



ONE HUNDRED EIGHTEENTH CONGRESS
REPRESENTATIVE CHRISTOPHER H. SMITH, CHAIR
SENATOR JEFF MERKLEY, COCHAIR

September 18, 2024

The Honorable Katherine Tai
United States Trade Representative
600 17th Street NW
Washington, DC 20508

Secretary Raquel Buenrostro
Secretariat of Economy
Calle Pachuca 189, piso 23
Col. Condesa, C.P. 06140, Cuauhtémoc
Mexico City, Mexico

The Honourable Mary Ng
Minister of Export Promotion,
International Trade and Economic Development
Global Affairs Canada 125
Sussex Drive, Ottawa, ON K1A 0G2, Canada

Dear Ambassador Tai, Secretary Buenrostro, and Minister Ng:

We write to lend support to efforts to continue robust implementation of Article 23.6 of the United-States-Mexico-Canada (USMCA) trade agreement, which prohibits “... the importation of goods ... produced in whole or in part by forced or compulsory labor” between our three nations. USMCA partners should take additional steps to build on the progress made to effectively stop the import of goods produced with forced labor into North America.

We write as four Members of Congress who led the effort to pass the Uyghur Forced Labor Prevention Act (UFLPA). We are current and former chairs of the Congressional-Executive Commission on China (CECC), a U.S. government institution that monitors human rights in China and that was instrumental in developing the UFLPA, through research and hearings on the People’s Republic of China (PRC) government’s widespread and systemic use of forced labor in the Xinjiang Uyghur Autonomous Region (XUAR), a practice employed as part of the PRC’s atrocities against Uyghurs and other predominantly Muslim Turkic people. We remain committed to supporting robust implementation of the UFLPA and to providing the necessary funds for this effort.

We welcome the forced labor section of the USMCA and are pleased that each of the parties has acted to bring their laws into compliance with the agreement. We are also pleased that a trilateral dialogue on forced labor has been established, as well as an agreement to share information about shipments denied at U.S. ports under the UFLPA import ban.

However, there is more to be done. The UFLPA was created as a response to the government of the PRC's policies of severe repression against Uyghurs and other Turkic peoples, which includes mandating that these people perform involuntary labor, in gross violation of internationally recognized human rights. This horrendous behavior has not abated. The law was also born out of a recognition that an additional enforcement mechanism was needed to ensure that U.S. agencies were able to comply with laws that prohibit import of goods made with forced labor.

We hope that the UFLPA can serve as a model for similar legislation in Canada and Mexico so that North America can truly be a region free of goods produced through forced labor.

Central to this goal is the UFLPA's "rebuttable presumption," which places the burden on importers to prove that their supply chains do not include goods produced or mined, wholly or in part, in the XUAR or through a state-imposed labor transfer program. We believe this approach is the most effective way to ensure that our countries are in full compliance with our obligations under Article 23.6 with regard to the PRC. We note that U.S. Customs and Border Protection (CBP) has identified tomatoes, cotton, polysilicon, aluminum, polyvinyl chloride, and seafood as priority sectors for enforcement, the identification of which can aid in expending resources efficiently.

Second, we urge expanded cooperation under Article 23.6 to prevent the importation into one USMCA country of products denied entry into another due to a determination that forced labor was used, in whole or in part, in the manufacturing process of that product. For example, we were told by U.S. CBP officials that a shipment of solar panels that had been denied entry into the U.S. based on the UFLPA were subsequently imported into Canada, followed by an attempt to re-export them into the U.S. The need for cooperation is heightened because most of the goods detained at U.S. ports under the UFLPA have originated not in the PRC, but rather in several Southeast Asian nations. We urge parties to the USMCA to utilize existing information-sharing agreements to stop the transfer of forced labor products as well as identified re-export or transshipment schemes. We believe joint action will ensure that customs administrations across the USMCA region can quickly identify forced labor made imports and take appropriate enforcement action based on standardized information to mitigate forced labor violations.

Lastly, we encourage you to consider the upcoming joint review that is scheduled to take place in July 2026 as an opportunity to codify the suggestions above. Making North America a forced labor import-free zone is a goal that would bring credit to each of our countries and benefit all our citizens.

We appreciate your consideration of our request and look forward to engaging your offices on this matter.

Sincerely,



Representative Chris Smith
Chair



Representative James P. McGovern
Ranking Member



Senator Jeff Merkley
Cochair



Senator Marco Rubio
Ranking Member