Introduction
Since 2017, the Chinese Communist Party (CCP) has carried out a comprehensive campaign against the Uyghurs, a Muslim minority group predominately based in Xinjiang, China. Beijing is holding an estimated 1.8 million Uyghurs in political reeducation camps, subjecting more than 3 million to some form of forced labor, and seeking to reduce the Uyghur population through forced abortions and sterilizations. Because of this and other evidence, the United States issued an outcry determination declaring that Uyghurs face ongoing genocide and crimes against humanity.

The atrocity determination was incredibly important as it spurred follow-on action from the US and other governments. The passage of the Uyghur Forced Labor Prevention Act (UFLPA) was one of the more powerful actions following the US determination. The UFLPA created a “rebuttable presumption” stating that the government would bar all goods produced “wholly or in part” with Uyghur forced labor from entering US markets.

The UFLPA was signed into law in December 2021 and enforcement provisions went into effect in June 2022. Now, more than two years after its passage, trendlines are emerging, and policymakers can now evaluate the law’s effectiveness and ascertain new means for mitigating Uyghur forced labor.

The CCP has not stopped targeting Uyghurs, and in fact has subjected even more of them to forced labor. Today, the CCP operates what some analysts believe is the largest state-sponsored forced labor program in the world. Given the CCP’s ongoing exploitation, the onus is on the US and the international community to curtail this egregious practice. At a minimum, democratic leaders need to ensure
that citizens of the free world are not inadvertently supporting the continuation of these abuses.

For the UFLPA to be maximally effective, Washington should complement it with comprehensive sanctions implementation and a secondary sanctions regime that targets entities aiding and abetting in the CCP’s enslavement of Uyghurs. Moreover, other countries need to close their markets to goods produced with Uyghur forced labor. To that end, the US and other countries can coordinate better to implement strong measures similar to the UFLPA. Perpetrators of Uyghur forced labor need to pay financially for their crimes through fines and forfeiture. Finally, the US should offer financial remedies to help survivors of the CCP’s ongoing genocide and crimes against humanity.

While the UFLPA was a notable development in the fight against Uyghur forced labor, more has to be done to ensure the end of Uyghur forced labor. The international community needs to join together to hold the CCP accountable and protect Uyghur rights.

Understanding the UFLPA Toolbox

The Goals
The UFLPA’s goals are multifaceted, so analysts should evaluate its implementation in a multifaceted manner. The law has two aims. First, it seeks to ensure that goods produced with Uyghur forced labor do not enter US markets, where Americans would inadvertently support the Uyghur’s continued enslavement. Second, the law seeks to end Uyghur enslavement.

Implementation and effective enforcement of the UFLPA more readily accomplishes the first goal. But implementation alone cannot accomplish the second goal. After all, if Customs and Border Protection (CBP) discovers goods produced with Uyghur forced labor at the border, then the Uyghur forced labor has already occurred.

The Tools
The UFLPA has four discrete areas of policy action: (1) the rebuttable presumption, (2) the UFLPA Entity List, (3) the strategies, and (4) amended sanctions authorities.

1. The rebuttable presumption. The rebuttable presumption is the most noteworthy element of the UFLPA. This tool requires CBP to presume that “all goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in the Xinjiang Uyghur Autonomous Region of China, or by persons working with the Xinjiang Uyghur Autonomous Region government for purposes of the ‘poverty alleviation’ program or the ‘pairing-assistance’ program which subsidizes the establishment of manufacturing facilities in the Xinjiang Uyghur Autonomous Region,” are produced with Uyghur forced labor.8

The rebuttable presumption amplifies Section 307 of the Tariff Act of 1930.9 The policy puts the onus on businesses to prove that they did not import goods produced with Uyghur forced labor, requiring a “clear and convincing” evidentiary standard to rebut the presumption. The rebuttable presumption applies not only to Xinjiang but also to other places in China where the CCP coerces Uyghurs to work through various forced labor transfer programs. It also applies to other persecuted groups, including Kyrgyz, Kazakhs, and Tibetans, and members of other groups persecuted by the CCP.10 The UFLPA’s broader nature is critical since substantial evidence shows that the CCP is targeting members of these other groups.

This act is not the first time that the US has used a rebuttable presumption to combat forced labor. The Countering America’s Adversaries Through Sanctions Act (CAATSA) also applied a rebuttable presumption to North Korea, stating that any goods produced “wholly or in part” with North Korean forced labor are banned from entering the US.11 Both acts assert that if Uyghur or North Korean labor produced a good, that labor is presumed to be forced, so it cannot enter the US.

2. The UFLPA Entity List.12 The UFLPA Entity List prohibits the importation of goods from certain entities using
authorities derived from 19 U.S.C. § 1307. Congress created the UFLPA Entity List to identify “entities working with the government of the Xinjiang Uyghur Autonomous Region to recruit, transport, transfer, harbor or receive forced labor or Uyghurs, Kazakhs, Kyrgyz, or members of other persecuted groups out of the Xinjiang Uyghur Autonomous Region.” In the original statute, there were four separate lists, but those lists have been consolidated into one. The list has a few discernible purposes, such as making the US business community aware of actors known to employ Uyghur forced labor, as well as naming and shaming entities responsible for Uyghur enslavement.

The UFLPA Entity List was modeled after the US Department of Commerce’s Bureau of Industry and Science (BIS) Entity List, which specifically bans Americans from investing in companies on the list; although, this was not how it was originally crafted in the statute. Entities can be added to the list by either Congress (see the text of UFLPA legislation that specifically added the Xinjiang Production and Construction Corps, or XPCC, to the list) or the Forced Labor Enforcement Task Force (FLETF). This organization is an executive branch task force chaired by the Department of Homeland Security (DHS) and composed of seven UFLPA implementing agencies—including the US Trade Representative, Department of Labor, Department of Justice, Department of State (DoS), Department of Treasury, and the Department of Commerce. Entities can request to be removed from the UFLPA Entity List if they can prove that they no longer meet the statutory criteria.

3. The strategies. The UFLPA required the secretary of state to produce a report to Congress within 90 days of the law’s passage detailing the DoS’s diplomatic strategy for advancing certain UFLPA priorities. The law specified that the report must include a strategy for bilateral and multilateral engagement to end Uyghur and other forms of forced labor in China; a detailed plan for public diplomacy and counter-messaging to raise awareness about the Uyghur cause; and finally, a two-pronged plan outlining DoS’s coordination with civil society, as well as plans of action to secure political prisoner releases and resettle Uyghur and other refugees. While DoS produced the strategies, they were never shared publicly; they were merely transmitted to Congress. In a private conversation with one State Department employee, it was suggested that there was no plan to make them public out of a desire to not hand the game plan to the CCP.

Other strategies published by DHS, however, have been made public; the department released its first one in June 2022, and updated it in July 2023.

4. Sanctions authorities. In addition to the aforementioned tools, the UFLPA also amended and expanded sanctions authorities under the Uyghur Human Rights Policy Act (UHRPA) of 2020 to include individuals involved in “serious human rights abuses in connection with forced labor.” Since UHRPAs passage, Treasury only designated two individuals under its sanction’s authorities, neither for their involvement in forced labor. In short, no individuals have faced financial sanctions under UFLPA or UHRPA authorities specifically for their involvement in perpetuating Uyghur forced labor since the UFLPA went into effect.

Prior to the UFLPA’s passage, the US government sanctioned key entities and individuals in China, including XPCC, for their facilitation of forced labor in China. These sanctions were issued under Global Magnitsky sanctions authorities.

The Outcomes

CBP created a statistics dashboard to track the dollar value of goods detained at ports under UFLPA. As of May 2024, the agency had investigated over $3 billion in goods; of that number, approximately $680 million in goods were found to be subject to the rebuttable presumption and denied entry into the US. To put this in perspective, less than one-third of the dollar value of goods reviewed by CBP were denied entry to the US under UFLPA. On a pure shipment-by-shipment basis, of the 7,000 shipments investigated, less than half were denied entry to the US.

Not only is the total value of goods investigated relatively low,
but the percentage of goods suspected of being tainted by Uyghur forced labor also seems low relative to the scale of the Uyghur forced labor challenge. A 2024 report from Adrian Zenz found evidence from CCP documents that over 3 million Uyghurs continue to labor through the party’s so-called Poverty Alleviation Through Forced Labor Program. While other forms of forced labor, like camp-adjacent forced labor, are believed to have ended in 2020, forced labor transfers continue to expand. To make matters worse, if Uyghurs refuse to participate in forced labor transfer programs, new evidence suggests the CCP sends them to political reeducation camps. Furthermore, a team of researchers at Sheffield Hallam University identified 55,000 companies of varying sizes operating in the Uyghur region. Of that number, the report found at least 150 companies actively hiring Uyghurs through state-sponsored forced labor transfer programs. While more research needs to be done to connect these companies exporting products made with Uyghur forced labor to US markets, the Sheffield Hallam reports raised awareness about global supply chains’ vast vulnerabilities to Uyghur forced labor, even after the UFLPA went into effect.

While not all goods produced with Uyghur forced labor will enter US markets (for example, businesses may send the goods to other markets or divert them due to the UFLPA), the CBP’s documented rate of apprehension seems low compared to the number of companies (including US companies) doing business in Xinjiang and the sheer volume of Uyghur forced labor.

Challenges and Opportunities for Future Implementation

To strengthen the UFLPA, the US government needs to adequately enforce the law, hold bad actors accountable for perpetrating Uyghur enslavement, and offer relief to Uyghur survivors of the CCP’s genocidal practices. Doing so requires an assessment of how the tools are working so far. Although UFLPA is landmark legislation, enforcement issues pose by far the greatest challenge to its effective implementation. Accountability measures—like sanctions and fines—are also needed to complement preexisting UFLPA structures. And finally, the US government should coordinate better with allies to provide more comprehensive relief and assistance to Uyghur survivors of the CCP’s ongoing genocide and crimes against humanity.

Enforcement

Several gaps in enforcement remain, and closing them would substantially improve the law’s outcomes.

Reexport. If CBP suspects that a good was produced with Uyghur forced labor and detains it under UFLPA, businesses can still reexport it to another country. In general, importers have the option to reexport a product even before CBP makes a final determination on whether it was produced with forced labor. While an importer should have the ability to reexport a good if it is not suspected of being produced with forced labor, the importer should arguably not be able to evade accountability if it violated the UFLPA. The ability to reexport substantially diminishes the financial consequences an importer would face for using Uyghur forced labor and means that the goods prohibited entry in the US may simply find a home in another market. While the reexport policy does achieve one goal—ensuring that US consumers are not inadvertently complicit in supporting Uyghur enslavement—it does not prevent importers from benefiting financially from Uyghur exploitation.

Ineffective use of the UFLPA Entity List. The UFLPA Entity List is one of the most essential elements of the UFLPA. Since the bill’s passage, the government has updated the list five times, and now it includes 56 entities. Thirty-six additions have been made since the list’s creation in 2022; the latest addition of 26 entities to the list occurred on May 16, 2024. After being placed on the list, that entity is among the highest priorities for CBP enforcement. The slow pace at which additions have been made and the relatively low number of additions is concerning, even after the most recent, albeit notable, additions. Many, including the US
House Select Committee on Strategic Competition between the United States and the Chinese Communist Party (Select Committee on the CCP), have raised concerns about the limited use of the UFLPA Entity List and asked the Biden administration to increase enforcement.37

Adding an entity to the UFLPA Entity List is a relatively onerous process. The seven agencies on the FLETF—some of which are less engaged in enforcing UFLPA than others—need to approve the addition. To be more precise, any members of the FLETF can propose additions of an entity to the list, and in the final analysis, it requires a majority vote to approve the additions. Some analysts have suggested that the government revise the process to make it faster, especially in light of the fact that some of the agencies, like Treasury, have not put forth a single recommendation for entities to be added to the list.

If the inter-agency process proves too cumbersome, the government can add entities to the list in other ways. In both the initial draft legislation and final version of the statute, Congress named the XPCC to the UFLPA Entity List, so Congress should have the authority to make further additions. If the White House fails to make additions to the list, then Congress could put forward a list of entities they suspect are complicit in Uyghur forced labor and require the administration to say whether these entities have imported goods to the US and therefore should be added to the UFLPA Entity List. CBP has taken steps to target third countries responsible for facilitating Uyghur forced labor. According to the CBP dashboard, the agency has denied entry to more goods produced with Uyghur forced labor imported from Malaysia, Vietnam, and Thailand than from China.40 It is not clear whether or to what extent CBP has stopped goods produced with forced labor from other groups persecuted by the CCP.

The scope of products targeted. The UFLPA gives CBP the ability to target not only Uyghur forced labor but also forced labor of Kyrgyz, Kazakhs, Tibetans, and other groups persecuted by the CCP.38 Goods produced through such labor should be denied entry to US markets.

The case for Tibetans, in particular, is strong. One 2020 report documented the mobilization of over half a million rural laborers in Tibet through vocationalized military training programs, which were similar to those for Uyghurs.39 Given the scope of forced labor programs in Tibet, denying entry to goods produced by Tibetan forced laborers should be a CBP priority. But so far there is no public evidence that the CBP has stopped goods that were believed to be produced with Tibetan forced labor.

Inadequate use of the UFLPA Entity List has several consequences. First, placement on the list is an important punitive measure, allowing the FLETF and Congress to name and shame offending corporations. Second, the list helps importers avoid doing business with the worst abusers of Uyghur forced labor. Finally, this awareness helps businesses better ensure that the goods they import are not tainted by Uyghur forced labor.

De minimis. Under US law—Section 321, or 19 U.S.C. § 1321—de minimis allows daily low-dollar shipments to enter the US market free of tariffs and duties. More specifically, CBP says “de minimis provides admission of articles free of duty and of any tax imposed on or by reason of importation, but the aggregate fair retail value in the country of shipment of articles imported by one person on one day and exempted from the payment of duty shall not exceed $800.”41 The government originally set de minimis at $5 per day and later adjusted it to $200 per day in 1994. The Trade Facilitation and Trade Enforcement Act of 2015, which became law in February 2016, increased the threshold to $800.42 Congress designed de minimis to reduce the government’s overhead costs for customs processing and ultimately reduce the cost of imported goods to US consumers.
The alternative to de minimis entry to the US is formal entry. CBP receives nominally more information about the goods entering through formal entry processes than through de minimis, because the agency does not give goods entering under de minimis a Harmonized Tariff Schedule (HTS) code. An HTS code assigns the relevant tariff rate for the good in question. Goods entering the US under de minimis are still required to provide manifest data. CBP still reviews goods entering the US under de minimis before permitting entry, and nearly 90 percent of counterfeit goods are seized in the de minimis context. In fact, CBP has the same authority to investigate and seize goods entering under de minimis as it does for goods entering through formal entry.

The human rights and business communities have debated whether de minimis is a loophole that allows goods produced with forced labor to avoid scrutiny and pass through US borders. The Select Committee on the CCP released an interim report in June 2023 detailing preliminary evidence that Shein and Temu may abuse de minimis provisions to skirt CBP enforcement of its ban on products produced with Uyghur forced labor.

Since then, Congress has taken several actions and held notable hearings on the topic, including one before the US House of Representatives’ Committee on Homeland Security. Testimony from Kimberly Glas, president and chief executive officer of the National Council of Textile Organizations, noted that 90 percent of China’s cotton crop comes from Xinjiang and China supplies 20 percent of the world’s cotton production. Given the scope of China’s cotton production, Glas expressed concern about the limited scrutiny textiles produced in China receive under de minimis provisions.

Allowing the importation of goods below a certain dollar amount without tariffs or duties is not, in and of itself, a bad thing. The ill is not from tariff-free treatment; it is from companies abusing the privilege by importing goods produced with forced labor. As such, the way to strengthen enforcement across all entry types is likely not to throw out de minimis or return the threshold to $200 per shipment per day. Instead, the government should punish offending companies. The US should deny companies (or even countries) access to de minimis privileges when they repeatedly violate the UFLPA through de minimis. Then all future shipments imported by the offending company or country should enter the US under the formal entry process and face tariffs and duties.

Accountability
There is a need for greater accountability for perpetrators of Uyghur forced labor. This can come in many forms, but making better use of CBP’s preexisting authorities and expanding other sanctions authorities should be a top priority.

Fines and forfeiture. While CBP possesses the authority to fine importers or seize or forfeit goods made in whole or in part with forced labor, it rarely does so. If the agency finds goods produced with forced labor, it could, for example, issue fines under U.S.C. 1592 or issue “penalties for fraud, gross negligence, and negligence.” While first-time violators of UFLPA should likely not be subject to fines, repeat offenders should face higher consequences than merely having their goods denied entry to the US because they failed to keep their supply chains free of Uyghur forced labor. Fines and even forfeiture have the potential to do just that.

There is precedent for fines in US law regarding forced labor. One report from the Congressional Research Service noted:

The importer of record may face liability for noncompliance with Section 307. For example, in its first civil enforcement action since the passage of TFTEA, in August 2020, CBP fined Pure Circle U.S.A. Inc. $575,000 after an investigation found evidence of past imports of stevia made with prison labor in China. Additionally, the Tariff Act of 1930 permits CBP to impose civil penalties for any person who “by fraud, gross negligence, or negligence” introduces or attempts to introduce any merchandise into the United States by means of false information or material omissions. Such penalties can extend to persons beyond the importer of record. A person or corporation that “benefits, financially or by receiving anything of value, from participation in a venture which has engaged in the
providing or obtaining of [forced labor].” when that person or corporation knew, or recklessly disregarded, how the labor was obtained may face further criminal and civil penalties under anti-trafficking laws.54

Therefore, CBP can levy civil penalties under the Tariff Act for failure to keep supply chains clear of forced labor. This precedent should embolden CBP to undertake more civil actions as an additional mechanism for both accountability and enforcement of UFLPA.

Fines from companies could go into a dedicated fund administered by Treasury or State, where they could be payable to Uyghur survivors of ongoing genocide and crimes against humanity, including forced labor, or for organizations fighting for justice for Uyghurs. The fund would ensure that the US government was not profiting from enforcement of UFLPA but instead was using the fines to help survivors of the CCP’s atrocities.

Sanctions and secondary sanctions. Sanctions are an important tool for holding perpetrators accountable. In the one other context where Washington implemented a rebuttable presumption—North Korea—the US complemented these policies with a robust sanctions regime.

Due to congressional action, Treasury already has substantial authorities to sanction actors who use forced labor. However, the department has not effectively or proactively used preexisting sanctions tools under UHRPA and Global Magnitsky. Under the Biden administration, for example, Treasury has sanctioned only four individuals and one entity from China for human rights violations under UHRPA and Global Magnitsky authorities.55 None of these sanctions were issued on forced labor grounds.

During the Trump administration, the US issued sanctions against XPCC, the entity most responsible for the enslavement of Uyghurs, as mentioned earlier.56 But Treasury has not sanctioned additional subsidiaries of XPCC since the initial designations in 2020, and some experts question how much the US has enforced existing XPCC sanctions.57

While Treasury has many primary sanctions authorities to target human rights violations, it does not yet have the authority to issue secondary sanctions to target violators of forced labor. Last year, Congress introduced legislation that would expand secondary sanctions authorities as a complement to its passage of UFLPA.58 But that legislation has not passed. Secondary sanctions would enable Treasury to target those aiding and abetting Uyghur forced labor. Such tools would strengthen the US government’s ability to more thoroughly tackle the forced labor challenge.

Partnerships and International Cooperation
Effectively ending Uyghur forced labor requires partnership and collaboration with countries around the globe.

The need for UFLPA-like laws in other countries. Although the UFLPA sparked interest among other countries to implement similar laws to ban Uyghur forced labor and combat forced labor generally, foreign governments have been slow to act.

A new Canadian law, the Fighting Against Forced Labor and Child Labor in Supply Chains Act in 2023, went into effect in January 2024.59 The new law implements reporting requirements on Canadian businesses (and others) to outline their efforts to prevent forced labor in their supply chains. It also includes punitive components for failure to comply with the law’s regulations.60 Likewise, the European Union reached a provisional agreement on banning goods produced with forced labor in March 2024. But the law is awaiting official approval, after which EU countries will have three years to comply with the law.61 The law is aimed at China, but it targets forced labor broadly and stops short of a rebuttable presumption.62 The United Kingdom has similarly introduced legislation that complements the Anti-Slavery Act passed in 2015, which specifically targets Uyghur forced labor. But the new law has been slow-moving, and there is little political will to pass it.63 The US and Japan also
launched a task force to combat forced labor, with an eye toward tackling Uyghur forced labor challenges; their first meeting was in February 2024.\(^6^4\)

While these actions are commendable, more is necessary to ensure that goods produced with Uyghur forced labor do not find homes in other markets. In particular, most of these efforts so far have not included a rebuttable presumption provision to tackle Uyghur forced labor. Now that the UFLPA has been in effect for nearly two years, countries around the globe can glean lessons learned from the UFLPA’s successes and failures to create and pass similar and stronger legislation to curtail the CCP’s continued exploitation of Uyghurs.

The need for coordinated action and response. Beyond drafting their own laws to target Uyghur forced labor, the US and the international community should strengthen efforts to support the Uyghur people.

Multilateral sanctions issued by the US, EU, UK, and Canada in response to the determination that Uyghurs face ongoing genocide and crimes against humanity sent a powerful signal that the world was united in its condemnation of CCP atrocities. Additional multilateral sanctions should be issued by the US and allies; a tranche specifically responding to forced labor could be particularly powerful.

Furthermore, Uyghur survivors of the atrocities, including those who spent time in the camps or were subject to forced labor, may eventually seek safe haven in the US or elsewhere. One 2023 report from the Uyghur Human Rights Project noted that the US has between 500 and 1,000 Uyghur asylum cases sitting in backlog—and some have waited eight years or more for their claim to be resolved.\(^6^5\) Another report from Time noted that in 2021 the US did not admit a single Uyghur refugee.\(^6^6\) The US and the world can do better. Both should adopt more welcoming policies with expedited means of resettling Uyghurs within their borders.

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**Policy Recommendations**

The scope and scale of the Uyghur forced labor problem merits a strong response. The UFLPA marked a strong start—and a commitment to strengthening its effectiveness and enforcement is critical to ensuring UFLPAs long-term success.

The UFLPA alone cannot end Uyghur forced labor. The US and the international community need to implement complementary policies that punish perpetrators of forced labor and ensure that goods produced with forced labor do not make their way to their markets. The US Congress and executive branch should implement the following 13 measures.

1. **Fine repeat offenders of UFLPA for importing goods produced with Uyghur forced labor.**\(^6^7\)
   Under U.S.C. 1592, CBP has the authority to fine importers for fraud, gross negligence, and negligence.\(^6^8\) There is also precedent for issuing civil penalties to companies that use forced labor.\(^6^9\) Repeat offenders of UFLPA are particularly ripe for facing penalties. In fact, issuing fines adds an additional layer of accountability to especially gross violators of the UFLPA, and will increase the risk to businesses of having Uyghur forced labor in their supply chains. CBP should make better use of these preexisting legal authorities and issue fines against repeat violators of the UFLPA.

2. **Create a fund for Uyghur survivors of the CCP’s ongoing genocide and crimes against humanity.**
   The government should place fines collected from repeat violators of the UFLPA into a fund administered by Treasury or State payable to Uyghur survivors of ongoing genocide and crimes against humanity. These funds could also support the important work of organizations providing direct support to Uyghur survivors of forced labor and other injustices, including various forms of technical assistance, counseling and rehabilitation services, advocacy funding and support, among other potential worthy causes.
3. Prohibit imports produced with Uyghur forced labor from being reexported.
When CBP detains a good, it uses authorities under 19 U.S.C. 1499. Once a shipment is detained, importers have a range of options for what they can do with it, including reexportation, even if CBP believes the good was produced with forced labor. Those importers should not have the option to reexport such a shipment until it is established through a clear and convincing evidentiary standard that it was not produced with forced labor. Importers should not be permitted to profit from goods potentially produced with forced labor in the US or other markets, and this restriction on reexportation would more effectively ensure that does not happen. If CBP investigates a good and deems that it was not produced with forced labor, it should then be released, and reexport would then be an option for importers.

4. Congress and the executive branch should more expeditiously add entities responsible for enslaving Uyghurs to the UFLPA Entity List.
UFLPA technically gives both Congress and the administration the ability to add entities to the UFLPA Entity List. This design is evident by the construction of the law, which automatically added XPCC to the UFLPA Entity List when the act passed.

Congress may choose to exercise its oversight authority by putting the administration on notice. For example, Congress could put forward a list of entities for consideration to be added to the UFLPA Entity List and give the FLETF 90 to 180 days to either place the entities on the list or justify to Congress why they have not been added. Congress exercises these authorities when it comes to sanctions and could undertake similar oversight measures as it relates to additions to the UFLPA Entity List.

FLETF also has full statutory authority to add entities to the list. Given that FLETF comprises seven implementing agencies with varying levels of commitment to countering Uyghur forced labor, the process of adding entities has proved cumbersome. Although recent additions add some hope that the UFLPA Entity List will be more robustly used, only time will tell how effectively and expeditiously additions will be made. If it continues to prove a slow and cumbersome process, revising the process may be worth considering for the sake of efficiency and expediency. Such a move would likely require an amendment to the UFLPA.

5. CBP should use existing authorities to ban violators of Section 307 of the Tariff Act of 1930 and UFLPA from using de minimis entry.
Companies found to repeatedly import goods produced with Uyghur forced labor through de minimis should be denied the ability to use this form of entry. To that end, Congress should create a list that CBP has the authority to add companies to who are violating UFLPA while importing through de minimis. Such a list sufficiently punishes perpetrators of Uyghur forced labor while allowing compliant companies to continue to use tariff-free forms of importing to the US. Doing this would target CBP’s limited resources toward addressing and punishing the conduct of the worst actors.

6. Ramp up efforts to ensure that goods produced with forced labor from other groups—including Tibetans, Kyrgyz, Kazakhs, and other groups persecuted by the CCP are not entering US markets.
CBP can include a section in the UFLPA dashboard that outlines the agency’s efforts to stop goods produced with forced labor from these other groups from entering the US. In lieu of their permanent inclusion in CBP’s dashboard, the agency can send Congress an update outlining its efforts to stop the importation of such goods.

The UFLPA mandated that the US Department of State include in its strategy their plans “to provide humanitarian assistance, including with respect to resettlement and advocacy for imprisoned family members, to Uyghurs,
Kazakhs, Kyrgyz, Tibetans, and members of other persecuted groups, including members of such groups formerly detained in mass internment camps in the Xinjiang Uyghur Autonomous Region.” Yet the administration has done little to ensure the swift resettlement of Uyghurs.

To accomplish this goal, Congress or the administration should extend expedited and permanent means of resettlement by designating Uyghurs a group of special humanitarian concern under the Priority-2 (P-2) refugee program. As such, they can bypass UN High Commissioner for Refugees (UNHCR), non-governmental organization, and embassy referral and enter straight into the US refugee system. P-2 refugees are vetted by the US government as stringently as every other refugee entering the US. Extending this form of protection would adequately reflect the unique persecution Uyghurs face.

8. Strengthen sanctions with a robust regime to increase the enforcement and effectiveness of the UFLPA.

To be effective, the US should complement the rebuttable presumption with a robust sanctions regime. Washington implemented previous rebuttable presumptions, like the one CAATSA created for North Korea, alongside a strong set of sanctions responsible for ensuring compliance with the rebuttable presumption. Failure to comply with the rebuttable presumption should have implications for those perpetrating Uyghur forced labor and those aiding and abetting in its continuation.

9. Make full use of preexisting sanctions authorities under the UHRPA as amended by the UFLPA.

The UFLPA amended the UHRPA to include the ability to target foreign individuals responsible for serious human rights abuses related to forced labor in China. Even though almost two years have passed since the law’s modification, the US has sanctioned only two individuals under the UHRPA, and did not do so for their involvement in carrying out forced labor in China. Meanwhile, UHRPA is slated to sunset in June 2025, so Congress should codify those authorities to ensure that they continue and Treasury can possess the authorities it needs to target CCP human rights violations against the Uyghurs. Washington should use the additional sanctions authorities under Global Magnitsky executive order authorities to target individuals and entities responsible for carrying out Uyghur forced labor. And Treasury should implement sanctions currently on the books, especially those against XPCC, to the fullest extent of the department’s authorities.

10. Create and enforce secondary sanctions against individuals and entities complicit in Uyghur forced labor.

Most goods imported to the US that are found to be tainted by Uyghur forced labor come from Vietnam, Malaysia, or Thailand. So subsidiaries of Chinese companies in those countries are actively aiding and abetting the continuation of Uyghur forced labor. The US should target those entities with robust secondary sanctions designed to improve the enforcement of preexisting sanctions against entities like XPCC and others responsible for the perpetuation of Uyghur forced labor. Legislation in both the House and the Senate currently proposes the use of secondary sanctions to counter China’s use of Uyghur forced labor. Congress should consider such legislation that would strengthen primary sanctions and build out a thorough secondary sanctions regime.

11. Issue a DHS FAQ on importer evidentiary standards for rebutting the presumption and criteria for being added to the UFLPA Entity List.

A rebuttable presumption is maximally effective when evidence shows that the presumption is accurate. In order to have a strong rebuttable presumption, importers should have access to clear guidance on what evidence they can present to meet the clear and convincing evidentiary standard required to rebut the presumption. While these guidelines should be flexible, they should be sufficiently stringent so as to not present potential loopholes for importers to falsely rebut the presumption.

12. Work with partner nations—especially allies, including
the United Kingdom, the European Union, Japan, Korea, Australia, and others—to institute legislation similar to the UFLPA.

Without similar legislation implemented and enforced around the world, Uyghur forced labor will not stop. Instead, businesses will reexport goods to other markets after the US rejects them, or purposefully divert goods produced with Uyghur forced labor away from US markets since the UFLPA went into effect. While steps taken so far by other capitals are welcome, actual bans on products produced with Uyghur forced labor are necessary to have the full deterrent effect. Countries should observe the lessons learned in the US context to put forward legislation that effectively counters Uyghur exploitation.

13. Allocate additional funding for forced labor divisions in US government agencies.

Divisions specifically focused on UFLPA enforcement are in need of additional funding to more effectively enforce UFLPA. Funding could go toward staffing up, especially staff with much-needed Chinese language skills, and dedicated roles of identifying policy responses to improve the UFLPA. There is a need for staff dedicated to researching entities to be added to the UFLPA Entity List in many of the agencies that are members of the FLETF, for example. Previous increases in funding principally went to improving CBP’s enforcement of the UFLPA. Future funding should certainly support that goal while also ensuring adequate funding for other agency’s priorities that complement CBP’s important work.

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Endnotes


20. Private conversations with a State Department official at Hudson Institute.


37 “Report to Congress on the Imposition of Sanctions Pursuant to the
Uyghur Human Rights Policy Act Pursuant to Sec. 6(a) of the
Department of State, December 2023, https://www.state.gov/wp-
content/uploads/2023/12/Report-Imposition-of-Sanctions-


27 “Uyghur Forced Labor Prevention Act Statistics,” US Customs and
Border Protection.

28 Zenz, “Forced Labor in the Xinjiang Uyghur Autonomous Region.”

29 Zenz, “Forced Labor in the Xinjiang Uyghur Autonomous Region.”

30 Adrian Zenz, “The Conceptual Evolution of Poverty Aversion
through Labour Transfer in the Xinjiang Uyghur Autonomous
Region,” Central Asian Survey 42, no. 4 (October 2, 2023): 649–73,

31 “Implementation of the Uyghur Forced Labor Prevention Act and
the Impact on Global Supply Chains,” testimony of Professor Laura
T. Murphy to the Congressional-Executive Commission on China
(CECC), April 18, 2023, https://www.cecc.gov/sites/chinacommission.house.gov/files/docu-

32 “Implementation of the Uyghur Forced Labor Prevention Act.”

33 “Here Are the Fortune 500 Companies Doing Business in Xinjiang,”
ChinaFile, October 2, 2018, https://www.chinafile.com/reporting-
opinion/features/here-are-fortune-500-companies-doing-business-
xinjiang.

34 “UFLPA Frequently Asked Questions,” US Department of
Homeland Security, https://www.dhs.gov/uflpa-frequently-asked-
questions.

35 “DHS Designates Three Additional PRC-Based Companies to
the UFLPA Entity List,” US Department of Homeland Security,
December 8, 2023, https://www.dhs.gov/news/2023/12/08/dhs-
designates-three-additional-pcr-based-companies-uflpa-entity-list.

36 “DHS Announces 26 Additional PRC-Based Textile Companies to
the UFLPA Entity List”, US Department of Homeland Security, May
16, 2024, https://www.dhs.gov/news/2024/05/16/dhs-
announces-26-additional-pcc-based-textile-companies-uflpa-entity-
list.

37 “Select Committee on the Chinese Communist Party in the US
House of Representatives,” letter to Secretary of Homeland Security
Alejandro Mayorkas on enforcement of the Uyghur Forced Labor
Prevention Act, January 19, 2024, https://selectcommitteeontheccp.house.gov/sites/evo-
subsites/selectcommitteeontheccp.house.gov/files/evo-media-


39 Adrian Zenz, “Xinjiang’s System of Militaryized Vocational Training
Comes to Tibet,” China Brief 20, no. 17 (September 28, 2020): 7–17,
https://jamestown.org/program/jamestown-early-warning-brief-
xinjiang-system-of-militaryized-vocational-training-comes-to-tibet/.

40 “Uyghur Forced Labor Prevention Act Statistics,” US Customs and
Border Protection.

41 “Section 321 Programs,” US Customs and Border Protection,
https://www.cbp.gov/trade/trade-enforcement/fttea/section-321-
programs.

42 “CBP and the Trade Facilitation and Trade Enforcement Act of 2015

43 “Entry Type 86 Frequently Asked Questions,” US Customs and

44 “[§ 128.21 Manifest Requirements],” Federal Register,
https://www.federalregister.gov/current/title-19/chapter-i/part-128/subpart-
C/section-128.21.

45 “Fast Fashion and the Uyghur Genocide: Interim Findings,” Select
Committee on the Chinese Communist Party of the House of
Representatives, June 22, 2023, https://selectcommitteeontheccp.house.gov/sites/evo-
subsites/selectcommitteeontheccp.house.gov/files/evo-media-
document/fast-fashion-and-the-uyghur-genocide-interim-
findings.pdf.

46 James Min and Chelsea Ellis, “A Loophole for E-Commerce? De
Minimis Customs Entries Are Getting a Bad Rap despite Compliance
Requirements. Let Us Explain.,” Rimon Law, March 20, 2024,
https://www.rimonlaw.com/a-loophole-for-e-commerce-de-minimis-
customs-entries-are-getting-a-bad-rap-despite-compliance-
requirements-let-us-explain/; “CBP Trade Enforcement – Operational

47 “Fast Fashion and the Uyghur Genocide: Interim Findings,” Select
Committee on the CCP.

48 “Bipartisan Group of Lawmakers Seeks Answers from Administration
about Enforcement of Forced Labor Legislation,” Congressional-
Executive Commission on China, April 11, 2023,
https://www.cecc.gov/media-center/press-releases/bipartisan-group-
of-lawmakers-seeks-answers-from-administration-about.

49 “Implementation of the Uyghur Forced Labor Prevention Act and the
Impact on Global Supply Chains,” Congressional-Executive
Commission on China, April 18, 2023,
https://www.cecc.gov/events/hearings/implementation-of-the-


52 Glas, “Hearing on Exploitation and Enforcement.”


60 Fighting against Forced Labour and Child Labour, Parliament of Canada.


69 “Section 307 and US Imports of Products of Forced Labor: Overview and Issues for Congress,” CRS.


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