

Commercial Customs Operations Advisory Committee (COAC) Trade Enforcement /Revenue SubCommittee / Forced Labor Work Group

February 2018



U.S. Customs and
Border Protection

Trade Remedy Law Enforcement /Office of Trade
Forced Labor Work Group
February 14, 2018

Action Required:

- Informational

Background:

- 19 U.S.C. § 1307 prohibits the importation of goods, made wholly or in part, with convict, indentured or forced labor (including forced child labor); the law contained a loophole, however, if the goods were needed to meet U.S. consumptive demands.
- During this past quarter, the Forced Labor Work Group (FLWG) focused on recommendation #010289 made at the November 2017 COAC meeting:
 - “COAC appreciates CBPs efforts to implement the Forced Labor Working Group’s (FLWG’s) prior recommendations, especially the recent issuance of an updated Informed Compliance Publication. As CBP continues to self-initiate and enforce forced labor allegations, COAC recommends that CBP seek additional feedback from the FLWG on how CBP Form 28 Requests for Information (CBPF 28 requests) are being handled uniformly at all centers of excellence and expertise. For example, some requests are more akin to an audit of an importer’s entire supply chain and sourcing factors rather than a request for information related to one set of transactions and/or supplier. Instructions must be clear so importers know how to properly and timely respond to CBPF 28 requests.”
- The FLWG discussion revolved around providing CBP with additional feedback on how some of the questions currently being asked could be worded to ensure a better response from the trade.

Issue:

- Concurrent with recent media reporting, CBP issued a significant number of CF-28 Requests for information in support of forced labor research into Thai Seafood imports and also in support of Countering America’s Adversaries Through Sanctions Act.
- A number of importers and brokers relayed concerns over the questions asked to both CBP and the COAC Forced Labor Working Group FLWG who engaged to discuss the wording and approach to using the CF-28.

Next Steps:

- The FLWG continues to act as a standing forum of subject matter experts that can be called together by CBP when any Forced Labor issues arise to solicit feedback and advice from the trade.
- Continue review of communications outreach and discussion of using survey to measure the level of awareness and engagement by importers and brokers regarding forced labor.
- This COAC working group comprised of trade members and civil society organizations (CSO). CBP is participating with its partner government agencies in a CSO work group to capitalize on this group’s expertise.

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