



March 10, 2022

Cynthia Echeverria
Acting Director of Trade Policy
U.S. Department of Homeland Security
Washington, DC 20528

Electronic submission to <https://www.regulations.gov>

Docket Number: DHS-2022-0001

Re: Public Comments on Methods to Prevent the Importation of Goods Mined, Produced, or Manufactured with Forced Labor in the People's Republic of China, Especially in the Xinjiang Uyghur Autonomous Region, into the United States

Dear Ms. Echeverria,

Thank you for the opportunity to provide input on implementation of the Uyghur Forced Labor Prevention Act (UFPLA) (Pub. L. 117-78). The Alliance to End Slavery and Trafficking (ATEST) championed this legislation in Congress, and we're glad to see that steps toward robust implementation are underway through the U.S. Department of Homeland Security's Forced Labor Enforcement Task Force.

ATEST is a U.S.-based coalition that advocates for solutions to prevent and end all forms of human trafficking and modern slavery around the world. We advocate for lasting solutions to prevent forced labor and sex trafficking, hold perpetrators accountable, ensure justice for victims and empower survivors with tools for recovery. Our collective experience implementing programs at home and abroad provides our coalition an unparalleled breadth and depth of expertise.

ATEST member organizations include: Coalition to Abolish Slavery and Trafficking (CAST), Coalition of Immokalee Workers (CIW), Free the Slaves, HEAL Trafficking, Human Trafficking Institute, Humanity United Action (HUA), McCain Institute for International Leadership, National Network for Youth (NN4Y), Polaris, Safe Horizon, Solidarity Center, T'ruah: The Rabbinic Call for Human Rights, United Way Worldwide, Verité, and Vital Voices Global Partnership.

American consumers are subsidizing human rights abuses by the government of China against Uyghur and other Turkic and Muslim-majority peoples based on their religion and ethnicity. Forced labor inside internment camps in the Uyghur Region and involuntary labor at workplaces across China generate products that are shipped to the U.S. marketplace, including apparel and textiles, solar power equipment, food, electronics, toys, and automotive components. Materials and components are shipped to other parts of China and to other countries in Asia, where other manufacturers make final products for export to the United States.

An effective and comprehensive program to counter these human rights abuses should include the following components:

Rejection of False Certifications: (Responding to Questions 11 and 12) Factories that engage in human rights violations cannot be trusted to certify that their products are free of forced labor, and there are currently no independent means to validate that any workplace in the Uyghur Region is free of forced labor. Nor is any certification that goods are free from forced labor possible, because workers are not able to speak confidentially or freely. Any assertion from any factory in the region that production is free from forced labor must be rejected.

Tainted Supply Chains for High-Risk Products: (Responding to Question 6) One of the most important tasks for U.S. Customs and Border Protection (CBP) will be to identify products with inputs from the Uyghur Region, including raw materials, and prevent their importation into the United States. Many such products undergo final assembly in countries outside China. CBP can only achieve this goal by requesting comprehensive disclosure of supply chain information from all importers of high-risk products, regardless of country of origin, including the name and address of every entity and every facility involved in the production process, including in the harvesting, mining, and processing of raw material. Importers of high-risk products must be asked to provide comprehensive supply chain data. CBP should consider any claim by an importer that it does not have or cannot determine this information to be non-responsive. This information should be publicly available to enable coordination and collaboration with independent researchers and nongovernmental organizations.

Identification of High-Risk Sectors: (Responding to Question 6) If major manufacturers in a sector have been identified as using substantial content from the Uyghur Region, then the entire sector should be regarded as high risk, regardless of the country from which the final product is imported to the U.S. High-risk sectors include those receiving investments by the Chinese government in the Uyghur Region and those that contain primary materials for which the Uyghur Region is a major supplier for global supply chains. High-risk products include, but are not limited to, textiles and garments, tomato products, electronics, electric vehicle batteries, and solar panel components.

Obfuscation of Origin: (Responding to Question 3) The UFPLA requires the U.S. government to create lists of entities and products with links to the Uyghur Region and forced labor. These lists must be updated promptly as new entities and products are identified. To ensure the lists are current, comprehensive and accurate, close attention must be paid to product mislabeling,

misrepresentations in supply chain documents, changes to names and addresses of suppliers, and other obfuscation related to corporate and product names and regions and countries of origin. CBP should share intelligence with counterparts in Mexico and Canada, as well as other trading partners, to avoid cross-border transshipment of prohibited goods to intermediate countries before importation into the U.S.

Transparency in Enforcement: (Responding to Questions 16 and 9) CBP should quickly publish the issuance of an exception under the UFLPA's rebuttable presumption provision. To ensure clarity for shippers, importers, and port officers, CBP should create and officially announce a default Withhold Release Order for all companies and products with links to the Uyghur Region, encompassing a current, up-to-date list of high-risk entities and goods.

Again, our thanks for taking these comments into consideration as you implement the UFPLA. Our alliance stands ready to discuss our recommendations in greater depth as your efforts continue. Please contact ATEST Director Terry FitzPatrick: terry.fitzpatrick@ATEST-US.org, or cell 571-282-9913.

Thank you for your consideration,

The Alliance to End Slavery and Trafficking