

STATUTORY AUTOMATION FRAMEWORK

BURDEN SHIFT & PRESUMPTION MODEL

A Deployable Enforcement Doctrine Under Existing Law

USTR-2026-0134 | Section 301 — 60 Economies — Forced Labor Import Enforcement

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SCOPE OF THIS DOCUMENT

This document is not a policy proposal. It is a deployable enforcement doctrine. Each section converts an existing Act of Congress into an operational presumption, burden-shift mechanism, automatic trigger, and scaled enforcement system. The word 'may' does not appear in this framework as a grant of enforcement discretion — it appears only where the transformation to 'shall' is demonstrated. Every mechanism described here operates under existing statutory authority. No new legislation is required for any element of this framework.

SECTION I — STATUTORY PRESUMPTION AND BURDEN-SHIFT FRAMEWORKS

Each statute below is presented in five operational dimensions: the automatic presumption the statute supports, the burden-shift mechanism it creates or can create by regulatory action, the specific condition that triggers enforcement, the required agency action once the trigger fires, and the enforcement outcome. All five dimensions derive from the statute's existing text. Where an element requires administrative rulemaking to implement, the rulemaking authority is cited.

19 U.S.C. § 1307 | Tariff Act of 1930, Section 307

ABSOLUTE FORCED LABOR IMPORT PROHIBITION

AUTOMATIC PRESUMPTION MODEL

Goods meeting the § 1307 definition are presumed excludable upon any showing — including TVPRA listing, Walk Free GSI documentation, or agency-published supply chain finding — that the economy of origin maintains documented forced labor in the product category presented. The statute's use of 'shall not be entitled to entry' creates an operative presumption of ineligibility for admission that attaches at the HTS-code-economy level, not at the shipment level.

BURDEN SHIFT MECHANISM

The burden is on the importer to affirmatively demonstrate that specific goods were not produced with forced labor. Section 1307 contains no affirmative burden placed on the government to prove forced labor in each shipment. The government's burden is limited to establishing that the product category from the economy of origin has documented forced labor conditions — satisfied by DOL TVPRA listing. Once that threshold is crossed, the importer bears the production burden. The UFLPA's 'clear and convincing evidence' standard (P.L. 117-78 § 3(b)) is the operative model for all § 1307 proceedings.

TRIGGER CONDITION

Condition: (1) DOL TVPRA 11th Edition lists the specific good; AND (2) good originates from or transits through a Section 301-investigated economy; AND (3) entry is presented at a U.S. port under the applicable HTS code. All three conditions are determinable from pre-arrival ACE entry data without physical examination.

REQUIRED AGENCY ACTION

Upon trigger: CBP Commissioner shall transmit a report to the Secretary of the Treasury under 19 CFR § 12.42. The Secretary shall instruct CBP to withhold release. The withholding is mandatory — 19 CFR § 12.42 uses 'shall transmit' and 'shall instruct.' The withholding continues until the importer presents clear and convincing evidence (UFLPA model) or until CBP issues a formal finding.

ENFORCEMENT OUTCOME

Goods are withheld from entry pending importer documentation. Goods for which the importer cannot present supply chain documentation meeting the clear and convincing evidence standard are denied entry under § 1307's absolute prohibition. Denied goods are subject to seizure and forfeiture under 19 U.S.C. § 1595a(c) — not return to shipper. The economy-level TVPRA trigger, once loaded into CBP ACE, operates without individual shipment review for every entry under the flagged HTS code.

P.L. 117-78 | Uyghur Forced Labor Prevention Act (2021)

REBUTTABLE PRESUMPTION — THE OPERATIONAL MODEL FOR EXTENSION

AUTOMATIC PRESUMPTION MODEL

All goods from XUAR or touching UFLPA Entity List entities are presumed to be produced with forced labor. This presumption is irrebuttable unless the importer presents evidence meeting the clear and convincing standard and the Commissioner determines that goods were not produced with forced labor. The UFLPA model is the template for extending presumptive enforcement to all Section 301-investigated economies: DHS rulemaking authority under the APA (5 U.S.C. § 553) authorizes a parallel presumption for TVPRA-listed goods from § 2414-determined economies without amending the UFLPA.

BURDEN SHIFT MECHANISM

The burden is on the importer to rebut the presumption by clear and convincing evidence. The government does not need to affirmatively identify forced labor in a specific shipment — the presumption operates at the entity or origin level. Under the UFLPA extension model: (1) DHS publishes a Category Determination listing economies receiving § 2414 affirmative findings and TVPRA-listed product categories; (2) any entry under those category-economy combinations is presumed covered; (3) importer must present complete supply chain documentation from raw material extraction through manufacture.

TRIGGER CONDITION

Condition: Good appears on CBP's UFLPA Entity List OR good is presented under an HTS code mapped to a TVPRA-listed product from a UFLPA-covered economy. Under the extension: good is presented under an HTS code mapped to a TVPRA-listed product from an economy receiving a § 2414 affirmative determination. Condition is determinable from ACE entry data pre-arrival.

REQUIRED AGENCY ACTION

CBP shall apply the rebuttable presumption and withhold release. CBP's Center of Excellence and Expertise (CEE) shall review importer-submitted documentation. The CEE determination — whether documentation meets clear and convincing standard — is the mandatory agency action. No physical examination required at the threshold stage; documentation review is the mechanism.

ENFORCEMENT OUTCOME

Goods failing to rebut the presumption are denied entry. Goods admitted after successful rebuttal create a documented precedent for that supply chain applicable to future shipments. Systematic documentation failures across an importer's supply chain create an EAPA referral predicate under 19 U.S.C. § 1517. The CEE review mechanism scales without port-level staffing because review is document-based, centralized, and technology-assisted.

19 U.S.C. § 1517 | Enforce and Protect Act (EAPA)

MANDATORY INVESTIGATION TRIGGER — 15 BUSINESS DAYS

AUTOMATIC PRESUMPTION MODEL

Upon receipt of a written allegation of evasion, CBP is presumed to have sufficient basis to initiate investigation. The statute does not require the alleging party to present prima facie evidence of evasion — it requires only that the allegation be specific. Documentation of Tier 2 transshipment pathways (Hong Kong relabeling, Malaysian minimal processing, Turkish steel rolling of Russian origin) in the Section 301 administrative record constitutes a specific allegation that, once formally filed, triggers the mandatory investigation requirement.

BURDEN SHIFT MECHANISM

The burden of demonstrating that evasion did not occur shifts to the importer upon initiation of an EAPA investigation. Under 19 U.S.C. § 1517(c), the importer must cooperate with CBP's investigation and submit documentation establishing the true origin and production history of the goods. Failure to cooperate results in an adverse inference — CBP may find evasion based on available information, placing the full exclusion consequence on the importer.

TRIGGER CONDITION

Condition: Any person files a written allegation with CBP asserting that a covered merchandise entry evades an applicable trade enforcement order, forced labor prohibition, or Section 301 additional duty. Condition does not require the alleging party to be the importer or a directly injured party — any person may allege. The Section 301 administrative record itself, once published, constitutes documentary basis for formal EAPA allegations by USTR, DOL, or DHS.

REQUIRED AGENCY ACTION

CBP shall initiate the investigation within 15 business days of receipt. CBP shall make an interim determination within 90 calendar days. CBP shall make a final determination within 300 calendar days. Each deadline is mandatory under the statute — 'shall' appears at each stage. Failure to meet deadlines is reviewable under APA § 706(1) as failure to take a discrete required action.

ENFORCEMENT OUTCOME

If CBP determines evasion occurred: CBP shall suspend liquidation of entries subject to investigation; CBP shall require a cash deposit or bond for estimated duties owed; CBP shall assess duties upon liquidation. If importer fails to cooperate: adverse inference applies and evasion is found. Systematic filing of EAPA allegations for all documented Tier 2 pathways generates mandatory investigations within 150 business days without additional legislation.

19 U.S.C. § 1321 | De Minimis Exemption

EXEMPTION INELIGIBILITY FOR § 1307-PROHIBITED GOODS

AUTOMATIC PRESUMPTION MODEL

The de minimis exemption under § 1321(a)(2) is available only for merchandise that is 'otherwise entitled to be imported free of duty.' Goods produced with forced labor are categorically prohibited from entry under § 1307. Prohibited goods are not 'otherwise entitled to be imported' under any provision. Therefore, goods that are § 1307-prohibited are categorically ineligible for § 1321 de minimis treatment as a matter of statutory construction — no rulemaking is required to establish this conclusion, only a CBP General Counsel binding opinion. The presumption operates at the HTS-code-economy level: goods under TVPRA-mapped HTS codes from Section 301-investigated economies are presumptively § 1307-prohibited and therefore presumptively § 1321-ineligible.

BURDEN SHIFT MECHANISM

The burden is on the importer or shipper seeking de minimis treatment to demonstrate that the specific goods are not § 1307-prohibited — i.e., not produced with forced labor. Because de minimis shipments do not submit formal entry documentation, this burden cannot be satisfied through the normal Automated Broker Interface. CBP must establish a documentation pathway for de minimis shipments from TVPRA-mapped HTS code origins — failure to provide documentation results in denial of de minimis treatment and formal entry requirement.

TRIGGER CONDITION

Condition: Shipment is presented under de minimis claim (value below \$800) AND shipment's declared or probable HTS classification falls within a TVPRA-mapped forced labor product category AND shipment originates from or transits through a Section 301-investigated economy. Condition is detectable from Electronic Advance Data (EAD) required under Trade Act of 2002 § 343.

REQUIRED AGENCY ACTION

CBP shall require formal entry — removing de minimis treatment — for any shipment meeting the trigger condition. Formal entry requires an Importer of Record, an Automated Broker Interface filing, and full duty assessment. The formal entry requirement activates all UFLPA/§ 1307 documentation obligations. CBP's National Targeting Center shall incorporate the de minimis trigger condition into its targeting algorithms operating on EAD data pre-arrival.

ENFORCEMENT OUTCOME

Shipments previously moving under de minimis with no CBP contact are now subject to formal entry requirements. The volume impact of a TVPRA-HTS de minimis trigger is a reduction in the 1 billion package de minimis flow from forced-labor-risk origins. Importers restructuring supply chains to avoid the trigger must demonstrate non-TVPRA-mapped origin — creating a supply chain documentation incentive without a new law.

19 U.S.C. §§ 2411–2415 | Trade Act of 1974, Section 301

MANDATORY DETERMINATION CASCADE — §304–§305 AUTOMATIC SEQUENCE

AUTOMATIC PRESUMPTION MODEL

Upon initiation of a Section 301(b) investigation, foreign economies are presumed to be engaged in unreasonable or discriminatory practices burdening U.S. commerce unless and until the investigation record demonstrates otherwise. The presumption is rebuttable by the investigated economy through consultation, agreement, or compliance action. The 60-economy investigation record (USTR-2026-0134) documents the affirmative basis for the presumption: Walk Free GSI country data for all 60 economies, DOL TVPRA findings for 40+ economies, and government admissions from multiple investigated economies.

BURDEN SHIFT MECHANISM

The burden of demonstrating that their practices do not burden U.S. commerce shifts to the investigated economies through the USTR consultation process (19 U.S.C. § 2413). Economies that enter Agreements on Reciprocal Trade (ARTs) with forced labor import ban commitments have provided their rebuttal. Eight economies have done so. The 52 non-ART economies have not rebutted the presumption. USTR's §304 determination must address whether each economy has presented rebuttal evidence through the consultation process — absence of rebuttal is an independent basis for affirmative finding.

TRIGGER CONDITION

Condition: USTR-2026-0134 investigation reaches the mandatory §304 determination window (April 2027 – September 2027). Economy has not entered an ART with verifiable forced labor import ban commitment. Economy has not demonstrated through consultation that its practices do not burden U.S. commerce. All three conditions are determinable from USTR's consultation record without additional investigation.

REQUIRED AGENCY ACTION

USTR shall make a §304 determination within 12 to 18 months of March 12, 2026. Upon affirmative §304 finding: USTR shall take action within 30 days under §305. Action is mandatory — § 2415(a) states 'shall.' Available actions include: additional duties, import restrictions, suspension of preferential tariff treatment, revocation of licenses. USTR may not decline action unless it publishes a Federal Register determination that action is detrimental to U.S. economic interests — a determination subject to APA § 706 review on the \$840.6B documented exposure record.

ENFORCEMENT OUTCOME

Section 301 additional duties apply automatically to all goods from economies receiving affirmative §304 determinations. The duty rate, phase-in schedule, and product scope are established in the §305 action. Economies implementing verifiable forced labor import bans after §304 determination may seek §306 monitoring review. The §305 cascade is self-executing from the §304 determination — no further congressional action is required.

MATERIAL WEAKNESS MANDATORY CORRECTIVE ACTION OBLIGATION

AUTOMATIC PRESUMPTION MODEL

A federal program is presumptively in material weakness status when its documented performance falls below the level necessary to provide 'reasonable assurance' that the program's statutory objectives are being achieved. The ratio of CBP UFLPA enforcement value to documented forced-labor import exposure — \$172 million against \$840.6 billion in FY2025 — creates a presumption of material weakness that the agency head must affirmatively rebut in the annual A-123 certification. Absence of a published material weakness finding for the forced labor enforcement program, despite the documented performance data, is itself evidence of a reporting failure under 31 U.S.C. § 3512(d).

BURDEN SHIFT MECHANISM

The agency head's burden under § 3512(d) is to certify annually that the agency's system of internal controls provides reasonable assurance. Where CBP's own published data demonstrates a 90 percent single-year enforcement decline against an expanding statutory mandate, the agency head cannot certify reasonable assurance without either (a) a formal material weakness report or (b) a documented explanation of why the enforcement metric does not reflect program performance. Neither has been published. The burden to demonstrate that reasonable assurance exists, in the face of the published dashboard data, has not been discharged.

TRIGGER CONDITION

Condition: DHS/CBP's annual A-123 certification is filed without a material weakness designation for the forced labor enforcement program. AND CBP's own published UFLPA Enforcement Statistics Dashboard shows FY2025 enforcement value at \$172 million against documented \$840.6 billion annual exposure. Both conditions are established by agency publications.

REQUIRED AGENCY ACTION

OMB is required to review agency A-123 certifications for adequacy under OMB Circular A-123 Section IV. GAO is authorized under 31 U.S.C. § 712 to audit agency internal control systems. DHS Inspector General is required under the Inspector General Act (5 U.S.C. App. § 5) to report on program performance. Congressional direction to DHS OIG to assess whether the forced labor enforcement program meets A-123 material weakness criteria creates a mandatory reporting obligation within 180 days.

ENFORCEMENT OUTCOME

A material weakness finding triggers mandatory corrective action under A-123 Section III.D: the agency must develop a corrective action plan with milestones, report to OMB and Congress, and provide quarterly updates. The corrective action plan becomes a binding administrative commitment subject to GAO audit. Failure to implement the corrective action plan is a §3512(d) violation reportable in the agency's next annual certification.

JUDICIAL REVIEWABILITY FRAMEWORK — MANDATORY DUTY ENFORCEMENT

AUTOMATIC PRESUMPTION MODEL

Under 5 U.S.C. § 706(1), a reviewing court shall compel agency action unlawfully withheld or unreasonably delayed. Under § 706(2)(A), a reviewing court shall set aside agency action that is arbitrary, capricious, an abuse of discretion, or not in accordance with law. The presumption for §

706(1) review is that any mandatory statutory duty ('shall') that is not being discharged is being unlawfully withheld — the agency bears the burden of demonstrating either that the duty has been discharged or that a specific statutory exception applies. Under *Norton v. SUWA*, 542 U.S. 55 (2004), a 'discrete' mandatory action qualifies for § 706(1) review. 19 CFR § 12.42's 'shall transmit' and 'shall instruct' duties are discrete mandatory actions within SUWA.

BURDEN SHIFT MECHANISM

Under § 706(2)(A) and *State Farm*, 463 U.S. 29 (1983), the agency bears the burden of demonstrating a rational connection between the facts found and the action taken. Where the agency's own published data (CBP dashboard: \$172M enforcement against \$840.6B exposure) runs counter to the agency's stated program objective (DHS: 'ending forced labor is a national security priority'), the agency must explain the discrepancy in the administrative record. Absence of explanation is itself evidence of arbitrariness.

TRIGGER CONDITION

Condition: Any person adversely affected by CBP's failure to enforce 19 U.S.C. § 1307 against a specific shipment or category of shipments files a petition for review under APA § 702. The adverse effect requirement is met by U.S. producers who compete against forced-labor-priced imports. The standing requirement is met by any importer denied entry who contests the lawfulness of the withholding. Both conditions create reviewability tracks.

REQUIRED AGENCY ACTION

Under § 706(1): Court shall compel the discrete mandatory action identified — CBP's § 12.42 'shall transmit' duty. Under § 706(2)(A): Court shall set aside CBP's systematic non-enforcement posture as arbitrary and capricious. Court may remand to agency with direction to develop a compliant enforcement program within a defined timeframe. Court may retain jurisdiction during remand to ensure compliance.

ENFORCEMENT OUTCOME

Judicial review under § 706(1) produces a mandatory writ of mandamus compelling CBP to perform the discrete required action within a court-ordered timeframe. Judicial review under § 706(2)(A) produces a remand order requiring CBP to develop an enforcement posture consistent with the statute. Either outcome creates a binding judicial enforcement mechanism that operates independently of congressional and executive action.

50 U.S.C. § 1701 | International Emergency Economic Powers Act (IEEPA)

SECTORAL BLOCKING AUTHORITY — EXECUTIVE ENFORCEMENT WITHOUT LEGISLATION

AUTOMATIC PRESUMPTION MODEL

Upon presidential declaration of a national emergency with a foreign nexus, IEEPA creates a presumption that any transaction involving property of a foreign country or national in which the emergency has a nexus may be blocked. The existing IEEPA national emergency declaration (Executive Order 14257, April 2, 2025, trade deficit nexus) and the established Section 301 investigation findings create overlapping grounds for OFAC sector-level designations targeting forced labor supply chains without a new declaration.

BURDEN SHIFT MECHANISM

Once OFAC issues a sectoral sanction designation, the burden shifts to U.S. persons seeking to engage in transactions with designated sectors to obtain OFAC licenses. No license is available as of right — OFAC has discretion to deny. Financial institutions processing trade finance for designated sector transactions must file Suspicious Activity Reports under 31 U.S.C. § 5318. The burden of

demonstrating that a transaction does not involve designated sector property falls on the transacting U.S. person.

TRIGGER CONDITION

Condition: USTR issues an affirmative § 2414 determination for a non-ART economy. AND Treasury General Counsel determines that the forced labor supply chain practices of the economy constitute a threat within the scope of the existing IEEPA emergency. Both conditions are achievable through executive branch action without new legislation.

REQUIRED AGENCY ACTION

OFAC shall issue a Sectoral Sanctions Identification (SSI) list entry for the identified forced labor industry sectors in the determined economy. The SSI entry prohibits U.S. persons from new investments and debt financing for listed sectors. CBP and FinCEN coordinate to flag trade finance transactions from listed sectors for SAR review. No individual SDN designation of specific entities is required — the sector designation covers all entities operating within the listed industry.

ENFORCEMENT OUTCOME

U.S. dollar trade finance for designated sectors becomes unavailable through U.S. correspondent banking system. Forced labor economy entities unable to access dollar clearing cannot compete in dollar-denominated commodity markets. The financial enforcement track operates parallel to and independently of the trade enforcement track — providing redundant enforcement that survives judicial challenge to either track individually.

19 U.S.C. § 2462 | Generalized System of Preferences

MANDATORY ELIGIBILITY CONDITION — WORKER RIGHTS SELF-EXECUTING REVIEW

AUTOMATIC PRESUMPTION MODEL

GSP eligibility is presumptively conditioned on the beneficiary country having taken steps to afford internationally recognized worker rights (§ 2462(b)(2)(G)). A beneficiary country with documented forced labor in export supply chains, without an import ban equivalent to 19 U.S.C. § 1307, has presumptively failed to take the required steps — because its government's affirmative policy of admitting forced-labor goods generates an export price advantage inconsistent with worker rights standards. The Section 301 administrative record and TVPRA findings together create the evidentiary basis for this presumption for each GSP-eligible Section 301-investigated economy.

BURDEN SHIFT MECHANISM

The burden falls on the beneficiary country to demonstrate, through USTR's annual GSP review process (19 U.S.C. § 2464), that it has taken steps to afford internationally recognized worker rights notwithstanding its lack of a forced labor import ban. USTR must assess whether steps taken are sufficient. An ART commitment with a verifiable forced labor import ban is the clearest demonstration of adequate steps. Absence of an ART or equivalent commitment, in the face of TVPRA documentation, is evidence of insufficient steps that USTR must address in its annual review.

TRIGGER CONDITION

Condition: Economy is a GSP beneficiary. AND Economy is subject to an affirmative § 2414 determination for failure to impose forced labor import ban. AND Economy has not entered an ART or equivalent bilateral commitment. All three conditions are determinable from published USTR records without additional investigation.

REQUIRED AGENCY ACTION

USTR shall initiate a mandatory GSP eligibility review upon affirmative § 2414 determination. USTR shall publish a Federal Register notice of review and provide the economy 30 days to present evidence of worker rights compliance. Absent adequate evidence, USTR shall suspend or terminate

GSP benefits for the affected economy. The suspension is self-executing upon publication of USTR's Federal Register notice — no additional congressional action is required.

ENFORCEMENT OUTCOME

GSP suspension results in immediate tariff increases on all goods from the affected economy previously entering duty-free under GSP. The tariff increase is automatic upon Federal Register publication — CBP applies MFN duty rates. The GSP track operates in parallel with the § 301 duty track and GSP suspension income is additive to § 301 additional duties.

FAR 52.222-50 | EO 13126 (1999) | 29 CFR Part 810 | 31 U.S.C. § 3729

FEDERAL PROCUREMENT AUTOMATIC CERTIFICATION VERIFICATION SYSTEM

AUTOMATIC PRESUMPTION MODEL

FAR 52.222-50 creates a presumption that every federal contractor has certified supply chain compliance at the time of contract execution. Where a contractor's supply chain includes goods from TVPRA-listed sources in Section 301-investigated economies, and the contractor has not documented a supply chain due diligence process, the certification is presumptively false. The False Claims Act (31 U.S.C. § 3729) creates liability for each false certification — treble damages plus civil monetary penalties of \$27,018 per claim. The presumption of false certification attaches upon a showing that the contractor's supply chain intersects TVPRA-documented forced labor sources.

BURDEN SHIFT MECHANISM

The contractor bears the burden of demonstrating the adequacy of its supply chain compliance program under FAR 52.222-50. The government does not need to identify a specific forced labor incident — it needs to demonstrate that the contractor did not implement the compliance program the certification requires. Under False Claims Act qui tam authority, private relators can file suit without prior government action. The contractor must prove its compliance program's adequacy in litigation — the burden does not return to the government.

TRIGGER CONDITION

Condition: Federal contractor holds a contract containing FAR 52.222-50. AND Contract involves goods or services with supply chain exposure to TVPRA-listed product categories from Section 301-investigated economies. AND Contractor has not documented a supply chain due diligence process addressing the specific TVPRA-documented risks. All three conditions are assessable by a contracting officer performing a responsibility determination under FAR Part 9.

REQUIRED AGENCY ACTION

Contracting officer shall require contractor to present supply chain compliance documentation as part of pre-award responsibility determination. Contracting officer shall suspend contractor under FAR Subpart 9.4 pending review if documentation is inadequate. GSA/OMB shall issue contractor supply chain risk rating incorporating TVPRA-HTS exposure data. DOJ Civil Division shall receive referrals for False Claims Act investigation where false certifications are identified.

ENFORCEMENT OUTCOME

Contractors with inadequate compliance programs are suspended from federal procurement — government-wide, across all agencies, for up to 12 months pending investigation, with debarment for up to 3 years upon finding. Qui tam relators recover 15-30 percent of treble damages. The FCA creates a private enforcement army that does not require government prosecution resources. FAR supply chain certification requirements extend forced labor enforcement into the federal contractor base without new legislation.

SECTION II — AUTOMATIC ENFORCEMENT TRIGGERS

Each trigger below identifies a specific factual condition whose occurrence automatically initiates a mandatory enforcement sequence. No agency discretion is involved in the triggering step — once the condition exists, the action is mandatory under the cited statute. The executing officer is identified by title, not agency, to emphasize personal accountability. The enforcement outcome is the specific legal consequence that attaches automatically upon completion of the mandatory action.

ENFORCEMENT TRIGGER 01

TVPRA-HTS PRE-ARRIVAL DETENTION FLAG

Statutory Basis:

19 U.S.C. § 1499 (detention authority); 19 U.S.C. § 1307 (absolute prohibition); DOL ILAB TVPRA 11th Ed. HTS Classification Methodology

Condition:

An import entry is filed in CBP ACE with: (a) an HTS code that DOL ILAB's TVPRA-HTS crosswalk maps to a forced labor good; AND (b) a country of origin listed as a Section 301-investigated economy. Both fields are present in every ACE entry before vessel arrival.

Automatic Action:

CBP ACE automated targeting system generates a mandatory 'Forced Labor Hold' flag for the entry. The flag routes the entry to the relevant Center of Excellence and Expertise for documentation review. No port officer action is required to initiate — the flag is system-generated upon condition match. Physical examination is not required at the threshold stage.

Executing Officer:

CBP ACE targeting system (automated) → CBP Center of Excellence and Expertise (documentation review). The executing officer for the documentation review determination is the CEE Director.

Enforcement Outcome:

Entry is held pending CEE review. Importer of record is notified within 5 business days with documentation requirements. Entry is denied if documentation is not submitted within 30 days or does not meet the evidentiary standard. Denial triggers § 1595a(c) forfeiture proceedings — goods do not return to shipper.

ENFORCEMENT TRIGGER 02

DE MINIMIS FORMAL ENTRY CONVERSION

Statutory Basis:

19 U.S.C. § 1321 (de minimis — ineligibility for § 1307 prohibited goods); Trade Act of 2002 § 343 (Electronic Advance Data requirement); 19 CFR § 10.151

Condition:

Electronic Advance Data for a de minimis shipment identifies: (a) shipper address in a Section 301-investigated economy; AND (b) declared contents description matching a TVPRA-listed product category. Both fields are present in EAD submitted pre-arrival under Trade Act § 343.

Automatic Action:

CBP National Targeting Center targeting algorithm flags the shipment for formal entry requirement conversion. De minimis treatment is automatically suspended for the flagged shipment. The shipper

or importer of record must file a formal entry through the Automated Broker Interface within 5 business days of arrival, paying applicable duties and providing origin documentation.

Executing Officer:

CBP National Targeting Center (automated flag) → CBP Port Director (formal entry enforcement). The executing officer for enforcement of the formal entry requirement is the Port Director at the port of arrival.

Enforcement Outcome:

Shipment moves from de minimis (no duties, no documentation) to formal entry (full duties, full documentation, full UFLPA/§ 1307 examination). Shipper's repeated de minimis violations across a rolling period aggregate for penalty assessment under 19 CFR § 111.91. The 1 billion package de minimis flow is reduced at the point of highest forced-labor risk without eliminating de minimis treatment for compliant supply chains.

ENFORCEMENT TRIGGER 03

EAPA MANDATORY TRANSSHIPMENT INVESTIGATION

Statutory Basis:

19 U.S.C. § 1517(b) — 15 business day mandatory investigation initiation

Condition:

Any person files a written allegation with CBP asserting that a specific entry evades § 1307, a WRO, or Section 301 duties through origin falsification, minimal processing, or relabeling in a Tier 2 economy. The Section 301 administrative record (USTR-2026-0134) contains documentation of Tier 2 transshipment pathways. Any person — including USTR, DOL ILAB, or DHS FLETF — may file this allegation.

Automatic Action:

CBP shall initiate a formal EAPA investigation within 15 business days of allegation receipt. CBP shall notify the importer of record of the investigation. CBP shall request documentation from the importer establishing the production history and origin of the merchandise. The investigation initiation is mandatory — CBP has no authority to decline a specific written allegation meeting the statutory definition.

Executing Officer:

CBP Office of Trade, Trade Remedy and Law Enforcement Division. The investigation must be initiated by the Assistant Commissioner for Trade within 15 business days — a mandatory, named statutory deadline.

Enforcement Outcome:

Suspension of liquidation for all entries subject to investigation. Cash deposit or bond requirement for estimated evaded duties. Adverse inference finding if importer does not cooperate. Final determination within 300 calendar days. A finding of evasion results in duty assessment, referral to DOJ for 18 U.S.C. § 542 (customs fraud) prosecution, and potential OFAC referral for money laundering nexus.

ENFORCEMENT TRIGGER 04

§ 12.42 MANDATORY COMMISSIONER REPORT AND TREASURY WITHHOLD ORDER

Statutory Basis:

19 CFR § 12.42 — 'shall transmit' / 'shall instruct' mandatory duties

Condition:

The Commissioner of CBP receives information — including DOL TVPRA listing, Walk Free GSI documentation, or DHS UFLPA Strategy publication — that provides 'reason to believe' that specific merchandise produced with forced labor is being or is likely to be imported. The 'reason to believe' standard is met by TVPRA listing alone — no additional evidence is required.

Automatic Action:

The Commissioner shall transmit a report to the Secretary of the Treasury identifying the merchandise and the basis for belief. The Secretary shall instruct CBP to withhold release of the merchandise. Both 'shall' duties are mandatory — no discretion exists at the report or withhold stage. The withholding applies to the product category from the specified economy, not to individual shipments.

Executing Officer:

CBP Commissioner (report obligation) → Secretary of the Treasury (withhold instruction). Both officers are identified by title in 19 CFR § 12.42. Personal accountability attaches to each named officer for the mandatory duty.

Enforcement Outcome:

Category-level WRO is issued for the specified product from the specified economy. All entries under the covered HTS codes from the covered economy are withheld pending the WRO process. WRO is published in the Federal Register and loaded into CBP ACE as an automatic hold trigger. The WRO operates in perpetuity until modified or revoked by formal CBP action.

ENFORCEMENT TRIGGER 05**§ 2414 DETERMINATION — MANDATORY 30-DAY §305 ACTION****Statutory Basis:**

19 U.S.C. § 2414 (mandatory determination); 19 U.S.C. § 2415(a) ('shall' take action within 30 days)

Condition:

USTR's 12-to-18 month determination window expires (April 2027 – September 2027). Economy has not entered an ART commitment with verifiable forced labor import ban. Economy's consultation record does not rebut the documented unreasonable practice finding.

Automatic Action:

USTR shall publish a §2414 determination in the Federal Register. Within 30 days of publication: USTR shall take action under §2415(a). Action includes additional duties, import restrictions, or suspension of preferential treatment. USTR may not defer or decline action without a published Federal Register determination that action is detrimental to U.S. economic interests — a determination subject to APA § 706(2)(A) review on the documented exposure record.

Executing Officer:

United States Trade Representative (§ 2414 determination) → USTR (§ 2415 action within 30 days). The USTR is the sole executing officer. The 30-day action deadline is a statutory mandatory duty with no discretionary extension.

Enforcement Outcome:

Section 301 additional duties are self-executing upon USTR's §2415 action notice. CBP applies the additional duty rate to all covered entries. The duty cascade applies to all goods from the determined economy in covered HTS chapters. Economies implementing verifiable forced labor import bans within 180 days may seek §2416 modification — creating an automatic compliance incentive.

ENFORCEMENT TRIGGER 06

A-123 MATERIAL WEAKNESS CORRECTIVE ACTION MANDATE

Statutory Basis:

31 U.S.C. § 3512(d) (FMIA annual certification); OMB Circular A-123 (2026) Section III.D (corrective action requirement)

Condition:

DHS OIG completes A-123 material weakness assessment and finds that CBP's forced labor enforcement program fails to provide reasonable assurance of achieving its statutory objectives. The finding is documented in an OIG report transmitted to the DHS Secretary and OMB.

Automatic Action:

DHS Secretary shall develop and publish a corrective action plan within 90 days of the OIG material weakness finding. The corrective action plan shall include specific milestones, responsible officers, and measurable performance targets. OMB shall monitor implementation and require quarterly progress reports. The corrective action obligation is mandatory under A-123 Section III.D — 'shall' appears in the directive.

Executing Officer:

DHS Secretary (corrective action plan) → OMB Deputy Director for Management (monitoring). Both officers have mandatory duties under A-123. The GAO High-Risk designation, if obtained, adds a second mandatory monitoring layer.

Enforcement Outcome:

Corrective action plan is binding on DHS. Failure to implement milestones is a §3512(d) violation reportable in the next annual A-123 certification. Congressional appropriations can be conditioned on milestone completion. GAO monitoring reports create public accountability. The corrective action framework converts a prior enforcement discretion into a binding administrative commitment.

ENFORCEMENT TRIGGER 07

GSP MANDATORY ELIGIBILITY SUSPENSION

Statutory Basis:

19 U.S.C. § 2462(b)(2)(G) (worker rights eligibility condition); 19 U.S.C. § 2464 (annual GSP review); 19 U.S.C. § 2465 (presidential suspension authority)

Condition:

Economy receives an affirmative §2414 determination. Economy is a GSP beneficiary. Economy has not entered an ART with verifiable forced labor import ban commitment. Economy has not demonstrated through the §2464 annual review process that it has taken adequate steps to afford internationally recognized worker rights.

Automatic Action:

USTR shall initiate a mandatory GSP eligibility review and publish a Federal Register notice within 60 days of §2414 determination. The President, upon USTR's recommendation, shall issue a proclamation suspending GSP benefits for the affected economy. The suspension is self-executing upon proclamation publication — no congressional action required. CBP applies MFN duty rates to all previously GSP-covered goods upon proclamation effective date.

Executing Officer:

United States Trade Representative (GSP review initiation and recommendation) → President (proclamation) → CBP (automatic duty rate change at port of entry). All three executing actions are mandatory upon condition satisfaction.

Enforcement Outcome:

MFN duties apply immediately to all previously GSP-duty-free goods from suspended economy. The duty increase is additive to any §301 additional duties. The GSP suspension is published in the Harmonized Tariff Schedule — CBP's ACE system updates automatically. Reinstatement requires a new presidential proclamation upon demonstration of adequate worker rights steps — including a verifiable forced labor import ban.

ENFORCEMENT TRIGGER 08

OFAC SECTORAL SANCTION — FORCED LABOR INDUSTRY DESIGNATION

Statutory Basis:

50 U.S.C. § 1701 (IEEPA); EO 14257 (existing national emergency); OFAC 31 CFR §§ 500-599 (regulatory framework)

Condition:

USTR §2414 determination identifies a non-ART economy as maintaining unreasonable forced labor practices. Treasury General Counsel determines that the forced labor practices of the economy constitute a threat within the scope of EO 14257's existing IEEPA national emergency. OFAC prepares a Sectoral Sanctions Identification list entry for the TVPRA-identified industry sector of the determined economy.

Automatic Action:

OFAC shall publish the SSI list entry in the Federal Register. Upon publication: U.S. persons are prohibited from new investment in listed sectors; U.S. financial institutions cannot provide trade finance for listed sector transactions without OFAC license; correspondent banks processing transactions for listed sector entities must file SARs under 31 U.S.C. § 5318. No individual SDN designation of specific entities is required.

Executing Officer:

OFAC Director (SSI designation) → U.S. financial institutions (automatic compliance obligation) → FinCEN (SAR receipt and referral). The executing obligation on financial institutions is automatic upon Federal Register publication — no individual notice to each institution is required.

Enforcement Outcome:

Dollar-clearing becomes unavailable for listed sector transactions through U.S. correspondent banking. Trade finance for forced labor sector goods in the designated economy is blocked at the financial system level — independently of whether CBP has the capacity to screen at the border. The financial enforcement track provides redundant enforcement that operates without CBP staffing constraints.

ENFORCEMENT TRIGGER 09

FAR 52.222-50 CONTRACTOR SUSPENSION — FALSE CERTIFICATION

Statutory Basis:

FAR 52.222-50 (mandatory contract clause); FAR Subpart 9.4 (suspension and debarment); 31 U.S.C. § 3729 (False Claims Act)

Condition:

Contracting officer identifies that a federal contractor's supply chain includes TVPRA-listed goods from Section 301-investigated economies. Contractor's FAR 52.222-50 certification does not document a supply chain due diligence process addressing the identified TVPRA risks. Contractor submitted the certification as part of a federal contract award.

Automatic Action:

Contracting officer shall suspend the contractor under FAR Subpart 9.4 pending investigation of the false certification. Suspension is government-wide — all agencies are notified through the System for Award Management (SAM). Contracting officer shall refer the matter to the agency's Debaring Official and to DOJ Civil Division for False Claims Act assessment. Suspension is immediate upon contracting officer determination — no prior notice to contractor is required.

Executing Officer:

Contracting Officer (suspension determination) → Debaring Official (debarment proceedings) → DOJ Civil Division (False Claims Act referral). The suspension determination is within the contracting officer's sole authority — no superior approval is required for an immediate suspension.

Enforcement Outcome:

Contractor is suspended from all federal procurement government-wide for up to 12 months pending investigation. Debarment can extend up to 3 years. False Claims Act liability: treble damages plus \$27,018 per false claim. Qui tam relators receive 15-30 percent of recovery — creating private enforcement incentive that operates without DOJ initiation.

ENFORCEMENT TRIGGER 10

§ 1595a(c) MANDATORY FORFEITURE — NO RETURN TO SHIPPER

Statutory Basis:

19 U.S.C. § 1595a(c) (merchandise introduced contrary to law subject to forfeiture)

Condition:

CBP makes a final determination under 19 U.S.C. § 1307 that specific goods were produced with forced labor. Goods have been withheld under a WRO or UFLPA proceeding. Importer has either failed to rebut the presumption or failed to submit documentation within the required timeframe.

Automatic Action:

CBP shall seize and forfeit the merchandise under § 1595a(c). Merchandise introduced contrary to law — including § 1307 — is subject to forfeiture. The forfeiture is mandatory upon final § 1307 determination — CBP has no discretion to return goods to shipper once a final determination of forced labor production is made. Return to shipper is not a compliant disposition for § 1307-prohibited goods.

Executing Officer:

CBP Port Director (seizure order) → CBP Fines, Penalties and Forfeitures Officer (forfeiture proceedings). Both officers are identified positions within CBP's port-level structure. The forfeiture proceeding is governed by 19 CFR Part 162.

Enforcement Outcome:

Goods are forfeited to the United States — not returned to shipper for re-export. Forfeiture eliminates the financial incentive structure that makes 'return to shipper' a commercially acceptable outcome for forced labor producers. Forfeited goods are either destroyed or transferred to federal use depending on product category. Shipper has no recourse in rem against the forfeited goods.

ENFORCEMENT TRIGGER 11

EAD AGGREGATION — DE MINIMIS MULTI-SHIPMENT THRESHOLD

Statutory Basis:

Trade Act of 2002 § 343 (Electronic Advance Data); 19 U.S.C. § 1321(a)(2) (de minimis); Ranking Member Ivey's October 2023 congressional record (aggregation proposal)

Condition:

Electronic Advance Data shows that a single shipper or shipper address in a Section 301-investigated economy has submitted five or more separate de minimis shipments within a rolling 30-day period, each individually below \$800, with declared contents matching a TVPRA-listed product category. The aggregate value of the shipments exceeds \$800.

Automatic Action:

CBP National Targeting Center shall aggregate the shipments for threshold calculation purposes under the CBP ruling authority established in 19 CFR § 177.1. The aggregated shipment value exceeds the \$800 de minimis threshold — triggering formal entry requirements for the next shipment in the series from the same shipper. CBP shall issue a formal notice to the shipper's EAD-identified contact address that subsequent shipments require formal entry.

Executing Officer:

CBP National Targeting Center (aggregation determination — automated) → CBP Port Director (formal entry enforcement on subsequent shipments). The NTC aggregation determination is the automated triggering step; the Port Director executes the formal entry requirement.

Enforcement Outcome:

Repeated small-parcel circumvention of de minimis is terminated for the identified shipper. The shipper faces formal entry requirements, full duty assessment, and full UFLPA/§ 1307 documentation requirements on all subsequent shipments until the shipper demonstrates compliant origin. The aggregation mechanism addresses the specific concern Ranking Member Ivey identified in October 2023 without requiring new legislation — CBP's existing ruling authority supports the aggregation approach.

ENFORCEMENT TRIGGER 12

§ 706(1) JUDICIAL MANDAMUS — COMPELLING DISCRETE REQUIRED ACTION

Statutory Basis:

5 U.S.C. § 706(1) (compel agency action unlawfully withheld); Norton v. SUWA, 542 U.S. 55 (2004); 19 CFR § 12.42 ('shall transmit' and 'shall instruct' duties)

Condition:

A U.S. domestic producer adversely affected by importation of forced-labor goods files a petition for review in the U.S. Court of International Trade (CIT) under 28 U.S.C. § 1581(i), alleging that CBP has unlawfully withheld the discrete mandatory action required by 19 CFR § 12.42 — namely, the Commissioner's 'shall transmit' report to the Treasury Secretary upon reasonable belief of forced labor importation. The petitioner presents TVPRA documentation for the specific product category as evidence of reasonable belief.

Automatic Action:

The CIT shall review whether CBP has performed the discrete mandatory action required by 19 CFR § 12.42. Under Norton v. SUWA, the court shall compel the action if it is both 'discrete' and 'mandatory.' 19 CFR § 12.42's 'shall transmit' duty is discrete (a specific report to a specific officer) and mandatory ('shall'). The court shall order CBP to transmit the §12.42 report within a defined timeframe.

Executing Officer:

U.S. Court of International Trade (28 U.S.C. § 1581(i) jurisdiction) → CBP Commissioner (mandatory writ compliance). The court's writ is self-executing upon issuance — CBP must comply within the court-ordered timeframe or face contempt.

Enforcement Outcome:

A writ of mandamus compelling the § 12.42 report initiates the mandatory Treasury withhold instruction sequence. The CIT's jurisdiction under § 1581(i) covers 'any civil action ... that arises out of any law of the United States providing for ... the exclusion of merchandise.' A category-level mandamus covering all TVPRA-listed goods from Section 301-investigated economies converts the judicial trigger into a category-level enforcement order — independent of CBP's administrative enforcement posture.

SECTION III — HOW THIS ELIMINATES DISCRETION

Federal enforcement discretion is the gap between 'may' and 'shall.' Each transformation below identifies a specific statutory or regulatory text that has been treated as discretionary and shows the legal basis on which it is, in fact, mandatory. Where a 'may' provision exists and cannot be converted to 'shall,' the mechanism for constraining that discretion through condition-precedent structures, reporting requirements, and judicial review is identified.

Statute	Current Discretionary Treatment	Correct Mandatory Reading	Mechanism That Removes Discretion
19 U.S.C. § 1307	CBP treats WRO issuance as a programmatic enforcement priority decision, exercised entity-by-entity at CBP leadership discretion.	§ 1307 uses 'shall not be entitled to entry' — unconditional. 19 CFR § 12.42 uses 'shall transmit' and 'shall instruct' — no discretion at the report or withhold stage.	TVPPRA listing satisfies 'reason to believe' threshold. Once threshold crossed, § 12.42 report is mandatory. APA § 706(1) mandamus compels discrete action. CBP ACE HTS flag automates threshold detection.
19 U.S.C. § 1517 (EAPA)	CBP treats EAPA initiation as dependent on CBP's own enforcement priorities and available resources.	§ 1517(b) states CBP 'shall' initiate investigation within 15 business days of allegation receipt. Initiation is mandatory upon any specific written allegation — resources are not a statutory exception.	Any person may file EAPA allegation. Filing creates mandatory 15-day investigation trigger. Failure to initiate is reviewable under APA § 706(1) as failure to take a discrete required action.
19 U.S.C. § 1321 de minimis	CBP treats de minimis as universally available for all shipments below \$800 regardless of product category or origin.	§ 1321 exemption is available only for merchandise 'otherwise entitled to be imported.' § 1307-prohibited goods are not otherwise entitled to be imported — no discretion exists to grant de minimis to prohibited goods.	CBP General Counsel binding opinion establishing § 1307/§ 1321 incompatibility. EAD-based NTC targeting algorithm flags prohibited-category de minimis shipments for formal entry conversion. Opinion is not discretionary once issued.
19 U.S.C. § 2415 § 305 action	USTR treats § 305 action as a policy decision subject to economic interest balancing with broad discretionary scope.	§ 2415(a) states USTR 'shall' take action within 30 days of § 2414 determination. The 'detrimental to economic interests' exception requires a published Federal Register determination — which is itself subject to APA § 706(2)(A) review.	\$840.6B documented annual exposure makes any 'detrimental to economic interests' finding subject to State Farm arbitrary and capricious challenge. The record forecloses the discretionary escape.
FAR 52.222-50	Contracting officers treat FAR 52.222-50	FAR Part 9 responsibility	TVPPRA-HTS-supply chain cross-reference tool for contracting

	<p>certification review as a compliance check, not a supply chain audit trigger.</p>	<p>determination is a mandatory pre-award action. A known false certification is a per se failure of the responsibility standard. Contracting officer has no discretion to award to a non-responsible contractor.</p>	<p>officers converts certification review from formality to substantive audit. False certification + award = False Claims Act exposure for contracting officer and contractor.</p>
<p>31 U.S.C. § 3512 A-123</p>	<p>Agency heads treat A-123 certification as a bureaucratic annual filing, not a substantive program performance assessment.</p>	<p>§ 3512(d) requires certification that internal controls provide 'reasonable assurance.' A 0.02% enforcement rate against a mandatory exclusion obligation cannot provide reasonable assurance as a matter of definition. The certification is false if filed without a material weakness finding.</p>	<p>OIG assessment of A-123 certification accuracy creates mandatory reporting obligation. False certification under FMIA is an Inspector General Act reportable condition. OMB review of DHS certification creates mandatory corrective action obligation.</p>

SECTION IV — HOW THIS SCALES WITHOUT ADDITIONAL STAFF

The Three-System Integration Architecture

The enforcement collapse documented in the Section 301 record is not primarily a staffing problem — it is a data architecture problem. The National Treasury Employees Union documented in October 2023 that CBP trade personnel have not increased since FY2003 despite a 32-fold volume increase. Hiring alone cannot close a 32x gap. The mechanism for scaling enforcement without proportional staffing increases is system integration: connecting three existing, funded, operational federal data systems into a single automated enforcement pipeline.

SYSTEM	CURRENT FUNCTION	FORCED LABOR DATA LOADED?	INTEGRATION ACTION REQUIRED	ENFORCEMENT CAPACITY AFTER INTEGRATION
CBP Automated Commercial Environment (ACE)	Processes every import entry electronically before arrival. Receives HTS code, country of origin, importer of record, manufacturer, and value for every entry.	UFLPA Entity List only — 144 entities. TVPRA-HTS crosswalk NOT loaded. Category-economy combination flags NOT operational.	CBP Commissioner directive to load DOL TVPRA-HTS crosswalk and Section 301 economy flags as automated hold criteria. No rulemaking required. Implementation timeline: 60–90 days.	Every entry under TVPRA-mapped HTS codes from 60 Section 301 economies receives automatic pre-arrival hold flag. Estimated coverage: tens of thousands of entries per month — without port officer initiation.
U.S. Census Bureau FT900 / USA Trade Online	Official federal record of all U.S. imports by country, HTS chapter, and time period. Published monthly. Used by USTR and Commerce for trade policy. All entry-level data underlying FT900 resides in Census Bureau systems.	Trade data only — no forced labor classification. TVPRA-HTS crosswalk NOT integrated. Section 301 economy flags NOT loaded.	OMB Evidence Act directive to Census Bureau and CBP to establish shared data protocol: FT900 country-sector data + TVPRA-HTS mapping = automated exposure quantification by HTS code and economy, updated monthly.	Automated monthly enforcement gap report: for each TVPRA-HTS-economy combination, system reports total entry volume versus enforcement action volume. Provides real-time A-123 material weakness monitoring without manual compilation.
DOL ILAB TVPRA HTS Classification Database	Maps 204 forced labor goods from 82 countries to specific HTS codes via BETTER Trade Tool methodology. Published and updated with each TVPRA edition. Publicly available. Not loaded into any	Data exists in DOL ILAB system — not shared with CBP. The mapping is complete for all current TVPRA-listed goods.	DOL-DHS MOU under Evidence Act authority directing ILAB to provide TVPRA-HTS crosswalk to CBP in machine-readable format, updated within 30 days of each TVPRA edition publication. No rulemaking required.	Every TVPRA edition update automatically propagates to CBP ACE enforcement targeting within 30 days. Forced labor enforcement scope expands in lock-step with DOL's annual findings — without CBP staff action.

	CBP enforcement system.			
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Scale Mathematics — Enforcement Without Proportional Staffing

ENFORCEMENT MECHANISM	STAFF REQUIRED TO INITIATE	ENTRIES COVERED PER DAY (ESTIMATED)	LEGAL BASIS FOR SCALE
Current CBP WRO enforcement (entity-specific)	CBP leadership decision per WRO; port officer review per shipment	Approximately 114 entries/day (based on 41,857 total over 4 years)	CBP discretionary programmatic action
TVPRA-HTS ACE automated flag (post-integration)	Zero — system-generated upon HTS code + origin condition match	Estimated thousands per day across all TVPRA-mapped HTS codes from 60 economies	19 U.S.C. § 1499; CBP ACE operational authority; automated targeting system
De minimis EAD trigger (NTC automated)	Zero — system-generated upon EAD shipper + declared contents condition match	Estimated hundreds per day for highest-risk de minimis flows	Trade Act § 343 EAD requirement; 19 CFR § 10.151; NTC targeting authority
EAPA mandatory investigation (allegation-based)	One filing officer to prepare and submit written allegation	One allegation creates mandatory investigation covering all entries in the evasion category for the investigation period	19 U.S.C. § 1517 — mandatory 15-business-day investigation; covers all entries in scope
CEE documentation review (centralized)	CEE staff reviewing importer documentation packages — not port-level officers	Centralized review multiplies per-officer coverage — one CEE officer reviews documentation for multiple ports simultaneously	UFLPA CEE model — existing operational architecture
ACE material weakness monitoring (automated)	Zero — automated FT900-ACE integration generates enforcement gap report	Continuous monitoring — report generated monthly, automatically flagging program performance decline for A-123 purposes	OMB Evidence Act; A-123 monitoring requirement; FT900 data authority

The ASEMA Integration — Chain-of-Custody Verification at Scale

The three-system integration architecture described above addresses the detection and flagging phase of enforcement. The verification phase — determining whether an importer's documentation meets the 'clear and convincing evidence' standard for rebutting the § 1307/UFLPA presumption — requires a chain-of-custody verification capability that the current paper-document review process does not provide at scale. The ASEMA platform (DARPA SBIR HR0011SB20254-12, DTIC AD1348980) provides AI-driven encrypted communications security assessment and chain-of-custody verification specifically designed for supply chain integrity applications.

VERIFICATION GAP	CURRENT LIMITATION	ASEMA CAPABILITY	ENFORCEMENT IMPACT
Supply chain documentation completeness	CBP CEE reviews paper or PDF documentation packages from importers — no automated verification of documentation authenticity or completeness	ASEMA provides encrypted, tamper-evident documentation chain from raw material extraction through manufacture — each node digitally verified	Documentation package review time reduced; fraudulent documentation identified automatically; CEE officers focus on exceptions
Communications security in supply chain reporting	Importer-submitted supply chain reports pass through unsecured channels — susceptible to alteration or fabrication without detection	ASEMA's encrypted communications security assessment verifies integrity of supply chain communications from original source	Supply chain documentation cannot be altered in transit; fabricated reports are detectable; evidentiary integrity for APA § 706 record
Multi-source corroboration at scale	CBP relies on importer documentation as primary evidence — independent corroboration requires manual investigation	ASEMA integrates NOAA IUU vessel tracking, CBP ACE entry data, DOL TVPRA, and importer documentation into a single verification layer	Multi-source corroboration standard (required for judicially durable enforcement) is automated rather than manual
Federal acquisition as enforcement infrastructure	No federal contract for supply chain integrity verification technology specifically supporting § 1307/UFLPA enforcement at 60-economy scale	ASEMA is available for federal acquisition under FAR Part 12 commercial item authority; DARPA SBIR HR0011SB20254-12 establishes federal investment basis	Federal acquisition closes the final gap in the enforcement architecture — detection, documentation verification, and chain-of-custody are all automated

OPERATIONAL SUMMARY — THE ENFORCEMENT SYSTEM THAT EXISTS UNDER CURRENT LAW

This framework identifies no enforcement gap that requires new legislation to close. Each element operates under an existing Act of Congress, an existing executive order, or an existing administrative authority. The enforcement system is not absent. It has not been assembled. The following table presents the complete enforcement cascade in operational sequence.

SEQUENCE	TRIGGER	MECHANISM	EXECUTING OFFICER	LEGAL BASIS	DISCRETION REMAINING
01	TVPR-ACE code match in HTS entry pre-arrival	Automated ACE forced labor hold flag	CBP ACE system (automated)	19 U.S.C. § 1499; ACE targeting authority	None — system-generated upon condition match
02	Hold flag generated	CEE documentation review notification to importer	CBP CEE Director	P.L. 117-78 § 3(b); UFLPA rebuttable presumption model	None — notification is mandatory upon hold
03	Importer fails to submit documentation within 30 days	§ 1307 denial of entry; § 1595a(c) forfeiture initiation	CBP Port Director	19 U.S.C. §§ 1307, 1595a(c)	None — forfeiture is mandatory for § 1307-prohibited goods
04	Documented Tier 2 transshipment pathway	EAPA allegation filed by USTR/DOL/DHS	USTR Trade Representative / DOL ILAB / DHS FLETF (coordinated)	19 U.S.C. § 1517 — 15-day mandatory investigation	None — investigation initiation is mandatory upon allegation
05	§ 2414 affirmative determination (mandatory by Sep 2027)	§ 305 additional duties — 30-day mandatory action	United States Trade Representative	19 U.S.C. §§ 2414-2415 — 'shall' take action	Only 'detrimental to U.S. economic interests' exception — subject to APA § 706 review
06	§ 2414 determination for GSP-eligible economy	GSP suspension — automatic tariff rate change	President (proclamation) → CBP (ACE rate update)	19 U.S.C. §§ 2462-2465	Presidential proclamation discretion constrained by worker rights condition and APA review
07	§ 2414 determination + IEEPA emergency nexus finding	OFAC sectoral sanction — financial system enforcement	OFAC Director	50 U.S.C. § 1701; EO 14257	OFAC designation discretion — constrained by documented § 301 record

08	A-123 material weakness finding by DHS OIG	Mandatory corrective action plan — 90-day deadline	DHS Secretary	31 U.S.C. § 3512(d); OMB A-123 Section III.D	None on corrective action obligation — deadline is mandatory
09	False FAR 52.222-50 certification identified	Immediate contractor suspension government-wide	Contracting Officer	FAR Subpart 9.4; FAR 9.407-2	None on suspension initiation — contracting officer has suspension authority upon finding
10	Any person files APA § 706(1) petition in CIT	Judicial mandamus compelling § 12.42 discrete required action	U.S. Court of International Trade	5 U.S.C. § 706(1); 28 U.S.C. § 1581(i); Norton v. SUWA	None — court shall compel upon finding of discrete mandatory duty

DOCTRINE STATEMENT

The United States already has the complete legal authority to end the importation of goods produced with forced labor at scale, across all 60 investigated economies, without new legislation. The authority resides in 19 U.S.C. § 1307's unconditional mandatory exclusion, the UFLPA's rebuttable presumption model, EAPA's mandatory investigation trigger, Section 301's mandatory determination cascade, IEEPA's sectoral blocking authority, the GSP's worker rights eligibility condition, the False Claims Act's self-executing private enforcement mechanism, and APA § 706's judicial compulsion authority. The data to execute this authority resides in CBP ACE, the Census Bureau FT900 dataset, and DOL ILAB's TVPRA-HTS classification system — all currently funded, operational, and maintained by the federal government. The verification infrastructure to make enforcement legally durable resides in the ASEMA platform. The only element that does not currently exist is the administrative coordination to assemble these components into the enforcement pipeline this document describes. That assembly requires administrative will, congressional oversight pressure, and a contracting action — not a new Act of Congress.

James Hunter Poole | Executive Chairman & CEO, Obelisk Tech Systems Inc.

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