

Congress of the United States

Washington, DC 20515

September 29, 2023

The Honorable Troy Miller
Office of the Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Avenue NW
Washington, DC 20004

Dear Acting Commissioner Miller:

We appreciate the continued work U.S. Customs and Border Protection (CBP) has undertaken to enforce our forced labor import ban, and write to you today over the implementation of the Uyghur Forced Labor Prevention Act (UFLPA) (Public Law No: 117-78). As you know, Congress passed the UFLPA on an overwhelmingly bipartisan basis to combat forced labor practices and human rights abuses in the Xinjiang region and beyond by the Chinese Communist Party (CCP) against the Uyghur people and other ethnic minorities. We urge your agency to utilize every tool possible to pursue a more comprehensive UFLPA enforcement strategy to keep products tainted by forced labor out of the supply chains of goods imported into the U.S. Improved and effectively targeted UFLPA enforcement can reduce regulatory uncertainty for good actors that have taken the necessary steps to confirm forced labor is not involved in their supply chains and will advance our ultimate goal of reducing abhorrent labor practices around the world by eliminating major markets for products made under such conditions.

Forced labor poses a high risk to the solar supply chain, as the House Ways and Means Committee has revealed through its oversight activities.ⁱ Based on CBP's UFLPA statistics, we understand CBP has released nearly half of detained electronics shipments, which include solar products.ⁱⁱ Solar supply chains remain at a heightened risk of forced labor given that the PRC hosts over 97 percent of global wafer production and nearly 80 percent of global polysilicon capacity.¹ Accordingly, CBP must remain vigilant to ensure tough and effective implementation of the UFLPA's mandate to prevent entry of goods at U.S. ports that violate the law and to ensure U.S. supply chains do not include products made with forced labor.^{iii iv}

The CCP's current genocide and forced labor programs within Xinjiang amount to one of the gravest systematic crimes against humanity in the 21st century. Any companies that continue to skirt U.S. law designed to prevent economic benefits from these crimes must be stopped and held accountable. In this regard, we are concerned that statements by an executive at JA Solar, a solar company located in the PRC with supply chain ties to Xinjiang, recently stated publicly that its shipments are treated differently depending on which U.S. port the products enter. This is unacceptable, particularly if it suggests that some ports are not providing appropriate scrutiny to fully implement the UFLPA. We cannot give JA Solar or any company a free pass to import goods tainted with forced labor into the U.S.

CBP and the Forced Labor Enforcement Task Force (FLETF) have many tools to strengthen enforcement and provide much-needed clarity. We urge CBP and the Department of Homeland Security (DHS) to coordinate with civil society, private industry, and through the interagency task force to ensure all products entering the U.S. are in full compliance with the UFLPA. Doing so will protect American workers from unfair labor practices and encourage all companies to divest entirely from Xinjiang. CBP can help importers and U.S. companies navigate forced labor concerns by working with all parties to block out bad actors' products from

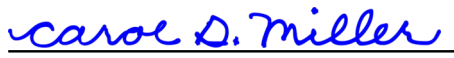
¹ Executive summary – Solar PV Global Supply Chains – Analysis – IEA.
<https://www.iea.org/reports/solar-pv-global-supply-chains/executive-summary>

ever entering the U.S. market. It is imperative that CBP start active consultations with all relevant groups to ensure we are not only blocking forced labor imports but changing the market conditions in which forced labor occurs. Further, while we appreciate that the FLETF has begun updating the UFLPA entity list more regularly, it is concerning that there have only been three updates since the original list was created, despite repeated concerns raised by civil society stakeholders. Finally, we seek more timely and efficient reviews of shipments entering the U.S. to give law-abiding importers and good faith actors more certainty in conducting their businesses while also optimizing deployment of CBP resources to most effectively enforce the UFLPA and other key laws.


We cannot tolerate empowering the PRC's genocide by allowing goods made with forced labor to enter our marketplace. Congress has appropriated over \$100 million dollars for UFLPA implementation because this is a high bipartisan priority. We are encouraged these resources have helped CBP implement and enforce the UFLPA. Since June 2022, CBP has reviewed more than 4,600 shipments valued at more than \$1.64 billion under the UFLPA. We recognize that DHS released the [2023 Updates to the Strategy to Prevent the Importation of Goods Mined, Produced, or Manufactured with Forced Labor in the People's Republic of China](#), as required by Congress.^v We look forward to a CBP briefing about these updates and additional resources needed to ensure no goods made with forced labor enter our markets.

We also look forward to working together to ensure continued and robust funding remains available to support forced labor enforcement activities. Your agency is essential to carrying out that responsibility, and effective use of existing resources in partnership with authorizing committees in Congress will strengthen the case for needed resources going forward. We look forward to working together to ensure that all goods being imported into the U.S. are not tainted by forced labor. Thank you for your prompt attention to this important matter.

Sincerely,



Carol D. Miller
Member of Congress



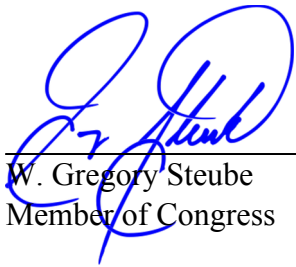
Bill Pascrell, Jr.
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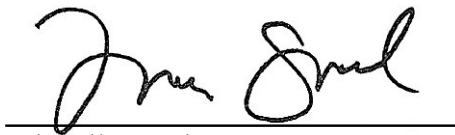
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Claudia Tenney
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Beth Van Duyne
Member of Congress

ⁱ See, e.g., House Committee on Ways and Means. (2021, July 21). Hearing on “The Global Challenge of Forced Labor in Supply Chains: Strengthening Enforcement and Protecting Workers” - House Committee on Ways and Means. <https://waysandmeans.house.gov/event/hearing-on-the-global-challenge-of-forced-labor-in-supply-chains-strengthening-enforcement-and-protecting-workers/>; CITE TO STATEN ISLAND FIELD HEARING (May 2023)

ⁱⁱ Uyghur Forced Labor Prevention Act statistics. (n.d.). U.S. Customs And Border Protection.

<https://www.cbp.gov/newsroom/stats/trade/uyghur-forced-labor-prevention-act-statistics>

ⁱⁱⁱ Fichtner S. (2023, June 21). China takes 97.9% of global wafer capacity in 2022. *Solarbe Global*.

<https://www.solarbeglobal.com/china-takes-97-9-of-global-wafer-capacity-in-2022/>

^{iv} *Executive summary – Solar PV Global Supply Chains – Analysis - IEA*. (n.d.). IEA. <https://www.iea.org/reports/solar-pv-global-supply-chains/executive-summary>

^v *2023 Updates to the Strategy to Prevent the Importation of Goods Mined, Produced, or Manufactured with Forced Labor in the People’s Republic of China*. (2023, July 26). U.S. Department of Homeland Security. https://www.dhs.gov/sites/default/files/2023-08/23_0728_pley_uflpa-strategy-2023-update-508.pdf