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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. The products of that forced labor enter global supply chains and make their way to consumers around the world, competing against products made without forced labor. Congress has worked to keep these products out of the U.S. market. Since 2015, its 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 about forced labor in the People's Republic of China (PRC or China) and enforcement in specific sectors and supply chains, such as seafood and critical minerals.

Defining Forced Labor in Section 307

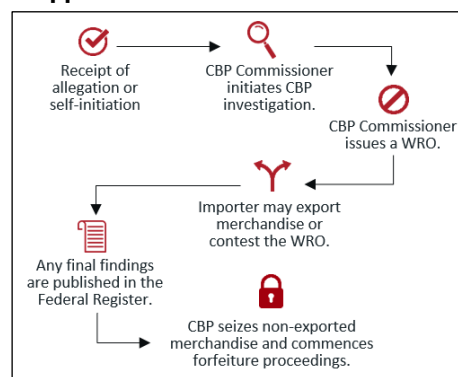
"All work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily." – 19 U.S.C. §1307; language modeled on ILO Forced Labor Convention, 1930 (No. 29).

Administering Section 307

U.S. Customs and Border Protection (CBP) enforces Sec. 307 (19 C.F.R. §§12.42-12.45). (See **Figure 1**.) 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.

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.

Figure 1. Application of Section 307



Source: CRS, based on data from U.S. CBP.

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's) 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 U.S. labor from competing with foreign forced labor. Although some Members raised humanitarian concerns during the debate, those were subordinated to ensuring U.S. consumers could access products 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 limits the products to which Sec. 307 could apply.

For more than 70 years, 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 use the "consumptive demand" exception; between 2000 and 2015 no products were stopped by CBP. Concerned about forced labor for human rights and other 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 has also changed the scale and scope of WROs. Historically, CBP typically issued WROs against specific goods from specific producers; since 2018, 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 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 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 of forced labor in a supply chain and limit their ability to aid CBP in enforcement. 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; Congress has since 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 that CBP's practice of targeting individual producers and the difficulty in tracing products produced with forced labor to specific facilities 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 industry- and region/country-wide prohibitions, similar to restrictions applied to goods from Xinjiang, China (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 labor 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 that 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. For decades, the PRC has been subject to the majority of WROs issued by CBP due to long-standing concerns related to prison labor. Since the 2010s, those concerns have expanded to include the systemic use of forced labor of Uyghurs and other minority groups. 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 are 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 long-standing interest to Congress. Many U.S. free trade agreements (FTAs) commit countries to maintain and enforce laws that incorporate 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 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 2025 and 2026, after the imposition of certain U.S. tariffs, the Trump Administration 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 2026, USTR initiated investigations under Section 301 of the Trade Act of 1974 and found that 54 economies had "failed to impose a legal prohibition on the importation of goods produced wholly or in part with forced labor" and that six economies had imposed a prohibition but had "failed to effectively enforce" those provisions. USTR has proposed imposing tariffs of 10%-12.5% on those economies. Several governments have contested these findings.

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