



2023 Updates to the Strategy to Prevent the Importation of Goods Mined, Produced, or Manufactured with Forced Labor in the People’s Republic of China

Report to Congress
July 26, 2023



**Homeland
Security**

Office of Strategy, Policy, and Plans

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

The United States is committed to promoting respect for human rights and dignity and supporting a system of global trade 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 these “2023 Updates to the 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 are 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.



These updates have been prepared pursuant to Section 2 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.

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

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

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

The Honorable Patrick McHenry, Chairman
U.S. House of Representatives Committee on Financial Services

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

The Honorable Jason Smith, Chairman
U.S. House of Representatives Committee on Ways and Means

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

The Honorable Mark E. Green, Chairman
U.S. House of Representatives Committee on Homeland Security

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

The Honorable Robert 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 Tim Scott, Ranking Member
U.S. Senate Committee on Banking, Housing, and Urban Affairs

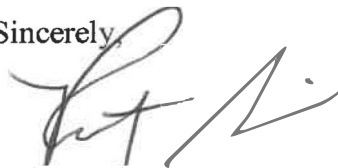
The Honorable Ron Wyden, Chairman
U.S. Senate Committee on Finance

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 Rand Paul, Ranking Member
U.S. Senate Committee on Homeland Security and Governmental Affairs

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Silers', written in a cursive style.

Robert Silers
Under Secretary for Strategy, Policy, and Plans
Chair, Forced Labor Enforcement Task Force
U.S. Department of Homeland Security

Executive Summary

The Uyghur Forced Labor Prevention Act¹ (UFLPA) was enacted on December 23, 2021. 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). The FLETF released the *Strategy to Prevent the Importation of Goods Mined, Produced, or Manufactured with Forced Labor in the People’s Republic of China* (UFLPA Strategy) on June 17, 2022. The UFLPA Strategy informs U.S. Customs and Border Protection’s enforcement of the UFLPA’s rebuttable presumption that any goods, wares, articles, or merchandise mined, produced, or manufactured wholly or in part in the Xinjiang Uyghur Autonomous Region (Xinjiang) of the PRC, or produced by an entity on the UFLPA Entity List, are prohibited from entering the United States under 19 U.S.C. § 1307. The UFLPA’s rebuttable presumption went into effect on June 21, 2022.

The UFLPA requires that the FLETF provide annual updates to the UFLPA Strategy² addressing the UFLPA Entity List,³ the list of products associated with certain listed entities,⁴ plans for enforcement and for identifying additional entities,⁵ and high-priority sectors.⁶ The 2023 updates to the UFLPA Strategy include changes to:

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

This 2023 report also includes additions to the following UFLPA Strategy chapters:⁷

- Chapter V. Additional Resources Necessary to Ensure No Goods Made with Forced Labor Enter at U.S. Ports
- Chapter VII. Coordination and Collaboration with Appropriate Nongovernmental Organizations and Private-Sector Entities

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

² *Id.* § 2(e).

³ *Id.* § 2(d)(2)(B)(i), (ii), (iv) and (v).

⁴ *Id.* § 2(d)(2)(B)(iii).

⁵ *Id.* § 2(d)(2)(B)(vi), (vii) and (ix).

⁶ *Id.* § 2(d)(2)(B)(viii).

⁷ These additions provide additional information on key evolving areas; they do not supersede any content in the UFLPA Strategy unless specifically stated.



2023 Updates to the 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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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 “the Forced Labor Enforcement Task Force, in consultation with the Secretary of Commerce and the Director of National Intelligence, to 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 FLETF released the *Strategy to Prevent the Importation of Goods Mined, Produced, or Manufactured with Forced Labor in the People’s Republic of China*, also known as the UFLPA Strategy, on June 17, 2022. The FLETF is now providing updates to the UFLPA Strategy.

UFLPA Section 2(e) outlines the timeline for updates to the UFLPA 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(d) outlines the required content of the strategy. The sections addressed in the 2023 Updates to the UFLPA Strategy are included:

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

[. . .]

(2) A comprehensive description and evaluation—

[. . .]

(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.

[. . .]

(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).

[. . .]

(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).

Background

Section 307 of the Tariff Act of 1930, as amended (19 U.S.C. § 1307), prohibits goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by forced labor, including convict labor, indentured labor under penal sanctions, and forced or indentured child labor, from being imported into the United States. U.S. Customs and Border Protection (CBP) enforces this prohibition while facilitating legitimate trade at 328 ports of entry throughout the United States. CBP has the authority to detain, seize, or exclude goods produced with forced labor, as well as to issue civil penalties against those who facilitate such imports.⁸

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 and the U.S. Departments of Commerce (DOC), Justice, Labor (DOL), State (State), and Treasury. The U.S. Departments of Agriculture and Energy, the U.S. Agency for International Development, CBP, U.S. Immigration and Customs Enforcement (ICE), and the National Security Council participate as observers.⁹

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 among its members to fulfill its mission and discuss 19 U.S.C. § 1307 enforcement. The FLETF provides biannual reports to Congress that include information and statistics related to CBP's enforcement of 19 U.S.C. § 1307 and enforcement plans regarding goods included in DOL's *Findings on the Worst Forms of Child Labor* report¹⁰ and *List of Goods Produced by Child Labor or Forced Labor* report.¹¹

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 continues to engage in genocide and crimes against humanity against predominantly Muslim Uyghurs and members of other ethnic and religious minority groups in

⁸ 19 U.S.C. §§ 1592, 1595a.

⁹ The FLETF Chair has the authority to invite agencies and departments to participate as members or observers, as appropriate.

¹⁰ 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).

¹¹ 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)).

Xinjiang.¹² The crimes against humanity include imprisonment, torture, forced sterilization, and persecution, including through forced labor and the imposition of draconian restrictions on the freedoms of religion or belief, expression, and movement.¹³ 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 under this repressive system from entering the United States.

Enforcement of the UFLPA Rebuttable Presumption

The UFLPA establishes a rebuttable presumption, which became effective on June 21, 2022, that the importation of any goods mined, produced, or manufactured wholly or in part in Xinjiang, or produced by an entity on the UFLPA Entity List, is prohibited under 19 U.S.C. § 1307.¹⁴ 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.¹⁵

Since the UFLPA went into effect through May 29, 2023, CBP has stopped more than 4,000 shipments of goods valued at over \$1.3 billion for enforcement action review. The most recent publicly available statistics on UFLPA enforcement can be found at CBP.gov.¹⁶

¹² *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*].

¹³ *See id.* at 2.

¹⁴ Pub. L. No. 117-78, § 3(a), 135 Stat. 1525 (2021).

¹⁵ *Id.* § 3(b).

¹⁶ *Uyghur Forced Labor Prevention Act Statistics*, U.S. Customs and Border Protection, <https://www.cbp.gov/newsroom/stats/trade/uyghur-forced-labor-prevention-act-statistic>.

Updates to the UFLPA Entity List and Related Plans

This section updates the UFLPA Strategy’s *Chapter II. Evaluation and Description of Forced-Labor Schemes and UFLPA Entity List*, specifically the language addressing requirements set forth by Section 2(d)(2)(B) subsections (i) through (ix) of the UFLPA. This includes: the UFLPA Entity List, the list of products made by certain listed entities, plans for enforcement and for identifying additional entities, and high-priority sectors. As is noted in Section 3(a) of the UFLPA, listed entities are subject to the UFLPA’s rebuttable presumption that their products are prohibited from entry into the United States under 19 U.S.C. § 1307.¹⁷

UFLPA Entity List

The FLETF has identified entities and facilities as described in Sections 2(d)(2)(B)(i), (ii), (iv), and (v) of the UFLPA, and consolidated those under the UFLPA Entity List, as described in the chart below.

Statute Reference	Statutory Language
Section 2(d)(2)(B)(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
Section 2(d)(2)(B)(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
Section 2(d)(2)(B)(iv):	A list of entities that exported products described in clause (iii) from the People’s Republic of China into the United States (clause (iii) refers to products mined, produced, or manufactured by list (i) and (ii) entities)
Section 2(d)(2)(B)(v):	A list of facilities and entities, including the Xinjiang Production and Construction Corps [(XPCC)], that source material from the Xinjiang Uyghur Autonomous Region or from persons working with the government of the Xinjiang Uyghur Autonomous Region or the [XPCC] for purposes of the “poverty alleviation” program or the “pairing-assistance” program or any other government-labor scheme that uses forced labor

The initial UFLPA Entity List was published in the UFLPA Strategy, both in the *Federal Register* and online. As set forth in the August 4, 2022, *Federal Register* Notice, the FLETF drew upon two sources for the entities identified on the UFLPA Entity List as published on June 17, 2022; i.e., CBP’s Withhold Release Orders for goods produced by entities where information reasonably indicates that such goods were produced with forced labor of Uyghur and other ethnic

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

and religious minorities in or from Xinjiang, and the Entity List maintained by the DOC's Bureau of Industry and Security (BIS)¹⁸. With regard to those included from the BIS Entity List, those entities were included for their implication in human rights violations and abuses in connection with the practice of forced labor involving Uyghurs, Kazakhs, and other members of Muslim minority groups in Xinjiang.

Since then, the FLETF has reviewed and approved two additions to the UFLPA Entity List: Xinjiang Zhongtai Chemical Co. Ltd. and Ninestar Corporation and its eight Zhuhai-based subsidiaries (Zhuhai Ninestar Information Technology Co. Ltd., Zhuhai Pantum Electronics Co. Ltd., Zhuhai Apex Microelectronics Co., Ltd., Geehy Semiconductor Co., Ltd., Zhuhai Pu-Tech Industrial Co., Ltd., Zhuhai G&G Digital Technology Co., Ltd., Zhuhai Seine Printing Technology Co., Ltd., and Zhuhai Ninestar Management Co., Ltd.), as published in the *Federal Register*¹⁹ and on DHS's UFLPA Entity List webpage (<https://www.dhs.gov/uflpa-entity-list>).

All updates to the UFLPA Entity List, including any additions, removals, or technical corrections of entities will be published in the *Federal Register* on a rolling basis, and made available to the public at DHS's UFLPA Entity List webpage.

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).

In addition to the UFLPA Entity List, Section 2(d)(2)(B)(iii) of the UFLPA calls for a list of products mined, produced, or manufactured wholly or in part by entities on the UFLPA Entity List sub-lists (i) and (ii). The 2(d)(2)(B)(iii) list of products informs UFLPA Entity List sub-list (iv). The Section 2(d)(2)(B)(iii) list is included as Appendix B to this update.

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

Any FLETF member agency may submit a recommendation to add an entity to the UFLPA Entity List, which includes facilities and entities identified pursuant to Section 2(d)(2)(B)(v). Following review of any such recommendation by the FLETF member agencies, the decision to make an addition to the UFLPA Entity List will be made by majority vote of the FLETF member agencies.²⁰

The FLETF established the UFLPA Entity List Subcommittee, co-chaired by DHS and DOL, to serve as a coordinating body for management of the UFLPA Entity List. The UFLPA Entity List Subcommittee facilitates discussion related to potential additions, removals, and modifications to the UFLPA Entity List.

¹⁸ 15 CFR Supp. 4 to part 744 (the BIS Entity List) under the Export Administration Regulations, 15 CFR parts 730–774 (EAR).

¹⁹ Notice regarding the Uyghur Forced Labor Prevention Act Entity List, 88 Fed. Reg. 38080 (June 12, 2023)

²⁰ Notice on the Addition of Entities to the Uyghur Forced Labor Prevention Act Entity List, 87 Fed. Reg. 47777 (Aug. 4, 2022).

The DHS Office of Strategy, Policy and Plans (PLCY) provides direct support to the Chair of the FLETF and takes a leading role in advancing the FLETF's UFLPA-related processes. PLCY has co-lead coordination efforts to develop recommendations for the UFLPA Entity List. On behalf of DHS, PLCY also reviews and evaluates entities that could potentially meet the criteria for addition to the UFLPA Entity List.

The Bureau of International Labor Affairs (ILAB), DOL's representative to the FLETF, co-lead the development of a robust review process and understanding of the UFLPA criteria for considering UFLPA Entity List recommendations. As co-chair of the UFLPA Entity List Subcommittee, ILAB remains committed to ensuring the reporting and referrals submitted by external stakeholders are thoroughly considered by the FLETF.

State, in coordination with the FLETF, provides guidance to U.S. embassies and consulates abroad following the identification of prospective new entities in Xinjiang and elsewhere in the PRC that produce or source goods with forced labor; entities that work with the Xinjiang government to recruit, transport, transfer, harbor, receive, or otherwise facilitate forced labor or labor transfer of members of persecuted groups; entities that export certain products from certain listed entities; and entities that source material from Xinjiang or from persons working with the Xinjiang government or XPCC for purposes of any government-labor scheme. State, in collaboration with the FLETF, continues to engage with nongovernmental organizations (NGO) to obtain relevant information to identify additional entities.

DOC's BIS continues to review activities of the PRC government and PRC and commercial entities to consider placement of additional entities on the BIS Entity List, or removal of currently listed entities, by utilizing the End-User Review Committee (ERC) process and the criteria set forth under the EAR. Following a determination made by the interagency ERC, BIS may restrict exports, reexports, and transfers (in country) of U.S. commodities, software and technology to foreign persons, including government entities and private companies, in connection with activities that are contrary to the national security and foreign policy interests of the United States. As noted above, BIS has added commercial and government entities to the BIS Entity List as a result of their implication in human rights violations and abuses in Xinjiang, specifically, the use of forced labor.

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.

The UFLPA rebuttable presumption makes unnecessary issuing Withhold Release Orders (WRO) on goods subject to the UFLPA, as issuing WROs would be redundant. The UFLPA established the rebuttable presumption that the importation of goods produced wholly or in part in Xinjiang or by an entity on the UFLPA Entity List is prohibited under 19 U.S.C. § 1307. Accordingly, CBP exercises its authority under the customs laws to detain, exclude, and/or seize and forfeit shipments within the scope of the UFLPA under 19 U.S.C. § 1307.

CBP will continue to 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 use products produced wholly or in part with forced labor or in Xinjiang in their supply chain. 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.

In addition to CBP identifying and interdicting goods subject to the rebuttable presumption, other DHS components and offices will 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 Homeland Security Investigation (HSI) field offices to pursue criminal investigation 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 polysilicon.

The FLETF continues to monitor the high-priority sectors identified in the UFLPA Strategy, which include apparel, cotton and cotton products, silica-based products, and tomatoes and downstream products. CBP continues to enforce the UFLPA against all sectors, prioritizing across all tariff codes in the Harmonized Tariff Schedule that could be at risk of having a supply chain that touches Xinjiang. While CBP does take listed high-priority sectors into consideration, CBP focuses on prohibiting the importation of goods produced wholly or in part in Xinjiang or produced by an entity on the UFLPA Entity List – pursuant to the UFLPA.

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

Existing Enforcement Actions by U.S. Agencies

Shipments subject to the UFLPA are processed under UFLPA procedures, and detained, excluded, or seized. Upon detention or exclusion of the merchandise, importers should consult Section VI of the UFLPA Strategy and CBP’s *Uyghur Forced Labor Prevention Act U.S. Customs and Border Protection Operational Guidance for Importers*²¹ to understand the options to export the goods, to request a review of whether the importation is within the UFLPA’s purview (i.e., applicability review), or to request an exception from the rebuttable presumption in accordance with Section 3(b) of the UFLPA.²²

CBP identifies and interdicts goods from all sectors, prioritizing across all tariff codes in the Harmonized Tariff Schedule found to have a nexus to Xinjiang, and subsidiaries and affiliates of the XPCC, including entities identified in the UFLPA Entity List. This includes primary commodities and goods produced and exported from Xinjiang or an XPCC-linked entity, as well

²¹ *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><https://www.cbp.gov/document/guidance/uflpa-operational-guidance-importers>.

²² Pub. L. No. 117-78, § 3(b), 135 Stat. 1525 (2021).

as finished and semi-finished goods manufactured by other entities and third countries that were produced with inputs from Xinjiang or the XPCC (e.g., textiles and apparel manufactured with cotton from Xinjiang). Pursuant to the UFLPA, CBP prohibits imports from 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.

Regarding the listed high-priority sectors, CBP employs a dynamic risk-based approach that prioritizes the highest-risk goods within a sector based on current data and information. Currently the highest-risk goods include those imported directly from Xinjiang into the United States and from entities on the UFLPA Entity List. CBP also prioritizes manufacturing in third countries and 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 both related to an entity in Xinjiang (whether as a parent, subsidiary, or affiliate) and are also likely to contain inputs from Xinjiang.

CCHT will send viable referrals of allegations against those identified as high-priority sectors pursuant the UFLPA to HSI field offices to pursue criminal investigation and Federal prosecution, as appropriate.

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

UFLPA Section (2)(d)(5) required a description of the additional resources necessary for CBP to ensure that no goods are entered at any of the ports of the United States in violation of 19 U.S.C. § 1307. In developing the UFLPA Strategy, the FLETF recognized that monitoring the prohibition to import goods made wholly or in part with forced labor into the United States, as well as the full implementation of Section 2 of the UFLPA, would require an additional level of effort from FLETF member and observer agencies. The below supplements information provided in the UFLPA Strategy's *Chapter V. Additional Resources Necessary to Ensure No Goods Made with Forced Labor Enter at U.S. Ports* to include updates pertaining to FLETF member agencies and the types of resources necessary for the FLETF to continue implementing the UFLPA Strategy.

The FLETF's Role in Supporting UFLPA Implementation

The FLETF, as established by the USMCA Implementation Act (19 U.S.C. § 4681) and Executive Order 13923 in 2020, was designed to monitor and report on the U.S. enforcement of 19 U.S.C. § 1307. The UFLPA accorded the FLETF the responsibility to develop the UFLPA Strategy and establish importer guidance, which informs CBP implementation of the UFLPA rebuttable presumption and consideration of importer requests for exceptions. The UFLPA also conferred the FLETF responsibility for the UFLPA Entity List, a critical enforcement tool which directly impacts the import prohibition pursuant to the UFLPA. Finally, the UFLPA tasked the FLETF to develop a plan to engage NGOs and the private sector to implement and update the UFLPA Strategy. The meaningful implementation of this effort requires resources. To date, as the UFLPA did not allocate funding for FLETF activities, FLETF member and observer agencies have had to add the additional requirements related to implementing the UFLPA Strategy to current workloads and responsibilities.

DHS Office of Strategy, Policy, and Plans (PLCY)

DHS PLCY leads the administration and operational management of the FLETF, including coordination among all thirteen FLETF member and observer agencies, related to various initiatives to implement the UFLPA. PLCY has undertaken a significant reallocation of existing resources from other high priority mission areas to meet those additional demands and anticipates both near- and long-term resource gaps and needs to effectively execute ongoing requirements directed by the UFLPA. In addition to core FLETF responsibilities and DHS's overall implementation of the UFLPA, PLCY maintains oversight of implementation efforts related to certain elements of the UFLPA Strategy, outlined below.

FLETF Resources Needed for UFLPA Strategy Implementation

UFLPA implementation requires resources that will support the following activities:

- Identification of entities for addition to the UFLPA Entity List and preparation and evaluation of recommendations for FLETF consideration.
- Assessment, evaluation, and designation of entities recommended to be included or removed from the UFLPA Entity List.
- Enhanced outreach and coordination with NGOs, 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 statutorily required Diplomatic Strategy to Address Forced Labor in Xinjiang and to prohibit trade in products made with forced labor in Xinjiang.
- Annual updates to the UFLPA Strategy.

DOL's Bureau of International Labor Affairs (ILAB)

ILAB, through its research and reporting, continues to support the full scope of work included under the FLETF. As a key member of the FLETF, ILAB has contributed significantly to the interagency efforts required to monitor CBP's enforcement of the import prohibition of goods made, wholly or in part, with forced labor. ILAB has taken a step further as co-chair of the UFLPA Entity List Subcommittee which contributes to the implementation of the UFLPA. Similar to other member agencies of the FLETF, ILAB has significantly shifted workload and priorities to meet the demands of the FLETF and UFLPA implementation, and anticipates near and long-term resource needs to contribute fully to this ongoing work. In addition, ILAB provides expertise on forced labor, supply chain tracing, and due diligence to support the UFLPA implementation efforts outlined above.

U.S. Customs and Border Protection (CBP)

Since passage of the UFLPA on December 23, 2021, CBP has utilized Fiscal Year (FY) 2022 funds to implement resources across the broad categories of staffing, enhancements to enterprise systems and technology used, and communications support.

The FY 2022 enacted budget provided CBP the opportunity to hire and equip enforcement and trade personnel with needed resources for the enforcement of the prohibition to import goods made wholly or in part with forced labor. In FY 2022, CBP added sixty-five new positions across its trade enforcement enterprise to support these efforts. This included hiring new CBP officers, import specialists, trade analysts, auditors, intelligence analysts, investigators, attorneys, and support staff. The increased enforcement scope of the UFLPA, however, has highlighted resource gaps for CBP to sustain consistent UFLPA operations across the 328 ports of entry, ten Centers of Excellence and Expertise, field offices, and headquarters. As one priority requirement, CBP requires additional resources to train and develop trade expertise among its workforce, inclusively on the complexities of supply chains, risk management, and forced labor. To that end, in FY 2023, CBP requested and was approved funding to build the Trade and Cargo Academy

(TCA) within the Federal Law Enforcement Training Center (FLETC) facility in Charleston, South Carolina to support UFLPA enforcement. Due to price escalation, however, CBP could only fund current services and is requesting additional funding in FY 2024 to continue with the TCA construction.

CBP is also investing in its enterprise systems to improve diagnostic analysis used to synthesize data to significantly enhance forced labor enforcement efforts. CBP is utilizing resources to make internal system enhancements to enforce UFLPA and facilitate legitimate trade. Most recently, CBP piloted the Advanced Trade Analytics Platform (ATAP) to fuse trade data from multiple internal and external sources, and provide new capabilities for visualization, analysis, and reporting. This will better enable CBP to establish a proactive risk management posture at both the strategic and tactical levels. CBP has also deployed enhancements to the Automated Commercial Environment (ACE) to provide advance notice to the importers when their shipment is from Xinjiang and is subject to exclusion prior to the arrival of their shipment into the United States. In leveraging technology options, CBP is exploring emerging technologies such as artificial intelligence, laboratory testing, and distributed ledger technology (DLT) to identify and interdict illicit goods, including products made with forced labor. CBP is also utilizing external sources of information and commercial analytic products to amplify these customized solutions, ultimately providing operators with information that can be turned into tangible enforcement actions. These advancements can only be done through sustained fundings for internal capabilities enhancements and external contracts.

Finally, CBP is working to improve its forced labor case management system's ability to provide end-to-end visibility of forced labor cases. CBP's aim for its case management system is to track a case from allegation to investigation, and through the issuance of WRO/Findings, and to identify how many shipments were detained for each case, information on the final disposition of detentions, and actions taken for remediation. CBP is also exploring ways to improve the current allegations submission portal to allow the allegor to provide CBP with additional information and documentation without using compressed zip files, multiple emails, or external share files. This will make the allegor's reporting experience much easier as well as for CBP investigators.

U.S. Immigration and Customs Enforcement

ICE HSI, through domestic and international field offices that are supported by the HSI-led CCHT, conducts criminal investigations regarding entities or individuals with a nexus to the United States who benefit from forced labor ventures. HSI has offices in the U.S. Embassy in Beijing and at other locations in the PRC and works directly with PRC officials to research and address allegations of prison and forced labor used to manufacture products exported to the United States. To date, the funding and resources for HSI have not reflected the increased resources directly associated with the implementation of the UFLPA. HSI, supported by the CCHT, works closely with the CBP Office of Trade to identify and investigate individuals and entities who are knowingly importing or benefiting from the importation of goods produced with forced labor. As CBP increases inspections of shipments at U.S. ports of entry as part of UFLPA implementation, this may likely result in an increase in investigative leads and cases for HSI. As such, HSI will need an increase in staffing as the primary investigative agency responsible for responding to and investigating forced labor and counterfeiting crimes occurring at ports of

entry. This increase would support the hiring of additional personnel assigned to the CCHT, HSI's Global Trade Investigations division, as well as additional agents assigned overseas to investigate forced labor cases emanating from Xinjiang.

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

The below includes additional information related to the UFLPA Strategy's Chapter *VII. Coordination and Collaboration with Appropriate Nongovernmental Organizations and Private-Sector Entities* and provides a brief update on the FLETF's continuous engagements with the private sector and NGOs to support enforcement and implementation of the UFLPA.

UFLPA Strategy Rollout

Since the initial rollout of the UFLPA Strategy, the FLETF continues to build and enhance its partnerships with NGOs and the private sector. Directly following the release of the UFLPA Strategy, the FLETF Chair hosted two separate NGO and private sector meetings to discuss plans for implementation of the various components of the UFLPA Strategy, answer questions, and reaffirm the FLETF's commitment to working with stakeholders to combat the use of forced labor in supply chains and prohibit the importation of goods made with forced labor in the PRC. These meetings set the foundation for the FLETF's ongoing collaborations with NGOs and the private sector to support implementation and enforcement of the UFLPA, and prepare for the current and future updates to the UFLPA Strategy.

FLETF Outreach

To improve the public's access to information relevant to the UFLPA, the FLETF published the DHS.gov landing pages for the FLETF and UFLPA, including FLETF member agencies' resources related to due diligence programs, key indicators of forced labor, and publicly available reports on Xinjiang and forced labor. The webpages also provide links to UFLPA-related *Federal Register* Notices, frequently asked questions, CBP's Operational Guidance for Importers, and the UFLPA Entity List. The FLETF will continue to explore updates to the webpage, such as the addition of more frequently asked questions, based on the availability of new information and stakeholder feedback.

To foster direct engagement between the public and the FLETF, DHS continues to monitor the FLETF.PUBLIC.COMMENTS@hq.dhs.gov inbox. The FLETF.PUBLIC.COMMENTS@hq.dhs.gov inbox is a conduit for further engagement related to the FLETF's body of work, requests to meet with the FLETF, and questions related specifically to the UFLPA Strategy. DHS has a separate dedicated email inbox for questions or submissions specific to the UFLPA Entity List at FLETF.UFLPA.EntityList@hq.dhs.gov. Inquiries and submissions to the FLETF directly related to the Entity List are promptly addressed by DHS on behalf of the FLETF. When questions arise that are directly related to specific importations or CBP's enforcement of the UFLPA, the FLETF directs these inquiries to CBP at UFLPAINQUIRY@cbp.dhs.gov or the relevant port of entry or CBP Center of Excellence and Expertise, which are better able to address these specific issues.

Continuing Collaboration on UFLPA Efforts

The FLETF's successful implementation of the UFLPA and its ongoing efforts to advance the UFLPA Strategy have been greatly aided by its robust collaborations with the private sector and NGO community. Over the last year, FLETF member and observer agencies utilized established working bodies, such as the Commercial Customs Operations Advisory Committee (COAC), and novel forums, such as the first biannual meetings with NGO and private sector representatives held in early 2023, to conduct outreach and promote dialogue on UFLPA implementation. The FLETF has benefitted greatly from its engagements with stakeholders, whether learning of potential risk areas identified by the NGO community, or of challenges faced by the private sector in conducting effective due diligence. The FLETF is committed to continuous outreach with these stakeholders, in various fora, to build on the partnerships that can inform the FLETF to improve on enforcement and implementation of the UFLPA. The FLETF will adjust parameters and structure of those collaborations as needed to reflect participant input, congressional guidance, and available resources.

In addition to the FLETF's biannual meetings with NGO and private sector partners, as well as numerous individual meetings and engagements with stakeholders, the FLETF will explore developing targeted engagements to address specific issues, such as private sector compliance efforts and due diligence challenges, or the NGO community's activities in their evaluation of forced labor schemes and potential illicit actors.

The FLETF's goal in its stakeholder engagements is to expand awareness of the risks of forced labor, emphasize the need for effective due diligence, and encourage best practices in examining global supply chains for indicators that forced labor may be present in the production of goods intended for export to the United States, all of which contribute to a whole-of-society response to the scourge of forced labor. With the understanding that challenges and best practices are often unique to specific products' supply chains, FLETF member and observer agencies will work with stakeholders to explore engagements to facilitate discussions that can help develop and implement effective supply chain tracing and management measures. The FLETF will also explore leveraging its members' relationships to increase awareness on UFLPA enforcement among key international audiences, including foreign exporters, foreign government officials, and representatives of U.S. businesses operating in those markets.

Ongoing engagement with stakeholders is a key factor in the FLETF's successful implementation of the UFLPA and advancement of the UFLPA Strategy. The FLETF continues to work closely with the NGO community, which provides important research related to ongoing forced labor schemes and human rights violations and abuses in Xinjiang that can help identify possible additions to the UFLPA Entity List. While the UFLPA identified initial high-priority sectors for enforcement, the FLETF will emphasize the importance of monitoring all sectors identified by NGOs, including civil society and academia, as potential risk areas, including red dates and other agricultural products, vinyl products and downstream products, aluminum and downstream products, steel and downstream products, lead-acid and lithium-ion batteries, copper and downstream products, electronics, and tires and other automobile components. The FLETF will continue to collaborate with private sector stakeholders to identify issues and areas on which additional guidance would be helpful to support compliance and facilitate legitimate trade. For example, following meetings with private sector representatives that

advised of the challenges in conducting effective due diligence, FLETF representatives helped to support and participated in CBP's first Forced Labor Technical Expo in March 2023, which highlighted various tools and technologies that importers could utilize to enhance their due diligence efforts to identify and address the possibility of forced labor in supply chains. The FLETF Chair also worked closely with CBP to develop new guidance for importers, including frequently answered questions about CBP's process for applicability reviews. The FLETF is committed to working closely with industry to support their compliance efforts and help eradicate goods made with forced labor from legitimate commerce.

Eradicating forced labor from U.S. and global supply chains is a whole-of-society effort, and the FLETF's continued collaboration with external partners is necessary to achieve success in this moral, economic, and national security imperative.

Conclusion

These updates have been prepared pursuant to the requirements of the UFLPA. The FLETF remains committed to building out UFLPA implementation efforts, and has provided updates to the UFLPA Entity List, the list of products made in whole or in part by certain listed entities, plans for identifying additional entities and facilities for the purposes of the UFLPA Entity List, high-priority sectors, and enforcement plans for entities and high-priority sectors, as required. The FLETF has also provided supplemental updates to the UFLPA Strategy chapters on resources, and ongoing collaboration with NGOs and the private sector.

The United States remains steadfastly committed to combating forced labor and ensuring global supply chains remain free and clear of goods produced with forced labor. The importation of goods made with forced labor is an affront to our shared national values, exploits vulnerable populations around the world, and undermines the competitiveness of U.S. labor and industry. 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. Ultimately, 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 nearly 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 better ensures that the U.S. economy is free from goods made with forced labor. The FLETF will continue to implement the UFLPA Strategy and monitor the enforcement of 19 U.S.C. § 1307 broadly.

FLETF member and observer agencies are continuing to engage with NGOs and the private sector. The FLETF encourages all 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.

Appendix A - Acronyms

List of Abbreviations and Acronyms

CCHT	Center for Countering Human Trafficking
CBP	U.S. Customs and Border Protection
DHS	U.S. Department of Homeland Security
DOC	U.S. Department of Commerce
DOL	U.S. Department of Labor
State	U.S. Department of State
FLETF	Forced Labor Enforcement Task Force
HSI	Homeland Security Investigations
ICE	U.S. Immigration and Customs Enforcement
NGO	Non-governmental Organization
PLCY	Office of Strategy, Policy, and Plans (DHS)
PRC	People's Republic of China
UFLPA	Uyghur Forced Labor Prevention Act
USAID	U.S. Agency for International Development
USMCA	U.S.-Mexico-Canada Agreement
WRO	Withhold Release Orders
Xinjiang	Xinjiang Uyghur Autonomous Region
XPCC	Xinjiang Production and Construction Corps

Appendix B – UFLPA Section 2(d)(2)(B)(iii) List

Name of entity listed in clause (i) or (ii)	Products mined, produced, or manufactured wholly or in part by each entity
Aksu Huafu Textiles Co. (including two aliases: Akesu Huafu and Aksu Huafu Dyed Melange Yarn)	Textiles; Clothing
Baoding LYSZD Trade and Business Co., Ltd.	Apparel
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
Ninestar Corporation and its eight Zhuhai-based subsidiaries (Zhuhai Ninestar Information Technology Co. Ltd., Zhuhai Pantum Electronics Co. Ltd., Zhuhai Apex Microelectronics Co., Ltd., Geehy Semiconductor Co., Ltd., Zhuhai Pu-Tech Industrial Co., Ltd., Zhuhai G&G Digital Technology Co., Ltd., Zhuhai Seine Printing Technology Co., Ltd., and Zhuhai Ninestar Management Co., Ltd.)	Laser Printers; General Printing Consumables; and Integrated Circuit Chips

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