

MULTI-LAYER ENFORCEMENT ARCHITECTURE

PROCEDURAL AUTHORITY REFERENCE STACK

Section 301 Forced Labor Import Enforcement — 60 Economies

SUBMITTER	DOCKET	DATE
James Hunter Poole, CEO — Obelisk Tech Systems Inc. CAGE: 9S0L8 ITAR DS-2032 HUBZone DARPA SBIR HR0011SB20254-12	USTR-2026-0134 FR Doc. 2026-05151	April 15, 2026

This document is a federal enforcement architecture reference. It is not a policy summary. Each entry identifies a specific statutory or regulatory duty, the point at which that duty is currently not being discharged, and the precise procedural mechanism by which it can be converted into mandatory enforcement action. Designed for use by: GAO auditors, agency Inspectors General, program managers, contracting officers, congressional oversight staff, and federal litigators.

ARCHITECTURE OVERVIEW — HOW THE FIVE LAYERS INTERLOCK

This enforcement architecture is organized in five discrete but interdependent layers. Each layer addresses a distinct failure mode documented in the public record — including the October 2023 House Homeland Security Subcommittee hearing (Serial No. 118-34), GAO reports cited herein, CBP's own UFLPA Enforcement Statistics Dashboard, OMB Circular A-123 internal control requirements, and USTR's Section 301 administrative record (USTR-2026-0134). No layer operates in isolation. A failure in Layer 1 (statutory predicate) propagates downward through all subsequent layers. A failure in Layer 4 (operational execution) cannot be remediated by Layer 1 authority alone without the intermediate control and oversight mechanisms of Layers 2 and 3.

LAYER	FUNCTION	PRIMARY AGENCIES	FAILURE MODE ADDRESSED
Layer 1 — Statutory Authority	Establishes the legal predicate for all enforcement actions. Defines the mandatory duties agencies must discharge.	USTR, CBP, DHS, DOL, Treasury/OFAC	Authorities exist but are selectively applied; mandatory duties treated as discretionary; scope limited to XUAR when statute reaches all forced labor
Layer 2 — Regulatory Enforcement	Converts statutory authority into operational enforcement mechanisms through rulemaking, WROs, entity lists, HTS classification, and EAPA investigations.	CBP, FLETF, DOL ILAB, Commerce BIS	Regulatory tools used reactively and at entity-specific scale; no systematic product-category or economy-level application; HTS classification capability unused for border automation
Layer 3 — Administrative Control Failure	Documents the failure of internal controls (OMB A-123), program execution (OMB A-11), and congressional reporting obligations — creating independent enforcement leverage through oversight accountability.	OMB, GAO, Agency OIGs, Congressional Committees	Material control weaknesses not reported; mandatory reports not submitted; GAO High-Risk criteria met but not designated; OIG referral pathways unused
Layer 4 — Operational Execution Gap	Identifies specific CBP/DHS operational failures — staffing, automation, de minimis, chain-of-custody — that prevent even properly designed enforcement mechanisms from functioning at scale.	CBP Office of Field Operations, CBP ACE system, NTEU workforce	32x trade volume increase since 2003 with zero net personnel increase; de minimis exceeds 1 billion packages; ACE system not integrated with forced labor risk data
Layer 5 — Automated Enforcement Pathway	Presents the data integration architecture — Census FT900, CBP ACE, DOL TVPRA, HTS classification, UFLPA entity data — that converts existing legal authority into	CBP ACE, Census Bureau, DOL ILAB, ASEMA platform (DARPA SBIR HR0011SB20254-12)	Government data systems operate in silos; FT900 import data never integrated with CBP risk targeting; HTS-forced labor classification not loaded into ACE automated holds

	automatic, scalable enforcement without new legislation.		
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LAYER 1

STATUTORY AUTHORITY

The legal duties agencies are required to discharge — and the precise points at which those duties are not being met

Layer 1 establishes the foundational statutory predicates for all enforcement action. Each authority below imposes a mandatory duty on a specific federal officer or agency. Where that duty is not being discharged, the gap constitutes an actionable administrative record entry, a GAO-citable program failure, and — in several instances — an Inspector General referral pathway. Authorities marked [DE MINIMIS] have a specific nexus to the de minimis circumvention loophole documented by Chairman Bishop and Kimberly Glas (NCTO) in the October 2023 House Homeland Security hearing.

ABSOLUTE FORCED LABOR IMPORT PROHIBITION [SUPPLY CHAIN TRACEABILITY | ENFORCEMENT SCALING]

Authority: 19 U.S.C. § 1307 (Tariff Act of 1930, Section 307)

Mandatory Duty: CBP is required to exclude from entry any merchandise produced, mined, or manufactured in whole or in part by forced labor, including convict labor, forced child labor, and indentured labor. The word 'shall' in the operative text creates a mandatory duty, not a discretionary authority. CBP has no legal authority to admit goods that meet the § 1307 definition regardless of administrative convenience, staffing, or trade volume.

Current Failure: CBP treats § 1307 as a discretionary enforcement tool exercised through Withhold Release Orders on a case-by-case, entity-specific basis. The statute contains no such limitation. GAO has not formally audited whether CBP's WRO-only enforcement model is consistent with the mandatory 'shall exclude' text of § 1307. No OIG finding has been published addressing this gap.

Enforcement Leverage: Any importer whose goods are excluded under a WRO is entitled to judicial review under APA § 706. The administrative record of this Section 301 proceeding, documenting that 52 of 60 investigated economies have no forced labor import ban and that Walk Free GSI 2023 documents tens of millions of persons in forced labor in those economies, establishes the evidentiary predicate for a category-level § 1307 exclusion determination — not entity-specific, but product-and-economy-specific. Congressional direction to CBP to apply § 1307 at the product-category level for all TVPRA-listed goods from all Section 301-investigated economies would not require new legislation — it would require a reinterpretation of existing mandatory duty consistent with the statute's plain text.

UFLPA REBUTTABLE PRESUMPTION — MANDATORY SCOPE DETERMINATION [DE MINIMIS | ENFORCEMENT SCALING]

Authority: P.L. 117-78, § 3(a)-(b) | Uyghur Forced Labor Prevention Act (2021)

Mandatory Duty: DHS is required to apply a rebuttable presumption that goods from XUAR or touching UFLPA Entity List entities are produced with forced labor, unless the Commissioner of CBP determines by clear and convincing evidence that the goods were not produced with forced labor. The statute requires DHS to publish and update the UFLPA Strategy, update the Entity List with new entities, and report progress to Congress on defined schedules.

Current Failure: The UFLPA Entity List stood at 144 entities as of December 31, 2025. The October 2023 hearing record documented that CBP added only 7 entities in the prior year — a rate Chairman

Bishop explicitly identified as too slow. The statute does not impose a numerical floor on Entity List additions, creating de facto discretion where the statutory scheme envisions active, ongoing designation. FLETF's own record shows three Priority Sector expansions since 2022 — each adding sectors — without corresponding proportional Entity List growth.

Enforcement Leverage: Section 3(b)(3) of UFLPA requires the Commissioner to maintain a process for importers to submit documentation to overcome the presumption. This administrative apparatus is operating. The gap is at the front end: the presumption is applied only to XUAR-origin and Entity List-connected goods. The statute does not prohibit DHS from applying a parallel regulatory presumption to other economies under separate regulatory authority — specifically, a UFLPA-model presumption applied through 19 CFR rulemaking to all TVPRA-listed goods from Section 301-investigated economies. DHS has not initiated such rulemaking. A congressional mandate to do so within 180 days of Section 301 determination would close this gap.

SECTION 301 DETERMINATION — MANDATORY TIMELINE AND MANDATORY ACTION [ENFORCEMENT SCALING]

Authority: 19 U.S.C. §§ 2414-2415 (Trade Act of 1974, Sections 304-305)

Mandatory Duty: Under § 2414, USTR must determine whether the acts, policies, or practices under investigation are actionable within 12 to 18 months of investigation initiation (March 12, 2026), making the mandatory determination window April 2027 – September 2027. Under § 2415, within 30 days of an affirmative § 2414 determination, USTR must take action — defined as imposing duties, fees, or other import restrictions; revoking licenses; or entering into binding agreements. The word 'shall' in § 2415(a) creates an unconditional duty to act. USTR may only decline action if it determines action would be detrimental to U.S. economic interests, which determination must be published in the Federal Register with explanation.

Current Failure: The mandatory 30-day implementation requirement following a § 2414 determination has not historically been enforced by judicial review, partly because private parties lack clear standing to compel USTR action under § 2415. However, the administrative record created at this hearing — including \$840.6 billion in documented annual trade exposure per Census FT900 — makes any USTR determination that action is 'detrimental to U.S. economic interests' subject to APA § 706 arbitrary and capricious review with a very high burden on the government.

Enforcement Leverage: Congressional direction to USTR to issue an interim determination within 90 days identifying economies that have failed to demonstrate any steps toward forced labor import ban implementation — and imposing 5 percent preliminary duties pending final determination — is consistent with § 301 authority and preceded by the Nicaragua October 2025 determination. This creates the automatic statutory cascade: interim determination → preliminary duties → § 2415 final action within 30 days of final determination.

USMCA CHAPTER 23 RAPID RESPONSE MECHANISM — MANDATORY PANEL CONVENING [SUPPLY CHAIN TRACEABILITY]

Authority: USMCA Chapter 23; 19 U.S.C. § 4533 | USMCA Implementation Act

Mandatory Duty: Under USMCA Article 31-A, either Party may request a Rapid Response Mechanism panel upon allegation of denial of rights at a covered facility. The requesting Party is entitled to a response within 30 days and, upon panel finding of denial, the responding Party must take remediation action within 45 days or face duty increases or suspension of preferential tariff treatment. USTR is required under 19 U.S.C. § 4533 to monitor USMCA labor commitments and report to Congress annually.

Current Failure: USTR has successfully invoked the RRM in multiple Mexico cases, including Orla Mining/Minera Camino Rojo (2026, panel finding: 'severe denial of rights') and ThyssenKrupp Springs & Stabilizers (2026, resolved). Canada, also subject to USMCA Chapter 23, has not faced any RRM proceeding despite Canada's own Supply Chains Act (Bill S-211, IRCC 2024 Report) documenting forced labor in Canadian supply chains. USTR's 2026 Trade Policy Agenda explicitly identifies USMCA transshipment through Canada and Mexico as a concern.

Enforcement Leverage: The IRCC May 2024 Report on Forced Labour in Canadian Supply Chains constitutes a government admission of the conditions required for a finding under § 301(a) unjustifiable practices. Congressional direction to USTR to formally assess Canada's USMCA Chapter 23 obligations in light of the IRCC admission — and to initiate RRM proceedings against identified Canadian facilities within 60 days of the § 301 determination — creates a parallel enforcement track that does not require new legislation.

GSP LABOR RIGHTS ELIGIBILITY CONDITION — MANDATORY REVIEW [DE MINIMIS | ENFORCEMENT SCALING]

Authority: 19 U.S.C. § 2462(b)(2)(G) | Trade Act of 1974, Section 502(b)(2)(G)

Mandatory Duty: The President is prohibited from designating a beneficiary country under the Generalized System of Preferences if that country has not 'taken steps to afford internationally recognized worker rights' as defined by the statute. USTR is required to review GSP eligibility annually and to consider petitions for review. A finding that a beneficiary country maintains forced labor in TVPRA-listed sectors without an equivalent import ban constitutes a failure to take the required steps — making continued GSP designation unlawful, not merely inadvisable.

Current Failure: Multiple GSP-eligible economies on the 60-economy Section 301 list maintain TVPRA-listed forced labor sectors without forced labor import bans. USTR has not initiated mandatory GSP ineligibility reviews grounded in Section 301 investigation findings. The administrative record of USTR-2026-0134, once complete, will contain economy-specific forced labor documentation for all 60 economies. That record, combined with the mandatory § 2462(b)(2)(G) review obligation, creates an automatic GSP termination trigger that does not require additional legislation.

Enforcement Leverage: Congressional direction requiring USTR to cross-reference Section 301 investigation findings with GSP eligibility determinations — and to publish the cross-reference analysis within 90 days of each § 2414 determination — creates an automatic GSP review pipeline. Economies that receive a § 2414 affirmative determination of unreasonable forced labor practice would simultaneously face mandatory GSP ineligibility review. Tariff increases from GSP termination take effect without further congressional action.

ILO CONVENTION RATIFICATION AS TREATY OBLIGATION — UNJUSTIFIABLE PRACTICE FINDING [SUPPLY CHAIN TRACEABILITY]

Authority: 19 U.S.C. § 2411(a)(1)(A) — Section 301(a); ILO Convention 29 (1930); ILO Convention 105 (1957)

Mandatory Duty: Section 301(a) requires USTR to take action when a foreign country's acts, policies, or practices are unjustifiable and burden or restrict U.S. commerce. An act is unjustifiable when it is inconsistent with the provisions of, or otherwise denies benefits to the United States under, any trade agreement. ILO Conventions 29 and 105 establish binding international obligations on ratifying states to suppress forced labor. A ratifying state that maintains documented forced labor in its export supply chains without an equivalent import ban is breaching its treaty obligations — an unjustifiable act under § 2411(a).

Current Failure: USTR has not published a formal § 301(a) unjustifiable practice finding based on ILO Convention breach for any of the 60 investigated economies. The legal predicate exists and has been established by the Section 301 initiation notice, which identifies failure to prohibit forced labor imports as the subject of investigation. The additional step — connecting each economy's ILO ratification record to its TVPRA-documented forced labor sectors — is a legal analysis, not a factual investigation, and can be performed from publicly available records.

Enforcement Leverage: Congressional direction requiring USTR to publish, alongside each § 2414 determination, an analysis of whether the investigated economy's practice constitutes an unjustifiable act under § 2411(a)(1)(A) by virtue of ILO Convention ratification — would create a legally binding second ground for the determination, one that triggers different remedy provisions under § 2411(a)(2) and that supports OFAC secondary sanctions authority under IEEPA where national security is implicated.

LAYER 2

REGULATORY ENFORCEMENT

Converting statutory authority into operational mechanisms — where rulemaking, classification, and entity designation are required but have not been deployed at scale

Layer 2 addresses the regulatory gap between statutory authority (Layer 1) and operational execution (Layer 4). Statutory authority is inert without regulatory implementation. Each entry below identifies a specific regulatory mechanism — a rulemaking, a classification system, an entity list, an investigation procedure — that is required by statute or existing regulation to function in a particular way, and documents the precise manner in which it is currently operating below its legally authorized capacity.

HTS CLASSIFICATION OF FORCED LABOR GOODS — MANDATORY CBP ACE INTEGRATION [DE MINIMIS | SUPPLY CHAIN TRACEABILITY | ENFORCEMENT SCALING]

Authority: 19 U.S.C. § 1484 (entry requirements); 19 CFR § 141.86 (invoice requirements); DOL ILAB TVPRA HTS Classification Methodology (Attachment H to USTR-2026-0134)

Mandatory Duty: CBP is required under 19 U.S.C. § 1484 to properly classify all imported merchandise for duty assessment. DOL ILAB's BETTER Trade Tool HTS Classification Methodology has mapped every good on the TVPRA List (204 goods, 82 countries, 11th Edition, September 5, 2024) to specific HTS codes. CBP's Automated Commercial Environment (ACE) processes every import entry by HTS code at point of filing. The combination of these three existing systems — TVPRA list, HTS mapping, ACE entry processing — creates a legally sufficient basis for automatic risk flagging of all TVPRA-mapped entries from Section 301-investigated economies.

Current Failure: As of the date of this filing, DOL's HTS classification of TVPRA-listed forced labor goods has not been integrated into CBP's ACE targeting system as a mandatory review flag. No rulemaking has been initiated to require this integration. CBP's current risk targeting operates on proprietary algorithms that do not systematically incorporate DOL TVPRA-HTS crosswalk data. The October 2023 hearing record (Chairman Bishop, NCTO) documented that CBP was detaining 0.02 percent of textile and apparel imports despite the availability of this classification data.

Enforcement Leverage: CBP is authorized under 19 CFR Part 162 to use risk targeting criteria. Integration of DOL TVPRA-HTS crosswalk into ACE targeting requires a CBP Commissioner directive — not rulemaking — and can be implemented administratively within 60 days. Congressional direction via appropriations rider or oversight letter requiring CBP to publish a plan for TVPRA-HTS-ACE integration within 90 days creates a mandatory reporting obligation that can be monitored by GAO and the DHS OIG.

WITHHOLD RELEASE ORDER ISSUANCE — MANDATORY VERSUS DISCRETIONARY AUTHORITY [SUPPLY CHAIN TRACEABILITY | ENFORCEMENT SCALING]

Authority: 19 U.S.C. § 1307; 19 CFR § 12.42 — CBP Forced Labor Enforcement Procedures

Mandatory Duty: Under 19 CFR § 12.42, when the Commissioner of CBP has 'reasonable but not conclusive' evidence that merchandise is produced with forced labor, the Commissioner shall transmit a report to the Secretary of the Treasury, who shall order CBP to withhold release of the merchandise. The phrase 'shall transmit' and 'shall order' in § 12.42 impose mandatory procedural duties. The DOL TVPRA List 11th Edition (2024), Walk Free Global Slavery Index country snapshots, and CBP's own

WRO records together constitute 'reasonable but not conclusive' evidence for all TVPRA-listed goods from Section 301-investigated economies.

Current Failure: CBP treats WRO issuance as a discretionary programmatic decision requiring individual-shipment or entity-level evidence, not as a mandatory duty triggered by the existing TVPRA evidentiary record. No formal legal analysis has been published by CBP or DHS OIG concluding that TVPRA documentation does not meet the § 12.42 'reasonable but not conclusive' standard. The October 2023 hearing identified only 55 active WROs across all economies — a figure consistent with treating WRO issuance as exceptional rather than presumptive.

Enforcement Leverage: A formal OIG inquiry directed to DHS OIG — requesting an opinion on whether existing TVPRA 11th Edition documentation for specific goods from Section 301-investigated economies meets the § 12.42 'reasonable but not conclusive' threshold — would create a legally binding administrative record entry. An OIG finding that the threshold is met creates a mandatory duty to issue WROs that is justiciable under APA § 706. Congressional direction to DHS OIG to complete this analysis within 90 days is a standard oversight tool requiring no new legislation.

EAPA MANDATORY INVESTIGATION TRIGGER — ALLEGATION-BASED AUTOMATIC INQUIRY [SUPPLY CHAIN TRACEABILITY | ENFORCEMENT SCALING]

Authority: 19 U.S.C. § 1517 | Enforce and Protect Act of 2015

Mandatory Duty: Under 19 U.S.C. § 1517(b), CBP is required to initiate an investigation within 15 business days of receiving an allegation of evasion of antidumping, countervailing, forced labor, or other trade duties. The statute imposes a mandatory duty to investigate — CBP has no discretion to decline. EAPA explicitly covers evasion of § 1307 forced labor prohibition duties. Every documented instance of Tier 2 transshipment (Hong Kong re-labeling of Chinese XUAR goods; Malaysian minimal processing of Chinese electronics; Turkish rolling of Russian steel) constitutes an evasion allegation that, if formally submitted, triggers the mandatory 15-day investigation requirement.

Current Failure: No systematic EAPA allegation-filing program exists covering all documented Tier 2 transshipment pathways. The administrative record of USTR-2026-0134 contains documentation of transshipment through Hong Kong, Malaysia, UAE, Turkey, Vietnam, Singapore, and Morocco. Each documented pathway, if converted to a formal EAPA allegation, would trigger a mandatory CBP investigation within 15 business days — regardless of CBP's resource constraints or enforcement priorities.

Enforcement Leverage: The United States Trade Representative, DOL ILAB, and DHS FLETF each have standing to submit EAPA allegations to CBP. A coordinated, multi-agency EAPA allegation filing program — targeting the top 10 documented Tier 2 transshipment pathways identified in the Section 301 record — would generate 10 mandatory CBP investigations within 150 business days without requiring any additional legislation. Congressional direction to USTR, DOL, and DHS to coordinate and file EAPA allegations within 60 days of § 2414 determination creates a mandatory interagency enforcement cascade.

DE MINIMIS EXEMPTION — STATUTORY INAPPLICABILITY TO FORCED LABOR GOODS [DE MINIMIS | ENFORCEMENT SCALING]

Authority: 19 U.S.C. § 1321 (de minimis exemption); 19 U.S.C. § 1307 (forced labor absolute prohibition); CBP Treasury Decision 82-224

Mandatory Duty: The de minimis exemption under 19 U.S.C. § 1321 exempts merchandise imported for personal use with a value below \$800 from formal entry requirements. Section 1321 contains no exception to any other provision of the Tariff Act. Section 1307 contains no de minimis carve-out — its prohibition is absolute. The legal question of whether § 1321 de minimis treatment is available for

merchandise that is simultaneously prohibited under § 1307 has not been formally adjudicated. The October 2023 hearing record (Glas/NCTO) documented 1 billion de minimis packages annually, with more than 60 percent from China, and explicit industry testimony that de minimis has become the primary circumvention pathway for UFLPA-covered goods.

Current Failure: CBP has not issued a formal ruling, rulemaking notice, or legal opinion determining that § 1321 de minimis treatment is unavailable for § 1307-prohibited goods. This regulatory silence effectively creates an operational policy — de minimis shipments receive minimal inspection — that is inconsistent with the mandatory exclusion language of § 1307. Acting CBP Commissioner Troy Miller's October 2023 admission that 'screening these shipments and ferreting out contraband is incredibly challenging' is an agency admission of a known control gap, not a legal determination that screening is legally unavailable.

Enforcement Leverage: CBP has authority under 19 CFR § 10.151 to deny de minimis treatment to merchandise that does not meet all conditions for the exemption. A formal CBP ruling that merchandise prohibited under § 1307 is categorically ineligible for § 1321 de minimis treatment — because it cannot be 'lawfully admitted' and therefore cannot qualify for an exemption conditioned on lawful importation — would eliminate the de minimis loophole for forced labor goods without legislation. Congressional direction to CBP General Counsel to publish a binding legal opinion on this question within 90 days converts regulatory silence into a legally contestable determination.

EXECUTIVE ORDER 13126 DOL LIST — MANDATORY FEDERAL PROCUREMENT EXCLUSION [DE MINIMIS | SUPPLY CHAIN TRACEABILITY]

Authority: Executive Order 13126 (1999); FAR Subpart 22.15; 29 CFR Part 810; DOL ILAB EO 13126 List of Products Produced by Forced or Indentured Child Labor

Mandatory Duty: Executive Order 13126 requires federal agencies to take all necessary steps to ensure that they do not procure products produced with forced or indentured child labor. The FAR clause implementing EO 13126 (FAR 22.1503) requires contractors to certify that they have made a good-faith effort to determine whether forced child labor was used to produce any items listed on the DOL ILAB EO 13126 list. DOL is required to publish and maintain the EO 13126 list and to update it as evidence warrants. The list currently covers products from multiple Section 301-investigated economies.

Current Failure: FAR 22.1503 certification requirements apply only to EO 13126-listed products. The DOL EO 13126 list is narrower than the TVPRA List and has not been updated to reflect new TVPRA 11th Edition (2024) findings. The gap between TVPRA documentation (204 goods, 82 countries) and EO 13126 list coverage means that a substantial portion of federal procurement from Section 301-investigated economies is not subject to mandatory contractor certification — despite the underlying forced labor conditions being documented.

Enforcement Leverage: DOL ILAB is required to update the EO 13126 list when new evidence warrants. The TVPRA 11th Edition (September 5, 2024) constitutes new evidence for multiple goods from Section 301-investigated economies that are not currently on the EO 13126 list. Congressional direction to DOL ILAB to update the EO 13126 list within 60 days to incorporate all new TVPRA 11th Edition findings from Section 301-investigated economies — and to direct contracting officers to withhold contract awards for EO 13126-listed products from non-ART economies pending contractor certification — creates an automatic federal procurement exclusion pipeline without new legislation.

OFAC SECTORAL SANCTIONS — SECTION 311 AML DESIGNATION AND IEEPA BLOCKING [ENFORCEMENT SCALING]

Authority: 50 U.S.C. §§ 1701-1706 (IEEPA); 31 CFR Parts 500-599 (OFAC regulations); Executive Order 13902 (Iran sector blocking, January 2020); Executive Order 14257 (reciprocal tariffs, April 2025)

Mandatory Duty: IEEPA grants the President authority to block any transaction involving any property in which a foreign country or national has an interest, upon declaration of a national emergency with a foreign nexus. Executive Order 13902 demonstrated that OFAC can block entire economic sectors (construction, mining, manufacturing, textiles) of a foreign economy without individual SDN designations. Executive Order 14257 demonstrated that IEEPA can be used for broad tariff adjustments. A presidential determination that forced labor supply chains from Section 301-investigated economies constitute an 'unusual and extraordinary threat' to U.S. national security and economy — consistent with the existing IEEPA national emergency on trade deficits (EO 14257) — would authorize OFAC sector-level blocking without new legislation.

Current Failure: No IEEPA national emergency declaration has been issued specifically covering forced labor supply chains as a systemic threat. OFAC's current forced labor enforcement actions are entity-specific SDN designations. The Treasury Department has not published a legal analysis determining whether the existing IEEPA national emergency declaration (EO 14257, trade deficit nexus) covers forced labor supply chains as a component of the same emergency.

Enforcement Leverage: Treasury OIG or GAO could be directed by Congress to assess whether the existing EO 14257 IEEPA emergency declaration, combined with the Section 301 investigation findings, provides a sufficient legal basis for OFAC sector-level blocking of forced-labor-sector transactions with non-ART economies. A Treasury General Counsel opinion concluding that the existing emergency covers forced labor supply chains would authorize OFAC sector designations under existing executive authority — without a new presidential declaration.

LAYER 3

ADMINISTRATIVE CONTROL FAILURE

OMB A-123, GAO, and OIG accountability mechanisms — converting documented agency failures into mandatory corrective action obligations

Layer 3 operates on a different enforcement logic than Layers 1 and 2. Where Layers 1 and 2 address what agencies are authorized or required to do regarding forced labor imports, Layer 3 addresses what agencies are required to do regarding their own program execution failures. OMB Circular A-123 imposes internal control requirements on every federal executive agency. GAO's Standards for Internal Control in the Federal Government (the Green Book) defines the auditing criteria agencies must meet. When an agency's program performance falls below its own documented targets — as CBP's forced labor enforcement has done — the administrative control framework creates independent, mandatory corrective action obligations that exist independently of the underlying trade law.

OMB CIRCULAR A-123 — MATERIAL CONTROL WEAKNESS REPORTING

[ENFORCEMENT SCALING]

Authority: OMB Circular A-123 (2026 revision), Management's Responsibility for Enterprise Risk Management and Internal Control; 31 U.S.C. § 3512 (Federal Managers' Financial Integrity Act)

Mandatory Duty: Under OMB A-123, agency heads are required to annually assess, document, and report to OMB and Congress on the adequacy of internal controls over federal programs. A 'material weakness' is defined as a significant deficiency in the design or operation of internal controls that precludes the agency from providing reasonable assurance that its program objectives are being met. CBP's UFLPA enforcement program — with documented annual enforcement of \$172 million against \$840.6 billion in documented annual exposure, representing a 90 percent single-year decline in FY2025 — is a candidate for material weakness designation under A-123 criteria.

Current Failure: DHS's most recent A-123 Annual Report has not designated CBP's forced labor enforcement program as a material weakness. The FY2025 90 percent enforcement collapse — documented in CBP's own published UFLPA Enforcement Statistics Dashboard — should have triggered an A-123 material weakness review. No evidence exists in the public record that DHS leadership initiated such a review or that OMB has directed one.

Enforcement Leverage: Congressional direction to DHS OIG to conduct an independent review of CBP's forced labor enforcement program under OMB A-123 material weakness criteria — using the FY2025 CBP dashboard data as the primary performance metric — creates a mandatory OIG reporting obligation under the Inspector General Act (5 U.S.C. App. § 5). An OIG finding of material weakness triggers mandatory agency corrective action under A-123, monitored by OMB. This is an oversight mechanism entirely within existing executive branch authority.

GAO HIGH-RISK LIST DESIGNATION — FORCED LABOR ENFORCEMENT AS HIGH-RISK FEDERAL PROGRAM

[DE MINIMIS | ENFORCEMENT SCALING]

Authority: GAO High-Risk Series (updated biannually); GAO-23-106201 (Fragile and Conflict-Affected States); GAO Standards for Internal Control (Green Book); 31 U.S.C. § 712 (GAO audit authority)

Mandatory Duty: GAO designates programs to its High-Risk List when they are 'vulnerable to fraud, waste, abuse, or mismanagement, or in need of transformation.' GAO criteria for High-Risk

designation include: high dollar value at risk, documented control weaknesses, prior audit findings not addressed, and program scope expanding without commensurate resource or management investment. CBP's forced labor enforcement program meets all four criteria: \$840.6 billion annual exposure, documented A-123 control gap, October 2023 hearing findings not acted upon, and scope expanding from one economy to 60.

Current Failure: CBP's forced labor enforcement program has not been designated to GAO's High-Risk List. GAO has audited components of CBP's trade enforcement but has not published a comprehensive assessment of the forced labor enforcement program's performance against its statutory mandate under § 1307 and UFLPA. The absence of a High-Risk designation is itself a program oversight gap — not a determination that the program is adequately managed.

Enforcement Leverage: Under 31 U.S.C. § 712, the Comptroller General may conduct audits at the request of Congress. Congressional direction to GAO — from the House Committee on Homeland Security or Senate Finance Committee — to assess whether CBP's forced labor enforcement program meets High-Risk designation criteria, using the FY2025 dashboard data and Section 301 administrative record as the evidentiary basis, is a standard oversight request. A GAO High-Risk designation creates a mandatory agency response plan, biannual progress reporting, and sustained GAO monitoring — all under existing law.

OMB CIRCULAR A-11 — BUDGET JUSTIFICATION AND PERFORMANCE PLAN ALIGNMENT [ENFORCEMENT SCALING]

Authority: OMB Circular A-11, Part 6 (Agency Performance Plans and Reports); GPRA Modernization Act (P.L. 111-352); OMB M-21-27 (Evidence-Based Policymaking)

Mandatory Duty: Under OMB A-11 and the GPRA Modernization Act, agencies are required to establish measurable performance goals, collect performance data, report actual performance against goals in annual Performance and Accountability Reports (PARs), and explain significant variances. DHS and CBP are required to include forced labor enforcement metrics in their performance plans to the extent that forced labor enforcement is identified as a strategic priority — which it is, under both the UFLPA and DHS's published strategy documents. A 90 percent decline in enforcement value between FY2024 and FY2025 constitutes a 'significant variance' requiring explanation under A-11 Part 6 criteria.

Current Failure: CBP's FY2025 Performance and Accountability Report has not been reviewed against the FY2025 UFLPA Enforcement Statistics Dashboard data in any publicly available congressional or OMB analysis. The A-11 variance explanation requirement has not been triggered in any public record for CBP's forced labor enforcement program despite the documented collapse. This creates an independent evidence base that the A-11 reporting requirement is not functioning as designed.

Enforcement Leverage: Congressional direction to OMB to review DHS/CBP's FY2025 PAR against UFLPA enforcement dashboard data and to require a variance explanation consistent with A-11 Part 6 — and to report findings to the House and Senate appropriations subcommittees with jurisdiction over DHS within 90 days — creates a mandatory OMB reporting obligation. A formal OMB determination that CBP's forced labor enforcement metrics constitute a significant negative variance triggers budget justification requirements for the next appropriation cycle.

MANDATORY UFLPA CONGRESSIONAL REPORTING — UNRECEIVED REPORTS AS OVERSIGHT TRIGGER [DE MINIMIS | ENFORCEMENT SCALING]

Authority: P.L. 117-78, § 2(c) (UFLPA mandatory strategy and reporting); 5 U.S.C. App. § 5(a) (Inspector General Act reporting); Ranking Member Ivey, October 2023: 'there are many reports

required to be generated by the statute but I don't know that either they are being generated or we are reviewing them as closely as we should'

Mandatory Duty: UFLPA § 2(c) requires the Secretary of Homeland Security, as Chair of FLETF, to submit to relevant congressional committees a comprehensive strategy report and annual updates. UFLPA § 2(d) requires DHS to publish a list of entities meeting UFLPA criteria. Section 3(b)(2) requires CBP to report to Congress on enforcement actions taken, denied entries, and releases on a defined schedule. Ranking Member Ivey's October 2023 testimony identified that mandatory statutory reports were either not being generated or not being reviewed — a statement that constitutes a congressional finding of non-compliance with mandatory reporting duties.

Current Failure: Ranking Member Ivey's specific concern — that statutory reports exist but are not being reviewed — identifies a second-order failure: even where DHS generates required reports, the congressional oversight mechanism for those reports has not been operationalized. No committee hearing specifically dedicated to reviewing UFLPA mandatory report content has been documented in the public record since the October 2023 hearing.

Enforcement Leverage: Congressional direction to DHS, via committee oversight letter, to submit all UFLPA-mandated reports not yet delivered, with a 30-day response deadline, and to schedule a dedicated follow-on hearing for review of those reports — creates a mandatory compliance timeline under Congress's constitutional oversight authority. Failure to deliver constitutes a cognizable basis for appropriations withholding and an Inspector General referral under 5 U.S.C. App. § 5(a)(2).

OMB EVIDENCE ACT DATA INTEGRATION REQUIREMENT — FT900 ENFORCEMENT NEXUS [DE MINIMIS | SUPPLY CHAIN TRACEABILITY | ENFORCEMENT SCALING]

Authority: P.L. 115-435 | Foundations for Evidence-Based Policymaking Act of 2018; OMB M-19-23 (Phase 1 Implementation); OMB M-21-27 (Evidence-Based Policymaking Learning Agendas)

Mandatory Duty: The Evidence Act requires federal agencies to develop and use data for program evaluation. Each agency head must designate a Chief Evaluation Officer responsible for ensuring that agency data is used to assess program effectiveness. OMB must coordinate cross-agency data sharing. The Census Bureau FT900 dataset is the official federal record of import flows. CBP's ACE system contains all import entry data. DOL's TVPRA list contains forced-labor-risk classifications. These three datasets, in combination, constitute a complete forced labor risk assessment system. The Evidence Act's data integration mandate applies to the cross-agency use of these existing federal datasets.

Current Failure: No evidence exists in the public record of a formal OMB-directed data integration project combining FT900, CBP ACE, DOL TVPRA, and UFLPA Entity List data for forced labor enforcement risk targeting. Each agency maintains its data in independent systems. The failure to integrate these datasets — which are all already collected under existing legal authority and stored in federal systems — is an Evidence Act compliance gap, not a data collection problem.

Enforcement Leverage: The OMB Director, under Evidence Act authority, can direct CBP, Census, and DOL to establish a shared data access protocol for forced labor enforcement risk targeting within 90 days. A congressional directive to OMB to initiate this integration — with a 90-day deadline and GAO monitoring — requires no new legislation, no new data collection, and no new funding for data collection. It requires only administrative coordination. The resulting integrated dataset would enable automated HTS-code-level risk targeting in CBP ACE for all TVPRA-listed goods from Section 301-investigated economies.

LAYER 4

OPERATIONAL EXECUTION GAP

CBP/DHS — where existing authority and adequate regulatory design meet inadequate operational capacity, documented in agency and congressional records

Layer 4 operates at the point where law meets practice. The failures documented here are not failures of legislative authority or regulatory design — they are failures of operational execution that have been admitted by agencies themselves, documented by the National Treasury Employees Union, identified by congressional witnesses, and confirmed by CBP's own published performance data. These are not speculative gaps. They are admissions by the executive branch of conditions that, under OMB A-123 and the Green Book standards, constitute reportable control weaknesses.

CBP STAFFING RATIO — TRADE VOLUME VERSUS PERSONNEL AUTHORITY VERSUS ACTUAL STAFFING [ENFORCEMENT SCALING]

Authority: DHS Appropriations Act (annual); CBP Resource Optimization Model (ROM) for Trade (2021); Homeland Security Act Section 412(b) (6 U.S.C. § 212(b)); SAFE Port Act Section 401(b)(4) (P.L. 109-347)

Mandatory Duty: Section 412(b) of the Homeland Security Act requires the DHS Secretary to ensure that CBP revenue functions — including trade enforcement and compliance — are not diminished below the staffing level in effect at the time of CBP's creation. The CBP Trade ROM (2021) identified a 154-position shortfall in revenue occupation personnel relative to congressionally authorized levels. CBP is required to submit a Trade ROM to Congress every two years. The NTEU October 2023 testimony stated that the FY2023 Trade ROM had not yet been submitted to Congress.

Current Failure: Inbound trade volume increased 32 times between FY2003 and FY2023 (NTEU, October 2023). CBP non-uniformed trade personnel have not materially increased since CBP's creation in 2003. CBP added 65 positions for UFLPA enforcement in FY2022 — against a documented need of 1,750 additional CBP Officers, 250 Agriculture Specialists, and 154 non-uniformed Trade Specialists per the CBP ROM. More than 25 percent of CBP Import Specialists will retire or become retirement-eligible within the next several years. This constitutes a staffing crisis that the agency itself has documented.

Enforcement Leverage: Congressional direction requiring CBP to submit the overdue FY2023 Trade ROM within 30 days — and to accompany it with a workforce plan addressing the 32x volume increase against flat staffing — activates the Section 412(b) non-diminishment requirement as an enforcement lever. A formal DHS OIG inquiry into whether the staffing shortfall documented in the ROM constitutes a violation of Section 412(b)'s non-diminishment mandate creates a reportable finding that triggers mandatory OMB A-123 corrective action.

CBP ACE TARGETING SYSTEM — AUTOMATED RISK FLAGGING GAP [DE MINIMIS | SUPPLY CHAIN TRACEABILITY | ENFORCEMENT SCALING]

Authority: 19 U.S.C. § 1415 (national targeting center); 19 U.S.C. § 1431 (manifests); CBP ACE Automated Commercial Environment (operational authority under DHS IT systems policy); CBP's publicly stated use of risk-based targeting as primary enforcement methodology

Mandatory Duty: CBP's ACE system processes every import entry electronically before goods arrive at U.S. ports. CBP's National Targeting Center (NTC) is authorized to use risk-based algorithms to flag entries for examination. CBP has publicly stated that risk-based targeting is its primary enforcement

methodology for trade compliance, including forced labor. DOL ILAB's HTS classification of TVPRA-listed goods (Attachment H, USTR-2026-0134) maps every forced-labor-risk good to a specific HTS code. CBP's ACE entry processing receives HTS code data on every entry. The combination of these existing systems is sufficient to create an automatic, pre-arrival hold flag for all TVPRA-mapped HTS codes from Section 301-investigated economies.

Current Failure: This integration has not occurred. CBP ACE targeting for forced labor relies on entity-specific risk profiles (UFLPA Entity List) and general risk indicators — not on systematic HTS-code-level TVPRA risk flags from specific economies. The practical result is that a shipment of shrimp from India (TVPRA-listed as forced labor, newly added 2024) arriving under an HTS code that maps directly to the TVPRA finding does not receive an automatic pre-arrival review flag unless the specific importer or vessel is already identified in CBP's targeting system.

Enforcement Leverage: A CBP Commissioner directive — not requiring rulemaking, operating under existing ACE system authority — to incorporate DOL TVPRA-HTS crosswalk data as an automated pre-arrival review trigger for all entries from Section 301-investigated economies would implement HTS-level risk targeting within the existing ACE architecture. CBP IT directorate estimates for similar ACE modifications suggest implementation timelines of 60-90 days. Congressional direction via an appropriations report language requirement — directing CBP to implement TVPRA-HTS integration in ACE within 90 days and report to the appropriations subcommittees on implementation — is within Congress's normal appropriations oversight authority.

DE MINIMIS ENFORCEMENT — VOLUME VERSUS SCREENING CAPACITY MISMATCH [DE MINIMIS | SUPPLY CHAIN TRACEABILITY]

Authority: 19 U.S.C. § 1321 (de minimis); 19 U.S.C. § 1307 (forced labor prohibition); Acting CBP Commissioner Troy Miller, October 2023: 'screening these shipments and ferreting out contraband [is] incredibly challenging'; Glas/NCTO: 1 billion packages annually, more than 60 percent from China

Mandatory Duty: CBP is required to screen all merchandise for compliance with applicable laws, including § 1307. The practical screening capacity for de minimis shipments — which arrive in individual consumer packages without the full entry documentation required for formal entry — is approximately zero relative to volume. Acting Commissioner Miller's public admission that volume makes screening 'incredibly challenging' is an agency admission that the operational capacity to discharge the § 1307 mandatory exclusion duty does not exist for the de minimis segment.

Current Failure: More than 60 percent of the estimated 1 billion annual de minimis packages originate from China (Chairman Bishop, October 2023; NCTO testimony). Shein, Temu, and similar direct-to-consumer platforms use de minimis as a structural business model element, shipping individually to avoid the duties and forced labor documentation requirements that apply to formal entry. De minimis shipments cannot be subject to the documentation requirements that form the basis of UFLPA rebuttable presumption rebuttal — there is no supply chain documentation submitted for a \$30 package.

Enforcement Leverage: 19 U.S.C. § 1321(a)(2) authorizes the Secretary of the Treasury to prescribe regulations to carry out the de minimis provision. A Treasury/CBP rulemaking — initiated under existing rulemaking authority without new legislation — to exclude merchandise from § 1321 de minimis treatment if the merchandise falls within a TVPRA-listed HTS code category from a Section 301-investigated economy would close the loophole for the highest-risk de minimis goods without eliminating de minimis treatment for compliant goods. The rulemaking authority exists. The evidentiary record supporting the rulemaking exists in USTR-2026-0134. What does not exist is an initiated rulemaking.

ISOTOPIC AND DNA FIBER TESTING — EXPANSION REQUIREMENT VERSUS CURRENT DEPLOYMENT [SUPPLY CHAIN TRACEABILITY]

Authority: 19 U.S.C. § 1499 (CBP examination authority); CBP's publicly stated use of isotopic and cotton DNA testing for Xinjiang-origin identification; Chairman Bishop, October 2023: 'CBP conducted isotopic testing on clothing samples and found that 15 percent of items tested positive for cotton from Xinjiang'

Mandatory Duty: CBP has the authority under 19 U.S.C. § 1499 to examine any merchandise before release. Chairman Bishop's October 2023 testimony documented that isotopic testing, where applied, found that 15 percent of tested items were positive for XUAR cotton — one in seven items tested. This is not an incidental finding. A 15 percent positive rate on the tested sample means that, applied to the full population of textile and apparel imports, hundreds of millions of dollars in UFLPA-prohibited goods are entering undetected for every dollar of testing currently deployed.

Current Failure: CBP has not published a plan for systematic expansion of isotopic and DNA fiber testing to the full population of textile and apparel entries from Section 301-investigated economies. The testing that has been conducted has been selective, not systematic. Chairman Bishop explicitly directed CBP to 'significantly expand its use of isotopic testing and other supply chain tracing technologies' — a directive that, in the absence of published CBP compliance, constitutes an unmet congressional directive.

Enforcement Leverage: A formal CBP response to Chairman Bishop's October 2023 hearing directive — published in the docket of any subsequent House Homeland Security hearing — would constitute an agency commitment subject to GAO audit and OIG review. Congressional direction to GAO to assess CBP's implementation of the October 2023 isotopic testing directive and to report findings within 90 days creates a mandatory accountability mechanism for a specific named gap identified by a committee chairman.

FALSE CLAIMS ACT EXPOSURE — FAR 52.222-50 CONTRACTOR CERTIFICATION GAP [SUPPLY CHAIN TRACEABILITY | ENFORCEMENT SCALING]

Authority: FAR 52.222-50 (Combating Trafficking in Persons — mandatory federal contract clause); 31 U.S.C. § 3729 (False Claims Act); FAR Subpart 9.4 (Suspension and Debarment)

Mandatory Duty: FAR 52.222-50 is a mandatory clause in all federal contracts above the simplified acquisition threshold. It requires federal contractors to certify that they have implemented compliance plans preventing trafficking and forced labor in their supply chains and to report any violations to the Contracting Officer. A contractor who submits a FAR 52.222-50 certification while knowingly sourcing from forced-labor supply chains covered by TVPRA documentation submits a false certification — a False Claims Act violation creating liability of three times the contract value plus \$27,018 per false claim.

Current Failure: No systematic federal procurement program exists to cross-reference contractor FAR 52.222-50 certifications against TVPRA supply chain risk data for the specific goods being procured. Contracting officers review certifications on a compliance-check basis without access to DOL TVPRA-HTS risk data. The result is that certifications for TVPRA-covered goods from Section 301-investigated economies are accepted without verification of the underlying supply chain conditions the certification addresses.

Enforcement Leverage: A GSA/OMB directive — under existing FAR authority, not requiring new legislation — requiring contracting officers to cross-reference TVPRA-HTS risk data when reviewing FAR 52.222-50 certifications for goods from Section 301-investigated economies would activate the existing False Claims Act enforcement mechanism. Any contractor certification that does not account for TVPRA-documented risks becomes a potentially actionable false certification. The Department of

Justice, Civil Division, has existing enforcement authority. Qui tam relators receive 15-30 percent of recovery.

LAYER 5

AUTOMATED ENFORCEMENT PATHWAY

Data integration architecture — converting existing federal datasets into an automatic, scalable, judicially durable enforcement system without new legislation

Layer 5 addresses the single most consequential gap in the enforcement architecture: the failure to integrate existing federal data systems into an automated enforcement pipeline. The data exists. The legal authority exists. The regulatory mechanisms exist. What does not exist is the administrative coordination to connect them. This layer describes the integration architecture in terms that a program manager could act on, a contracting officer could procure, and a GAO auditor could measure.

FT900 — USTR SECTION 301 BURDEN QUANTIFICATION SYSTEM [DE MINIMIS | SUPPLY CHAIN TRACEABILITY | ENFORCEMENT SCALING]

Authority: U.S. Census Bureau FT900 Dataset (U.S. International Trade in Goods and Services); 13 U.S.C. § 301 (Census data collection authority); OMB Evidence Act data sharing mandate (P.L. 115-435)

Mandatory Duty: The Census Bureau FT900 dataset is the official federal record of all U.S. imports and exports, organized by country, commodity (HTS/SITC), and time period, and published monthly. FT900 Exhibit 14 provides country-level trade flows for all 60 Section 301-investigated economies. FT900 Exhibit 8 provides commodity-level import data by end-use category. FT900 Exhibit 16 provides Advanced Technology Product imports. Section 301(b) requires that USTR's burden-on-commerce determination be grounded in measurable economic impact. FT900 is the authoritative federal measurement of that impact.

Current Failure: FT900 data has not been formally incorporated into the USTR Section 301 evidentiary record for USTR-2026-0134 as a government-certified exhibit. USTR relies on trade data in its analyses, but the formal administrative record does not contain an FT900 exhibit certifying the country-specific, sector-specific import volumes that constitute the quantified 'burden on U.S. commerce' for each of the 60 investigated economies. Without this formal certification, a court reviewing a § 2414 determination under APA § 706 could find the burden finding insufficiently supported by the administrative record.

Enforcement Leverage: Congressional direction to the Census Bureau, via the Joint Economic Committee or House Ways and Means Committee, to produce a certified FT900 Special Tabulation covering all 60 Section 301-investigated economies for all TVPRA-mapped HTS chapters for the period 2020-2026 — and to file that tabulation in the USTR-2026-0134 administrative record — would provide the government-certified trade data foundation that makes every subsequent § 2414 determination judicially durable under APA § 706 substantial evidence review. This is a data product Census produces routinely under existing authority.

CBP ACE — TVPRA-HTS AUTOMATED PRE-ARRIVAL REVIEW FLAG [DE MINIMIS | SUPPLY CHAIN TRACEABILITY | ENFORCEMENT SCALING]

Authority: CBP ACE system (operational authority under DHS IT policy); 19 U.S.C. § 1415 (National Targeting Center); DOL ILAB TVPRA HTS Classification Methodology; CBP UFLPA enforcement architecture (existing); ASEMA platform (DARPA SBIR HR0011SB20254-12)

Mandatory Duty: CBP ACE receives electronic entry data — including HTS code, country of origin, importer of record, and manufacturer — for every shipment before arrival at U.S. ports. The ACE

targeting system flags entries for examination based on risk criteria loaded into the system. DOL ILAB's TVPRA HTS Classification Methodology provides a complete crosswalk from TVPRA-listed goods to HTS codes. Loading this crosswalk as a risk-flag criterion in ACE targeting, combined with country-of-origin data for Section 301-investigated economies, creates an automated pre-arrival review flag for every TVPRA-HTS-mapped entry from listed economies — without new legislation, new rulemaking, or new data collection.

Current Failure: This integration has not been completed. The TVPRA-HTS crosswalk exists as a published DOL methodology document but has not been operationalized in CBP's targeting system. UFLPA Entity List data is loaded into ACE targeting — this demonstrates that the technical capability and administrative process for loading forced-labor risk data into ACE already exists. The gap is one of administrative coordination, not technical capability.

Enforcement Leverage: A DHS-DOL memorandum of understanding — authorized under existing interagency data-sharing authority and the OMB Evidence Act — directing CBP to implement TVPRA-HTS-ACE integration within 90 days, with the ASEMA platform providing the chain-of-custody and communications security infrastructure for the verification layer, creates the automated enforcement pipeline. No new legislation required. Cost: IT development time within existing CBP ACE program. Enforcement impact: automatic pre-arrival review flag for estimated hundreds of millions of dollars in currently uninspected TVPRA-covered entries per month.

UFLPA REBUTTABLE PRESUMPTION EXTENSION — REGULATORY PATHWAY [DE MINIMIS | SUPPLY CHAIN TRACEABILITY | ENFORCEMENT SCALING]

Authority: P.L. 117-78, § 3 (UFLPA rebuttable presumption — existing scope); 19 U.S.C. § 1307 (absolute prohibition — existing scope); DHS rulemaking authority under Administrative Procedure Act (5 U.S.C. §§ 553-554); USTR Section 301 § 2414 determination as regulatory predicate

Mandatory Duty: The UFLPA rebuttable presumption is the most operationally effective enforcement mechanism in the forced labor import enforcement toolkit because it inverts the burden of proof without requiring CBP to prove forced labor in every shipment. The statute limits the current presumption to XUAR/China. However, DHS's rulemaking authority under the APA allows it to establish a parallel presumption — grounded in TVPRA documentation and Section 301 findings — applicable to all TVPRA-listed goods from economies receiving affirmative § 2414 determinations. This would not amend UFLPA; it would implement § 1307's absolute prohibition through a presumptive evidentiary rule.

Current Failure: DHS has not initiated the rulemaking described above. The legal authority is derivative — it requires first a § 2414 affirmative determination, then a DHS regulatory action implementing that determination through a presumptive rule for § 1307 enforcement. The sequencing of these actions (§ 301 determination → DHS rulemaking → ACE implementation) has not been planned or initiated.

Enforcement Leverage: Congressional direction to DHS to publish a notice of proposed rulemaking within 180 days of the first affirmative § 2414 determination — establishing a rebuttable presumption for § 1307 purposes applicable to TVPRA-listed goods from § 301-determined economies — creates a mandatory rulemaking timeline. Under APA § 553, final rules become effective 30 days after publication. The enforcement cascade: § 2414 determination (mandatory within 18 months of March 2026) → NPRM (mandatory within 180 days of determination) → final rule (mandatory APA timeline) → ACE implementation (90-day CBP directive) = full automated enforcement within approximately 24 months of this hearing.

ASEMA PLATFORM INTEGRATION — FEDERAL ACQUISITION AS ENFORCEMENT INFRASTRUCTURE [SUPPLY CHAIN TRACEABILITY | ENFORCEMENT SCALING]

Authority: Defense Production Act (50 U.S.C. § 4501 et seq.); CMMC (32 CFR Part 170); DARPA SBIR HR0011SB20254-12 (DTIC AD1348980); FAR Part 12 (commercial item acquisition); DHS/CBP supply chain verification technology requirements

Mandatory Duty: The verification and chain-of-custody gap documented in this record — 90 percent FY2025 enforcement collapse against \$840.6 billion in annual exposure — is not solely a staffing problem or a data integration problem. It is a verification technology problem. CBP cannot enforce what it cannot verify at scale. The ASEMA platform, developed under DARPA SBIR HR0011SB20254-12, provides AI-driven encrypted communications security assessment and chain-of-custody verification capabilities specifically designed for defense and critical infrastructure supply chain integrity applications. Federal acquisition of ASEMA as enforcement infrastructure — through DHS/CBP, DOD, or USTR-recommended procurement — closes the verification gap that makes automated enforcement technically feasible.

Current Failure: No federal agency has initiated acquisition of a supply chain integrity verification technology platform specifically designed to support UFLPA/§ 1307/Section 301 enforcement at the scale documented in this record. The existing CBP ACE system handles entry processing; it does not provide chain-of-custody verification from raw material extraction through manufacture. Without that verification layer, the automated risk-flagging capability described in this Layer 5 generates investigations that cannot be completed efficiently because the evidentiary standard for UFLPA rebuttal — clear and convincing evidence — requires supply chain documentation that no automated system currently collects.

Enforcement Leverage: USTR's Section 301 Finding 4 — that the verification infrastructure gap is the structural cause of the enforcement collapse — creates the administrative record predicate for a federal acquisition recommendation. Congressional direction to USTR, CBP, and DOD to coordinate a technology acquisition plan for supply chain integrity verification and communications security assessment — specifically including ASEMA platform capabilities — within 180 days of § 2414 determination, with procurement authority under FAR Part 12 commercial acquisition and potential DPA authority for national security justification, closes the final gap in the enforcement architecture.

AUTOMATIC ENFORCEMENT CASCADE — THE INTEGRATED FIVE-LAYER TRIGGER SEQUENCE [DE MINIMIS | SUPPLY CHAIN TRACEABILITY | ENFORCEMENT SCALING]

Authority: Integrated authority: 19 U.S.C. §§ 1307, 1321, 1415, 1499, 1517, 1595a(c), 2411-2416; P.L. 117-78; OMB A-11, A-123; Evidence Act (P.L. 115-435); FAR 52.222-50; 31 U.S.C. § 3729; 50 U.S.C. §§ 1701-1706; 31 U.S.C. § 5318

Mandatory Duty: When all five layers operate in sequence, enforcement becomes automatic, systemic, and self-reinforcing without requiring new legislation. The cascade sequence: (1) USTR § 2414 affirmative determination (mandatory by September 2027, triggered by this hearing record) → (2) CBP WRO mandatory issuance for all TVPRA-listed goods from determined economies under § 12.42 mandatory duty standard → (3) ACE TVPRA-HTS integration activates automated pre-arrival holds under § 1499 → (4) UFLPA-model rebuttable presumption rulemaking initiated by DHS → (5) EAPA investigations filed for all documented Tier 2 transshipment pathways → (6) FAR 52.222-50 certifications cross-referenced against TVPRA-HTS data activating FCA enforcement → (7) OFAC sector designations for non-ART economies under IEEPA → (8) GSP eligibility terminated for economies receiving § 2414 determinations → (9) FinCEN SAR requirements activated for trade finance from non-compliant economy sectors → (10) OMB A-123 material weakness corrective action plans filed for CBP enforcement performance.

Current Failure: No single agency has mapped this cascade as an integrated enforcement sequence. Each authority is administered by a different agency. The silo structure is itself the systemic failure — not any individual agency's performance. FLETF exists to coordinate, but FLETF's mandate is currently limited to UFLPA/China. The Section 301 proceeding expands the mandate to 60 economies without a corresponding expansion of the interagency coordination infrastructure.

Enforcement Leverage: A presidential executive order directing FLETF to expand its operational mandate to cover all 60 Section 301-investigated economies, to develop an integrated enforcement cascade plan within 90 days of § 2414 determination, to designate a lead enforcement coordinator with authority to direct agency actions across all five layers, and to report quarterly to OMB on enforcement metrics against the FT900 baseline — implements the entire five-layer architecture under existing executive authority. The legal predicate for such an order is the existing IEEPA national emergency declaration (EO 14257), the Section 301 investigation itself, and the DHS UFLPA Strategy's explicit recognition that forced labor enforcement is a national security priority.

SYNTHESIS — WHAT THIS ARCHITECTURE REQUIRES TO FUNCTION

The five-layer enforcement architecture described in this document does not require new legislation to implement in its core form. Every statutory authority cited is currently in force. Every regulatory mechanism cited exists in the Code of Federal Regulations. Every data system cited is currently funded and operational. The enforcement failure documented in this record — \$840.6 billion in annual forced-labor supply chain exposure against \$172 million in FY2025 enforcement — is not a failure of law. It is a failure of administrative coordination, oversight accountability, and operational integration.

WHAT IS NEEDED	WHO CAN DO IT	AUTHORITY	TIMELINE WITHOUT NEW LEGISLATION
FT900 certified special tabulation filed in USTR-2026-0134 record	Census Bureau + USTR	13 U.S.C. § 301; Evidence Act	30 days from Congressional direction
CBP Trade ROM (FY2023) submitted to Congress	DHS/CBP Commissioner	HSA § 412(b); SAFE Port Act § 401(b)(4)	30 days — already overdue
DHS OIG A-123 material weakness review initiated	DHS Inspector General	IG Act; OMB A-123 (2026)	30 days from OIG direction
CBP legal opinion on § 1307 / § 1321 de minimis incompatibility	CBP General Counsel	19 U.S.C. §§ 1307, 1321	90 days from Congressional request
TVPRA-HTS crosswalk integrated into CBP ACE targeting	DHS/CBP IT + DOL ILAB MOU	19 U.S.C. § 1415; Evidence Act; existing ACE architecture	60–90 days from Commissioner directive
EAPA allegations filed for top 10 Tier 2 transshipment pathways	USTR + DOL + DHS coordinated filing	19 U.S.C. § 1517 — mandatory 15-day investigation trigger	60 days from § 2414 determination
GSP eligibility cross-reference analysis published	USTR + Census	19 U.S.C. § 2462(b)(2)(G)	90 days from § 2414 determination
DOL EO 13126 list updated with TVPRA 11th Edition findings	DOL ILAB	EO 13126; 29 CFR Part 810	60 days — evidence already exists
FLETF mandate expanded to all 60 Section 301 economies	Presidential EO or DHS directive	IEEPA EO 14257; existing FLETF charter	30 days from Presidential direction
ASEMA acquisition plan developed by DHS/CBP/DOD	DHS + CBP + DOD jointly	FAR Part 12; DPA authority; DARPA SBIR HR0011SB20254-12	180 days from § 2414 determination

THE SYSTEM DESIGN CONCLUSION: Enforcement becomes automatic when: (1) the § 2414 determination creates the legal predicate; (2) ACE integration activates the border-level detection; (3) the rebuttable presumption rulemaking shifts the burden of

proof; (4) EAPA mandatory investigations address evasion; (5) FAR/FCA creates private enforcement redundancy; (6) OFAC/FinCEN closes the financial system pathway; (7) GSP termination closes the preference pathway; and (8) OMB A-123/GAO creates the internal accountability loop. None of these steps require new legislation. They require only administrative will, congressional oversight pressure, and the verification infrastructure — ASEMA — to make the system legally durable at scale.

Respectfully submitted:

James Hunter Poole

Executive Chairman & CEO, Obelisk Tech Systems Inc.

CAGE: 9S0L8 | UEI: U34MSJ6A6413 | ITAR DS-2032 | HUBZone Certified

DARPA SBIR: HR0011SB20254-12 | DTIC: AD1348980

Thomasville, Georgia 31792 | Filed: April 15, 2026

Cross-filed with USTR Administrative Record: USTR-2026-0134