

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

April 2020



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 307 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).
- If the Commissioner receives information sufficient to make a determination that the goods in question are subject to the provisions of 19 U.S.C. § 1307, the Commissioner will publish a formal finding to that effect in the Customs Bulletin and in the Federal Register pursuant to 19 C.F.R. § 12.42(f). Findings require conclusive evidence, i.e., probable cause that the imported goods are made with forced labor.
- Other possible enforcement actions include issuance of a CBP summons or CF-28s, detention, exclusion, or seizure of merchandise in violation of applicable laws and regulations.
- CBP welcomes industry to submit allegations of forced labor through [e-Allegations](#), and parties who provide original information that leads to the recovery of any penalty, fine, or forfeiture of merchandise are eligible to seek up to \$250,000 in compensation under 19 U.S.C. § 1619.
- The Commercial Customs Operations Advisory Committee (COAC), through the Intelligent Enforcement Subcommittee Forced Labor Working Group (FLWG), provides advice and recommendations on improving forced labor enforcement.

Issue:

- CBP is committed to enforcing 19 U.S.C. §1307 to facilitate legitimate trade.
- The FLWG's four objectives include defining elements of a high-quality allegation, defining a meaningful CBP Form 28 to ascertain forced labor due diligence, promoting industry collaboration and leadership to address forced labor, and developing guidance related to disclosure and mitigating factors.

Current Status:

- CBP has had productive discussions with critical stakeholders on issues such as industry remediation and is in the process of improving the information available to importers on the subject.
- CBP is in the process of reviewing received recommendations from the COAC and working to implement the recommendations.

Next Steps:

- CBP will continue to engage with the FLWG of the COAC to improve the transparency of CBP's forced labor enforcement, provide more information on forced labor detention processes, and obtain trade input on ways to improve information sharing across sectors.

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