CBP Forced Labor Enforcement Operational Guidance for Importers

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Introduction

U.S. Customs and Border Protection (CBP) implements a dynamic enforcement program to ensure that goods brought into the United States are not produced, wholly or in part, with prohibited convict labor, forced labor, or indentured labor. Compliant importers share this goal, and CBP has supported their efforts to ensure their supply chains are free of forced labor and support fair trade. This Operational Guidance is a continuation of CBP's efforts to support the import community, expanding on the scope of and updating the previous June 13, 2022, Uyghur Forced Labor Prevention Act (UFLPA) Operational Guidance for Importers to include all forced labor enforcement. The guidance in this document will supersede that in the UFLPA Operational Guidance for Importers (CBP Publication: 1793-0522 dated June 13, 2022) following the date of publication.

CBP created this guide to help importers understand the differences among the various forced labor authorities concerning imports to the United States and their respective enforcement processes. Such authorities are as follows: 19 U.S.C. § 1307 (i.e., Withhold Release Orders (WROs) and Findings), the Uyghur Forced Labor Prevention Act (UFLPA), and the Countering America's Adversaries Through Sanctions Act (CAATSA). This guidance document also explains the steps importers should take prior to importing goods to the United States, what records importers need to provide to demonstrate admissibility should their goods be detained or excluded, and how to submit requests to CBP to have their cargo released into U.S. commerce. Additionally, this guidance document is meant to help businesses and individuals practice reasonable care to comply with U.S. forced labor laws, especially when working with vendors, suppliers, manufacturers, and companies that are at risk of using forced labor in their production supply chain.

What is Forced Labor?

The United States import prohibition on goods produced with forced labor was established in Section 307 of the Tariff Act of 1930, 19 U.S.C. § 1307. This statute gives CBP enforcement authority to deny entry of "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" at any port of the United States. 19 U.S.C. § 1307 also defines forced labor as:

> ***"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."***

Consistent with this definition, there are three key elements that must be present to demonstrate the existence of forced labor:[1]

1. **Work or Service of any person** in the context of 19 U.S.C. § 1307 enforcement, pertains to labor used, wholly or in part, to mine, produce, or manufacture in the production of goods. This does not include packaging, inspecting, labeling, or similar labor that is not part of the material production of the goods.
2. **Menace of any penalty** refers to a wide range of penalties or threatened penalties used to compel someone to work, including threats of violence, retention of identity documents, confinement, or nonpayment of wages.[2]
3. **Involuntariness –** is in the context of the term "offered voluntarily", which refers to the free and informed consent of a worker to take a job and his or her freedom to leave at any time. This is not the case, for example, when an employer or recruiter makes false promises that cause a worker to accept an offer they would have otherwise declined.[3]

   The menace of any penalty and involuntariness elements denote that a worker would not have accepted employment had they known the working conditions prior to accepting the offer of employment, and the worker is compelled and prevented from leaving employment.

Due Diligence: Proactively Preventing Forced Labor in Supply Chains

As an importer, conducting due diligence to address forced labor is critical—not only for compliance with U.S. forced labor laws like the UFLPA, CAATSA, and 19 U.S.C. § 1307, but also for protecting the integrity and competitiveness of U.S. businesses. Under 19 U.S.C. § 1484, importers are required to exercise "reasonable care" by providing CBP with accurate and complete information about goods, including classification, valuation, and other necessary documentation, when importing merchandise. Exercising reasonable care under 19 U.S.C. § 1484 also involves ensuring that the information provided to CBP demonstrates compliance with forced labor related import laws, including verifying that imported goods are free of materials produced, wholly or in part, with forced labor. To comply with forced labor related import laws, importers must proactively identify, assess, and mitigate risks in their supply chains, particularly for goods subject to active WROs and Findings, originating from high-risk regions like the Xinjiang Uyghur Autonomous Region (XUAR), and which use North Korean labor under CAATSA. This due diligence includes conducting supply-chain audits, verifying supplier practices, maintaining traceability of goods back to the raw material stage, and being prepared to demonstrate that goods were not made, wholly or in part, with forced labor. By exercising reasonable care and implementing robust systems for risk assessment, documentation, and

[1] FLD assesses whether the elements exist by looking to the 11 International Labour Organization's (ILO) Indicators of Forced Labor, www.ilo.org/publications/ilo-indicators-forced-labour.
[2] International Labour Organization (ILO), What is Forced Labour?, www.ilo.org/topics/forced-labour-modern-slavery-and-trafficking-persons/what-forced-labour.
[3] Ibid.

supplier engagement, businesses can demonstrate their commitment to ethical sourcing and compliance and reduce the risk of detentions or seizures by CBP while protecting their reputation.

Learn more about Supply Chain Due Diligence, Tracing, and Management in Appendix B.

CBP Offices Involved in Forced Labor Enforcement

Forced Labor Division (FLD)

FLD enforces 19 U.S.C. § 1307, which prohibits the importation of goods made, wholly or in part, with forced labor, including convict labor, forced child labor, and indentured labor under penal sanctions.

FLD investigates allegations of forced labor in global supply chains, manages CBP's issuance of WROs and Findings, including modifications or revocations; conducts UFLPA exception reviews; and provides program oversight in the enforcement of 19 U.S.C. § 1307 and the enforcement of UFLPA and CAATSA rebuttable presumptions.

FLD is also responsible for responding to general inquiries about forced labor enforcement sent to the ForcedLabor@cbp.dhs.gov and the UFLPAInquiry@cbp.dhs.gov mailboxes.

Ports of Entry (POEs)

POEs facilitate communication with importers or their representatives, Centers of Excellence and Expertise (Centers), and relevant CBP Headquarter offices on detentions and seizures. POE responsibilities include issuing detentions, exclusions, and seizure notices; communicating instructions to the Trade; reviewing importer extension requests **prior** to submission of applicability or admissibility reviews to the Centers and FLD; and coordinating with the Centers on review progress and final disposition of cargo.

To contact the POEs, please refer to the POE Directory.

Centers of Excellence and Expertise (Centers)

Centers are the CBP experts in trade compliance for their specific industry sector and are the primary point of contact for all forced labor detention inquiries. Center responsibilities include conducting UFLPA applicability or WRO and Finding admissibility reviews (FLD conducts UFLPA and CAATSA exception reviews); making recommendations to decisionmakers regarding admissibility; reviewing extension requests **after submission** of supply chain or admissibility reviews; providing guidance to importers on documentation requirements for submission; and providing recommendations to POEs on matters related to cargo disposition. The Centers also review protests filed under 19 U.S.C. § 1514 of applicability or admissibility reviews. Centers conduct industry outreach to provide industry-specific guidance concerning compliance with forced labor laws and regulations, gather information about potential forced labor within their industry sectors, and build trade intelligence that may be utilized in development.

Importers are encouraged to contact individual Centers by referring to Appendix N: Centers.

THE CUSTOMS TRADE PARTNERSHIP AGAINST TERRORISM (CTPAT)

The CTPAT is a voluntary public-private partnership program established by CBP to strengthen international supply chain security and facilitate legitimate trade. CTPAT is designed to enhance the security of cargo entering the United States while ensuring the efficient movement of goods across borders. CTPAT focuses on building cooperative relationships between CBP and the trade community to identify and mitigate risks in the supply chain. Participants commit to implementing security measures that meet or exceed CBP's minimum requirements.

A subset of the CTPAT program is the CTPAT Trade Compliance Program. This is a voluntary program that provides the opportunity for importers who have made a commitment of resources to assume responsibility for monitoring their own compliance in exchange for tangible benefits. The program is based on the premise that importers with strong internal controls designed to ensure a high level of compliance will require fewer enforcement reviews and less oversight. The program requires that importers maintain a system of internal controls that demonstrate a sound business operation that supports the accuracy of their import transactions.

CTPAT Trade Compliance partners are afforded certain benefits for forced labor enforcement.

Benefits of CTPAT Trade Compliance Partnership for Forced Labor Reviews:

1. **Front of the Line Admissibility Review:** CTPAT Trade Compliance partners who have shipments detained due to forced labor will have their admissibility packages prioritized for review by the appropriate Center. The importer must assert that they are an active member of the CTPAT Trade Compliance program and request prioritized review at the time supporting documentation is submitted to CBP.
2. **Redelivery:** CTPAT Trade Compliance partners who have shipments arrive at their facility that are later determined to be held due to potentially being subject to forced labor enforcement provisions, where redelivery is normally requested, may hold their shipments intact at their facility, rather than redelivering the goods to CBP until an admissibility determination is made or until such time that a physical inspection is required.
3. **Preliminary Hold Notification:** For CTPAT Trade Compliance partners, CBP will provide, to the best of the program's ability, advanced notice of a possible hold, detention, exclusion, and/or seizure of merchandise after an entry is filed for cargo arriving in the United States and is determined to be subject to the UFLPA, CAATSA, WROs, or a Finding.
4. **Advanced Notification:** CBP will provide 48-hour advanced notification to CTPAT Trade Compliance partners when a new WRO or Finding is issued.

For more information, including program requirements, please visit CBP's CTPAT webpage and the CTPAT Trade Compliance webpage.

Forced Labor Enforcement Processes

One of the important duties U.S. Customs and Border Protection (CBP) performs is stopping products made with forced labor from entering the U.S. commerce through enforcement of the Uyghur Forced Labor Prevention Act (UFLPA) and Countering America's Adversaries Through Sanctions Act (CAATSA) rebuttable presumptions, and the issuance of Withhold Release Orders (WROs) and Findings.

UFLPA (P.L. 117-78)

> **A rebuttable presumption** is a legal principle that presumes something to be true unless proven otherwise.

The United States responded to the Chinese government's systemic use of forced labor against Uyghurs and other ethnic minorities in the Xinjiang Uyghur Autonomous Region (XUAR) of the People's Republic of China through the enactment of the UFLPA. The UFLPA establishes a **rebuttable presumption** that goods produced, wholly or in part, in the XUAR or by entities on the *UFLPA Entity List* are prohibited under 19 U.S.C. § 1307 (i.e., made with forced labor) and are not entitled to entry at any ports of the United States. CBP may detain or exclude shipments when enforcing the UFLPA.[4]

When CBP applies the rebuttable presumption, it excludes the goods from entry. To demonstrate that an exception to the rebuttable presumption should be granted, importers must fully comply with the guidance in the Strategy to Prevent the Importation of Goods Mined, Produced, or Manufactured with Forced Labor in the People's Republic of China (*UFLPA Strategy*), completely and substantively respond to all inquiries for information submitted by CBP, and demonstrate by clear and convincing evidence, that their goods are not produced, wholly or in part, with forced labor. Alternatively, importers may apply for an applicability review to demonstrate that their goods were not produced, wholly or in part, in the XUAR or by an entity on the *UFLPA Entity List* when CBP detains shipments for UFLPA enforcement.

CBP enforces the UFLPA based on whether the shipment contains a "**potential input**" or "**direct input**" produced, wholly or in part, in the XUAR or by an entity on the *UFLPA Entity List* through risk assessments.

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[4] The *UFLPA Entity List* is a consolidated list that is published in the Federal Register that includes: (1) a list of entities in the XUAR that mined, produced, or manufactured, wholly or in part, any goods, wares, articles, and merchandise with forced labor; (2) a list of entities working with the government of the XUAR to recruit, transport, transfer, harbor, or receive forced labor or Uyghurs, Kazakhs, Kyrgyz, or members of other persecuted groups out of the XUAR; (3) a list of entities that exported products made by entities in lists 1 and 2 from the People's Republic of China into the United States; and (4) a list of facilities and entities, including the Xinjiang Production and Construction Corps, that source material from the XUAR or from persons working with the government of the XUAR 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. It is maintained by the Department of Homeland Security, Forced Labor Enforcement Task Force (FLETF) which monitors the enforcement of 19 U.S.C. § 1307.

- A **potential input** occurs when there is information indicating that merchandise **may be** mined, produced, or manufactured, wholly or in part, in the XUAR or by an entity on the *UFLPA Entity List*.
- A **direct input** occurs when there is information to indicate merchandise is mined, produced, or manufactured, wholly or in part, the XUAR or by an entity on the *UFLPA Entity List*.

For a potential input, depending on the certainty of the connection to the XUAR or an entity on the *UFLPA Entity List*, CBP may choose to either detain or exclude shipments.

CAATSA (22 U.S.C. § 9241a)

CAATSA establishes a **rebuttable presumption** that goods produced wholly or in part by North Korean nationals or North Korean citizens are prohibited under 19 U.S.C. § 1307 (i.e., made with forced labor) and are not entitled to entry at any of the ports of the United States. Effective 2024, CBP will exclude shipments when enforcing the CAATSA rebuttable presumption.

To demonstrate that an exception to the rebuttable presumption should be granted, importers must demonstrate, by clear and convincing evidence, that their goods are not produced, wholly or in part, with convict labor, forced labor, or indentured labor under penal sanctions.

WROs and Findings (19 U.S.C. § 1307, 19 C.F.R. §§ 12.42-12.44)

CBP conducts investigations into allegations of forced labor in global supply chains pursuant to 19 U.S.C. § 1307 and 19 C.F.R. § 12.42. These investigations are typically initiated based on credible evidence that goods are being produced, mined, or manufactured, wholly or in part, with convict labor, forced labor, or indentured labor under penal sanctions, including forced or indentured child labor.

When CBP has reasonable suspicion that forced labor is used in the production of goods and that such goods are being, or are likely to be, imported into the United States, CBP will issue a WRO. *Refer to* 19 C.F.R. § 12.42(e). A WRO directs U.S. port personnel to detain shipments of goods that are subject to the WRO. If CBP has probable cause that forced labor is used in the production of goods and that such goods are being, or are likely to be, imported into the United States, it will issue a Finding, with the approval of the Secretary of Homeland Security. A Finding allows CBP to seize the covered merchandise for a violation of 19 U.S.C. § 1307 and commence forfeiture proceedings pursuant to 19 C.F.R. Part 162, subpart E, unless the importer demonstrates that the goods are not produced, wholly or in part, with forced labor. *Refer to* 19 C.F.R. §§ 12.42(f), 12.44(b). CBP publishes its Findings in the Customs Bulletin and the Federal Register.[5]

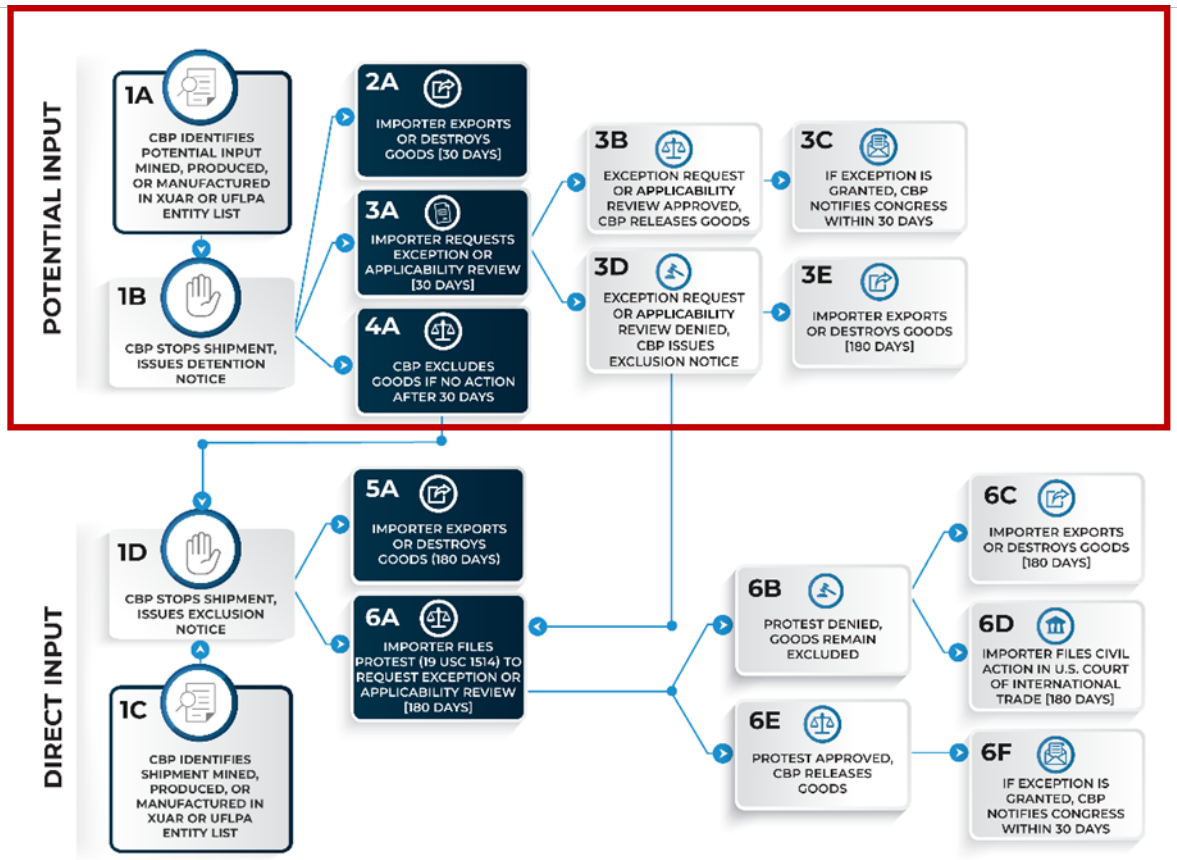
[5] Customs Bulletin, www.cbp.gov/trade/rulings/bulletin-decisions; Federal Register, www.federalregister.gov/.

CBP posts all WROs and Findings to the forced labor webpage at https://www.cbp.gov/trade/forced-labor. To learn more about specific frequently asked questions (FAQs) related to these laws and regulations, visit CBP's Forced Labor FAQ webpage.

THE IMPORTATION PROCESS AND ENFORCEMENT OF THE UFLPA

The UFLPA Potential Input Process

The enforcement steps below explain the process under which a shipment is stopped under The UFLPA Potential Input Process and how to respond as outlined in the top portion of this graphic.



CBP Identifies Shipment for UFLPA Enforcement

A **potential input** occurs when there is information to indicate merchandise **may be mined, produced, or manufactured,** wholly or in part, in the XUAR or an entity on the *UFLPA Entity List.* Depending on the certainty of the connection to the XUAR or an entity on the *UFLPA Entity List*, CBP may choose different enforcement options (detention or exclusion). **In this scenario**, when CBP determines that a shipment contains **potential inputs**, the goods will be detained, and the importer must provide evidence to demonstrate compliance with UFLPA requirements.

CBP Stops Shipment, Issues Detention Notice

CBP will stop shipments and issue a detention notice (CBP Form 6051D) and Attachment 2-B.[6]

What is UFLPA Detention?

- CBP detains goods suspected of violating the UFLPA to prevent their entry into the United States. Detention occurs if CBP has information **indicating that the producer, supplier, or vendor of a good may have a link to producers or suppliers in the XUAR or by an entity on the *UFLPA Entity List*** and that such good is produced by or contains inputs from such entities.
- If CBP decides to detain merchandise, the importer should understand that a detention notice represents CBP's decision to subject the merchandise to further inspection. CBP will issue a detention notice advising the importer or other interested party of the following:[7]
  1. Initiation of the detention, including the date the merchandise was presented for examination.
  2. Reason for the detention.
  3. Anticipated length of the detention.
  4. Nature of the tests or inquiries to be conducted (to the extent applicable).
  5. Instructions to the importer for submitting information to CBP to rebut the UFLPA presumption and a notice that the importer has **30 days** to demonstrate that the goods are admissible (i.e., not made with forced labor).

[6] Attachment 2-B, www.cbp.gov/document/guidance/uflpa-attachment-notice-detention.
[7] 19 U.S.C. § 1499 and 19 C.F.R. § 151.16.

Detention Information

- Any importer that wishes to challenge CBP's decision to detain goods by requesting an applicability or exception review is responsible for all storage costs incurred throughout the duration of the review until CBP makes its final determination.
- CBP may require a basic **single-transaction** importation bond (19 C.F.R. § 113.62(g)(2)) for three times the value of detained goods when forced labor is suspected.[8] This bond protects the government's interest under conditions set forth in the basic importation and entry bond while the importer works to resolve the issue, such as providing evidence to demonstrate that the goods were not produced using forced labor.

Importer Exports or Destroys Goods (30 Days)

If goods are detained, the importer has the option to export or destroy the goods. The importer has **30 days** to respond to the UFLPA detention. Importers should email the point of contact identified on the detention notice prior to the expiration of the initial 30-day detention period to exercise one of these two options. **Importers are responsible for all costs involved in the export or destruction of the subject merchandise.**

Importer Requests Exception or Applicability Review (30 Days)

To request an exception or applicability review, importers should email the point of contact identified on the detention notice prior to the expiration of the initial 30-day detention period to indicate this is the option the importer wants to exercise, and provide the documentation through the Forced Labor Portal or request an extension for additional time to obtain the required documentation for a review.

Importers may request an extension to gather information required to submit an exception or applicability review request. The decision to grant an extension is at the FLD, Port or Center Director's discretion and will be granted on a case-by-case basis. Importers are allowed a maximum of two extensions, which should not exceed a total of 90 calendar days from the date of the detention notice. Importers should contact the POE to request an extension **if the extension request is made prior** to the submission of documentation to FLD or the Center for a review request. **If the extension request is made after** the submission of documentation to FLD or the Center, importers should contact FLD or the assigned Center which can be found in the Centers of Excellence and Expertise Directory.

[8] 19 C.F.R. § 113.62(n)(1).

A Side-by-Side Comparison of UFLPA Exception Review Requests and Applicability Review Requests

Exception Review Requests	Applicability Review Requests
*Goods **were** mined, produced, or manufactured, wholly or in part, in the XUAR or by entities on the UFLPA Entity List*	*Goods **were NOT** mined, produced, or manufactured, wholly or in part, in the XUAR or by entities on the UFLPA Entity List*
Exception review requires: • Importers must demonstrate that they have fully **complied** with the importer guidance described in the *UFLPA Strategy* (i.e., the documentation requirements, due diligence, supply-chain tracing, and supply chain measures); demonstrate, by clear and convincing evidence, that the good was not produced, wholly or in part, with forced labor; and respond completely and substantively to CBP requests for information.[9] • **Refer to** Appendix F for a list of documents that may be submitted as supporting evidence for exception review requests. • UFLPA Exception reviews during detentions and protests are handled by FLD. • Questions regarding documentation required or status of review should be directed to UFLPAInquiry@cbp.dhs.gov.	Applicability review requires: • Importers must demonstrate that their shipment does not contain goods or inputs produced in the XUAR or by an entity on the *UFLPA Entity List*. • Refer to Appendix E for a list of documents that may be submitted as supporting evidence for applicability review requests. • UFLPA Applicability Reviews during detentions and protests are handled by the assigned Center for the importer. • Questions regarding documentation required or status of review should be directed to the assigned Center, which can be found in the Centers of Excellence and Expertise Directory.

! Exception Reviews or Applicability Reviews may be requested in response to:

- A Detention Notice: Importers request the review through the **Forced Labor Portal** (https://flportal.cbp.gov/).
- An Exclusion Notice: Importers request the review by filing a protest under 19 U.S.C § 1514 using the ACE Protest Module.
- A Seizure Notice: Importers request the review through the Fines, Penalties and Forfeitures (FP&F) petitioning process.

[9] *UFLPA Strategy*, www.dhs.gov/uflpa-strategy.

What is an Exception Review Request?

- An Exception Review Request is when importers **do not** contest that their goods **were** mined, produced, or manufactured, wholly or in part, in the XUAR or by entities on the *UFLPA Entity List*; **however**, they seek to demonstrate that they meet the UFLPA requirements for the exception request.

Due diligence is critical in preventing forced labor from entering the supply chain and should be exercised to prevent detentions and support review requests. Conducting thorough supply-chain audits, risk assessments, and implementing robust compliance measures helps identify and reduce risks of forced labor within global supply chains. Learn more about due diligence and supply-chain tracing in Appendix B.

To qualify for an exception, importers must demonstrate that they have fully complied with the importer guidance described in the *UFLPA Strategy*; demonstrate, by **clear and convincing evidence**, that the good was not produced, wholly or in part, with forced labor; and respond completely and substantively to CBP requests for information.

- While the evidence required from the importer will vary based on the facts and circumstances of the import in question, Section VI (C) of the *UFLPA Strategy* outlines the forms of evidence that will typically facilitate the review. Appendix F contains guidance on the types of supporting evidence importers may submit to support their required documentation outlined in the *UFLPA Strategy*.
- *Please note that CBP may request that importers provide additional evidence beyond what is listed to demonstrate the admissibility of goods.*

Note: Documents like **affidavits and redacted or untranslated documents are not** sufficient for an applicability or exception review.

All foreign language documents submitted to CBP should include **English** translations**.** English translations allow CBP to properly and more efficiently evaluate the information provided for review.

What is an Applicability Review Request?

- An Applicability Review Request is when importers state that the UFLPA does not apply to merchandise in their shipment because such goods were **NOT** mined, produced, or manufactured, wholly or in part, in the XUAR or by entities on the *UFLPA Entity List*.
    - Applicability Reviews require documentation tracing the supply chain from the raw material stage to the finished, imported goods. The documentation must demonstrate that no goods or inputs were produced in the XUAR or by an entity on the *UFLPA Entity List*.
    - The evidence required from the importer will vary based on the facts and circumstances of the import in question.
    - Importers should be prepared to submit all the required documentation outlined in Section VI (B) of the *UFLPA Strategy*. Appendix E contains guidance on the types of supporting evidence importers may submit to support the required documentation outlined in the *UFLPA Strategy*.
    - *Please note that CBP may request that importers provide additional evidence beyond what is listed to demonstrate the admissibility of goods.*
    - Additionally, importers can find Guidance on Executive Summaries and Sample for preparing an applicability review request.

Generally, to demonstrate that the UFLPA does not apply to a shipment targeted for examination under the law, importers will need to provide documentation produced in the ordinary course of business that details the order, purchase, manufacture, and transportation of inputs throughout their supply chain. CBP considers all information provided by an importer in assessing the admissibility of merchandise.

Supply Chain Tracing Information: Example Documentation Needed in Applicability Review Requests

The outline below provides an example of the document submission that an importer presented to CBP to demonstrate that a shipment is not subject to the UFLPA for a solar shipment because the merchandise was not produced in whole or in part in the XUAR or by an entity on the *UFLPA Entity List*.

This outline shows the types of documents that typically facilitate CBP's review, but it is not intended to serve as a complete list of documentation that CBP may request.

CBP also encourages the trade community to use origin verification testing, which includes isotopic testing, to better understand their supply chains, demonstrate due diligence, and assist with determining the source of raw materials in final products. Isotopic testing is a method companies can use to find out where the materials in their products come from. CBP supports using this testing to help trace supply chains and reduce trade fraud risks (more information on isotopic testing is available in Appendix D).

> ! All documents provided should include translations into English.

Types of Documents to Include in Importer Packages

Importer Package submissions should include a comprehensive Executive Summary.											
Type of Document	Invoices	Purchase Orders	Production Contract	Work Order	Bill of Lading	Foreign Customs Clearance	Declaration Forms and Waybills	Transportation Records	Manifest	Proof of Payment	Certificate of Origin
To demonstrate parties participating in the transaction	✓	✓	✓	✓							
Relating to the payment and transportation of raw materials					✓	✓	✓	✓	✓		
Transaction and supply chain records					✓				✓	✓	✓

Additional documents which **may be included in an Importer Package for a solar case.**	• Imported Modules/Module Producers • Shipping and Freight Arrival Notice • Module Supplier • Solar Module Production Records • Solar Cell Inbound & Outbound Records

The UFLPA Potential Input Process (Continued)

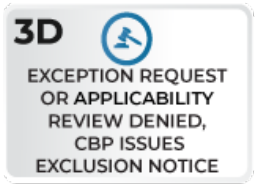
Exception Request or Applicability Review Approved by CBP

If CBP grants the exception or otherwise determines that the goods are admissible through an applicability review, the POE will work with the Center and the importer or their representative to release the detained goods. An importer should contact the POE if the Center notifies it of the approval and it does not see a release authorization in the Cargo Release System.

If Exception is Granted, CBP Notifies Congress within 30 Days

Following CBP's granting of an exception, CBP will notify Congress of this determination within 30 days.

Under Section 3(c) of the UFLPA, CBP must notify Congress of any exceptions granted. CBP must provide a report to Congress identifying the good and the evidence considered in granting an exception.[10]



Exception Request or Applicability Review Denied by CBP

If CBP denies the request, the POE will issue an exclusion notice and instruct the importer that they may export, destroy, or contest the CBP exclusion of goods within 180 days. The importer's next step is to follow 3E or 6A.

Importer Exports or Destroys Goods (180 Days)

Importers can either export or destroy the goods within 180 days of exclusion. Importers should notify the POE that they intend to exercise one of these two options. Importers are responsible for all costs involved with the storage, exportation, or destruction of the goods.

CBP Excludes Goods if No Action after 30 Days

If the importer takes no action in the 30 days after the merchandise is presented to CBP for examination, the detained shipment is deemed excluded, and CBP will issue an exclusion notice. The importer's next step is to follow 5A or 6A.

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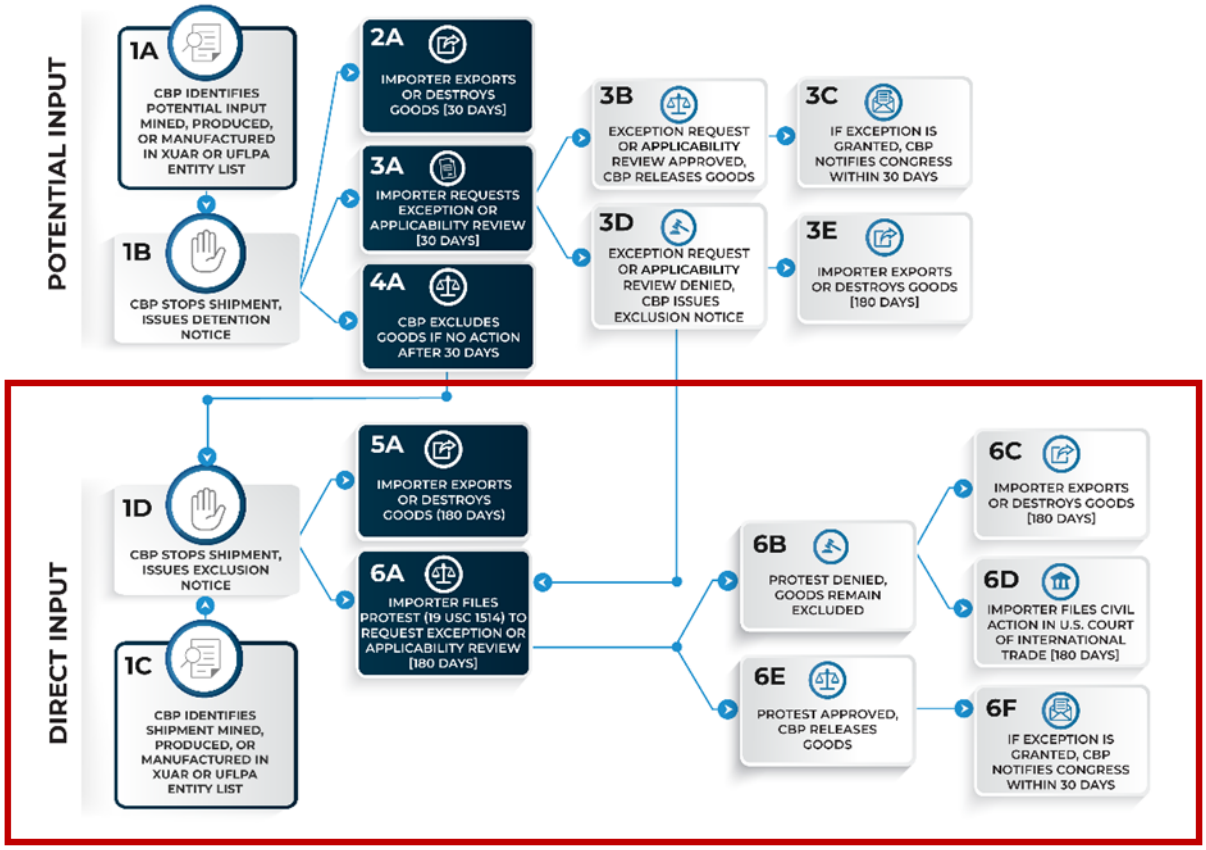
[10] UFLPA, Pub. L. No. 117-78, § 3(c), 135 Stat. 1525 (2021).

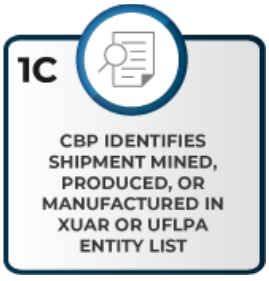
This section discussed the **UFLPA Potential Input Process** that CBP follows when CBP has information to indicate that goods **may be** mined, produced, or manufactured, wholly or in part, in the XUAR or by an entity on the *UFLPA Entity List*.

The next section will discuss the **UFLPA Direct Input Process** that CBP follows when CBP has information to indicate merchandise entering the United States **is** mined, produced, or manufactured, wholly or in part, in the XUAR or by an entity on the *UFLPA Entity List*.

The UFLPA Direct Input Process

The enforcement steps below explain the process under which a shipment is stopped under The UFLPA Direct Input Process and how to respond as outlined in the bottom portion of the graphic.





A **direct input** occurs when there is information to indicate that a good is mined, produced, or manufactured, wholly or in part, in the XUAR or by an entity on the *UFLPA Entity List*. If CBP determines that a shipment contains direct input, the goods will be excluded.

CBP Stops Shipment, Issues Exclusion Notice

CBP issues an exclusion notice.

What is a UFLPA Exclusion?

- CBP excludes goods that are deemed to violate UFLPA and prohibits their entry into the United States. Exclusion occurs if CBP has information that **indicates that merchandise is produced, wholly or in part, by entities in the XUAR or an entity on the *UFLPA Entity List*.** Goods may also be excluded after CBP has reviewed the supply chain documentation provided by the importer and determined that the **importer has failed to provide sufficient evidence** to support goods were **NOT** mined, produced, or manufactured wholly or in part in the XUAR or by an entity on the *UFLPA Entity List* or **failed to demonstrate that it qualifies** for an exception to the UFLPA using clear and convincing evidence.
- If CBP decides to exclude merchandise, the exclusion notice represents CBP's decision to prevent the importation of goods that it deems to be prohibited. CBP will issue an exclusion notice advising the importer or other interested party of the following:
  1. CBP will specify why the goods are excluded.
  2. The exclusion notice will inform the importer of their right to file a protest under 19 U.S.C. § 1514 to challenge the exclusion decision.
  3. Importers may either file a protest to contest the exclusion or take corrective action, such as export or destroy goods within 180 days.

Importer Exports or Destroys Goods (180 Days)

Importers can either export or destroy the goods within 180 days of exclusion. Importers should notify the POE to exercise one of these two options. Importers are responsible for all costs involved with the storage, exportation, or destruction of the goods.

Importer Files Protest (19 U.S.C. § 1514) to Request Exception or Applicability Review (180 Days)

The importer also has the option to file a protest to request an exception or applicability review using the ACE Protest module within 180 days.

- When filing a protest, importers must select "Merchandise Excluded from Entry" as the "Issue" and one of the following for the "Secondary Issue"
  - UFLPA Exception Review
  - UFLPA Applicability Review (refer to CSMS#60161177).

If CBP denies the protest, the goods will remain excluded as indicated by the exclusion notice.

The importer can either export or destroy the goods within 180 days of the date of the denial of a protest.

The importer can file a civil action in the U.S. Court of International Trade within 180 days of the date of the denial of a protest.

If the protest is approved, CBP releases the goods.

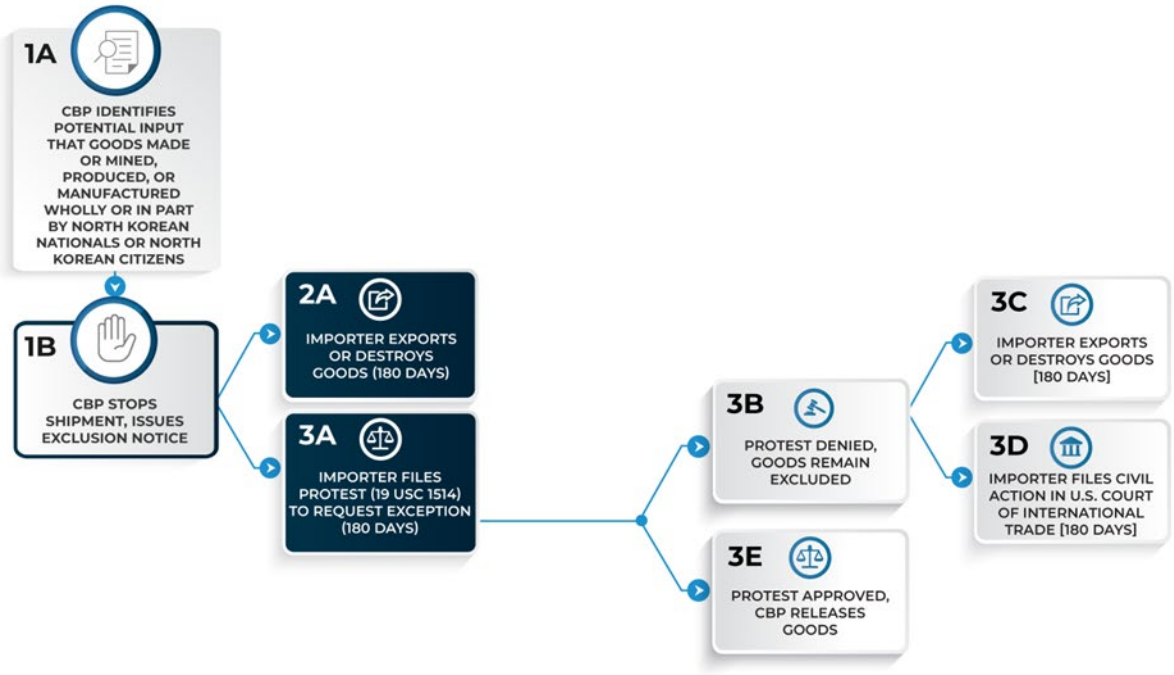
If protest is for an exception review which is approved and granted, CBP will release the goods and notify Congress of this determination within 30 days.

Under Section 3(c) of the UFLPA, CBP must notify Congress of any exceptions granted to the rebuttable presumption. CBP must provide a report to Congress identifying the good and the evidence considered in granting an exception.[11]

[11] UFLPA, Pub. L. No. 117-78, § 3(c), 135 Stat. 1525 (2021).

THE IMPORTATION PROCESS AND ENFORCEMENT OF CAATSA

The enforcement steps below explain the process by which a shipment is stopped under CAATSA and options for importers to respond.



The CAATSA Enforcement Process

CBP Identifies Shipment Mined, Produced, or Manufactured by North Korean Nationals or Citizens Anywhere in the World

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CBP Stops Shipment, Issues Exclusion Notice

If CBP determines that a shipment violates CAATSA, CBP will stop the shipment and issue an exclusion notice.

What is a CAATSA Exclusion?

- CBP excludes goods that are deemed to violate CAATSA and prohibits their entry into the United States. Exclusion occurs if CBP has information that indicates that merchandise is produced, wholly or in part, by North Korean citizens or nationals. Goods may also be excluded after CBP has reviewed the supply chain documentation provided by the importer and determined that the **importer has failed to provide clear and convincing evidence** to show that goods were **NOT** mined, produced, or manufactured wholly or in part by North Korean citizens or nationals and **failed to demonstrate that it qualifies** for an exception to CAATSA.
- If CBP decides to exclude merchandise, the exclusion notice represents CBP's decision to prevent the importation of goods that it deems to be prohibited. CBP will issue an exclusion notice advising the importer or other interested party of the following:

  1. CBP will specify why the goods are excluded. Typically, the excluded goods were mined, produced, or manufactured, wholly or in part, by North Korean citizens or nationals.
  2. The exclusion notice will inform the importer of their right to file a protest under 19 U.S.C. § 1514 to challenge the exclusion decision.

     Importers may file a protest to contest the exclusion by demonstrating that they qualify for an exception to the rebuttable presumption. Importers may also elect to export or destroy the excluded goods.

Importer Exports or Destroys Goods (180 Days)

Importers can either export or destroy the goods within 180 days of exclusion. Importers should notify the POE to exercise one of these two options. Importers are responsible for all costs involved with export or destruction.

Importer Files Protest (19 U.S.C. § 1514) to Request Exception Review (180 Days)

The importer also has the option to file a protest to request an exception review using the ACE Protest module within 180 days.

- Importers must select "Merchandise Excluded from Entry" as the "Issue" and "CAATSA Exception Review" for the "Secondary Issue" (CSMS # 64151118).

What is a CAATSA Exception Review Request?

- An exception review under CAATSA is when importers contend that their goods **were produced** or manufactured with North Korean nationals or citizens, **however,** the goods were not produced, wholly or in part, with convict labor, forced labor, or indentured labor under penal sanctions.
- Importers should be prepared to submit evidence similar to the types of documentation outlined in Section VI(C) of the *UFLPA Strategy*, including documentation which demonstrates, by **clear and convincing evidence,** that goods mined, produced, or manufactured, wholly or in part, by North Korean nationals or citizens were not mined, produced, or manufactured with convict labor, forced labor, or indentured labor under penal sanctions.
- The evidence required from the importer will vary based on the facts and circumstances of the import in question. Importers can consult the documentation outlined in Section VI(C) of the *UFLPA Strategy* and Appendix F of this document for an example of the evidence that may be submitted to CBP as part of a CAATSA exception review request.
- *Please note that CBP may request that importers provide additional evidence beyond what is listed to demonstrate the admissibility of goods.*
- Importers can also contend that CAATSA does not apply to the shipment that was excluded and provide evidence to support their claim.

If CBP denies the protest, the goods will remain excluded as indicated by the exclusion notice.

The importer can either export or destroy the goods within 180 days of the denial of protest.

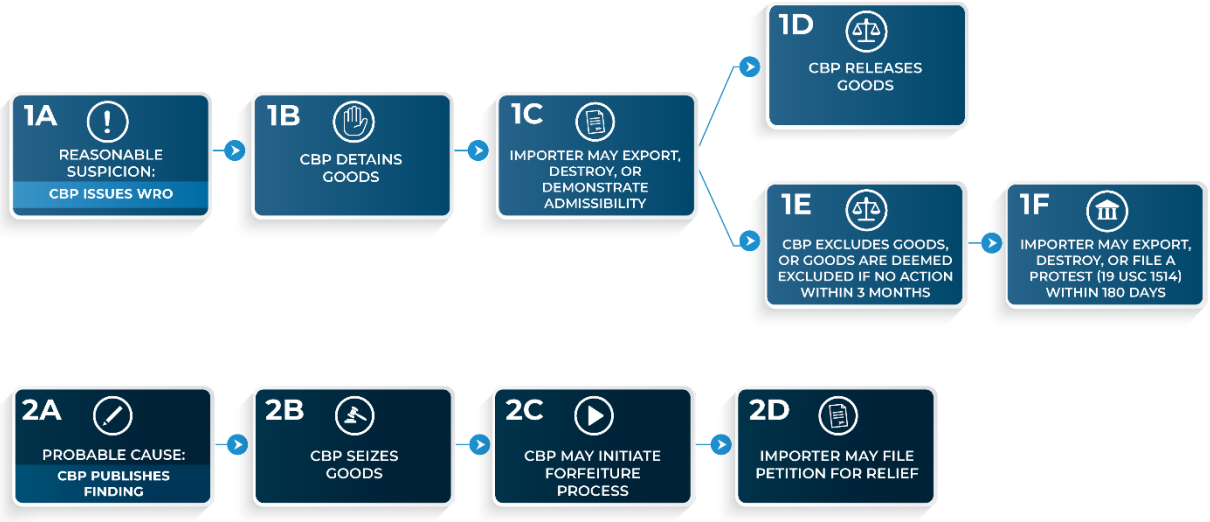
The importer can file a civil action in the U.S. Court of International Trade within 180 days of the denial of a protest.

If the protest is approved, CBP releases the goods.

THE FORCED LABOR ENFORCEMENT REVIEW PROCESS

Outside of UFLPA and CAATSA, CBP investigates allegations of forced labor under 19 U.S.C. § 1307, under procedures outlined in 19 C.F.R. §§ 12.42-19 C.F.R. §§ 12.45.[12] Importers can learn more about active WROs and Findings on CBP's interactive WROs and Findings Dashboard.[13]

The enforcement steps below explain the process by which a shipment is detained or seized under a WRO or a Finding and how importers can respond.



WROs

CBP issues a WRO when it has reasonable suspicion that goods were produced, wholly or in part, using convict labor, forced labor, or indentured labor under penal sanctions, and that such goods are being, or are likely to be, imported.

Goods subject to a WRO will be detained by CBP at any POE under 19 C.F.R. § 12.42(e). CBP will issue a Notice of Detention (CBP Form 6051D).

[12] Includes 19 C.F.R. §§ 12.43 and 19 C.F.R. §§ 12.44.
[13] WROs and Findings Dashboard, www.cbp.gov/newsroom/stats/trade/withhold-release-orders-findings-dashboard.

Differences in Forced Labor Detentions

WRO Detentions	UFLPA and CAATSA Detentions
• **Importers have <u>three months</u>** to demonstrate that goods are not subject to a WRO. • Importers may export or destroy the detained goods.	• Importers have **<u>30 Days</u>** to demonstrate that their goods are not subject to the UFLPA/CAATSA or that they meet the qualifications as an exception. • Importers may export or destroy the detained goods. • Extensions are provided and must be received before the 30-day period expires.

Upon detention, the importer has three months to export or destroy the goods or request an Admissibility Review by providing evidence demonstrating the goods are not subject to a WRO or that the goods were not produced, wholly or in part, with forced labor.

<u>Detention Information</u>

- Any importer that wishes to challenge CBP's decision to detain goods by requesting an admissibility review is responsible for all storage costs during the entirety of the review until CBP issues its final determination.

- CBP may require a basic **single-transaction** importation bond (19 C.F.R. § 113.62(g)(2)) for three times the value of detained goods when forced labor is suspected.[14] This bond protects the government's interest under conditions set forth in the basic importation and entry bond while the importer works to resolve the issue, such as providing evidence to demonstrate that the goods were not produced using forced labor.

[14] 19 C.F.R. § 113.62(g)(2).

What is an Admissibility Review Request?

- As required by 19 C.F.R. § 12.43 (a), (b), an importer ***must provide*** the required documentation within three months after the date the good(s) were imported:

  1. Certificate of Origin signed by the foreign seller (which may be submitted in electronic form). A standard Certificate of Origin is not acceptable. The required format for the Certificate of Origin is detailed in 19 C.F.R. § 12.43(a) and Appendix M: Certificate. **This certification should be from the last manufacturing process or exporter.** *Please note that this is only part of a complete Admissibility Review Request submission and* ***cannot be used by itself*** *to prove admissibility for release of cargo.*
  2. A detailed statement from the importer, as outlined in 19 C.F.R. § 12.43(b). This statement should be submitted by the importer, not the seller. The importer's statement should be **sufficiently detailed and include proof that the goods were not produced**, wholly or in part, with convict labor, forced labor, or indentured labor under penal sanctions or that the goods were not produced, wholly or in part, by an entity identified in the WRO.
  3. The importer must also show that they **conducted supply chain due diligence and tracing.** The type, nature, and extent of evidence required from the importer, however, will vary based on the facts and circumstances of the import in question.
  4. Request must be submitted via the Forced Labor Portal (https://flportal.cbp.gov/).

Best Practices for Admissibility Review Request Supply Chain Documentation:

- Importers should provide a detailed description of the supply chain for the imported goods and components, including:
  - Who: All documents with the names and the roles of the entities involved at each stage of the supply chain, as well as the relationship between the entities (e.g., whether a supplier is also a manufacturer).
  - Where: All documents pertaining to in-house manufacturing, sub-assembly operations, and outsourced production related to the imported goods.
  - How: Documentation on the steps of sourcing, manufacturing, or processing of the imported goods in third countries.
  - What: Components from which the imported goods were made, from raw materials to finished imported goods.

Appendix E, although not an exhaustive list, provides information on the types of supply chain-tracing documentation that an importer can use to support their Admissibility Review Request submission.

If the evidence submitted is sufficient to demonstrate the goods are admissible, CBP will release the goods.

If an importer cannot demonstrate admissibility, or if the importer takes no action within three months of importation, CBP will issue a WRO Exclusion Notice and exclude the goods from entry into the United States.

If importers fail to respond to the detention notice within 3 months, then the shipment is deemed excluded.

Once CBP issues an exclusion notice, the importer can export or destroy the goods, or challenge CBP's exclusion by filing a Protest under 19 U.S.C. § 1514 (CBP Form 19) within 180 days from the WRO Exclusion Notice date. Importers should notify the POE to exercise the options to export or destroy. Importers are responsible for all costs involved with storage, export, or destruction.

Findings

CBP issues a Finding of forced labor when it has probable cause to believe that specific goods are produced using convict labor, forced labor, or indentured labor under penal sanctions and that such goods are being, or are likely to be, imported.

Goods subject to a Finding may be seized under 19 U.S.C. § 1595a 19 U.S.C. § 1595a(c)(1)(A) and/or 19 U.S.C. § 1595a(c)(2)(A); 19 U.S.C. § 1307; and 19 C.F.R. § 12.42(f) as violating 19 U.S.C. § 1307. **Importers cannot export goods that are subject to a Finding.**[15]

Findings are published in the Federal Register and Customs Bulletin as well as posted to CBP's WROs and Findings Dashboard on cbp.gov.

[15] 19 U.S.C. § 1595a(c), 19 C.F.R. § 12.42(g).

Seizures

Imports found to be subject to a Finding may be subject to seizure.[16] When CBP decides to seize a shipment subject to a Finding, the case will be referred to the Fines Penalties and Forfeiture officer (FPFO) at the POE.

Property may be seized for violations of 19 U.S.C. § 1307 or other customs and related laws. In a seizure, a government official **takes physical possession of merchandise** or other articles, such as a vehicle, vessel, or aircraft. Under the trade and customs laws, there are two types of seizures:

1. The first is where a law provides for forfeiture of the property (*in rem*). In these situations, if the forfeiture is carried out through appropriate judicial or administrative means, the seized property will become the property of the Federal government and the owner, and any other claimants, will lose their interest in the property. In most of these cases, the forfeiture relates back to the time of the offense. The United States obtains title over the seized merchandise or property from that date.
2. In the second type of seizure, the property is seized to secure payment of a monetary penalty (*in personam*).[17] If the penalty is not paid, the property will be sold by the Federal government at auction to pay the penalty, with the balance being subject to claims of the owners, lien holders or other lawful claimants.

To initiate seizure of an object for more than a brief, temporary purpose, CBP must have **probable cause** to believe that there was a violation of a customs law or other law(s) enforced by CBP with respect to specific property (e.g., undeclared or smuggled property; counterfeit trademark goods). If, pursuant to statutory authority and CBP policy, property is seized, the seizure represents enforcement action against the property (i.e., a claim for forfeiture). Except in the case of seizures to secure payment of a penalty, the property, not the importer, is considered the violator. The FPFO will send the importer and all other interested parties a **Notice of Seizure** letter outlining the petition rights for interested parties.

The FPFO notices will advise the importer how to provide information to CBP for review, as well as the deadline for submitting a petition. Petitions and supplemental petitions will be reviewed by the FPFO or CBP Regulations and Rulings following existing processes and delegations of authority and collaboration with internal stakeholders.

[16] 19 U.S.C. § 1595a; 19 C.F.R. parts 162 and 171.
[17] 19 U.S.C § 1592(c)(14).

CBP may begin forfeiture proceedings under 19 C.F.R. Part 162, subpart E and 19 C.F.R. Part 171. Unless the importer demonstrates that the goods were not produced with forced labor, they will be forfeited and destroyed.

Forfeiture

Prohibited merchandise, such as imports determined to be in violation of a Finding, are generally seized by CBP pursuant to the administrative forfeiture process outlined in 19 U.S.C. § 1607.

Refer to the Mitigation Guidelines for additional information on seizure/forfeiture processes.

In the case of goods or other property subject to administrative forfeiture, a **Notice of Seizure** is sent to known parties having an interest in the seized property, which advises them of their options. Generally, these parties may:

- Choose to do nothing, in which case the government will begin forfeiture proceedings by publishing a notice in a newspaper on the date specified in the notice of seizure;
- Request that CBP begin forfeiture proceedings sooner than the date specified in the notice;
- File a petition for relief (with a waiver of immediate institution of forfeiture proceedings);
- Make an offer in compromise, under 19 U.S.C. § 1617, to settle the case; or
- File a claim and cost bond to initiate immediate referral to the U.S. attorney for the institution of judicial forfeiture.

- The importer may file an official petition for relief from forfeiture.

Summary of the Forced Labor Enforcement Processes

The chart on the following page compares the forced labor enforcement processes using the following categories:

Forced Labor Enforcement Process	The name of the forced labor enforcement process is described (UFLPA Potential Input, UFLPA Direct Input, CAATSA, WRO or Finding).
Summary	A brief description of the enforcement process listed.
Authorities	The specific legal authority that authorizes CBP to enforce the enforcement process listed.
Does CBP Need to Investigate as outlined in 19 C.F.R. 12.42(d)?	The cell will display "Yes" or "No, rebuttable presumption applies."
Are Shipments Detained, Excluded, or Seized?	The cell will display "detained," "excluded," or "seized" per the following definitions: • Detained: CBP temporarily holds goods for further inspection. Importers may need to provide CBP with more information to complete the inspection. • Excluded: CBP issues a decision that the goods are prevented from entering the United States. The goods must be exported or destroyed. • Seized: CBP takes ownership of goods that violate U.S. laws. The importer and any other claimants will lose their property interest in the goods, and the goods may be destroyed or forfeited.
Options for Importer	The cell will outline the options available to the importer after their goods are detained, excluded, or seized. These options are to "export," "destroy," or "contest" the enforcement action.
Review Options	The review request type is available for detained or excluded goods and how to submit the review request.

Documentation Requirements	These cells point importers to resources for gathering the documentation required for the available review request type.
Time Period for Importer to Exercise Options	The cell will indicate the time limit in which an importer must choose one of the available actions for how to respond to the detained or excluded goods.
Can you Request Extensions?	This cell states whether an importer can extend the time limit to respond to CBP.
CBP Decision/Action	CBP's possible decisions or actions in response to a review request.

FORCED LABOR ENFORCEMENT PROCESSES	UFLPA – POTENTIAL INPUT	UFLPA – DIRECT INPUT	CAATSA	WRO	FINDING
SUMMARY	UFLPA establishes the rebuttable presumption that goods mined, produced, or manufactured, wholly or in part, in the XUAR or by an entity on the *UFLPA Entity List* are prohibited under 19 U.S.C. § 1307 and are not entitled to entry at any ports of the United States. A **potential input** occurs when there is information indicating that merchandise may be mined, produced, or manufactured, wholly or in part, in the XUAR or by an entity on the *UFLPA Entity List.*	UFLPA establishes the rebuttable presumption that goods mined, produced, or manufactured, wholly or in part, in the XUAR or by an entity on the *UFLPA Entity List* are prohibited under 19 U.S.C. § 1307 and are not entitled to entry at any ports of the United States. A **direct input** occurs when there is information to indicate merchandise is mined, produced, or manufactured, wholly or in part, in the XUAR or by an entity on the *UFLPA Entity List.*	CAATSA establishes the rebuttable presumption that goods mined, produced, or manufactured, wholly or in part, by North Korean nationals or citizens are prohibited under 19 U.S.C. § 1307 and are not entitled to entry at any of the ports of the United States.	When CBP has reasonable suspicion that goods mined, produced, or manufactured, wholly or in part, with convict labor, forced labor, or indentured labor under penal sanctions and such goods are being, or are likely to be imported into the United States, CBP issues a WRO to detain such goods. Importers have three months following the date of detention to demonstrate that the goods are admissible.	When CBP has probable cause that forced labor is used in the production of goods and that such goods are being, or likely to be imported into the United States, CBP issues a Finding which authorizes the seizure of such goods.
AUTHORITIES	P.L. No. 117-78	P.L. No. 117-78	22 U.S.C. § 9241a	19 U.S.C. § 1307	19 U.S.C. § 1307
DOES CBP NEED TO CONDUCT AN INVESTIGATION AS OUTLINED IN 19 C.F.R. 12.42(d)?	No, the rebuttable presumption applies	No, the rebuttable presumption applies	No, the rebuttable presumption applies	Yes	Yes

FORCED LABOR ENFORCEMENT PROCESSES	UFLPA – POTENTIAL INPUT	UFLPA – DIRECT INPUT	CAATSA	WRO	FINDING
ARE SHIPMENTS DETAINED, EXCLUDED OR SEIZED?	Detained or Excluded	Excluded	Excluded	Detained	Seized
OPTIONS FOR IMPORTER	Export, destroy goods, or demonstrate admissibility either during detention process or during a protest.	Export, destroy goods, or demonstrate admissibility during a protest.	Export, destroy goods, or demonstrate admissibility during a protest.	Export, destroy goods, or demonstrate admissibility either during detention process or during a protest.	Contest seizure of goods.
REVIEW OPTIONS	Request through the Forced Labor Portal (https://flportal.cbp.gov/): Applicability Reviews or Exception Reviews	Submit protest under 19 U.S.C. § 1514 via the Forced Labor Portal (https://flportal.cbp.gov/): Applicability Reviews or Exception Reviews	Submit protest under 19 U.S.C. § 1514 via the Forced Labor Portal (https://flportal.cbp.gov/): Exception Reviews	Submit supporting information through the Forced Labor Portal (https://flportal.cbp.gov/): Admissibility Reviews	Submit petition to FPFO on seizure notice under 19 C.F.R. Part 162, subpart E and 19 C.F.R. Part 171.

DOCUMENTATION REQUIREMENTS	Applicability Review: Importers must submit documentation demonstrating that the supply chain for the detained goods **does not** involve sourcing from the XUAR or an entity on the *UFLPA Entity List*. Importers can provide supply-chain tracing information as outlined in the *UFLPA Strategy*, Section VI, B, pages 49-50 and Appendix E of this document. Exception Review: Importers must fully comply with the guidance described in section 2(d)(6) of the UFLPA, *UFLPA Strategy*, Section VI, C, pages 50-51 and Appendix F of this document, and show, by **clear and convincing evidence**, that the good was not mined, produced, or manufactured with forced labor; and must completely and substantively respond to CBP requests for information.	Applicability Review: Importers must submit documentation demonstrating that the supply chain for the detained goods **does not** involve sourcing from the XUAR or an entity on the *UFLPA Entity List*. Importers can provide supply chain tracing information as outlined in *UFLPA Strategy*, Section VI, B, pages 49-50 and Appendix E of this document. Exception Review: Importers must fully comply with the guidance described in section 2(d)(6) of the UFLPA, *UFLPA Strategy*, Section VI, C, pages 50-51 and Appendix F of this document, and show, by **clear and convincing evidence,** that the good was not mined, produced, or manufactured with forced labor; and must completely and substantively respond to CBP requests for information.	Exception Review: Importers must submit information to show by **clear and convincing evidence** that detained goods are not made with forced labor by North Korean nationals or citizens (22 U.S.C. § 9241a(b)). There is no specific guidance for how to rebut CAATSA's presumption of forced labor. However, for helpful examples, review *UFLPA Strategy*, Section VI, C, pages 50-51 and Appendix F of this document.	Admissibility Review: Documents required under 19 C.F.R. § 12.43 and any other supporting documentation to demonstrate admissibility (i.e., that the goods were not produced, wholly or in part, with forced labor or are not subject to the WRO).	Evidence to demonstrate that the goods seized subject to a Finding are not made, wholly or in part, with forced labor, or are not subject to the Finding.

FORCED LABOR ENFORCEMENT PROCESSES	UFLPA – POTENTIAL INPUT	UFLPA – DIRECT INPUT	CAATSA	WRO	FINDING
TIME PERIOD FOR IMPORTER TO EXERCISE OPTIONS	30 days	180 days	180 days	3 months	30 days
CAN REQUEST EXTENSIONS?	Yes, may request up to two 30-day extensions with a maximum of 90 calendar days; however, extension approval is at Port or Center Director's discretion. Contact POE if prior to submission of review request to Center, if after submission, contact your assigned Center.	No	No	No	No
CBP DECISION/ACTION	Release or exclude.	Release or exclude.	Release or exclude. Following exclusion, CBP may approve the release of merchandise by approving of a protest or affirm its decision to exclude following the denial of a protest. Importers have 180 days to file civil action if protest is denied.	Release or exclude. Importers have three months from the date of the detention notice to demonstrate admissibility. If excluded, they have 180 days from the date of the exclusion to protest CBP's decision.	Release or seize.

Prior Disclosure and Redelivery: What Happens If I Find Forced Labor Goods in Imported Products?

Prior Disclosure

The prior disclosure provision contained in 19 U.S.C. § 1592 provides reduced penalties to a person who notifies U.S. Customs and Border Protection (CBP) of the circumstances of a violation of the customs laws and regulations, **before** CBP or U.S. Immigration and Customs Enforcement (ICE)/Homeland Security Investigations (HSI) discovers the possible violation and notifies the party of the discovery of the possible violation. In certain cases, a valid prior disclosure may result in either substantial mitigation or cancellation of a penalty in full. Valid prior disclosures can save a person time and money, but all parties involved with the prior disclosure must comply with prior disclosure requirements to realize the benefits.

If importers wish to inform CBP of potential forced labor concerns in a shipment through a prior disclosure, they should submit their disclosure to the Center corresponding to their industry or contact the Forced Labor Division (FLD) at ForcedLabor@cbp.dhs.gov for guidance.

Redelivery

Redelivery is when CBP asks importers to return goods to a Port of Entry (POE) after the goods are released by CBP. CBP uses Form 4647, Notice of Redelivery, to demand the return of released goods within 30 days of release date, but may demand redelivery up to 30 days after the end of the conditional release period (whichever period is later).[18] Importers have 30 days to return goods to the POE that issued the redelivery notice.

If the importer fails to redeliver goods, CBP may assess liquidated damages against the importer three times the entered value of the merchandise subject to redelivery. Depending on the circumstances, CBP may issue penalties pursuant to 19 U.S.C. § 1595a(b), 19 U.S.C. § 1592, or 19 U.S.C. § 1641 (broker penalty), or any other applicable penalty, against any parties involved with the failed redelivery.[19]

Once goods are redelivered, CBP determines the appropriate disposition of the goods based on the nature of the violation of U.S. forced labor laws. Importers may have their goods detained, excluded, or seized. Depending on the violation and allowable remedies, importers may be allowed to export or destroy their goods.

[18] *Refer to* 19 C.F.R. § 113.62(d).
[19] *Refer to* 19 C.F.R. § 113.62(d), 113.62(n)(1).

Conclusion

CBP's mission to enforce the prohibition on the importation of goods made, wholly or in part, with forced labor is essential to protecting American businesses and ensuring a level playing field in the global marketplace. Forced labor undermines legitimate businesses by introducing unfair competition, allowing unscrupulous actors to produce goods at artificially low costs through exploitative practices. By preventing the entry of such goods into U.S. commerce, enforcement efforts safeguard the integrity of American industries and ensure that companies adhering to lawful and responsible practices are not disadvantaged. For importers, conducting thorough due diligence and gaining knowledge and understanding of the forced labor enforcement processes are critical steps in supporting these enforcement efforts and maintaining compliance with U.S. customs and trade laws. Due diligence measures help importers identify and mitigate vulnerabilities that could lead to violations and ensure their operations remain competitive and compliant. These actions not only protect importers from enforcement actions, such as detentions, exclusions, or seizures, but also reinforce the principles of fair competition and lawful trade. By prioritizing compliance and vigilance, importers contribute to a trade environment that rewards integrity and supports American economic interests while advancing the broader goal of eliminating forced labor from global supply chains.

Appendix A: UFLPA High-Priority Sector Supply-Chain Tracing Documentation

This appendix provides specific guidance for supply chain documentation that importers may consider submitting for commodities in the **high-priority sectors for enforcement** listed in the *UFLPA Strategy*. This information is current as of the publication of this document and is subject to change. Refer to https://cbp.gov/trade/forced-labor for updates.

This guidance illustrates the types of documents CBP may require to be submitted. For each detained shipment, CBP will provide a detention notice that includes the reason(s) for the detention.

Note: The lists below are not exhaustive. CBP may require additional documentation.

For submissions of documents containing **Business Confidential Information (BCI)**, importers must ensure that all BCI information is properly identified by placing the information in double brackets (i.e., [[BCI]]).

ALUMINUM

- Provide flowcharts of all manufacturing steps and distinguish which company performs each step (if more than one company is involved in the production of the aluminum product and finishing coats).
- Provide certificate(s) of origin or manufacturer's affidavit(s) attesting to the origin of each material used to produce the aluminum product. Manufacturer's affidavits should provide the name of the entity and the specific location where each material is mined, smelted, and manufactured.
- Provide raw materials invoices; purchase orders and proof of payment; production records; and export documents and information.
- Provide details on the manufacturing process where the aluminum was produced into ingots and billets.
- Provide the location where the aluminum was further manufactured into extrusions, coils, wire, or other aluminum products.

APPAREL

- Provide comprehensive documentation tracing the entire apparel supply chain, from the origin of raw materials (e.g., fibers like cotton, wool, or synthetics) through yarn spinning, fabric manufacturing (weaving/knitting, dyeing, finishing), garment production (cutting, sewing, assembly), and final export. This documentation must clearly demonstrate that no forced labor was used at any stage of production, including for all inputs and components.

- Provide a detailed breakdown of the apparel production process, outlining key stages such as fiber sourcing/cultivation, yarn production, fabric manufacturing, dyeing and finishing, and garment assembly. Include geographic information for each facility involved in these activities, specifying their roles and locations. A flow chart of the production process, potentially with maps of the regions where production occurs, is highly recommended.
- Identify all entities involved in each step of the production process, whether directly or through intermediaries. Provide supporting evidence, such as purchase orders, contracts, invoices, payment records, certifications, facility audits, or other business records, to validate the roles and involvement of all upstream entities. Citations should denote the business records used to identify each upstream entity with whom the importer did not directly transact.

CAUSTIC SODA

- Provide comprehensive records documenting the caustic soda production process, including the sourcing of raw materials (such as salt), the chlor-alkali process, packaging, and export, ensuring no forced labor was used at any stage.
- Provide a detailed summary of the production process, outlining key steps such as brine preparation, electrolysis, and the production of caustic soda, with geographic information for each facility involved.
- Provide relevant records, such as purchase orders, certifications, or facility audits, to verify the involvement of all entities in the caustic soda supply chain, whether directly or through intermediaries.

COPPER

- Provide comprehensive documentation tracing the copper supply chain, including mining, refining, smelting, and export activities, ensuring compliance with labor standards and no sourcing from entities under the Uyghur Forced Labor Prevention Act (UFLPA).
- Provide a detailed breakdown of the copper production process, highlighting key stages, such as ore extraction, smelting, refining, and final packaging for export, along with the locations of these activities.
- Provide certificate(s) of origin or manufacturer's affidavit(s) attesting to the origin of each material used to produce the copper products from the raw materials through finished products. Manufacturer's affidavits should provide the name of the entity and the specific location where each material is mined; concentrated (e.g., via flotation or leaching); smelted; refined (e.g., via pyrometallurgical or electrolytic refining); cast into semi-finished products (e.g., anodes, cathodes, billets); reheated; and then produced into

long products (e.g., rods, wires), flat products (e.g., sheets, plates, foils), or tubular products (e.g., tubes, pipes).

- Following the initial stages, further processing steps for copper semi-finished goods should also be detailed, including further cold forming; intermediate and final annealing; surface preparation and finishing; and quality control and inspection.
- Provide any additional supporting evidence, such as business records or certifications, to validate the roles of all entities involved in the copper supply chain, even if their involvement was indirect.

COTTON AND COTTON PRODUCTS

- Provide comprehensive documentation, including any records that may be kept in the ordinary course of business (e.g., purchase orders, payment records, etc.), to show the entire supply chain, from the origin of the cotton at the bale level to the final production of the finished product.
- Provide a flow chart of the production process and maps of the region where the production processes occur. Number each step along the production process and number any additional supporting documents associated with each step of the process.
- Identify all the entities involved in each step of the production process, with citations denoting the business records used to identify each upstream entity with whom the importer did not directly transact.

LITHIUM

- Importers must ensure the lithium supply chain is fully traceable, and provide records that detail mining, chemical processing, battery-grade refining, and export activities, while verifying compliance with labor standards and no sourcing from entities under the UFLPA.
- Provide a clear outline of the lithium production process, showing the movement of materials from ore extraction to chemical processing, refining, and export, with geographic details for each stage.
- Provide comprehensive documentation, such as contracts, certifications, or transaction records, to confirm the participation of all companies in the lithium supply chain, including those indirectly involved.

Polyvinyl Chloride (PVC)

- Provide records that show all companies involved in making, processing, or exporting PVC products. They must also show where each material came from and trace back to any forced labor.
- Provide comprehensive documentation, including any records that may be kept in the ordinary course of business (e.g., purchase orders, invoices, payment records, shipping records, etc.), to show the entire supply chain, from the sourcing of raw materials (e.g., ethylene and chlorine) to the final production of the finished PVC product.
- Provide a flow chart of the production process and maps of the region where the production processes occur with all layers of PVC flooring including but not limited to PVC resins and calcium carbonate. Number each step along the production process and provide manufacturing records where the layers are laminated together under heat and pressure.

Red Dates (Jujubes)

- Provide thorough records tracing the red date supply chain, including cultivation, harvesting, drying, processing, and export, ensuring compliance with labor standards and no sourcing from entities under the UFLPA.
- Provide a detailed description of the red date production process, outlining key steps such as farming, sun-drying or mechanical drying, sorting, and packaging for export, along with the locations of these activities.
- Provide comprehensive supporting documentation, such as invoices, certifications, or farm records, to verify the participation of all parties involved in the red date supply chain, whether directly or indirectly.

Seafood

- Provide records that show all companies involved in catching, processing, or exporting seafood. Provide documentation demonstrating where each step of the chain occurred and trace back to any potential sources of forced labor, like flagged fishing operations or processing factories on the UFLPA list.
- Make a simple chart showing each step in the process, including where the seafood was caught or farmed, where it was processed, and where it was packed and exported.
- Provide comprehensive documentation, including any records that may be kept in the ordinary course of business (e.g., purchase orders, payment records, shipping records, catch certificates, etc.), to show the entire supply chain, from the harvesting or farming of the seafood to the final production of the finished product.

Silica-Based Products (Including Polysilicon)

- Provide comprehensive records of transactions and supply chain documentation that demonstrate all entities involved in the manufacture, manipulation, or export of a particular good, and the country of origin of each material used in the production of the products going back to the suspected source of forced labor.
- Provide a flow chart mapping each step in the procurement and production of all materials and identify the region where each material in the production originated (e.g., from location of the quartzite used to make silica-based products (including polysilicon), to the location of manufacturing facilities producing silica-based products (including polysilicon), to the location of facilities producing downstream goods used to make the imported good).
- Provide a list of all entities associated with each step of the production process, with citations denoting the business records used to identify each upstream party with whom the importer did not directly transact.
- Importers should be aware that imports of goods from factories that source silica-based products (including polysilicon) both from within the Xinjiang Uyghur Autonomous Region (XUAR) and outside of the XUAR risk being subject to detention, as it may be harder to verify that the supply chain is using only non-XUAR silica-based products (including polysilicon) and that the materials have not been replaced by or co-mingled with XUAR silica-based products (including polysilicon) at any point in the manufacturing process.

Steel

- Provide flowchart(s) of all manufacturing steps and distinguish which company performs each step (if more than one company is involved in the production of the steel product).
- Provide certificate(s) of origin or manufacturer's affidavit(s) attesting to the origin of each material used to produce the steel products from the raw materials through finished products. Manufacturer's affidavits should provide the name of the entity and the specific location where each material is mined; processed; refined in a blast furnace, basic oxygen furnace (BOF), or Electric Arc Furnace (EAF); continuously cast into semi-finished products, reheated, and hot rolled, then produced into long products (e.g., rods/bars, sections) and flat products (e.g., plate, hot rolled coils, welded tubes, and light gauge products).
- Following the initial stages, any further processing steps for semi-finished goods should also be detailed, including cooling, cold rolling, annealing, and any finishing processes such as pickling, machining, grinding, polishing, or temper rolling, etc.

- Provide raw materials invoices, purchase orders and proof of payment, production records, and export documents and information.
- Provide details on the manufacturing processes.
- Provide the location where the iron was further manufactured into semi-finished, steel, and/or stainless steel.
- Provide bills of lading and/or other documents tracing the movement of the inputs through export to the United States.

TOMATOES AND DOWNSTREAM PRODUCTS

- Provide comprehensive supply chain traceability documents (e.g., lot codes assigned based on the commodity, variety, location, and harvest date) demonstrating the point of origin of the tomato seeds, tomatoes, or tomato products.
- Identify the tomato processing facility, including both the parent company and the estate that sourced the tomato seeds and/or tomatoes.
- Provide records for the tomato seeds, tomatoes, and/or tomato products that identify all steps in the production process, from seed to finished product, from the farm to shipping to the United States.
- Provide a list of all entities associated with each step of the production process, with citations denoting the business records used to identify each upstream party with whom the importer did not directly transact.

Appendix B: Supply-Chain Due Diligence, Tracing, and Management

U.S. Customs and Border Protection (CBP) urges those in the trade community to carefully check their supply chains to make sure goods brought into the United States are not made, in whole or in part, using forced labor. Tracking supply chains has always been an important part of importers' efforts to do their part in using reasonable care before importing into the United States. Due diligence and risk management are steps businesses should take to find, stop, reduce, and explain how they handle these real or possible problems in their operations, supply chains, and other business connections.

CBP also encourages the trade community to use origin verification testing technology, which includes isotopic testing, to better understand their supply chains, demonstrate due diligence, and assist with determining the source of raw materials in final products. Isotopic testing is a method companies can use to verify if the claimed geographic origin provided by the supplier matches the true geographic origin of the material. CBP supports using this testing to help trace supply chains and reduce trade fraud risks (more information on Isotopic Testing is available in Appendix D). However, it is important to note isotopic testing technology is not available for all products and importers should contact testing providers for more information.

Due Diligence System and Risk Management

Due diligence is the process businesses use to find, stop, reduce, and explain how they handle real or possible problems in their operations, supply chains, and other business relationships.

Reducing Risks in Supply Chains

To address the risks of forced labor in operations and global supply chains, importers should have a clear and complete social compliance system. The following resources can help companies set up a system, improve existing systems, or carry out supply chain checks. Furthermore, the Department of Labor's website contains guidance on setting up a social compliance system for companies that want to implement fair labor standards in their production processes.

Compliance

Importers may get compliance advice from a customs expert, such as a licensed customs broker, customs/international trade attorney, or customs consultant.

Documentation showing a due diligence system and risk management process may include the following:

- Engagement with suppliers and other stakeholders to assess and address forced labor risk;
- Mapping of the supply chain and assessment of forced labor risks along the supply chain from raw materials to production of the imported good;
- Written supplier Code of Conduct forbidding the use of forced labor and, as appropriate and relevant, addressing the risk of use of Chinese government labor schemes;
- Training on forced labor risks for employees and agents who select and interact with suppliers;
- Monitoring of supplier compliance with the code of conduct;
- Remediation of any forced labor conditions identified or termination of the supplier relationship if remediation is not possible or is not timely completed;
- Independent verification of the implementation and effectiveness of the due diligence system; and
- Reporting performance and engagement publicly on its due diligence system.

Supply-Chain Audits

Audits to evaluate risks in supply chains are available from many private sources. These audits should be unannounced and conducted by independent or third-party auditors that can conduct reviews on the International Labour Organization's (ILO) 11 indicators of forced labor. Note: CBP generally does not consider financial audits, environmental audits, or audits that do not specifically look at the ILO indicators of forced labor to be sufficient to mitigate forced labor risk in production processes.

Helpful Resources

This CBP operational guidance document lists resources available to trade stakeholders to support their ability to conduct supply chain due diligence, tracing, and management, including resources available on CBP.gov and other websites. The following information is not intended to be an exhaustive list of resources but can help importers begin their research:

U.S. Department of Labor Resources

- The U.S. Department of Labor's SourcingStrong (https://www.dol.gov/agencies/ilab/sourcingstrong);
- The U.S. Department of Labor's Findings on the Worst Forms of Child Labor (https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings);
- The U.S. Department of Labor's List of Goods Produced by Child Labor or Forced Labor (https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods);
- The U.S. Department of Labor's List of Products Produced by Forced or Indentured Child Labor (https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-products); and

- The U.S. Department of Labor's ImportWatch (https://www.dol.gov/agencies/ilab/importwatch).

U.S. Department of State Resources

- National Action Plan on Responsible Business Conduct (https://www.state.gov/wp-content/uploads/2024/03/2024-United-States-Government-National-Action-Plan-on-Responsible-Business-Conduct.pdf);
- The U.S. Department of State's Responsible Sourcing Tool (https://www.responsiblesourcingtool.org/);
- The U.S. Department of State's Trafficking in Persons Report (https://www.state.gov/reports-office-to-monitor-and-combat-trafficking-in-persons); and
- Relevant business advisories issued by the Department of State with the cooperation of other U.S. Government agencies, including the updated Xinjiang Supply Chain Business Advisory (September 2023) (https://www.state.gov/xinjiang-supply-chain-business-advisory).

CBP Resources

- CBP's *Reasonable Care: An Informed Compliance Publication* (https://www.cbp.gov/sites/default/files/assets/documents/2018-Mar/icprescare2017revision.pdf);
- The CBP's Forced Labor website resources (https://www.cbp.gov/trade/forced-labor); and
- The CBP's Withhold Release Orders and Findings Dashboard (https://www.cbp.gov/trade/forced-labor/withhold-release-orders-and-findings), including those involving China, and related FAQs that may aid importers in identifying additional merchandise, regions, and producers whose imports into the United States may be subject to exclusion and/or seizure.

International Resources

- The United Nations Guiding Principles on Business and Human Rights (https://www.business-humanrights.org/en/big-issues/un-guiding-principles-on-business-human-rights/);
- The Organization for Economic Co-operation and Development (OECD) Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (https://www.oecd.org/en/publications/2016/04/oecd-due-diligence-guidance-for-responsible-supply-chains-of-minerals-from-conflict…);
- OECD Guidelines for Multinational Enterprises (https://www.oecd.org/en/publications/oecd-guidelines-for-multinational-enterprises-on-responsible-…) (including sector-specific guidance);
- The ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (https://www.ilo.org/empent/areas/mne-declaration/lang--en/index.htm);

- The ILO publication, Combating Forced Labour: A Handbook for Employers and Business (https://www.ilo.org/global/topics/forced-labour/publications/WCMS_101171/lang--en/index.htm);
- ILO Guidelines Concerning the Measurement of Forced Labor (https://ilostat.ilo.org/about/standards/icls/icls-documents/);
- International Organization for Migration's Ethical Recruitment Standards (https://iris.iom.int/); and
- Responsible Supply Chains in the Garment and Footwear Sector (https://www.oecd.org/en/publications/2018/03/oecd-due-diligence…)

Other Resources

- **Federal Acquisition Regulations (FAR):**
  - FAR Subpart 22.15 – Prohibition of Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor[20]
    - (https://www.acquisition.gov/far/subpart-22.15)
  - FAR Subpart 22.17 – Combating Trafficking in Persons[21]
    - (https://www.acquisition.gov/far/subpart-22.17)
  - FAR Clause 52.222-50 – Combating Trafficking in Persons[22]
    - (https://www.acquisition.gov/far/52.222-50)
  - FAR Provision 52.222-56 – Certification Regarding Trafficking in Persons Compliance Plan[23]
    - (https://www.acquisition.gov/far/part-52#FAR_52_222_56)
- The Human Trafficking Legal Center's guide, Importing Freedom: Using the U.S. Tariff Act to Combat Forced Labor in Supply Chains (https://htlegalcenter.org/sdm_downloads/importing-freedom-using-the-u-s-tariff-act-to-combat-forced-labor-in-supply-chains/);
- Practical Actions for Companies to Address the Worst Forms of Child Labour in the Mining Sector (https://mneguidelines.oecd.org/Practical-actions-for-worst-forms-of-child-labour-mining-sector.pdf); and
- Know The Chain (https://www.business-humanrights.org/en/from-us/knowthechain/) - A resource for businesses and investors to address forced labor in global supply chains.

BEST PRACTICES AND LESSONS FOR DUE DILIGENCE FOR IMPORTERS

All suppliers in an importer's supply chain, from raw materials to finished products, must provide comprehensive documentation proving their production processes are free of forced labor or otherwise are not subject to the specific law under which enforcement action was taken.

[20] 48 C.F.R. Subpart 22.15.
[21] 48 C.F.R. Subpart 22.17.
[22] 48 C.F.R. § 52.222-50.
[23] 48 C.F.R. § 52.222-56.

If an importer fails to provide information regarding the production of even a single supplier in the chain, this will render the importer's submission insufficient to allow CBP to reach a determination of admissibility regarding the specific shipment and such shipment will be denied entry into the United States. This documentation requirement applies to merchandise detained or seized pursuant to a Withhold Release Order (WRO), Finding, UFLPA, or Countering America's Adversaries Through Sanctions Act (CAATSA). Being prepared with supply chain documentation in advance ensures that importers can respond effectively to CBP in case of detention or exclusion, which can greatly speed up the release process.

Importers should ask suppliers along their supply chain to provide a thorough explanation of their production process, demonstrating that the product was not made, wholly or in part, with forced labor, and to be prepared to provide documentation as proof. This requires researching all steps in the creation of the final goods. Due diligence involves fully understanding a good's production process on a detailed level.

GETTING STARTED WITH DUE DILIGENCE: A PRACTICAL UFLPA EXAMPLE

This hypothetical example below, while not exhaustive, outlines general UFLPA due diligence actions importers should take to ensure use of reasonable care before importing into the United States. CBP understands supply chains vary significantly by country, industry, and company, so due diligence actions vary accordingly.

Owen owns Old-Fashioned Overalls, Inc. in Oberlin, Ohio. Owen decides that he wants to begin importing clothing from China for his business. He recently attended an importer conference and listened to a speaker from CBP discuss the importance of due diligence and understanding supply chains for imported goods. Owen does not want to risk his goods being stopped for forced labor violations, but his company is small, and he does not have the resources to hire a dedicated team for supply chain due diligence. What steps can Owen take to do his own due diligence to ensure that he is following U.S. forced labor laws and not importing any goods that will be stopped by CBP at the border?

- Excellent resources for importers beginning their due diligence include:
  - Open queries on internet search engines (Google, Bing, Yahoo!, etc.) on potential business partners.
  - The List of Goods Produced by Child Labor or Forced Labor and Findings on the Worst Forms of Child Labor, to learn about which goods already have existing linkages to forced labor.
  - The WROs and Findings Dashboard to learn about existing WROs and Findings.
  - ImportWatch identifies and targets high-risk shipments for enforcement to ensure compliance with U.S. customs and trade laws, including prohibitions on goods made with forced labor.

- SourcingStrong is a tool to help companies of all sizes build or improve a social compliance system to combat child and forced labor in their supply chains.

- When specifically sourcing from China, importers must also consider potential issues related to the UFLPA.
  - The *UFLPA Entity List* shows importers which entities are automatically subject to the UFLPA rebuttable presumption.
  - The *UFLPA Strategy* shows importers if their commodity is from a **priority sector**[24] for UFLPA enforcement.
  - The Xinjiang Supply Chain Business Advisory and its addendum contain information related to widespread, state-sponsored forced labor and intrusive surveillance in and related to Xinjiang.

Additional due diligence research resources can be found in the Helpful Resources section of this appendix.

! **Important:** It is not required that the resources listed in this example be used to conduct due diligence.[25] The resources listed here and throughout this appendix are tools for importers. Conducting due diligence and thorough research on any individual supply chain is a process that depends on the supply chain and business in question. The release of any goods detained for suspected forced labor violations will be dependent on whether an importer is able to clearly and convincingly demonstrate that their good was not produced with forced labor.

Hypothetical Example of Vetting a Foreign Company

Owen has found a textile manufacturer, Jolly Fun Time Apparel, that operates out of Hunan, China, from which he wants to source his clothing. He verified that it was not subject to any enforcement actions by checking the *UFLPA Entity List* to make sure it is not in violation of UFLPA, and CBP's WROs and Findings Dashboard to make sure it was not subject to such orders. Jolly Fun Time Apparel seems like a reputable partner, but Owen knows that due diligence involves making sure that the entire supply chain of the clothing he wants to import is free from forced labor.

Owen will need to understand the entire production process for the clothing he wants to import and then examine all suppliers in Jolly Fun Time Apparel's supply chain, from raw materials to finished products. All suppliers along Jolly Fun Time Apparel's supply chain must also do their due diligence and provide comprehensive documentation proving their production processes are free of forced labor. Additionally, at each stage of production, Owen should confirm the country

[24] A priority sector is one that has been identified as having significant production ties to the XUAR.
[25] However, for UFLPA-related detentions and exclusions, importers are required to follow the guidance, as well as use any resources, outlined in the *UFLPA Strategy*.

of origin for all raw materials and components, ensuring that none are sourced from the XUAR or from entities on the *UFLPA Entity List,* or are otherwise produced with forced labor.

To strengthen his due diligence, Owen can ensure that a credible independent third-party audit is conducted and can conduct risk assessments to verify the labor conditions within the supply chain. He should also use supply chain transparency tools to trace the movement of goods and inputs, ensuring that no commingling occurs with materials from high-risk regions.

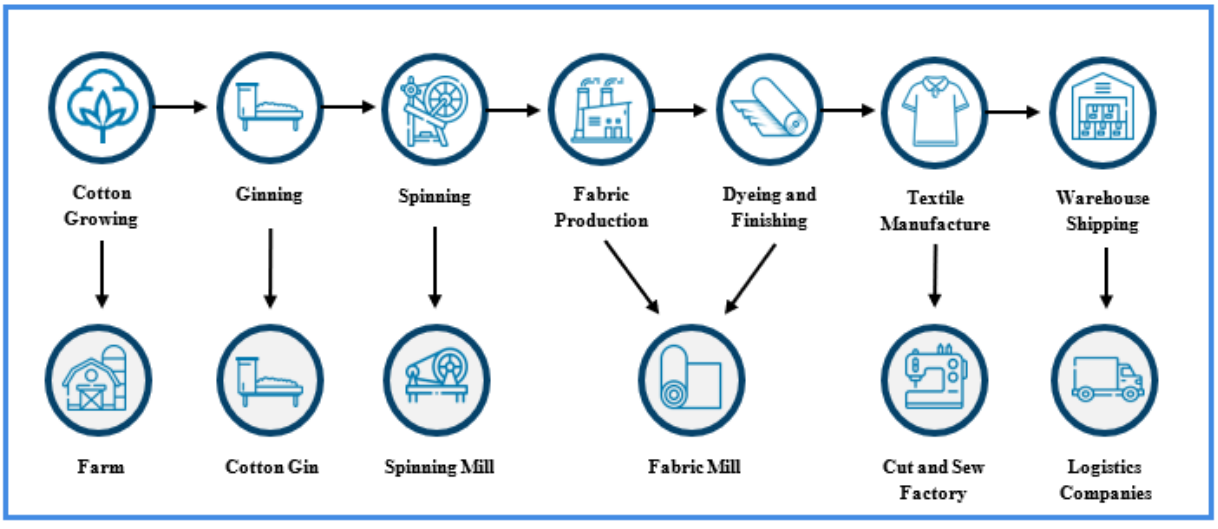
Communicating directly with suppliers is essential to identifying potential risks and setting clear expectations regarding compliance with UFLPA requirements. Suppliers are encouraged to maintain detailed records and should be prepared to share them with CBP if necessary.

Owen should also monitor public reports, news, and allegations related to forced labor in the industry and region. By staying informed, he can proactively address any red flags that may arise.

Preparing to Respond to a Potential Detention

While reviewing the *UFLPA Strategy* and Attachment 2-B, Owen realizes that apparel, cotton, and cotton products are priority sectors for UFLPA enforcement and that there are supplemental supply-chain tracing information instructions for apparel and cotton products. Learning this, Owen wants to be prepared in case of any potential detentions of his shipments and make sure that his supply chain is free from forced labor as well as free from any UFLPA input. To make sure that he is ready to respond to any detentions, Owen should request and review transactional, financial, and transportation records, such as invoices, purchase orders, contracts, packing lists, bills of lading, and proofs of payment for Jolly Fun Time Apparel itself as well as all the companies in the supply chain down to the raw material stage where the cotton was sourced from. He wants to ensure that he has all the documentation that he needs to prove to CBP that the supply chain is not tainted by forced labor or subject to the UFLPA. If any company in the

Jolly Fun Time Apparel's Textile Production Processes



supply chain cannot or will not provide the documentation requested, Owen should consider finding a new supplier.

Owen, in conducting his due diligence along Jolly Fun Time Apparel's supply chain, began requesting documentation to trace the supply chain at each step of the production process. Starting with the cotton ginning stage, he confirmed through supplier records and certificates of origin that the cotton used in the textiles was sourced from farms in the United States and Brazil. Moving to the spinning and weaving stages, Owen contacted the mills to obtain production records and worker payroll information to verify that no forced labor was involved. For the dyeing and finishing processes, he requested chemical purchase logs and environmental compliance certifications to ensure the facilities adhered to regulatory standards. At the garment manufacturing stage, Owen sought factory audit reports and worker contracts to confirm ethical labor practices. Finally, he reached out to the distribution warehouse to obtain shipping manifests and inventory records to complete the documentation trail.[26]

By gathering this evidence, Owen demonstrated that the entire supply chain complied with U.S. trade and customs laws and avoided links to forced labor. After conducting his due diligence and reviewing all Jolly Fun Time Apparel's documentation and that of all suppliers along the supply chain, Owen finds no risk of forced labor and decides to partner with Jolly Fun Time Apparel.

[26] Please note that this is an example and should not be understood to be used as a definitive list of documentation needed or steps to take to create a complete due diligence package. Individual situations will vary based on circumstances.

Appendix C: Best Practices for Importers When Submitting Documentation

Importers should clearly label submissions, particularly those with multiple documents, with similar names. Electronic files containing multiple documents should be grouped in an organized manner to allow for efficient tracing of the supply chain, for example, grouping by each component or production stage. Use a consistent system of numbering each document and exhibiting throughout.

Examples: 1.1 supplier123/manufacturer ABC & copper tube; 1.2 supplier456/manufacturer DEF & copper tube.

Provide a numbered exhibit list that lists all exhibits accompanying the cover letter.

1. Provide an index containing the relevance of the documents provided.
2. Bracket any **Business Confidential Information (BCI)** in double brackets (i.e., [[BCI]]).
3. Make scanned image-only pages in PDF submissions searchable (i.e., OCR).
4. Provide original non-English version and English-translated versions of documents.
5. Avoid providing unnecessary or duplicative documents.
6. Avoid submitting unnecessary or multiple files.

Appendix D: Isotopic Testing

Overview of Isotopic Testing for Origin Determination

Isotopic testing is a scientific method that identifies the atomic structure of naturally occurring materials, or a "fingerprint" of the material, affected by local environmental conditions. For example, in the case of cotton, it is the environmental conditions experienced by the plant during growth, not the seed's origin, that will determine the isotopic fingerprint of the cotton fiber. When that fingerprint is compared to a library of like materials from various geographic areas, the test can determine that the raw material is consistent with the claimed geographic origin.

The process to complete an isotopic test is time-intensive and requires sophisticated instruments and analysis. Isotopic testing is a complex process, and requires scientific expertise, advanced equipment, and trained experts. Furthermore, testing results are not instant, and timeframes vary based on complexity. For this reason, U.S. Customs and Border Protection (CBP) continues to encourage the inclusion of testing early in an importer's due diligence program.

Please note: Isotopic testing will not function as a viable method of origin determination for all products.

Contact the industry-specific Center for questions on viability of isotopic testing.

CBP does not endorse any particular testing facility, process, or company. Refer to CBP's Isotopic Testing Guide for recommended criteria for isotopic testing.

Appendix E: Applicability Review Request Submission Documentation

The following is a list of documents to use as supporting evidence for applicability review requests together with the required information described in the *UFLPA Strategy*, Section VI, B, pages 49-50. Please note that this is not a comprehensive list of evidence that may be required from the importer, and the requirements will vary based on the facts and circumstances of the import in question.

SUPPLY-CHAIN TRACING INFORMATION DOCUMENTATION DEMONSTRATING GOODS WERE NOT MINED, PRODUCED, OR MANUFACTURED, WHOLLY OR IN PART, IN THE XUAR OR BY AN ENTITY ON THE *UFLPA ENTITY LIST*

Evidence Pertaining to Overall Supply Chain

- Detailed description of supply chain, including imported merchandise and components thereof, including all stages of mining, production, or manufacture.
- The role(s) of the entities in the supply chain, including shippers and exporters. For example, CBP will need to determine whether a supplier is also a manufacturer.
- For entities in the supply chain, identify any relationships in accordance with 19 C.F.R. § 152.102(g).
- A list of suppliers associated with each step of the production process, including names and contact information (addresses, email addresses, and phone number).
- Affidavits from each company or entity are involved in the production process.

Evidence Pertaining to Merchandise or Any Component Thereof

- Purchase orders
- Invoice for all suppliers and sub-suppliers
- Packing list
- Bill of materials
- Certificates of origin
- Payment records
- Seller's inventory records, including dock/warehouse receipts
- Shipping records, including manifests, bills of lading (e.g., airway/vessel/trucking)
- Buyer's inventory records, including dock/warehouse receipts
- Invoices and receipts for all suppliers and sub-suppliers
- Import/export records

Evidence Pertaining to Miner, Producer, or Manufacturer

- Evidence listed in the previous sections above pertaining to merchandise or any component thereof for raw materials
- Mining, production, or manufacturing records
  - Documents should allow CBP to trace raw materials to merchandise mined, produced, or manufactured
  - Production orders
  - Reports on factory production capacity for the merchandise
  - Reports on factory site visits by the importer, a downstream supplier sourcing from this factory, or a third party
  - Evidence that the volume of input of component materials matches the volume of output for the merchandise produced
- Any other evidence to demonstrate that a good was not mined, produced, or manufactured wholly or in part by forced labor
  - All audits should be unannounced and conducted by independent or third-party auditors that can conduct reviews on the International Labour Organization's (ILO) 11 indicators of forced labor.
  - Note: CBP generally does not consider financial audits, environmental audits, or audits that do not specifically look at the ILO indicators of forced labor to be sufficient to mitigate forced labor risk in production processes.

Appendix F: Exception Review Request Submission Documentation

The following is a list of documents to use as supporting evidence for exception review requests together with the required information described in the *UFLPA Strategy*, Section VI, C, pages 50-51. Please note that this is not a comprehensive list of evidence that may be required from the importer, and the requirements will vary based on the facts and circumstances of the import in question.

Due Diligence System Information

- Engagement with suppliers and other stakeholders to assess and address forced labor risk.
- Mapping of the supply chain and assessing forced labor risks along the supply chain from raw materials to production of the imported good.
- Written supplier code of conduct forbidding the use of forced labor and addressing the risk of use of Chinese government labor schemes.
- Training on forced labor risks for employees and agents who select and interact with suppliers.
- Monitoring supplier compliance with the code of conduct.
- Remediation of any forced labor conditions identified or termination of the supplier relationship if remediation is not possible or is not timely completed.
- Independent verification of the implementation and effectiveness of the due diligence system.
- Reporting performance and engagement publicly on its due diligence system.

Documentation on Supply Chain Management Measures

- Internal controls to prevent or mitigate forced labor risk and remediate any use of forced labor identified in the mining, production, or manufacture of imported goods.
- An importer should be able to demonstrate that documents provided are part of an operating system or an accounting system that includes audited financial statements.
- Note: Financial audits, environmental audits, or audits that do not specifically look at the ILO indicators of forced labor will not be considered sufficient to mitigate forced labor risk in production processes.

Evidence Goods Originating in China Were Not Mined, Produced, or Manufactured, Wholly or In Part, by Forced Labor

- Supply chain map identifying all entities involved in production of the goods.
- Information on workers at each entity involved in the production of the goods in China such as wage payment and production output per worker.
- Information on worker recruitment and internal controls to ensure that all workers in China were recruited and are working voluntarily.

- Credible audits to identify forced labor indicators and remediation of these, if applicable.
  - All audits should be unannounced and conducted by independent or third-party auditors that can conduct reviews on the ILO 11 indicators of forced labor.

Appendix G: UFLPA Detention Notice

This UFLPA detention notice is being used as an example. Its content is current as of the date of this document's publication and may be subject to change in the future.

CUSTOMS AND BORDER
PROTECTION
UFLPA Attachment to the Notice of Detention

Detention Number:_____
Port Code:_____ **Port Name**:_____
Date of Detention:_____
Entry Number:_____ **Line Number**:_____
Broker/Importer:_____
Description of Merchandise: _____

Reason for Detention:
This immediate shipment has been identified as potentially being manufactured in the Xinjiang Uyghur Autonomous Region (Xinjiang) of the People's Republic of China (PRC), or by entities identified by the U.S. government on a Uyghur Forced Labor Prevention Act (UFLPA) entities list, or with inputs from the Xinjiang.

As such, this merchandise may be subject to the UFLPA, (Pub. L. 117-78), (22 U.S.C. Section 6901), and Section 307 of the Tariff Act of 1930, 19 U.S.C. Section 1307, and is detained in accordance with 19 U.S.C Section1499(c). If during the period of detention CBP ultimately determines the merchandise is subject to the UFLPA, the merchandise will be prohibited from entering the United States, as it will be presumed to have been produced, wholly or in part, using forced labor. The UFLPA creates a presumption that imports of all goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in the Xinjiang, or by entities identified by the U.S. government on a UFLPA entities list, are made with forced labor and are prohibited from entry into the United States. The presumption also applies to goods made in, or shipped through, the PRC and other countries that include inputs made in Xinjiang.

The importer may request an exception to the presumption or assert a claim that the goods are not within the purview of the UFLPA, by providing to CBP, within 30 days from the date of this notice, a written response to the detention. A request for an exception to the presumption must contain the information required by Section 3(b) of the UFLPA.

The importer must consult the Strategy to Prevent the Importation of Goods Mined, Produced, or Manufactured with Forced Labor in the People's Republic of China (UFLPA Strategy), published by the Department of Homeland Security (DHS), in its role as the chair of the Forced Labor Enforcement Task Force (FLETF), on June 21, 2022, for compliance with specific importer guidance as required by the UFLPA.

The importer may submit a request to the Port Director to request an extension to the 30 days to provide documentation before the end of the detention period. The importer may also seek approval from the CBP Port of Entry to export the merchandise at any time during the detention process.

Where CBP applies the rebuttable presumption to a shipment, the importer must (1) fully comply with the due diligence, effective supply chain tracing, and supply chain management measures contained in the UFLPA Strategy; (2) completely and substantively respond to all CBP requests to ascertain whether the goods were mined, produced or manufactured wholly or in part with forced labor; and (3) and demonstrate by clear and convincing evidence that the good, ware,

UFLPA Attachment to the Notice of Detention

article, or merchandise was not mined, produced, or manufactured wholly or in part by forced labor, to overcome the presumption. These requirements extend throughout the entire supply chain, to include goods that may be shipped to third countries for further processing.

Alternatively, if the importer believes that their detained merchandise is not subject to the UFLPA, the importer may provide information to CBP to that effect, *i.e.*, information that the imported goods and their inputs are sourced completely from outside Xinjiang and have no connection to entities on the UFLPA Entity List. The importer must provide documentation that substantiates the absence of inputs subject to UFLPA from its supply chain. (Refer to Section IV of the CBP operational guidance document for a non-exhaustive list of documents that CBP may request from the importer.)

The importer must submit documentation to CBP via the Document Image System (DIS) or submit it to their assigned Center of Excellence and Expertise with a copy to the port of entry where shipment is detained.

If the importer provides sufficient evidence to overcome the UFLPA presumption of forced labor, or provides sufficient information that demonstrates the UFLPA is not applicable to the shipment, and there are no other admissibility concerns, CBP will release the shipment.

Additional Information/Action Requested of Importer:
The importer must provide sufficient documentation to trace the entire supply chain from the raw materials to the processing of downstream products to the merchandise imported into the United States. Identify all parties involved and provide a list of suppliers with names and addresses, a flow chart of the production process, and maps of the country and/or region where each part of the product originated. The importer must also provide sufficient document to demonstrate that the goods were not mined, produced, or manufactured wholly or in part with forced labor. Specific examples of relevant documentation may include:

- Certificates of origin
- Purchase orders, invoices, and proof of payment
- Packing lists
- Payment records
- Bills of lading
- Shipping records
- Production records
- Inventory records supporting production
- List of production steps and chain of custody records for the imported merchandise
- Transportation documents
- Daily manufacturing process reports

The above is not an exhaustive list and submission of the identified production and supply chain information does not guarantee release as CBP continues to investigate and identify circumstances of forced labor and connected entities which could result in the exclusion or seizure of the merchandise. Importer should consult the UFLPA Strategy and CBP's importer guidance. Additional guidance on supply chain tracing for certain commodity types is provided

UFLPA Attachment to the Notice of Detention

in the addendum below. Additional guidance for UFLPA and forced labor can be found on the CBP website https://www.cbp.gov/trade/forced-labor/UFLPA.

Tests or Inquiries to be Conducted:

Requested by (Date):
Supporting documentation should be submitted in English, with original copies attached to translated versions when applicable, and provided within 30 days from the date of this detention notice. It is preferred that all supporting documents are sent to CBP in a single submission, but the importer may choose to notify CBP at the time of submission if additional supporting documents are forthcoming. **Please submit your review request and supporting documents in the Forced Labor Portal (https://flportal.cbp.gov).**

Name of Detaining Officer: _____
CBP Point of Contact: _____
CBP Point of Contact Phone Number: _____
Date of Conditional Release: N/A
Location of Good: N/A
Additional Remarks:

UFLPA Attachment to the Notice of Detention

Addendum: Commodity Specific Supplemental Supply Chain Tracing Information

Aluminum products

- Provide flowchart(s) of all manufacturing steps and distinguish what company performs each step (if more than one company is involved in the production of the aluminum product and finishing coats).
- Provide certificate(s) of origin or manufacturer's affidavit attesting to the origin of each material used to produce the aluminum product. Manufacturer's affidavits should provide the name of the entity and specific location where each material is mined, smelted, and manufactured.
- Provide raw materials invoices; purchase orders and proof of payment; production records; and export documents and information.
- Provide details on the manufacturing process where the aluminum was produced into ingots and billets.
- Provide the location where the aluminum was further manufactured into extrusions, coils, wire, or other aluminum products.

Batteries:

- Identify the imported battery type(s): Cylindrical, prismatic, pouch type, solid state, lead acid, etc. (Depending on the battery type, certain processes or components listed below may or may not be applicable.)
- Provide a complete list of raw materials, the country/region of origin of such materials and the names and addresses of the respective manufacturers and /or suppliers invoices for battery raw material and components, such as: Lithium iron phosphate, lead, graphite, copper, positive/negative active material, carbon and binders, electrodes (anodes/cathodes), collector foils, plates, separators, electrolyte and inactive components, printed circuit board assemblies, wiring, thermistors, insulators, cell hardware, module hardware, battery jackets, etc.
- Provide a flowchart of the battery production process identifying all manufacturing parties and each transformative step(s) in which each party performs, such as: Mineral/ore extraction, slurry preparation, electrode coating and drying, electrode punching, secondary vacuum drying, electrode stacking, vacuum sealing, electrolyte filling, pouch formation, tab formation, aging, testing and packing.
- Provide a list of battery manufacturing equipment models owned by each manufacturing party such as: Coating machines; vacuum mixers, dryers, calendaring/pressing machines, slitters, stackers, winders, sealers, tab welders, electrolyte fillers and testing equipment.
- Provide all transportation documents between suppliers and manufacturers, including bills of lading, delivery receipts and arrival notices through each phase of production indicating the movement of all materials, components, sub-components, sub-assemblies, cells, and modules through the finished product exported to the United States.

Cotton products:

- Provide sufficient documentation to show the entire supply chain, from the origin of the cotton at the bale level to the final production of the finished product (i.e., harvesting (cultivation/extraction), purification, finishing, conversion into final product).

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UFLPA Attachment to the Notice of Detention

- Provide a flow chart of the production process and maps of the region where the production processes occur. Number each step along the production process and number any additional supporting documents associated with each step of the process.
- Identify all the parties involved in each step of the production process.
- Provide a list of suppliers associated with each step of the production process, including names and contact information (addresses, email addresses, and phone number).

Polysilicon products:

- Importer needs to provide documentation produced in the ordinary course of business, including complete records of transactions and supply chain documentation that demonstrate all entities involved in the manufacture, manipulation, or export of a particular good, and the country of origin of each material used in the production of the products back to the suspected source of forced labor.
- Provide a flow chart mapping the production process of each step in the procurement and production of all materials and identify the region where each material in the production originated (i.e., location of the quartzite used to make polysilicon and the location of manufacturing facilities where polysilicon is converted from ingots/wafters to solar cells and solar modules and/or the supplier and location where metallurgical grade silica was purchased).

Polyvinyl chloride (PVC) products:

- Provide sufficient documentation to show the entire supply chain, from the origin of the Chlorine, Carbon, and Ethylene to the final production of the polyvinyl chloride (PVC).
- Provide a flow chart of the production process and maps of the region where the production processes occur with all layers of PVC flooring including but not limited to PVC resins and calcium carbonate. Number each step along the production process and provide manufacturing records where the layers are laminated together under heat and pressure.

Steel products

- Provide flowchart(s) of all manufacturing steps and distinguish what company performs each step (if more than one company is involved in the production of the steel product).
- Provide certificate(s) of origin or manufacturer's affidavit attesting to the origin of each material used to produce the steel products from the raw materials through finished products. Manufacturer's affidavits should provide the name of the entity and specific location where each material is mined, sinister, blast furnace, basic oxygen furnace (BOF) or Electric Arc Furnace (EAF,) refined, continuous cast into semi-finished products, reheated and hot rolled, then produced into long products (rods/bars, sections) and flat products (plate, hot rolled coils, welded tubes, and light gage products.
- Provide raw materials invoices; purchase orders and proof of payment; production records; and export documents and information.
- Provide details on the manufacturing processes.
- Provide the location where the iron was further manufactured into semi-finished, steel, and/or stainless steel.
- Provide bills of lading and/or other documents tracing the movement of the inputs through export to the United States.

UFLPA Attachment to the Notice of Detention

Tires for automobiles and trucks

- Provide sufficient documentation to show the entire supply chain, from the origin of the rubber (synthetic or natural) to the final production of the finished product (i.e., rubber mixing, manufacturing of components, extrusion and cooling leading to the conversion into final product). This would include documents such as purchase orders, invoices shipping records, proof of payment for the raw materials.
- Provide a flow chart(s) of the manufacturing/production process and maps of the region where the production processes occur, and which company performs each step in the production of the tires.
- Enumerate each step along the production process and correlate any additional supporting documents associated with each step of the process.
- Identify all the parties involved in each step of the production process.
- Provide a list of suppliers associated with each step of the production process, including names and contact information (addresses, email addresses, and phone number). Provide Manufacturers Affidavits or Certifications for the textile components such as polyester, rayon, nylon as well as the Steel Mill Certificate for the Steel and Wire Spooling.
- Provide bills of lading and or other documents tracing the movement of the tires from the factory to the US.

Tomato products:

- Provide supply chain traceability documents demonstrating the point of origin of the tomato seeds, tomatoes, or tomato products.
- Affidavit from the tomato processing facility that identifies both the parent company and the estate that sourced the tomato seeds and or tomatoes.
- Purchase orders, invoices, and proof of payment for the tomato seeds, tomatoes, or tomato products, from the processing facility and the estate that sourced the raw materials.
- All records for the tomato seeds, tomatoes, and/or tomato products that identify all steps in the production process, from seed to finished product, from the farm to shipping to the United States.

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Appendix H: WRO Detention Notice

This WRO detention notice is being used as an example. Its content is current as of the date of this document's publication and may be subject to change in the future.

CUSTOMS AND BORDER PROTECTION
Notice of Detention

Detention Number:_____
Port Code:_____ **Port Name:**_____
Date of Detention:_____
Entry Number:_____ **Line Number:**_____
Broker/Importer:_____
Description of Merchandise: _____

Reason for Detention:
This merchandise is subject to a Withhold Release Order (WRO) against **[products]** manufactured by **[entity name]**, signed by the Commissioner, or delegated official, on **[effective date]**, and is detained pursuant to 19 C.F.R. Section 12.42(e). The WRO pertains to **[products]**, made wholly or in part by **[entity name]**. Also, downstream products made in third countries that incorporate these inputs are subject to the WRO.

You have the following options:
1. Export the goods to any location outside the United States (under CBP supervision) pursuant to 19 C.F.R. Section 12.44(a); or
2. Contend that the goods were not produced with forced labor by submitting the documentation/proof required by 19 C.F.R. Section 12.43. This can be done at any time during the review process.
    a. Certificate of Origin signed by the foreign seller required by 19 C.F.R. Section 12.43(a), which may be submitted in electronic form, and
    b. A detailed statement from the importer, as outlined in 19 C.F.R. Section 12.43(b).
    c. Supply chain documentation to support a & b.

Guidance Concerning the Certificate of Origin:
- A standard Certificate of Origin is not acceptable. The required format for the certificate of origin is detailed in 19 C.F.R. Section 12.43(a). This paragraph includes the exact wording of the certificate that should be signed by the seller/manufacturer.
- The statement required by 19 C.F.R. Section 12.43(b) should be submitted by the importer, not the seller. The importer's statement should be sufficiently detailed and include proof that the goods were not produced, wholly or in part, with forced labor.

Requested by (Date): Documents must be submitted within 3 months of importation. It is preferred that all supporting documents are sent to CBP in a single submission, but the importer may choose to notify CBP at the time of submission if there will be additional supporting documents forthcoming. **Please submit your admissibility review request and supporting documents in the Forced Labor Portal (https://flportal.cbp.gov).**

Tests or Inquiries to be Conducted:

Additional Information/Action Requested of Importer:
The following additional information and/or documentation should also be submitted to substantiate that the imported merchandise does not originate or contain inputs or components from any entity covered by the WRO - Supply chain traceability documents pointing to the point of origin of the product(s), component(s), and/or input(s) identified in the WRO. Affidavit from the producer or manufacture of the product(s), component(s), and/or input(s) identified in the WRO. Purchase Order, Invoice, and Proof of Payment for the product(s), component(s), and/or input(s) identified in the WRO. Production steps and records for the product(s),

Shipments may be detained for up to 30 days, unless statutory authority or interagency agreement mandates that a longer period of time is required, or the importer/broker requests a longer detention period through the Area/Port Director.

CUSTOMS AND BORDER PROTECTION
Notice of Detention

supply chain where forced labor is suspected through the manufacture or production of the good(s) exported to the United States.

Name of Detaining Officer: _____

CBP Point of Contact: _____

CBP Point of Contact Phone Number: _____

Date of Conditional Release: N/A

Location of Goods: N/A

Additional Remarks:

Shipments may be detained for up to 30 days, unless statutory authority or interagency agreement mandates that a longer period of time is required, or the importer/broker requests a longer detention period through the Area/Port Director.

Appendix I: UFLPA Exclusion Notice

This UFLPA exclusion notice is being used as an example. Its content is current as of the date of this document's publication and may be subject to change in the future.

U.S. Customs and Border Protection

[Port Address Line 1]
[Port City, State, Zip]

Date:

[Importer Name]
[Importer Address Line 1]
[Importer City, State, Zip]

Dear [Insert Importer Name],

You are hereby advised that the below listed entry is subject to the Uyghur Forced Labor Prevention Act (UFLPA, Pub. L. 117-78) and is excluded from entry into the United States.

Article(s) Excluded:
Quantity:
Vessel/Trip:
Bill of Lading:
Entry Number (if any):
Entry Line Number (if other than entire shipment):
Date of Exclusion:

Based on a review of the entry or documents submitted:

☐ This merchandise has been identified as having been produced (in whole or in part) or having input(s) from the Xinjiang Uyghur Autonomous Region (XUAR) or by an entity on the UFLPA Entity List; therefore, it is presumed to be prohibited under 19 U.S.C. 1307 and not entitled to entry. Accordingly, this shipment is excluded from entry.

OR

☐ This merchandise is excluded because the importer failed to request an exception or failed to provide evidence to demonstrate the merchandise was not produced in whole or in part in the Xinjiang Uyghur Autonomous Region (XUAR) or by an entity on the UFLPA Entity List **within 30 days (or specific deadline date (if an extension was granted))** from which the cargo was detained.

OR

☐ Insufficient evidence was provided to demonstrate that the merchandise was not produced in whole or in part in the XUAR or by an entity on the UFLPA Entity List.

OR

☐ CBP found insufficient evidence to grant an exception pursuant to Section 3(b) of the UFLPA.

Additional Information:

You may export the subject merchandise from the United States under CBP supervision in accordance with 19 C.F.R.§§ 18.25 –18.27. If the merchandise is not exported timely, it will be disposed of in accordance with CBP policies and procedures or you may protest the exclusion of this shipment pursuant to 19 U.S.C. § 1514.

You are hereby notified that any future attempt to import such articles may result in seizure and forfeiture.

Should you have any questions regarding this matter please contact:

[Name of the Title of CBP Employee], at [Phone/Email

Address of CBP Employee].

Sincerely,

Port Director, U.S. Customs and Border Protection

UFLPA Notice of Exclusion Continuation Sheet Attached? ☐ Yes ☐ No

Appendix J: CAATSA Exclusion Notice

This CAATSA exclusion notice is being used as an example. Its content is current as of the date of this document's publication and may be subject to change in the future.

[Port Address Line 1]
[Port City, State, Zip]

U.S. Customs and Border Protection

Date:

[Importer Name]
[Importer Address Line 1]
[Importer City, State, Zip]

Dear [Insert Importer Name],

You are hereby advised that the below listed entry is subject to the Countering America's Adversaries Through Sanctions Acts (CAATSA) under 22 U.S.C. Section 9241a(a) (Public Law 115-44) and is excluded from entry into the United States. You may export, destroy, or file a protest to contest CBP's decision to exclude this shipment within 180 days of date of exclusion.

Article(s) Excluded:
Quantity:
Vessel/Trip:
Bill of Lading:
Entry Number (if any):
Entry Line Number (if other than entire shipment):
Date of Exclusion:

This merchandise has been identified as mined, produced, or manufactured, in whole or in part, by North Korean nationals or North Korean citizens; therefore, this shipment is presumed to have been made with forced labor under the CAATSA and excluded from entry. You may export the subject merchandise from the United States under CBP supervision in accordance with 19 C.F.R. § 18.25 – 18.27. If the merchandise is not exported timely, it will be disposed of in accordance with CBP policies and procedures.

You may also protest the exclusion of this shipment pursuant to 19 U.S.C. 1514(a) and consistent with 22 U.S.C. § 9241a(b) submit information demonstrating by clear and convincing evidence that the goods are not made with convict labor, forced labor, or indentured labor under penal sanctions, or demonstrate that the merchandise was not produced, in whole or in part, by North Korean nationals or North Korean citizens and therefore is not subject to CAATSA.

You are hereby notified that any future attempt to import such articles may result in seizure and forfeiture.

Should you have any questions regarding this matter please contact:

[Name of the Title of CBP Employee]

[Phone/Address of CBP Employee]

Sincerely,

Port Director, U.S. Customs and Border Protection

Appendix K: WRO Exclusion Notice

This WRO exclusion notice is being used as an example. Its content is current as of the date of this document's publication and may be subject to change in the future.

1300 Pennsylvania Avenue, NW
Washington, DC 20229

U.S. Customs and Border Protection

[IMPORTER NAME COMPANY NAME ADDRESS LINE 1]
[ADDRESS LINE 2]
CITY, STATE ZIP CODE

Dear [Importer Name]:

This notification is being sent pursuant to 19 CFR § 12.44(a) to advise that U.S. Customs and Border Protection, [PORT NAME], has determined that the below listed merchandise is under the purview of 19 U.S.C. 1307 resulting in a decision to exclude the shipment from entry into the United States.

Article Denied Entry: DESCRIPTION OF MERCHANDISE
Quantity:
Vessel:
Bill of Lading:
Entry Number (if any):
Date of Denial of Entry:
[Narrative detailing what information led CBP to reach the decision to exclude the merchandise]

You have 60 days from the date of this letter to export the subject merchandise from the United States under CBP supervision in accordance with 19 C.F.R. § 18.25 – 18.27. If the merchandise is not exported within 60 days, it will be disposed of under CBP supervision.

You are hereby notified that any future attempt to import such articles may result in the articles being seized and forfeited.

Thank you for your continued cooperation. If we may offer further guidance, please contact [NAME], [TITLE OF CBP EMPLOYEE], at [PHONE AND EMAIL CONTACT INFO].

Sincerely,

[NAME]
Port Director
U.S. Customs and Border Protection

Appendix L: Notice of Redelivery

DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection

NOTICE TO MARK AND/OR NOTICE TO REDELIVER
19 CFR 134.51, 134.52, 141.113

SECTION I *(To be Completed by CBP)*

FROM (Importer of Record Name and Address)	NAME OF CONTACT PERSON (Last, First, M.I.)
	TELEPHONE NUMBER
TO (Importer of Record Name and Address)	ENTRY DATA
	PORT OF ENTRY / ENTRY NO.
	DATE OF ENTRY / BROKER OR IMPORTER FILE NO.

The merchandise described below is in violation of statute(s)/regulation(s) as indicated, and cannot be entered into the commerce of the United States until brought into conformity as noted below in Section II. If it is not brought into conformity, redelivered, exported, or destroyed under U.S. Customs and Border Protection supervision within 30 days from the date of this Notice or the time specified by another government agency having jurisdiction over the importation, **liquidated damages and or criminal/civil penalties shall apply**.

STATUTE(S)/REGULATION(S) VIOLATED
- ☐ 19. U.S.C. 1304 (Section 304, Tariff Act of 1930) (Country of Origin Marking Violation)
- ☐ OTHER NAMELY:

DESCRIPTION OF MERCHANDISE	QUANTITY	IDENTIFYING MARKS AND NUMBERS	SHIPPER/MANUFACTURER

SECTION II *(To Be Completed by CBP)*

ACTION REQUIRED OF IMPORTER
- ☐ Merchandise must be brought into compliance as specified below or returned to CBP custody within 30 days of this Notice or other time specified.
- ☐ Marking or other corrective action must be done under CBP supervision.
- ☐ CBP supervision of marking or other corrective action not required. After all merchandise has been brought into conformity with cited statue (s)/regulation(s), complete the certification below and return copy to CBP ☐ with ☐ without a sample.
  WARNING: All merchandise must be retained until you are notified by CBP that corrective action is acceptable.
- ☐ Merchandise must be redelivered to CBP within 30 days from the date of this Notice or other time specified.

REMARKS/INSTRUCTIONS/OTHER ACTION REQUIRED OF IMPORTER

NAME OF CBP OFFICER (Last, First, M.I.) | SIGNATURE OF CBP OFFICER | DATE

SECTION III - IMPORTER CERTIFICATION *(To be completed by Importer/Authorized Agent)*

IMPORTER: Appropriate items must be completed, signed, and dated before acceptance by CBP.

- ☐ MERCHANDISE TO BE ☐ EXPORTED
- ☐ DESTROYED UNDER CBP SUPERVISION IN LIEU OF MARKING OR OTHER REQUIRED CORRECTIVE MEASURES.

PLACE | DATE | TIME ☐ AM ☐ PM

I (WE) GUARANTEE THE PAYMENT OF ALL EXPENSES INCIDENT TO THE ABOVE ACTION.

☐ I CERTIFY THAT ALL MERCHANDISE HAS BEEN MARKED TO INDICATE THE COUNTRY OF ORIGIN AS REQUIRED BY 19 U.S.C. 1304, OR OTHERWISE BROUGHT INTO COMPLIANCE WITH CITED STATUTE(S) OR REGULATION(S). SAMPLE ☐ IS ☐ IS NOT SUBMITTED HEREIN.

MERCHANDISE AND ORIGINAL CONTAINERS BEING HELD INTACT AND AVAILABLE FOR CBP INSPECTION AT: (INDICATE PLACE AND PHONE NUMBER).

IMPORTER OR AUTHORIZED AGENT NAME (Last, First, M.I.) | TITLE | TELEPHONE

SIGNATURE OF IMPORTER OR AUTHORIZED AGENT | DATE

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SECTION IV *(To be Completed by CBP)*

☐ MERCHANDISE EXCEPTED FROM MARKING UNDER _____.

☐ MERCHANDISE HAS BEEN LEGALLY MARKED OR OTHERWISE BROUGHT INTO CONFORMITY WITH CITED STATUTE(S)/REGULATION(S):
☐ UNDER CBP SUPERVISION ☐ CERTIFICATION ACCEPTED.

☐ MERCHANDISE WAS ☐ EXPORTED ☐ DESTROYED UNDER CBP SUPERVISION ☐ OTHER, NAMELY: _____

CBP OFFICER NAME (Last, First, M.I.)

SIGNATURE OF CBP OFFICER

DATE

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INSTRUCTIONS

This form is notification that the imported merchandise is not in conformity with statutory or regulatory requirements and must be marked, labeled, or otherwise brought into conformity with the applicable requirements within 30 days of this Notice. The form also serves as a redelivery notice and requires redelivery to CBP custody within the specified time.

The following instructions are provided to assist importers in fulfilling the statutory and regulatory obligations.

- Sections I and II: COMPLETED BY U.S. CUSTOMS AND BORDER PROTECTION
- Section III: COMPLETED BY IMPORTER OF RECORD OR AUTHORIZED AGENT
- Retain control of all merchandise described on the CBP Form 4647. The merchandise must be held intact; it cannot be moved or distributed until authorized by CBP.
- Marking and/or additional instructions are provided in Section II.
- Upon completion of marking, complete the appropriate item(s). **SIGNATURE MUST BE THAT OF THE IMPORTER OR AUTHORIZED AGENT.**
- Identify the location where the merchandise will be available for CBP verification and provide a contact telephone number.
- Upon completion of Section III, submit the "Return to CBP" copy of the form with a sample, if requested, to the office specified in Section I of this form. **NOTE**: Appropriate items must be completed, signed, and dated before acceptance by CBP.
- Section IV: COMPLETED BY U.S. CUSTOMS AND BORDER PROTECTION

Upon return of the CBP Form 4647, CBP will review the form to ensure that Section III has been completed, signed, and dated by the Importer of Record or Authorized Agent, and take one of the following actions:

- A CBP Officer will visit your premises to verify your certification of marking and to notify you whether or not it is acceptable.
- Notify you (in writing) that (a) the marking or corrective action is acceptable and the merchandise is officially released by CBP; or (b) the marking or corrective action is not acceptable and that the merchandise must be redelivered to CBP custody within the prescribed time.

If you have any questions or find that the marking procedure or other corrective action requires more than 30 days, contact the office indicated in Section I.

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Appendix M: Certificate of Origin

Certificate of Origin

I, _____, foreign seller or owner of the merchandise hereinafter described, certify that such merchandise, consisting of _____ (Quantity) of _____ (Description) in _____ (Number and kind of packages) bearing the following marks and numbers _____ was mined, produced, or manufactured by _____ (Name) at or near _____, and was laden on board _____ (Carrier to the United States) at _____ (Place of lading) (Place of final departure from country of exportation) which departed from on _____; (Date); and that _____ (Class of labor specified in finding) was not employed in any stage of the mining, production, or manufacture of the merchandise or of any component thereof.

Dated _____

(Signature)

Appendix N: Centers of Excellence and Expertise (Centers)

The Centers within CBP are specialized divisions that focus on specific industries to streamline trade processes, enforce customs regulations, and facilitate legitimate trade. Each Center is aligned with Harmonized Tariff Schedule (HTS) numbers based on the industries they oversee. Below is a general guide to the industries and HTS numbers associated with each Center:

Center	Primary HTS Numbers	Examples
Agriculture and Prepared Products	1-24	Agriculture, aquaculture, animal products, vegetable products, prepared foods, beverages, alcohol, and tobacco
Apparel, Footwear and Textiles	50-65	Wearing apparel, footwear, and textile mill products such as beddings and fabrics
Automotive and Aerospace	86-87	Automotive, aerospace, or other transportation equipment and related parts
Base Metals	72-81	Steel, steel mill products, ferrous and nonferrous metal, and aluminum
Consumer Products and Mass Merchandising	49, 66, 67, 91, 92, 94-97	Household goods, consumer products, or similar industries and mass merchandisers of products typically sold for home use
Electronics	Part of 84, 85	Solar products, information technology, integrated circuits, automated data processing equipment, and consumer electronics

Center	Primary HTS Numbers	Examples
Industrial and Manufacturing Materials	25, 39-48, 68-71	Plastics, polymers, rubber, leather, wood, paper, stone, glass, precious stones, and precious metals
Machinery	82, Part of 84	Tools, machine tools, production equipment, and instruments
Petroleum, Natural Gas and Minerals	26-27	Petroleum, natural gas, petroleum related products, minerals, and mining industries
Pharmaceuticals, Health and Chemicals	28-38	Pharmaceuticals, health-related equipment, and products of the chemical and allied industries

For precise HTS classifications and Center assignments, users can consult the following official CBP resources:

1. **Harmonized Tariff Schedule (HTS) Search Tool**
   Accessible via the U.S. International Trade Commission (USITC) website, this tool allows users to search for HTS codes and their descriptions.
2. **CBP Center Webpage**
   Provides detailed information about each Center, including their industry focus and contact details.
3. **ACE (Automated Commercial Environment)**
   CBP's trade processing system, which includes tools for HTS classification and Center assignment.
4. **Customs Rulings Online Search System (CROSS)**
   A searchable database of CBP rulings that can help clarify HTS classifications and Center applicability.

These resources can provide authoritative and up-to-date information for trade compliance and HTS classification.