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Section 307 and Imports Produced by Forced Labor

The International Labor Organization (ILO) estimated that in 2021 on any given day, 27.6 million people were forced to labor against their will globally, which generated more than $200 billion in profits annually per ILO estimates. The products of that forced labor enter global supply chains and made their way to consumers around the world, competing against products made without forced labor. In recent decades, Congress has increased its efforts to keep these products out of the U.S. market. Since 2015, many of those efforts have been directed at amending and overseeing the enforcement of Section (Sec.) 307 of the Tariff Act of 1930 (19 U.S.C. §1307), which prohibits importing products that are mined, produced, or manufactured, wholly or in part, by forced labor, including by forced or indentured child labor. In the 119th Congress, some Members have held hearings and proposed legislation focused on concerns over forced labor in China and over enforcement in specific sectors and supply chains, such as seafood and critical minerals.

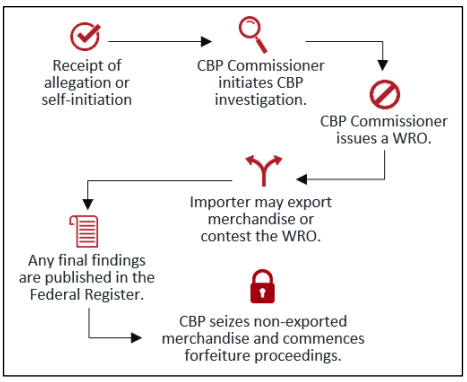
Defining Forced Labor in Section 307

"All work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily." – 19 U.S.C. §1307; language modeled on ILO Forced Labor Convention, 1930 (No. 29).

Administering Section 307

U.S. Customs and Border Protection (CBP) enforces Sec. 307 (19 C.F.R. §§12.42-12.45). Any person who has "reason to believe that any class of merchandise that is being, or is likely to be, imported into the United States" has been produced by forced labor may communicate that belief to the Commissioner of CBP. Upon receipt of such a communication, the Commissioner initiates an investigation "as appears warranted" by the amount and reliability of the submitted information. If the Commissioner finds the information "reasonably but not conclusively indicates" that imports may be the product of forced labor, then she or he is to issue an order to withhold release (WRO) of such goods pending further instructions.

Figure 1. Application of Section 307



Source: CRS, based on U.S. Customs and Border Protection.

An importer has three months to contest a WRO and must demonstrate that "every reasonable effort" has been made to determine the source/type of labor used to produce the merchandise and its components. If the importer does not successfully contest the WRO or remove the good from the United States (e.g., reexport), CBP may consider it abandoned and destroy it. If the Commissioner determines that the good is conclusively subject to Sec. 307, CBP may publish a Finding, seize the imports, and begin forfeiture proceedings. Beyond the type of good, manufacturer, and WRO status, CBP does not generally publish information about detentions, reexports, exclusions, or seizures.

Sec. 307's Relationship with Other Labor and Anti-Trafficking Measures

Sec. 307 is one of several congressionally mandated forced labor-related measures. Others include the Department of Labor, Bureau of International Labor Affairs' (ILAB) Findings on the Worst Forms of Child Labor (prepared per P.L. 106-200) and List of Goods Produced by Child Labor or Forced Labor (per P.L. 109-164). These reports contain country profiles and lists of goods suspected to have been produced by child or forced labor. ILAB's latest 2024 list identified at least 75 goods produced by forced labor from 44 countries/areas (child labor is considered separately), and 35 downstream goods made with *inputs* made by forced labor. ILAB analysis may potentially inform certain Sec. 307 investigations. The State Department and others also address forced labor as part of broader efforts to combat human trafficking pursuant to the Trafficking Victims Protection Act of 2000 (Div. A, P.L. 106-386, as amended).

History and Trends in Sec. 307 Use

In 1930, Congress enacted Sec. 307 largely to protect domestic labor from competing with foreign forced labor. Although some Members raised humanitarian concerns during the debate, these concerns were subordinated to ensuring U.S. consumers could still access products that were frequently made with forced labor abroad (e.g., coffee, tea, rubber). To that end, Congress allowed imported goods made with forced labor in cases where domestic production was insufficient to meet the "consumptive demand" of U.S. consumers. In practice, this provision put substantial limits on the products to which Sec. 307 could apply.

For more than 70 years after enactment, Sec. 307 was rarely used to block U.S. imports. By the turn of the millennium, as more products were manufactured exclusively abroad, it became easier for importers to make use of the "consumptive demand" exception; between 2000 and 2015 no products were stopped by CBP. Concerned about forced labor for human rights and other foreign policy reasons, in 2015 lawmakers amended Sec. 307 to remove the exception. Since then, CBP has blocked the entry of more

products than in the prior 85 years; as of January 2026, CBP reports that it is enforcing 55 active WROs and 8 Findings globally. CBP also has changed the scale and scope of WROs. Historically, CBP typically issued WROs against specific goods from specific producers; this practice has been changing since 2018 as CBP has issued WROs against broader categories of goods and targeted regions.

Issues for Congress

Enforcement Challenges. While legislation to remove the consumptive demand clause was widely welcomed, some observers have questioned whether CBP has effectively made use of the change. Enforcement, in particular, remains difficult, with some observers claiming factors, such as fraud in the import process, the expansion of direct-to-consumer e-commerce, and limited access to technologies that enhance supply chain traceability also hinder CBP's ability to effectively enforce Sec. 307. Some advocacy groups maintain that a lack of clear evidentiary standards and transparency on WRO decisions make it difficult for human rights and labor organizations to know what kinds of evidence are sufficient when making allegations to CBP of forced labor in a supply chain, and thus limit their ability to aid CBP in enforcement. Further, per a U.S. Government Accountability Office (GAO) report in 2020, CBP cited staff shortages as leading to some dropped investigations and limited ability to monitor cases, and in recent years Congress has increased funding to hire additional personnel. Congress created the interagency Forced Labor Enforcement Task Force (FLETF) in 2020 to monitor and report on Sec. 307 enforcement (P.L. 116-113, §741).

Expanding the Scope of Sec. 307. Some observers argue CBP's practice of targeting individual producers and the difficulty in tracing products produced with forced labor to specific facilities also has limited enforcement. Due in part to complex supply chains and the widespread use of forced labor in certain regions, stakeholders and some Members of Congress, have advocated for more industry- and region/country-wide prohibitions, similar to restrictions applied to goods from Xinjiang (P.L. 117-78) and North Korea (P.L. 115-44). H.R. 2310, for example, would restrict imports that contain cobalt refined in China under a presumption that the cobalt is extracted/processed with child and forced labor in the Democratic Republic of the Congo.

Some industry groups have cautioned that broader WROs may disrupt supply chains, deter legitimate business, and worsen the economic security of vulnerable workers. Others assert unclear evidentiary standards in Sec. 307, particularly the rebuttable presumption provisions, may place undue burden on companies and should be clarified. Some Members and stakeholders assert that greater supply chain due diligence and accountability by companies is critical to mitigate risks of forced labor and ensure Sec. 307 compliance, and have sought related reforms (e.g., S. 1358).

China and Forced Labor. Goods from China have been the primary target of WROs due to longstanding concerns related to prison labor and the systemic forced labor of ethnic Uyghurs and other minority groups in Xinjiang and other parts of China. Xinjiang-connected raw materials and products are used in a range of finished goods in China and neighboring countries, putting supply chains at risk of exposure to forced labor. In 2021, Congress enacted P.L. 117-78, known as the Uyghur Forced Labor Prevention Act (UFLPA). The law creates a rebuttable presumption that goods made in Xinjiang or by certain entities with ties to the region are made with forced labor and prohibited from U.S. entry under Sec. 307. It creates reporting requirements and declares that it is U.S. policy to coordinate with Canada and Mexico on the issue.

As mandated by the act, the FLETF has issued its strategy on UFLPA enforcement, which includes listing entities subject to the rebuttable presumption and "high-priority" sectors for enforcement. As of March 2026, pursuant to UFLPA, CBP has detained about 42,000 shipments, valued at $3.9 billion. Since 2022, the FLETF has expanded the Entity List from 20 to nearly 150 PRC-based entities. Some Members and experts have raised concerns over UFLPA enforcement and whether the rebuttable presumption standard is being implemented as intended. Some have advocated for more additions to the UFLPA Entity List and greater transparency on enforcement actions. In a December 2025 letter to CBP and DHS officials, some Members raised concerns over a relative decline in enforcement actions during 2025 and laid out several oversight priorities.

Trade Policy and Forced Labor. The treatment of forced labor in U.S. trade policy has been of longstanding interest to Congress. Per negotiating objectives set by Congress in trade promotion authority legislation (e.g., Title I, P.L. 114-26), recent U.S. free trade agreements (FTAs) commit countries to maintain and enforce laws on core ILO rights and principles, including the elimination of forced labor. Trade deals have expanded labor provisions in part because they are not covered by the World Trade Organization (WTO), though WTO rules provide exceptions to a country's obligations for measures "related to the products of prison labour" (GATT art. XX(e)).

Few countries implement import bans similar to Sec. 307. The U.S. Trade Representative (USTR) has used trade deals to press trading partners to adopt comparable prohibitions. The 2020 U.S.-Mexico-Canada Agreement (USMCA) was the first FTA to commit the parties to prohibit imports made by forced labor and to cooperate in identifying such goods. In December 2025, USTR Jamieson Greer said to Congress that "improving implementation" of Canada's and Mexico's import bans would be among U.S. priority issues for the 2026 review of USMCA. In 2025 and 2026, after the imposition of U.S. tariffs, the Trump Administration also negotiated agreements with nearly a dozen countries that include commitments to adopt and implement a ban on imports made by forced labor. Unlike comprehensive FTAs, these agreements were not specifically authorized or approved by Congress. In March 2026, USTR initiated an investigation under Section 301 of the Trade Act of 1974 into the policies and practices of 60 economies related to their alleged "failure to impose and effectively enforce" a prohibition on imports of goods made with forced labor.

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