



1919 S. Eads St.
Arlington, VA 22202
703-907-7600
CTA.tech

April 15, 2026

Ambassador Jamieson Greer
United States Trade Representative
Office of the U.S. Trade Representative
600 17th St. NW
Washington DC, 20508

Re: Request for Comments on the Section 301 Investigation of Acts, Policies, and Practices of Various Economies Related to the Failure to Impose and Effectively Enforce a Prohibition on the Importation of Goods Produced with Forced Labor (Docket ID: USTR-2026-0133)

Dear Ambassador Greer:

The Consumer Technology Association (CTA) appreciates the opportunity to respond to the Office of the U.S. Trade Representative (USTR) on its investigation with respect to the acts, policies, and practices of certain economies related to the failure to impose and effectively enforce a prohibition on the importation of goods produced with forced labor.

As North America's largest technology trade association, CTA is the tech sector. Our members are the world's leading innovators – from startups to global brands – helping support more than 18 million American jobs. CTA owns and produces CES – the most powerful tech event in the world.

CTA and its members unequivocally condemn the use of forced labor and support strong and effective efforts by the United States to eradicate forced labor from global supply chains. In June 2024, CTA published a paper examining the impact of the Uyghur Forced Labor Prevention Act (UFLPA) on the consumer technology industry.¹ That paper presented survey findings on how U.S.-based technology manufacturers maintain compliance with UFLPA.

¹ Uyghur Forced Labor Prevention Act's Consumer Tech Industry Impact, <https://www.cta.tech/research/uyghur-forced-labor-prevention-act-s-consumer-tech-industry-impact/>.

CTA also submitted comments on this issue during USTR's request for input to shape its trade strategy to combat forced labor.² In those comments, and here, CTA urges USTR to adopt a transparent approach that includes multilateral engagement with other economies to address the root causes of forced labor.

CTA offers the following considerations as USTR conducts this investigation:

1. USTR Should Clearly Explain Its Rationale for Any Determination

Transparency is a core requirement of both Section 301 of the Trade Act of 1974 and the Administrative Procedure Act (APA). These obligations are not merely procedural; they ensure that trade remedies are lawful, effective, and sustainable. In issuing any determination, USTR should publish the criteria it uses to assess forced labor risk and enforcement capacity in the economies under review. Throughout this investigation, USTR must provide meaningful opportunities for public notice and comment before imposing, expanding, or materially altering remedies.

Under 5 U.S.C. § 706(2)(A), courts can overturn agency actions that are: "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." USTR must therefore clearly explain how the action it identified meets the statutory standard under Section 301. In particular, USTR should show a clear link between how an economy's failure to impose or effectively enforce a prohibition on imports made with forced labor constitutes an unreasonable or discriminatory practice that burdens or restricts U.S. commerce. The relevant question for U.S. commerce is whether forced-labor goods enter the U.S. market, not whether they enter foreign markets. Where the asserted harm is based on the re-exportation of forced-labor goods, USTR must clearly demonstrate that such practices actually exist in the economies under investigation. Absent a clear and direct nexus, whether a country's lack of such a prohibition, standing alone, imposes a burden on U.S. commerce is not evident within the meaning of the statute.

This investigation is novel for its breadth, covering 60 economies, including some that already maintain forced labor import prohibitions. That scope makes clear and consistent reasoning especially important. USTR should present the evidence it has gathered for each economy and define and apply its standards for assessing forced labor import bans uniformly across economies.

The Administrative Procedure Act (APA) requires reasoned decision-making from government agencies. That means USTR must show its work. A clear, transparent

² CTA Submission Concerning Trade Strategy to Combat Forced Labor, <https://www.regulations.gov/comment/USTR-2022-0006-0039>.

record protects USTR's credibility, strengthens enforcement, and helps stakeholders understand what behavior USTR expects to change.

2. USTR Should Account for Economies' Institutional Capacity and Good-Faith Efforts to Combat Forced Labor

CTA recognizes that adopting a prohibition on imports made with forced labor is not the same as enforcing it effectively. USTR should also recognize that economies differ in their institutional capacity to implement and enforce such measures. A lack of full enforcement does not, on its own, reflect a lack of commitment. USTR should incorporate capacity and progress as explicit factors in its determination decisions. Without accounting for capacity constraints and demonstrated progress, USTR risks mischaracterizing economies and undermining incentives for good-faith efforts to improve labor conditions.

USTR should evaluate whether an economy is taking concrete steps to address forced labor, including commitments to share best practices, recognize U.S. government determinations on entities under Section 307 of the Tariff Act of 1930, and respond to or align with Withhold Release Orders (WROs) issued by U.S. Customs and Border Protection. Where economies show sustained progress, USTR should take that progress into account rather than treat those economies as noncompliant in the scope of this investigation.

USTR should also recognize that other major economies use a range of tools to combat forced labor in supply chains. The European Union has adopted a forced labor regulation that combines a product ban with risk-based investigations and mandatory due diligence requirements for companies operating in its market.³ Canada's Fighting Against Forced Labour and Child Labour in Supply Chains Act requires companies and government entities to report on the steps they take to identify and reduce forced labor risks in their supply chains.⁴ Australia's Modern Slavery Act similarly relies on transparency and reporting obligations to drive corporate accountability.⁵ These approaches show that governments often combine due diligence, disclosure, and targeted enforcement rather than rely on a single policy tool.

USTR has already recognized these differences in the Agreements on Reciprocal Trade (ARTs) that have been negotiated so far. Labor provisions in each ART reflect varying levels of development and capacity among trading partners, while still requiring good-faith efforts to address forced labor. USTR should take a similar approach here and

³ European Commission, *The Forced Labour Regulation*, https://single-market-economy.ec.europa.eu/single-market/goods/forced-labour-regulation_en.

⁴ Government of Canada, *Fighting Against Forced Labour and Child Labour in Supply Chains Act*, <https://laws.justice.gc.ca/eng/acts/F-10.6/>.

⁵ Australian Government, *Australia's response*, <https://www.modernslavery.gov.au/australias-response>.

distinguish between economies that are unwilling to act and those that are working to improve enforcement over time.

3. USTR Should Consider Alternative Remedies Instead of Tariffs

Tariffs alone may not change the underlying conditions that allow forced labor to persist and, in some cases, may increase economic pressure on suppliers in ways that worsen labor conditions. USTR should instead prioritize approaches that strengthen enforcement and promote coordinated international action.

First, USTR should convene the economies in this investigation to develop a coordinated approach to eradicating forced labor from global supply chains. Recent initiatives, such as the 2026 Critical Minerals Ministerial and the Pax Silica initiative, provide useful models for information sharing and enforcement coordination on forced labor import bans. These approaches are particularly important for economies that are working to improve enforcement but lack sufficient capacity. A coordinated framework would also provide greater predictability and consistency for industry.

Second, the Administration should expand support for the Department of Labor's Bureau of International Labor Affairs (ILAB). ILAB has deep expertise in identifying forced labor risks, building enforcement capacity, and working with foreign governments to improve labor practices. Increased funding and coordination with ILAB can help countries strengthen their legal frameworks, inspections, and remediation efforts in a way that tariffs cannot achieve on their own.

Third, USTR should recognize and leverage industry-led efforts to prevent forced labor in supply chains. Many companies publish corporate responsibility and sustainability reports that describe how they identify, assess, and mitigate forced labor risks. The technology sector has implemented programs that include training, conducting audits and other due diligence efforts. USTR should build on these efforts where possible, rather than impose tariffs that may disrupt compliant supply chains.

By focusing on coordination, capacity building and existing compliance programs, USTR can address the root causes of forced labor while reducing the risk of unintended consequences associated with broad tariff measures.

4. USTR Should Avoid Broad-Based Tariffs That Undermine Efforts to Eliminate Forced Labor

Recent reporting and stakeholder accounts indicate that, following the imposition of a 50 percent reciprocal tariff under the International Emergency Economic Powers Act (IEEPA), some suppliers in a certain economy responded to the cost pressures by

requiring workers to perform unpaid overtime under threat of termination.⁶ These practices align with internationally recognized indicators of forced labor, including coercion and involuntary overtime. This dynamic shows that tariffs, when applied broadly, can create incentives that actually increase labor exploitation rather than reduce it.

Section 301 is designed to be a targeted tool that responds to specific acts, policies, or practices that burden U.S. commerce. USTR should use that authority to focus on discrete sectors or products where there is clear evidence of forced labor. Narrowly tailored measures can place direct pressure on high-risk industries while avoiding spillover effects across entire economies. USTR should avoid measures that shift costs onto workers rather than addressing the underlying practices of forced labor.

Broad tariffs risk diffusing that pressure and obscuring the specific sources of forced labor. By contrast, targeted action can better align enforcement with evidence, increase accountability in affected sectors, and support more effective remediation.

5. USTR Should Actively Monitor Compliance Following Any Affirmative Determination and Modify its Actions Accordingly

Section 306 of the Trade Act of 1974 requires USTR to monitor the implementation of measures and the conduct at issue. USTR should use this authority to ensure that any remedy reflects current conditions and adjust the actions accordingly.

Tariffs should not remain in place indefinitely when they no longer serve their intended purpose. If an economy demonstrates measurable progress in addressing forced labor, USTR should reassess the need for continued action and remove or modify tariffs as appropriate. Maintaining tariffs despite clear progress risks undermining incentives for reform.

Regular review and adjustment of measures will ensure USTR's actions remain effective, proportionate, and responsive to changes in enforcement and compliance. USTR should implement a tariff exclusion process or critical inputs and goods with verified clean supply chains.

USTR should exercise caution to comply with Section 307 of the Trade Act of 1974. This provision is best understood as allowing limited and incremental downward adjustments to previously imposed measures. It does not provide authority to impose significant new tariffs or expand existing measures without following the procedural requirements set forth in Section 301. CTA cautions USTR against using Section 307

⁶ See, e.g., Business and Human Rights Centre, "Global: NGO urges brands to ensure costs of US tariffs are not 'offloaded' to workers" (Apr. 2025), <https://www.business-humanrights.org/en/latest-news/global-ngo-urges-brands-to-ensure-costs-of-us-tariffs-are-not-offloaded-to-workers-amid-reported-price-cutting-pressure-on-suppliers-by-us-brands-wpftc/>.

modification authority to raise tariff rates, expand product coverage, or create new tariff regimes without public notice and comment.

In prior instances, USTR has relied on Section 307 to increase tariff rates and expand their scope without undertaking the full notice-and-comment process associated with Section 301. This approach risks circumventing the procedural safeguards that Congress established to ensure transparency, public participation, and reasoned decision-making.

Material changes to tariffs carry real economic consequences. USTR should treat these changes as substantive actions, not administrative adjustments. That means seeking public input and explaining how any modification responds to specific findings from the investigation.

Respecting these guardrails protects the integrity of the Section 301 process, reduces legal risk, and strengthens confidence among stakeholders.

Conclusion

USTR should take a targeted and evidence-based approach to this investigation to ensure that its actions reduce forced labor rather than worsen it. Clear reasoning, tailored remedies, and ongoing monitoring will help align enforcement with the statutory requirements of Section 301 and the procedural safeguards of the APA. USTR should also recognize differences in capacity across economies and support coordinated, practical solutions that strengthen enforcement over time. By focusing on precision, transparency, and effective alternatives to broad tariffs, USTR can address forced labor in a way that is both durable and consistent with U.S. law.

CTA appreciates the opportunity to provide these comments and welcomes continued engagement with USTR on these issues.

Sincerely,



Ed Brzytwa
Vice President of International Trade
Consumer Technology Association



Michael Petricone
Senior Vice President of Government Affairs
Consumer Technology Association