

Commercial Customs Operations Advisory Committee (COAC) Government Issue Paper: Forced Labor

June 2021



U.S. Customs and
Border Protection



Trade Remedy Law Enforcement Directorate/Office of Trade

Forced Labor

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Action Required: Informational

Background:

- CBP enforces Section 1307 of the Tariff Act of 1930, which prohibits the importation of merchandise mined, produced, or manufactured, wholly or in part, with forced labor, forced child labor, or indentured labor under penal sanctions.
- CBP issues Withhold Release Orders (WROs) when information reasonably but not conclusively indicates that merchandise within the purview of 19 U.S.C. § 1307 is being, or likely to be, imported. CBP lists all active WROs on [CBP.gov](https://www.cbp.gov).
- The Commercial Customs Operations Advisory Committee (COAC), through the Intelligent Enforcement (IE) Subcommittee, Forced Labor Working Group (FLWG), provides advice and recommendations on improving forced labor enforcement.
- The COAC, in Calendar Year (CY) 2020, put forth 12 recommendations in three areas: the e-Allegations portal user interface, contents of the allegation submission template, and capabilities of the system.
- The calendar year (CY) 2021 Statement of Work (SOW) for the FLWG outlines objectives and established three subgroups: Informed Compliance Publication, Emerging Traceability Technologies, and Forced Labor Report and Metrics. Each subgroup will develop recommendations or inform progress towards recommendations related to its area of focus.
- CBP and the FLWG hold regular calls review to review progress and discuss deliverables under the SOW.

Issue:

- CBP is working with the COAC to achieve objectives outlined in the FLWG SOW for CY 2021.

Current Status:

- At the March 2021 meeting, CBP and COAC discussed the work of each subgroup and progress made on areas outlined in the SOW. The COAC IE FLWG provided four recommendations:
 - CBP should take a collaborative, multi-agency approach as forced labor laws, regulations, outreach, and enforcement spans multiple government agencies that are directed to mitigate forced labor practices at the source countries with localized government enforcement. CBP should utilize the expert resources of all relevant US government agencies to develop a synchronized strategy as well as engage more extensively in dialogue and priority setting with the trade.
 - CBP should expand its collaboration and communication with trade sectors/industries, identifying and sharing best practices, including government-to-industry efforts to minimize forced labor in supply chains as highlighted in the ‘Industry Collaboration White Paper’ submitted during COAC’s public meeting in July 2020.
 - Consistent with the GAO 2020 Forced Labor Imports Report and as a broader interagency and trade sector strategy, CBP should develop an objective methodology to measure ‘success’ in combatting forced labor in the supply chain. Successful measures should be based on outcome metrics (i.e., whether enforcement actions result in a reduction of or the elimination of forced labor, at the locations

of alleged violators) that ultimately focus on the improvement of the communities this illegal practice most impacts, rather than the number of withhold release orders and detentions issued.

- CBP should apply the same principles, tools, guidance, and outreach to forced labor as is the case with the other Priority Trade Issues, that is, “world class expertise to design trade processes and policies that minimize cost and provide certainty, transparency, security, and predictability to members of the trade community.”

Next Steps:

- FLWG leadership team will provide an update on work completed to further SOW objectives.
- CBP will continue to engage with the COAC IE FLWG to explore opportunities to enhance implementation of the agency’s forced labor enforcement mandate.