

Congress of the United States

Washington, DC 20510

November 2, 2022

Commercial Customs Operations Advisory Committee
21st Century Customs Framework Task Force
U.S. Customs and Border Protection
Office of Trade Relations
1300 Pennsylvania Avenue NW
Washington, D.C. 20004

To Whom It May Concern:

We write with regard to recent reporting that the Commercial Customs Operations Advisory Committee (COAC) advocated to weaken the implementation of the bipartisan *Uyghur Forced Labor Prevention Act* (P.L. 117-78).

As you know, the Chinese Communist Party (CCP) has been, and continues to commit, atrocities targeting Uyghurs, Kazakhs, and other predominantly Muslim ethnic groups in the Xinjiang Uyghur Autonomous Region (XUAR). The Biden Administration, as well as the Trump Administration, have determined that these actions constitute genocide and crimes against humanity, including the systematic use of forced labor to make products that are imported worldwide.

Congress responded to Beijing's crimes by passing the *Uyghur Forced Labor Prevention Act*. The law presumptively bans the import of goods, wares, articles, and merchandise mined, produced, or manufactured wholly, or in part, in the XUAR or by certain entities identified by the administration that are engaged in labor transfer programs unless "clear and convincing evidence" to the contrary is presented by importers. That bill was signed into law in December 2021 and U.S. Customs and Border Protection (CBP) started to stop imports from the People's Republic of China (PRC) in June 2022.

In light of this, we are deeply concerned that the COAC apparently sought to weaken this overwhelmingly bipartisan initiative by advocating for changes that would stifle its enforcement. Specifically, we take issue with your purported attempts to make data collected from vessel manifests confidential and to get CBP to provide importers with advance notice whenever it suspects forced labor is being used. While we remain concerned with the growing number of cyberattacks and data breaches affecting U.S. companies, the public availability of shipping manifests has been a legal requirement for decades and greater transparency in international trade support longstanding bipartisan efforts to keep forced labor, human trafficking, and other scourges out of the U.S. economy. In contrast, the initiatives reportedly discussed by the COAC would make it easier for importers to bring in shipments tainted by the CCP's forced labor apparatus.

Fortunately, the changes you reportedly advocated for cannot be enacted without Congressional approval. If importers attempt to lobby Congress to make such changes, we pledge to vigorously oppose them. We hope you agree that no CCP-linked company should profit from genocide and no U.S. consumer should have to buy goods made with forced labor.

We will remain vigilant in ensuring that the *Uyghur Forced Labor Prevention Act* is fully implemented and goods tainted with forced labor do not enter the United States.

Sincerely,



Marco Rubio
U.S. Senator



Christopher H. Smith
Member of Congress