland Security  
Forced Labor Enforcement Task Force Members  
DHS Docket No. DHS-2022-001**

**Re: Comment 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**

**Dear Forced Labor Enforcement Task Force Members:**

As a human rights organization, The Human Trafficking Legal Center has a significant interest in the eradication of forced labor in global supply chains. We are particularly concerned about the systematic abuse of Uyghurs and other religious and ethnic minorities in China.

The Uyghur Forced Labor Prevention Act, Public Law 117-78, creates a rebuttable presumption that goods made in Xinjiang Uyghur Autonomous Region of China or produced by a listed entity are made with forced labor. This presumption may only be refuted with “clear and convincing evidence” that the import was not “mined, produced, or manufactured wholly or in part by forced labor.”

**Recommendations on Enforcement of the Uyghur Forced Labor Prevention Act:**

We write today to provide recommendations to the Forced Labor Enforcement Task Force in response to some of the questions posed in the Federal Register Notice.

***1. What are the risks of importing goods, wares, articles and merchandise 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?***



Forced labor is pervasive across all industries in the Xinjiang Uyghur Autonomous Region (Uyghur Region). Many corporate entities are direct and indirect beneficiaries of various Chinese government schemes, including “labor transfer,” “poverty alleviation,” and “surplus labor” programs. These schemes feed into a highly surveilled and coercive system of state-sponsored forced labor. Forced prison and internment camp labor is also widespread in the region, often taking place under the guise of “vocational training.” Through these schemes, the Chinese government and participating suppliers exact forced labor of Uyghurs and other ethnic minorities to produce raw materials and/or finished goods that end up in U.S. and global supply chains.

By importing products made using Uyghur labor, U.S. importers risk violating the Uyghur Forced Labor Prevention Act (UFLPA), the U.S. Tariff Act, and the Trafficking Victims Protection Reauthorization Act (TVPPRA). Companies also risk contributing to the generation of taxes, fees, and other revenues from the business activity generated by imports (directly or indirectly) of products tainted by forced labor. This revenue helps the Chinese government continue its persecution and genocide of the Uyghur people.

Companies have the responsibility to respect human rights and conduct effective human rights due diligence to ensure they are not causing, contributing to, or linked to human rights abuses through their direct or indirect actions. Ties to products connected with forced labor put companies at significant legal, financial, and reputational risks<sup>1</sup>. These risks include, for example, lawsuits and legal risks associated with gross human rights abuses, such as forced and prison labor; material risks stemming from the seizure of goods and ending business relationships; and reputational risks from negative media coverage.

Importation of these goods not only harms workers in China held in forced labor. There is also profound risk to U.S. workers who cannot compete against workers held in detention and forced to produce goods for export. These goods must be barred from the U.S. market.

***2. To the extent feasible, as part of the assessment of risks, what mechanisms, including the potential involvement in supply chains of entities that may use forced labor, could lead to the importation into the United States from the People’s Republic of China, including through third countries of goods, wares, articles and merchandise mined, produced, or manufactured wholly or in part with forced labor?***

Products made using forced labor enter the United States directly and indirectly. Inputs sourced from the Uyghur region or otherwise made using forced Uyghur labor can end up in U.S.

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<sup>1</sup> <https://www.state.gov/xinjiang-supply-chain-business-advisory/>



markets through trade with entities in third countries. A recent report<sup>2</sup> titled *Laundering Cotton: How Xinjiang Cotton is Obscured in International Supply Chains*, published by Sheffield Hallam University, demonstrates these third country links to Uyghur forced labor. The report suggests that most of China’s raw cotton and yarn (greater than 52%) is exported to manufacturing intermediaries in countries like Bangladesh, Vietnam, the Philippines, Hong Kong, Indonesia, and Cambodia. These intermediaries supply some of the world’s leading international brands with cotton apparel and home goods, thus obscuring the origin of the cotton inputs. Similarly, studies<sup>3</sup> have identified Central Asia as a processing hub for products traded by the sanctioned entity XPCC.

Commingling of inputs made using forced labor with non-prohibited inputs is another way by which companies can obscure links to Uyghur labor in global supply chains and continue business as usual. Companies deliberately falsify records and mislabel products in order to escape scrutiny and hide the presence of prohibited inputs. The U.S. government should pay special attention to such evasion tactics by importers, intermediaries, and suppliers.

Many companies still rely on false certifications and poor social audits to claim that they do not use forced labor in their supply chains. These entities continue to import prohibited goods with a purportedly “clean” bill of health. Such certifications or audits should not be accepted as proof of the absence of forced labor.

### ***3. What procedures can be implemented or improved to reduce the threats identified in Question 2?***

- i) CBP should make full use of DNA traceability and isotopic testing technologies to identify whether shipments contain inputs from the Uyghur Region.
- ii) CBP should scrutinize the imports for any importer that is not responsive to a data request. An importer’s assertion that it cannot provide requested information – for example, disclosure of lower tiers of its supply chain including the source of raw materials used in the production of its goods – should be interpreted as a refusal to provide the requested information. A refusal to provide information should preclude entry into the U.S. market.
- iii) CBP should work with trading partners to share intelligence and supply chain data so that any third-country links to Uyghur labor can be identified.

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<sup>2</sup><https://www.shu.ac.uk/helena-kennedy-centre-international-justice/research-and-projects/all-projects/laundered-cotton>

<sup>3</sup><https://c4ads.org/long-shadows>



- iv) The legislation (Section 2(a)(2)(B) (i-vi)) requires the U.S. government to create and maintain lists of entities and products with links to the Uyghur Region and to forced labor. These lists must be updated promptly as new entities and products are identified. Close attention must be paid to product mislabeling, misrepresentations in supply chain documents, changes to names and addresses of suppliers, and any other obfuscation related to corporate and product names and regions and countries of origin, in order to ensure that the lists are comprehensive and accurate.

***4. What forms does the use of forced labor take in the People’s Republic of China and the Xinjiang Uyghur Autonomous Region? For example, what “pairing assistance” and “poverty alleviation” or other government labor schemes exist in the People’s Republic of China that include the forced labor of Uyghurs, Kazakhs, Kyrgyz, Tibetans, or members of other persecuted groups outside of the Xinjiang Uyghur Autonomous Region? What similar programs exist in which work, or services are extracted from Uyghurs, Kazakhs, Kyrgyz, Tibetans, or members of other persecuted groups under the threat of penalty or for which they have not offered themselves voluntarily?***

The government of China is perpetrating human rights abuses on a massive scale in the Xinjiang Region, targeting the Uyghur population and other Turkic and Muslim-majority peoples based on their religion and ethnicity. These abuses include arbitrary mass detention of an estimated 1 million to 1.8 million people and a program to “cleanse” targeted ethnic groups of their “extremist” thoughts through re-education and forced labor. This involves both detainees forced to labor inside internment camps and multiple forms of involuntary labor at workplaces in the Uyghur Region, as well as across China.

The Chinese government is transporting Uyghurs and other Turkic and Muslim-majority peoples to other parts of China, where they are working in factories under conditions that strongly indicate forced labor. Reports in 2020 revealed that the forced labor of Uyghurs and other Turkic and Muslim-majority peoples has been expanded beyond the Uyghur Region, with at least 80,000 Uyghurs or other Turkic and Muslim-majority peoples transferred to factories across China where they cannot leave, are under constant surveillance, and must undergo “ideological training” to abandon their religion and culture.

The Australian Strategic Policy Institute (ASPI)’s 2020 report<sup>4</sup> titled *Uyghurs for Sale* cites the following ILO indicators of forced labor against Uyghur workers:

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<sup>4</sup> <https://www.aspi.org.au/report/uyghurs-sale>



- i) being subjected to intimidation and threats, such as the threat of arbitrary detention, and being monitored by security personnel and digital surveillance tools
- ii) being placed in a position of dependency and vulnerability, such as by threats to family members back in Xinjiang
- iii) having freedom of movement restricted, such as by fenced-in factories and high-tech surveillance
- iv) isolation, such as living in segregated dormitories and being transported in dedicated trains
- v) abusive working conditions, such as political indoctrination, police guard posts in factories, “military-style” management, and a ban on religious practices
- vi) excessive hours, such as after-work Mandarin language classes and political indoctrination sessions that are part of job assignments

The Uyghur Human Rights Project’s compendium<sup>5</sup> of research supporting allegations of crimes against humanity, genocide, and forced labor provides extensive documentation of these crimes.

***5. What goods are mined, produced, or manufactured wholly or in part with forced labor in the Xinjiang Uyghur Autonomous Region or by entities that work with the government of the Xinjiang Uyghur Autonomous Region to recruit, transport, transfer, harbor, or receive forced labor?***

It must be assumed that all goods linked to production in Xinjiang are made with forced or compulsory labor given the extensive state sponsored system of forced labor in the region. As for labor transfers, entities that appear on any Chinese government-issued lists of participants or other publicly available lists of entities that participated in labor transfer schemes since January 1, 2017, must be deemed to still be participating, unless clear and convincing evidence to the contrary can be produced. That said, we are aware of the following specific products with suspected links to Uyghur labor (*please note that this is a non-exhaustive list*):

Metallurgical grade silicon and other silicates, polysilicon, cotton (including cotton seed, cotton oil, cotton lint, etc.), fabric, apparel and shoes (including those made of cotton, synthetic materials such as polyester and spandex/elastane, viscose, and leather), tomatoes and tomato paste, marigolds, peppers/capsicum, walnuts, grapes, dates, food additives, supplements (including lutein), spices, electronics, magnesium fertilizers, magnesium alloys, aluminum alloys, coal, PPE (including masks and equipment), traditional Chinese medicines, lead acid batteries (used in cars

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<sup>5</sup> <https://uhrp.org/wp-content/uploads/2022/02/Chinas-genocide-in-Xinjiang-BIBLIOGRAPHY.pdf>



and in photovoltaic systems), vermiculite, artificial and human hair, train parts, pharmaceuticals, furniture, and home appliances.

***6. In addition to cotton, tomatoes, and polysilicon, are there any other sectors which should be high priority for enforcement?***

Companies across sectors are benefiting from human rights violations, including forced labor, both in and from the Uyghur Region. All goods produced using forced labor should be an equal enforcement priority for the U.S. government. The purpose of the rebuttable presumption under the UFLPA is to create incentives for the Chinese government to cease its program of forced and prison labor. Certainly, enforcement aimed at those sectors that provide the greatest revenue for the Chinese government will likely be the most impactful in changing policy. Focusing on the manufacturing and agricultural industries in Xinjiang that received the highest investments from the Chinese government would also be potentially impactful.

If major manufacturers in a sector have been identified as using substantial content from the Uyghur Region, then that is a sufficient reason to consider the entire sector as high risk, regardless of the country from which the final product is imported. For example, for Chinese-produced cotton goods, one must operate under the assumption that the goods are tainted with Xinjiang cotton and must be excluded from entering U.S. commerce.<sup>6</sup> Goods arriving at U.S. ports that contain any Chinese-made cotton fabric or textile should receive the highest scrutiny. Such shipments must be considered high-risk and should not be permitted to enter the U.S. market unless it can be established by clear and convincing evidence that a) the cotton inputs in the shipments were sourced from another region or country and b) it is free of Uyghur labor.

***7. What unique characteristics of such high-priority sector supply chains, including cotton, tomato, and/or the polysilicon supply chains, need to be considered in developing measures to prevent the importation of goods mined, produced, or manufactured wholly or in part with forced labor in the People's Republic of China?***

Forced labor-made goods or inputs to those goods are now rarely exported directly from Xinjiang to the U.S. Any efforts to prevent the importation of such goods will need to focus on third countries. Evidence suggests that despite the dwindling number of direct exports from Xinjiang, overall import of goods made in Xinjiang have only increased.

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<sup>6</sup> The Uyghur Region produces approximately 85% of all of Chinese cotton, See <https://www.shu.ac.uk/helena-kennedy-centre-international-justice/research-and-projects/all-projects/laundered-cotton>



Preventing the importation of goods tainted with Uyghur labor from third countries will require: 1) detailed mapping of supply chains by importers, 2) consolidation of supply chains, 3) transparency in shipping/customs data to be able to track the movement of inputs and finished goods which may be tainted, 4) international cooperation with governments on access to import data, 5) international cooperation with governments to prevent transshipment of goods which have been turned away from U.S. ports.

***8. How can the United States identify additional entities that export products that are mined, produced, or manufactured wholly or in part with forced labor in the Xinjiang Uyghur Autonomous Region or by entities that work with the government of the Xinjiang Uyghur Autonomous Region to recruit, transport, transfer, harbor, or receive forced labor?***

Any entity or facility operating in China outside of the Uyghur Region that has, at any point since January 1, 2017, received labor transfers; accepted Uyghur workers through a government program; sourced material and/or goods from the Uyghur Region; and/or participated in “poverty alleviation” or “pairing assistance” or any other government labor scheme that uses forced labor, must be included on the lists the U.S. government will create under Section 2(d)(2)(B)(ii) and/or 2(d)(2)(B)(v) of the law. CBP must presume that any good produced in part or in whole by such entities and facilities involves the use of forced labor, unless proven otherwise through clear and convincing evidence.

While this list of entities should be as exhaustive as possible, the onus should be on companies to ensure that they do not source any inputs from the Uyghur region or from suppliers involved in labor transfer programs outside of the region.

Additionally, CBP should look for the following when it comes to entities implicated in Uyghur labor through government schemes or otherwise:

- i. Direct relationships with suppliers and sub-suppliers in the Uyghur Region
- ii. The sourcing of inputs from the Uyghur Region, whether through a supplier in the Uyghur Region/China or outside of China
- iii. Relationships with Chinese companies, which have subsidiaries/operations in the Uyghur Region that have accepted government subsidies and/or employed workers provided by government
- iv. Relationships with suppliers/sub-suppliers in China outside the Uyghur Region, employing workers from the Uyghur Region sent by the Chinese / local government.
- v. Actual presence in the region, e.g., owning factories in the region.





When it comes to identifying additional entities, CBP must also identify facilities that are using ex-detainee labor; that are known to be supporting the government’s “reeducation” and “vocational training” efforts; or are mentioned as assisting with the state’s “rural poverty alleviation” for ethnic minorities. Additional red flags include:

- i. A factory in a detention facility
- ii. A factory in an industrial park that is connected to the government’s “reeducation” efforts
- iii. A factory with a general manager who is also listed as the warden of a prison or detention facility
- iii. A company that is hiring workers through government recruiters
- iv. Public statements or corporate documents mentioning the employment of ethnic minority “graduates” or ex-detainees; employment of those who were trained and “cleansed of extremist thoughts”; or involvement in “reskilling”
- v. A new factory built near a detention facility
- vi. A company that is receiving incentives/subsidies from the government for items such as “training supplements” for particular factories in Xinjiang; “vocational training”; or “aid to Xinjiang”
- vii. Participation in the government’s poverty alleviation and/or pairing programs in Xinjiang
- viii. A company with ownership linkages to a company known to be part of the system of prison labor in Xinjiang
- ix. Significant company profits and manufacturing productivity despite a small number of workers enrolled in the government’s social security program
- x. Social media posts by Chinese companies (in Chinese) that tout the use of Xinjiang cotton or admit that they are participating in the labor transfer program

***9. How can the United States most effectively enforce the UFLPA against entities whose goods, wares, articles, or merchandise are made wholly or in part with forced labor in the People's Republic of China and imported into the United States?***

CBP should develop a robust, comprehensive enforcement system. Companies have been on notice for more than two years about the risks of forced labor in the Uyghur region. The issuance of significant fines to offenders is warranted and should not be a surprise. Robust enforcement is the tool likely to hasten industry efforts to trace their supply chains. CBP should also penalize U.S. importers that ignore forced labor in their supply chains. The agency should exercise its authority





to impose civil fines against importers that continue to import goods with inputs from the Uyghur region. Any attempts to resist sharing detailed supply chain information or be transparent about the origin of shipments imported into the United States, should be met with penalties and/or criminal prosecutions where applicable. In addition to supply chain information, the U.S. should review Chinese-language social media postings made in China by companies seeking to import goods into the United States. These Chinese-language social media postings often contain admissions of wrongdoing as companies seek to mollify consumers in China.

The enforcement system should avoid issuing hundreds of individual Withhold Release Orders (WROs). CBP should officially announce a comprehensive WRO that covers all companies and products with links to the Uyghur Region, as listed under Section 2 (d)(2)(B) of the statute. This should be a current, up-to-date list of high-risk entities and goods. It should be frequently updated. CBP must establish suitable internal infrastructure to ensure that port officers are able to access these lists. CBP port officials should also receive training in order to intercept and detain shipments efficiently at the border.

Most importantly, CBP should have resources and staff earmarked specifically for the enforcement of the Uyghur Forced Labor Prevention Act. Enforcement of UFLPA should not preclude enforcement of other WROs unrelated to China.

***10. What efforts, initiatives, and tools and technologies should be adopted to ensure that U.S. Customs and Border Protection can accurately identify, and trace goods entered at any U.S. ports in violation of section 307 of the Tariff Act of 1930, as amended?***

Technologies, such as DNA tracing or Isotopic testing can be used to trace the origin of raw materials and should be used to identify finished goods that are tainted with forced labor-made inputs from Xinjiang, entering the United States from China or third countries.

CBP should also use its authority to issue more Risk Analysis and Survey Assessment (RASA) questionnaires on forced labor. At a minimum, RASA questionnaires should go out to all importers in high-priority sectors identified under the UFLPA.

But technology alone will not allow CBP to identify all these products. The party in the best position to know the complete supply chain for the product is the importer of the goods. The burden should be on importers to show that the goods are not tainted with forced labor, nor sourced from Xinjiang.



***11. What due diligence, effective supply chain tracing, and supply chain management measures can importers leverage to ensure that they 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?***

We agree with our colleague organizations that there are no valid means for companies to verify that any workplace in the Uyghur Region is free of forced labor. There is also no way to prevent the use of forced labor in these workplaces. Human rights due diligence is impossible in Xinjiang. Worker interviews, which are essential to the methodology of any labor or human rights investigation, cannot generate reliable information under current conditions. Due to the Chinese government's policies, no worker can speak candidly to factory auditors about forced labor or other human rights issues without placing themselves and their families at risk of brutal retaliation. Workers face widespread restrictions and repression of fundamental freedoms. Surveillance is ubiquitous. Civic space is nil. Most audit firms have pulled out of the Uyghur Region due to the impossibility of conducting audits.

CBP must therefore reject any attempt by importers to present the results of labor rights audits conducted within the Uyghur Region as valid evidence concerning labor practices. CBP guidance to importers concerning evidentiary standards must make clear that labor audits or certification initiatives conducted within the Uyghur Region do not constitute valid evidence. Since labor rights audits are essential to labor rights due diligence, and since such audits are impossible in the Uyghur Region, CBP must operate on the assumption that all products produced in part or in whole in the Uyghur Region are tainted by forced labor and therefore prohibit the importation of these products without exception.

***12. What type, nature, and extent of evidence can companies provide to reasonably demonstrate that goods originating in the People's Republic of China were not mined, produced, or manufactured wholly or in part with forced labor in the Xinjiang Uyghur Autonomous Region?***

Given the impossibility to access and accurately verify compliance with any standard in the Xinjiang region, there is no evidence a company can provide to reasonably prove that goods originating from the region are free of forced labor. For goods produced in Xinjiang, there can be no "clear and convincing evidence" sufficient to rebut the presumption that the goods were made using forced labor. Due to Chinese government surveillance and intimidation, it is impossible to conduct audits in Xinjiang. Leading auditing firms have cited the difficulty of conducting audits to uncover Uyghur labor. Overcoming the presumption would require a labor rights assessment, including interviews with workers away from government surveillance. Under current conditions, such assessments are impossible in Xinjiang.



For goods originating in other parts of China, the full range of CBP’s analytical, testing, and investigative capacities should be used to ensure that there is no involvement of Uyghur forced labor in the supply chain. CBP should not rely merely on paper proof on this issue. The agency should compel companies to trace their supply chains all the way back to the major inputs used in the production process.

Goods produced in China outside of the Uyghur Region must be scrutinized for connections to the Chinese government’s “surplus labor” and labor transfer programs involving Uyghur forced labor. Intimidation of workers renders all audits highly suspect, even outside of the Uyghur Region. CBP should view audits conducted anywhere in China with a great deal of skepticism. Significant obstacles should be considered: worker fear and intimidation, threats of retaliation against workers, undocumented sub-contracting, and the pervasive falsification of records. Any audit claiming to provide reliable assurance of the absence of forced labor in a given workplace must address these obstacles and demonstrate, in detail, how the audit methodology incorporated specific considerations to identify risks of forced labor.

***13. What tools could provide greater clarity to companies on how to ensure upcoming importations from the People’s Republic of China were not mined, produced, or manufactured wholly or in part with forced labor in the Xinjiang Uyghur Autonomous Region? To what extent is there a need for a common set of supply chain traceability and verification standards, through a widely endorsed protocol, and what current government or private sector infrastructure exists to support such a protocol?***

Any traceability and verification standards proposed by companies should be made available for public comment prior to implementation, and civil society should be given an opportunity to comment. In addition, supply chain tracing should be public facing, so that civil society can contribute fully as key partners in uncovering abuses and instances of forced labor. In other words, civil society groups must have access to the data underlying traceability claims, which is primarily within the control of companies, in order to connect the dots and provide CBP with the most useful analysis.

CBP must resist calls for “safe harbors” for importers using common verification standards. There can be no clear and convincing evidence to show that goods made in the Uyghur Region are free from forced labor. For goods imported to the U.S. from other parts of China, current constraints on audits and auditors throughout China make it very difficult to rely on a “standard protocol” to rebut the presumption of forced labor. There is a danger that common verification standards will result in a race to the bottom, with companies doing the bare minimum to map their supply chains.



One tool that would aid CBP in carrying out the implementation of the statute would be the inclusion of additional staff with fluency in Mandarin. Robust enforcement of this law will require independent review of Chinese-language documents and social media postings. It is difficult to see how enforcement can proceed without access to Chinese-speaking, bilingual analysts.

***14. What type, nature, and extent of evidence can demonstrate 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, as amended, were not mined, produced, or manufactured wholly or in part with forced labor?***

As stated above, there is no evidence a company can provide to reasonably prove that goods originating from the Uyghur region are free of forced labor. For goods produced in the region, there can be no “clear and convincing evidence” sufficient to rebut the presumption that the goods were made using forced labor.

Importers associated with the companies and products listed under Section 2 (d)(2)(B) of the UFLPA, or attempting to import goods in “high-priority sectors” known to be tainted with forced labor, should be expected to provide, at a minimum:

- Receipts for all suppliers and sub-suppliers;
- Proof that the volume of goods they are receiving can be produced with the volume of materials received by their supplier;
- A record of how the importer has actively monitored the accuracy of the information they have received for each supplier;
- All worker recruitment programs and advertisements since 2016;
- All worker rosters, including name, grade level, ethnicity, and “hukao” proof of residency since 2016;
- Total number of workers (to detect discrepancies between output and number of workers);
- Total volume of product;
- Total volume of inputs;
- All government subsidies since 2016;
- Any record of engagement in poverty alleviation, surplus labor, labor transfer, land transfer programs;
- Any record of participation in pairing programs;
- Any relationship to the XPCC;
- Corporate annual reports for the supplier since 2016; and



- A list of all of the suppliers' subsidiaries.

***15. What measures 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?***

Transshipment of goods covered by the UFLPA remains a serious concern. CBP should share intelligence with counterparts in Mexico and Canada, as well as other trading partners, to avoid cross-border movement of prohibited goods.

CBP should link enforcement of the UFLPA with enforcement of the North Korean sanctions regime under Section 321(b) of Countering America's Adversaries Through Sanctions Act (CAATSA). CAATSA created a rebuttable presumption of forced labor against goods made by North Korean workers. Recent reports<sup>7</sup> suggest that tens of thousands of North Korean workers are working in forced labor conditions in China, especially in the manufacturing of PPE and apparel.<sup>8</sup> These workers are part of a system of state-sponsored forced labor enforced by the North Korean regime. These products are also making their way into the United States.

***16. How can the U.S. Government coordinate and collaborate on an ongoing basis with appropriate nongovernmental organizations and private sector entities to implement and update the strategy that the FLETF will produce pursuant to the UFLPA?***

CBP should provide regular updates to civil society on enforcement efforts and challenges under the UFLPA. There should be a mechanism for civil society to provide inputs to CBP and the inter-agency FLETF in a meaningful manner. In addition to these meetings, CBP should reauthorize the Commercial Customs Operations Advisory Committee (COAC) and ensure broad civil society participation.

CBP should also provide a public-facing list of companies and industries where evidence of forced labor has emerged or are otherwise at high risk. This will enable independent researchers and whistleblowers to provide more focused tips, confirming or adding to the list of high-risk entities.

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<sup>7</sup><https://www.theguardian.com/global-development/2020/nov/20/uk-sourced-ppe-from-factories-secretly-using-north-korean-slave-labour>

<sup>8</sup><https://www.cbc.ca/news/canada/marketplace-canadian-brands-forced-labour-1.6236820>



***17. How can the U.S. Government improve coordination with nongovernmental organizations and the private sector to combat forced labor in supply chains, and how can these serve as a model to support implementation of the UFLPA?***

The Uyghur Forced Labor Prevention Act requires transparency. That transparency should be broad: when CBP grants an exception, the government should announce this exception no later than 30 days from the date it was first granted. At a minimum, the information released should include the importer, the name of the product, the evidence presented to rebut the presumption, and the date of the exception. CBP should also make UFLPA enforcement data readily available by being transparent about the number of shipments detained or seized, the products involved, and its underlying dollar value.

Over the last six years, non-governmental organizations have taken significant risks to provide intelligence to the U.S. Government on forced labor in global supply chains. These organizations have submitted petitions requesting WROs on particular products. These organizations need improved technological interfaces with CBP to provide confidential evidence. And non-governmental organizations have also requested faster adjudication of their petitions. Some petitions have remained pending for more than a year without a final determination. Non-governmental organizations stand ready to provide information to facilitate enforcement of UFLPA, just as they have with general enforcement under Section 307. Under both authorities, willingness to invest in these petitions will be more sustainable with more timely decision-making.

***18. Is there any additional information the FLETF should consider related to how best to implement the UFLPA, including other measures for ensuring that goods mined, produced, or manufactured wholly or in part with forced labor do not enter the United States?***

The FLETF should create a dedicated bilingual Chinese-English in-house staff team, or contract with an outside research organization, to create a dynamic public list of companies confirmed to have used the forced labor of Uyghurs at any point. The list should be frequently updated. The list should use Chinese characters as well as transcriptions in the Latin alphabet (pinyin), and should be updated with all aliases, mergers or other changes in company structure, as well as company name changes over time.