



July 6, 2026

Ambassador Jamieson Greer
United States Trade Representative
600 17th Street NW
Washington, DC 20508

Re: Comment from American Apparel & Footwear Association and Fair Labor Association Concerning Proposed Action in Section 301 Investigations of Various Economies Related to the Failure to Impose and Effectively Enforce a Prohibition on the Importation of Goods Produced with Forced Labor Rights (Docket ID: [USTR-2026-0265](#))

Dear Ambassador Greer:

Forced labor continues to be a global human rights problem – and a global trade problem – despite years of legal, regulatory, and voluntary efforts to eradicate it. The American Apparel & Footwear Association (AAFA) and the Fair Labor Association (FLA) memberships represent hundreds of American apparel and footwear companies (employing millions of American workers) who are spending tremendous resources to ensure that the workers in their supply chains are working in a healthy and safe environment and paid well for their work. As the United States ratchets up its work to eradicate forced labor – most recently through the Section 301 investigations – it is vital that the U.S. Government redouble its efforts to eradicate forced labor that is all too present within our own borders.

The International Labour Organization (ILO) estimates that 21 million people are victims of forced labor around the world. We know that some of those workers may be in the apparel and footwear supply chains, which is why we support U.S. Government efforts that directly address this problem. The United States has been a frontrunner in banning the import of goods made with forced labor, dating back to the Tariff Act of 1930. The closing of the consumptive demand loophole in 2015 made our trade enforcement even more effective in

the fight against forced labor. Historically, this enforcement has been combined with U.S. Government-funded capacity building to prevent forced labor around the world. But this capacity-building support has been systematically eliminated over the last 18 months. As such, the current proposal to impose Section 301 tariff sanctions on over 50 of our trading partners because they do not also have a forced labor ban is both a threat and an aid to our sector.

The threat comes from the fact that the imposition of tariffs would cause direct harm to our industry and potentially further jeopardize workers in the apparel and footwear supply chains. Implementation of Section 301 tariffs on imports from the investigated economies would raise landed costs, disrupt supply chains, and inflict direct harm on U.S. businesses, workers, and consumers. Tariffs are a tax on U.S. importers, not on foreign producers, and would compound the compliance costs for the very companies that are already heavily investing in forced-labor compliance and fair labor practices within their own supply chains. Moreover, by imposing tariffs in the manner proposed by the Administration, such tariffs focus the costs exclusively on compliant supply chains. Entities intent on engaging in forced labor and other unscrupulous practices are likely also adept at evading customs enforcement and thus avoiding proper collection of tariffs. When this happens, compliant chains become more expensive, while those that should be the target of the duties see their profit opportunities maximized.

The aid comes from the proliferation of forced labor import bans. The more that our supply chain partners do to create effective forced labor enforcement mechanisms, the more successful we will be in eradicating forced labor. An uneven legal playing field means that some companies can take advantage of this discrepancy, leaving workers at risk and diminishing the efforts made in other markets. The question remains, however, whether Section 301 sanctions are the appropriate tool to achieve this level playing field. We urge you to consider limiting the scope and duration of the tariffs in favor of other means of diplomatic pressure and capacity building.

Further, there are two problems that undermine the effectiveness of Section 301 sanctions. And the solution to both lies firmly within the purview of the U.S. Government.

The first problem is forced labor in the U.S. prison system.

It's been 160 years since the adoption of the Thirteenth Amendment, yet the work to end slavery remains unfinished. The Thirteenth Amendment provides that *Neither slavery nor involuntary servitude, **except as a punishment for crime whereof the party shall have been duly convicted**, shall exist within the United States...*

That parenthetical exception in bold above is not an historical quirk. It is the constitutional foundation for a vast, government-run system of slavery that is instantly condemned under Section 307 of the Tariff Act as forced labor when it takes place in any other country. The Thirteenth Amendment's exception (or punishment) clause permits what our moral instincts should reject: a state-run, subsidized, and aggressively marketed system of forced labor.

So as the U.S. rightly encourages and sanctions other countries to address forced labor, either through forced labor laws or import bans, our diplomatic effectiveness is undermined by our own yawning gap in domestic forced labor enforcement.

This inconsistency shows up in several ways.

First, we are asking other countries to do a better job of banning products made with forced labor even as we are actively exporting products made with forced labor to those countries. When we are doing the very thing we condemn, our credibility is damaged.

For example, the International Human Rights Program (IHRP) filed the complaint based on its report [Exports & Exploitation: U.S. Prison Labour Hidden in Canadian Supply Chains](#) which claims that “manufacturers and suppliers in Alabama using incarcerated labor through state contracts are likely linked to vehicles and trailers imported and sold in Canada.” These exports, in an April 2026 complaint filed with the Canada Border Services Agency, allegedly are at high risk of violating Canada’s ban on forced labor and prison labor imports.

In addition, federally supported domestic forced labor in the United States distorts our own market.

The U.S. Government’s Federal Prison Industries (FPI) program, better known as UNICOR, hides slavery in plain sight. On paper, UNICOR is supposed to be a rehabilitative enterprise where incarcerated people acquire tangible and transferable skills and work habits that will help them return to society.

For anyone physically able, work is not optional under the Bureau of Prisons. They do so in conditions that align with multiple indicators of forced labor identified by the ILO, the same indicators used by U.S. Customs and Border Protection (CBP) to enforce the U.S. forced labor statute. Those indicators include abuse of vulnerability, restriction of movement, low wages, intimidation and threats, and abusive working and living conditions. In any private factory, in any foreign country, the presence of even one such indicator would set off alarm bells, trigger audits, very likely end business relationships, and lead to a ban on U.S. imports of the products the factory produces. Our own government, however, treats these conditions as a selling point.

UNICOR packages the results of this abuse – which it nicknames “Factories behind fences” – as “American manufacturing at its best,” claiming to deliver “domestic solutions with offshore cost benefits.”

Those “cost benefits” are real. UNICOR pays no income taxes; faces no minimum wage obligations; provides no workers’ compensation; has its overhead subsidized by taxpayers; and never has to worry about workers quitting for better pay down the street. It is the textbook definition of profiting off forced labor.

Nowhere is the distortion more dramatic than in textiles and apparel, especially in the production of uniforms and related gear for the U.S. military. By U.S. statute and regulation, UNICOR enjoys a mandatory source preference — in effect a “right of first refusal” — for many Department of War contracts. If UNICOR can make the item, it generally gets the contract. The result is that UNICOR has become the single largest supplier of uniforms to the U.S. military, displacing private U.S. manufacturers that employ American workers and operate under normal labor, tax, and safety laws.

In announcing the results of the Section 301, you correctly noted, “The failure of our most important trading partners to address the importation of goods made with forced labor is unacceptable. This creates a dynamic where American workers are forced to compete globally on an unlevel playing field.” Sadly, the U.S. Government’s own actions on goods that are made and sold domestically have the same effect.

The second problem involves the elimination of funding for support for effective implementation of laws and programs that directly lead to the eradication of forced labor in other countries. One way to remedy that is to resume funding of organizations that support the infrastructure needed to combat forced labor. In FY 2025, the U.S. suspended funding to key organizations that combat forced labor, and focus on labor and human rights issues, including the ILO and International Organization for Migration (IOM). Additionally, the U.S. Department of Labor terminated nearly all grant funding of the Bureau of International Labor Affairs (ILAB) and the State Department significantly reduced staff at its Bureau of Democracy, Human Rights, and Labor (DRL). These programs are essential infrastructure for building partner-country enforcement capacity and should be restored and empowered to pursue targeted programs that align foreign trading partners with the U.S. approach to forced labor enforcement.

We look forward to working with you to find effective ways to support industry and most importantly to create effective frameworks to protect workers from forced labor abroad and at home.

Sincerely

A handwritten signature in black ink, appearing to read "Steve Lamar". The signature is fluid and cursive, with a long horizontal stroke at the end.

Steve Lamar
President & CEO
American Apparel & Footwear Association (AAFA)

A handwritten signature in black ink, appearing to read "Jeff Vockrodt". The signature is cursive and somewhat compact, with a prominent vertical stroke at the beginning.

Jeff Vockrodt
President & CEO
Fair Labor Association (FLA)