

CBP will employ a risk-based approach, dynamic in nature, that prioritizes the highest-risk goods based on current data and intelligence. Currently the highest-risk goods include those imported directly from Xinjiang into the United States and from entities on the UFLPA Entity List. CBP will also prioritize illegally transshipped goods with inputs from Xinjiang, as well as goods imported into the United States by entities that, although not located in Xinjiang, are related to an entity in Xinjiang (whether as a parent, subsidiary, or affiliate) and likely to contain inputs from that region.

In addition to CBP identifying and interdicting goods subject to the rebuttable presumption, other DHS Components will also undertake separate enforcement efforts. The DHS Center for Countering Human Trafficking (CCHT) will send viable referrals of allegations of forced labor by entities in the PRC or affiliates of such entities that use or benefit from forced labor in Xinjiang to HSI field offices for pursuit of criminal investigations and federal prosecution, as appropriate.

Section 2(d)(2)(B)(viii) A list of high-priority sectors for enforcement, which shall include cotton, tomatoes, and polysilicon¹⁰²

Apparel: There are reports that forced labor is used in the production of apparel in the PRC. Researchers note that Xinjiang is undergoing an expansion of the garment and textile industry, and it is possible that hundreds of thousands of workers are being subjected to forced labor as part of this effort. There are indicators of forced labor, including the restriction of movement, isolation, intimidation and threats, withholding of wages, and abusive working and living conditions. Workers are also subjected to constant surveillance, retribution for religious beliefs, exclusion from community and social life, and threats to family members. Further, some workers have been subject to military-style management, government indoctrination, and are paid below the minimum wage. Through the “mutual pairing assistance” and “poverty alleviation” programs, workers can be placed at factories within Xinjiang, where the camps are located, or be transferred to factories in eastern PRC.

Cotton and cotton products: There are reports that forced labor is used in the production of cotton in the PRC. Reports indicate that even as rates of mechanization in the cotton harvest in Xinjiang have increased, up to half a million ethnic minority workers each year are mobilized to pick cotton as part of coercive labor transfer programs. “Labor transfer of rural surplus laborers” and “poverty alleviation” programs place farmers into seasonal wage labor harvesting cotton on plantations in southern Xinjiang. Workers are recruited through intrusive government door-to-door pressure and indoctrination campaigns, and are subjected to constant surveillance and control while working. Workers also report receiving wages below the national minimum. In addition, many workers are subjected to forced labor at yarn factories within Xinjiang, particularly for cotton yarns. Reports indicate that more than 2,000 adult Uyghur and ethnic

¹⁰² The paragraphs in this section are based on the U.S. Department of Labor Trafficking Victims Protection Reauthorization Act List, *supra* note 14 and the U.S. Customs and Border Protection Withhold Release Orders, *supra* note 12.

Kazakh workers have been involuntarily transferred out of Xinjiang to yarn factories in the east and forced to produce thread or yarn products.

Silica-Based Products (including polysilicon): There are reports of forced labor in the production of silica-based products in the PRC. Silica is a raw material that is used to make aluminum alloys, silicones, and polysilicon, which is then used in buildings, automobiles, petroleum, concrete, glass, ceramics, sealants, electronics, solar panels, and other goods. Companies operating in Xinjiang are offered government subsidies to use the labor of ethnic minority groups. There are credible reports that factories have engaged in coercive recruitment; intimidation and threats; limited workers’ freedom of movement and communication; subjected workers to constant surveillance, retribution for religious beliefs, and exclusion from community and social life; and threatened workers’ family members.

Tomatoes and Downstream Products: There are reports of forced labor in the production of tomato products in the PRC. The factories that produce tomato products, especially tomato paste, have frequently engaged in coercive recruitment; limited workers’ freedom of movement and communication; and subjected workers to constant surveillance, retribution for religious beliefs, and isolation. Through the “mutual pairing assistance” and “poverty alleviation” programs, workers can be placed at factories within Xinjiang or be transferred to factories in eastern PRC.

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

Existing Enforcement Actions by U.S. Agencies

The rebuttable presumption, effective June 21, 2022, will apply to all products (whether or not already subject to WROs) within these high-priority sectors produced in Xinjiang or by entities on the UFLPA Entity List.¹⁰³ Shipments that were imported prior to June 21, 2022 will be adjudicated through the CBP WRO/Findings process. Shipments imported on or after June 21, 2022 that are subject to the UFLPA, which previously would have been subject to a Xinjiang WRO, will be processed under UFLPA procedures, and detained, excluded, or seized. Upon detention or exclusion of the merchandise, importers should consult Section VI of this strategy and CBP’s *Uyghur Forced Labor Prevention Act U.S. Customs and Border Protection Operational Guidance for Importers*¹⁰⁴ to understand the options to export the goods, to request a review of whether the importation is within the UFLPA’s purview, or to request an exception from the rebuttable presumption in accordance with Section 3(b) of the UFLPA.¹⁰⁵

CCHT supports HSI investigations of alleged criminal violations of 18 U.S.C. § 1589 forced labor, including those related to the importation of garments and silica-based products from Xinjiang.

¹⁰³ See Pub. L. No. 117-78, § 3(a), 135 Stat. 1525 (2021).

¹⁰⁴ *Uyghur Forced Labor Prevention Act U.S. Customs and Border Protection Operational Guidance for Importers*, U.S. Customs and Border Protection (June 2022), <https://www.cbp.gov/document/guidance/uflpa-operational-guidance-importers>

¹⁰⁵ *Id.* § 3(b).