



WRITTEN SUBMISSION OF THE NATIONAL FOREIGN TRADE COUNCIL

Request for Comments on the Section 301 Investigations 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](#)

The National Foreign Trade Council (NFTC) appreciates the opportunity to provide input for the Office of the U.S. Trade Representative's (USTR) Federal Register notice, *Initiation of Section 301 Investigations 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* ("the FR Notice") (Vol. 91 No. 51 FR 12884, March. 17, 2026). The comments in this submission apply to all countries that are the subject of investigations listed in the FR notice.

About NFTC

The NFTC, organized in 1914, is an association of U.S. business enterprises engaged in all aspects of international trade and investment. Our membership covers the full spectrum of industrial, commercial, financial, and service activities. Our members support establishing and maintaining international trade norms that reflect the critical role that an open, rules-based international economy plays in the success of American businesses, entrepreneurs and workers, and shared prosperity. The NFTC also supports the effective enforcement of those rules.

I. Introduction

NFTC and our member companies share the view that forced labor practices are abhorrent. Responsible companies have worked diligently to identify and mitigate this risk in global supply chains. Current U.S. customs law prohibits the importation of products made in part or in whole using forced labor. As a result, many companies have adopted internal controls and traceability protocols that provide substantially greater insight into supply chains compared to only a few years ago. Responsible companies maintain a strong commitment toward removing forced labor risk from supply chains. NFTC has previously submitted comments to USTR intended to address root causes of forced labor through constructive government-to-government negotiations and more effective information sharing that allows industry to more readily identify these risks in their supply chains. See NFTC comments related to "[A Trade Strategy to Combat Forced Labor](#)", [comments](#) and [testimony](#) to USTR that related to force labor enforcement during the "Promoting Supply Chain Resilience" process. Our comments provided during those processes remain relevant, and we ask that you consider them during these investigations.

II. Recommendations

NFTC supports the assessment of policies used by other economies to prevent use of forced labor practices. If these investigations lead to further action, we encourage USTR to seek solutions through government-to-government engagement, rather than pursuing counterproductive and inflationary tariffs.

Such negotiations should include the following objectives:

1. Address root causes of forced labor by identifying gaps in current domestic regulations needed to address demonstrated supply chain risks related to forced labor and domestic governance structures needed to identify and mitigate violations.
2. Encourage the adoption of clear due diligence standards that industry can incorporate in sourcing processes and demonstrate compliance during enforcement processes.
3. Enhance information sharing about known forced labor risks related to specific mining, harvesting, manufacturing, and distribution networks so that supply chain due diligence efforts continue to evolve with the benefit of government data. These objectives are consistent with provisions of several Agreements on Reciprocal Trade, and we suggest that USTR continue to prioritize this approach.

These negotiations should not position U.S. trade laws related to forced labor, such as Section 307 (19 USC 1307) and the Uyghur Forced Labor Prevention Act (UFLPA), as international standards. These legal structures were developed to align with import procedures that are specific and, in many cases, unique to the United States. In the case of the UFLPA, a process was prescribed in statute to address a very specific forced labor risk that Congress chose not to apply broadly to forced labor enforcement. In the absence of needed infrastructure such as targeting systems, investigative capacity to develop withhold release orders (WROs) and populate entity lists, administrative appeals capabilities, and available local infrastructure to store detained cargo, many economies would likely experience supply chain bottlenecks that impact sourcing by U.S. companies – including availability of products that are not commercially available elsewhere.

III. Risks for U.S. Interests

1. Imposing tariffs following these investigations would disproportionately harm U.S. importers who continue to prioritize investments and other commitments to remove the risk of forced labor in global supply chains.
2. Remedies other than diplomatic engagement would create a risk of U.S. exports being subject to actions by other governments. The United States has finalized commitments to only a small number of the International Labor Organization (ILO) instruments cited in the FR Notice. Imposing an outcome other than diplomatic engagement would indicate that the U.S. is not compliant with the standards being used for such reviews and become a justification for other countries to take actions against U.S. exports for the same reason.

IV. Section 301 Tariff Implement Considerations

If USTR nevertheless were to determine that tariffs are an appropriate remedy for overcapacity, NFTC urges that they be implemented in a manner that minimizes economic disruption for consumers and administrative complexity for U.S. importers. Over the last year, the Administration made several decisions regarding the design and implementation of tariffs to address administrability concerns and unintended consequences for U.S. consumers and manufacturers. We urge USTR to incorporate those elements into the structure of any tariffs imposed in this or other investigations under Section 301.

In particular, NFTC urges USTR to ensure any Section 301 tariffs imposed as a result of this investigation reflect the following to provide continuity between previous tariff regimes and any new Section 301 tariffs:

- Ensure the stacking Section 301 of tariffs is consistent with past practice for tariffs imposed under IEEPA and Section 122 (e.g., excluding products that are covered by a Section 232 investigation);
- Maintain the exclusions provided in Annexes II and III of the July 31 Executive Order [Further Modifying Reciprocal Tariff Rates](#) under IEEPA and Annexes I and II of the February 20 Section 122 Proclamation [Imposing a Temporary Import Surcharge to Address Fundamental International Payments Problems](#) (e.g., for products that are otherwise not available in the United States, including critical inputs and natural resources);
- Exempt qualifying goods under the United States-Mexico-Canada Agreement; and
- Provide access to duty drawback and adequate transition periods, including exclusions for goods that are on the water in transit to the United States by a certain deadline.

In addition to reflecting past treatment of IEEPA and Section 122 tariffs, the NFTC encourages USTR to provide for a transparent and accessible process to remove additional products from the scope of tariffs not previously covered by an IEEPA or Section 122 annex; set clear objectives for each investigated country to mitigate forced labor risk; conduct periodic reviews of progress toward these objectives; and terminate Section 301 tariffs when the objectives have been met. Finally, the NFTC urges USTR to take a uniform approach to Section 301 tariffs that may be imposed in response to this investigation and avoid the overwhelmingly complex and burdensome compliance situation that would result from stacking multiple tariffs onto individual imports for different countries and/or industries.

V. Conclusion

We appreciate the opportunity to provide these comments and look forward to continued engagement with USTR during the investigation phase and as you consider potential remedies. If you have questions regarding any of the issues raised in this submission, please contact John Pickel, Vice President of International Supply Chain policy at jpickel@nftc.org.