



Short Guide on Section 307 of the U.S. Tariff Act of 1930

Section 307 of the United States of America (U.S.) Tariff Act of 1930 prohibits the importation into the U.S. of goods made using forced labor. Anyone – non-governmental organizations, lawyers, labor unions, investigative journalists, and individuals both in and outside the U.S.– can bring a petition to invoke U.S. trade law to combat forced labor in their country. This guide provides an overview of the components of a Section 307 petition, including the types of evidence required, where and how to file, suggested sources of additional corroborating information, and the standard of review.ⁱ

KEY TERMS & DEFINITIONS

- **Section 307 of the U.S. Tariff Act:** The Tariff Act prohibits the importation into the U.S. of any goods made “wholly or in part” using forced, indentured, or convict labor, in any part of the world. “*All goods, wares, articles, and merchandise, mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision.*”ⁱⁱ
- **Withhold Release Order (WRO):** Section 307 is implemented by the U.S. Customs and Border Protection (CBP) agency. CBP has the power to issue a Withhold Release Order (WRO), which is an instruction to U.S. Customs Officers to prevent imports from entering the U.S. due to “reasonable but not conclusive” evidence that forced labor was used in the overseas production of the goods. Goods that are subject to a WRO will be detained at all U.S. ports.
- **Forced Labor Under Section 307:** All work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily.ⁱⁱⁱ This definition also closely mirrors the definition of forced labor under the International Labor Organization (ILO) Forced Labor Convention, 1930 (No. 29). In fact, all evidence submitted under Section 307 is typically evaluated against the 11 ILO indicators^{iv} of forced labor. These are: abuse of vulnerability, deception, restriction of movement, isolation, physical and sexual violence, intimidation and threats, retention of identity documents, withholding of wages, debt bondage, abusive working and living conditions and excessive overtime.
- **Indentured Labor:** Section 307 also prohibits indentured labor. Indentured labor under the Tariff Act refers to debt bondage^v and peonage^{vi}, both defined under U.S. law. For purposes of this section, the term “forced labor or/and indentured labor” also includes forced or indentured child labor.^{vii}
- **Convict Labor:** Section 307 also prohibits the importation of goods made using overseas convict or prison labor without any exceptions.

CORE COMPONENTS OF A PETITION

CBP does not require a particular format for petitions but does have several requirements for content. Specifically, a petition shall contain, or be accompanied by:

1. A full statement of the reasons for the belief that the goods are made with forced labor;
2. A detailed description or sample of the goods/merchandise; and,
3. All pertinent facts that can be obtained as to the production of the merchandise abroad as well as evidence of the goods entering U.S. markets.

**Practice Pointer: A photo of a label on a box in a factory operated by the producer can reveal information needed to substantiate the petition. For example, an address label can provide information about the goods, their destination, and their original source.*

TYPES OF EVIDENCE REQUIRED

Advocates should include in their petitions evidence that shows that a good is 1) made with forced labor, and 2) will be imported into the United States. Petitioners need not include every indicator or evidence type conceivable, but *at a minimum* a petition *must include evidence substantiating both the elements of the law: menace of penalty and involuntariness*. The evidence in the petition should be classified into the different ILO indicators of forced labor. And petitions must also show that there is a **reasonable belief** that the **goods at issue are entering the U.S.**^{viii}

Primary sources of evidence include: 1) first-hand worker interviews; 2) documentary evidence such as employment contracts, pay stubs and photos or videos of worksites and/or living quarters. It is recommended that all information submitted in a 307 petition, including supporting evidence, be translated into English to expedite CBP's review.

In addition to primary evidence, corroborating evidence is important to bolster the allegations in the petition. It is useful to corroborate specific allegations of forced labor by citing reports published by non-governmental organizations, U.S. and other national governmental agencies, international institutions (such as the International Labor Organization (ILO)), and investigative media reports. Information on forced labor in that particular sector, country, or region is also useful.

HOW TO SUBMIT A PETITION

Any organization or individual may submit a Section 307 petition to CBP on the use of forced labor at any stage of the manufacture, processing or mining of goods imported into the U.S. There are no geographical limits to the reach of Section 307. One can submit a petition anonymously, but this makes it more difficult to follow-up on the results of the petition.^{ix}

There are two ways to submit a petition:

- Through CBP's e-allegation portal: <https://eallegations.cbp.gov/Home/allegation>
- By sending an email to CBPs' forced labor inbox: forcedlabor@cbp.dhs.gov

WHAT HAPPENS NEXT

Once CBP receives a petition, it will review the information submitted to determine whether the submission meets standards specified in CBP regulations. CBP will also review the petition to identify the ILO indicators of forced labor. The mere receipt of a petition will not trigger a WRO. If adequate evidence of forced labor is presented, it will trigger more comprehensive investigations by the CBP, including additional fact-finding to corroborate the allegations. This typically takes six months or more^x. The investigation may include further contact with the party making the submission (if named) and any corroborating sources identified. *See* 19 C.F.R. §12.42(d). Once the agency is satisfied that the evidence presented meets the standards under Section 307 of the U.S. Tariff Act, it may issue a detention order or WRO, blocking the entry of the goods in question at all U.S. ports. These orders are published on CBP's forced labor page.^{xi}

Additionally, it is worth noting that CBP investigations into forced labor under Section 307 are considered law enforcement sensitive and therefore protected from public disclosure under most circumstances. All information submitted in a 307 petition will be treated as confidential.

STANDARD OF REVIEW

Under 19 C.F.R. §12.42 (e), if CBP finds at any time that *information available reasonably but not conclusively* indicates that goods that violate Section 307's prohibition on forced labor are being, or are likely to be, imported into the U.S., then CBP may issue a detention order or a 'WRO'. The low evidentiary threshold makes this remedy quite accessible. Organizations filing petitions ***need only show that the evidence at hand is sufficient for a reasonable person to conclude that there is forced labor in the production of the goods in question***. Petitioners need not present comprehensive evidence that proves the use of forced labor; though, of course, the more evidence one can provide the more likely the petition will be successful.

TECHNICAL ASSISTANCE ON PETITIONS

The Human Trafficking Legal Center provides technical assistance on petitions under Section 307 of the Tariff Act. If you would like to submit a petition, please contact the Human Trafficking Legal Center at info@htlegalcenter.org. A comprehensive guide, *Importing Freedom: Using the U.S. Tariff Act to Combat Forced Labor in Supply Chains*, may be found on the website of the Human Trafficking Legal Center at https://htlegalcenter.org/wp-content/uploads/Importing-Freedom-Using-the-U.S.-Tariff-Act-to-Combat-Forced-Labor-in-Supply-Chains_FINAL.pdf

ⁱ For a suggested submission template and intake questionnaire, as well as additional resources to help strengthen petitions to U.S. Customs and Border Protection, please see the full HTLC report, *Importing Freedom*, available at https://htlegalcenter.org/wp-content/uploads/Importing-Freedom-Using-the-U.S.-Tariff-Act-to-Combat-Forced-Labor-in-Supply-Chains_FINAL.pdf

ⁱⁱ 19 U.S.C. §1307

ⁱⁱⁱ 19 U.S.C. §1307; language modeled on the ILO Forced Labor Convention, 1930; See also, *What is Forced Labor, Modern Slavery and Human Trafficking, International Labor Organization*, available at <https://www.ilo.org/global/topics/forced-labour/definition/lang--en/index.htm>

^{iv} For an explanation of the 11 ILO indicators of forced labor, See https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf

^v The term “debt bondage” means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined. See 22 U.S.C. § 7102(7).

^{vi} “Peonage” is defined as “a condition of enforced servitude by which the servitor is compelled to labor against his will in liquidation of some debt or obligation, either real or pretended.” See 42 U.S.C. § 1994.

^{vii} Child labor cannot fall under 19 U.S.C. §1307 unless it is *forced* child labor.

^{viii} Supply chain information can be obtained from publicly available customs data and subscription-based trade databases.

^{ix} We recommend petitioners consult the following sites for additional guidance before making a submission:

<https://www.cbp.gov/trade/programs-administration/forced-labor> and <https://www.cbp.gov/trade/trade-community/e-allegations/e-allegations-faqs>.

^x For CBP timelines and investigative benchmarks under 19 U.S.C. §1307, See: <https://www.cbp.gov/document/fact-sheets/slick-sheet-cbp-timelines-and-investigative-benchmarks-forced-labor-petitions>

^{xi} For a list of all CBP enforcement actions taken under Section 307, See <https://www.cbp.gov/trade/forced-labor/withhold-release-orders-and-findings>