

## **Alert** | International Trade



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### **Fourth Update on Forced Labor for Imported Products**

On Jan. 24, 2022, the Department of Homeland Security (DHS) issued a [press release](#) in conjunction with a [Federal Register Notice](#) regarding the public comment period for the implementation of the Uyghur Forced Labor Prevention Act (UFLPA). The UFLPA, signed into law Dec. 23, 2021, requires the federal Forced Labor Enforcement Task Force to develop a strategy to prevent the importation of forced labor goods from China, and this comment period allows importers the opportunity to impact that strategy. The comment period closes March 10, 2022.

The UFLPA prohibits goods from being imported into the United States that are produced either in China's Xinjiang province or by specific entities to be identified by DHS, unless the importer can demonstrate by clear and convincing evidence that the goods were not produced with forced labor. For importers who will be submitting comments, the Federal Register Notice suggests importers consider the following non-exhaustive list of questions:

1. the type, nature, and extent of evidence companies can provide to reasonably demonstrate that goods originating in China were not produced under forced labor in the Xinjiang Uyghur Autonomous Region;
2. initiatives, tools, technologies, etc. that should be adopted to ensure that U.S. Customs and Border Protection can accurately identify and trace forced labor goods;

3. strategies to effectively enforce the UFLPA against entities whose goods are made with forced labor in China and imported into the United States;
4. suggest proper due diligence, effective supply chain tracing, and supply chain management measures importers can leverage to ensure they do not import goods made with forced labor from China, especially within the Xinjiang Uyghur Autonomous Region;
5. suggestions for identifying goods made with forced labor in the Xinjiang Uyghur Autonomous Region or by entities that work with the Xinjiang Uyghur Autonomous Region government to recruit, transport, transfer, harbor, or receive forced labor; and in addition, identifying additional entities that export such goods;
6. suggestions of measures that can be taken to trace the origin of goods, offer greater supply chain transparency, and identify third-country supply chain routes for goods made with forced labor in China; and
7. identify mechanisms that could lead to the importation of forced labor goods from China, including through third countries, and provide procedures to reduce those threats.

The Forced Labor Enforcement Task Force will also hold a public hearing after the comment period closes. Finally, DHS and U.S. Customs and Border Protection will issue guidance for importers on compliance with UFLPA.

For additional background on the prohibition of importing products and their components made with forced labor we refer you to our [Update on Forced Labor for Imported Products](#), [Second Update on Forced Labor for Imported Products](#), and [Third Update on Forced Labor for Imported Products](#).

Those looking to draft and submit to DHS comments on the new regulations should consult with experienced international trade counsel.

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