

**Commercial Customs Operations Advisory
Committee (COAC)
Intelligent Enforcement Subcommittee
Forced Labor Working Group Recommendations**

July 15, 2020

COAC

COMMERCIAL CUSTOMS OPERATIONS
ADVISORY COMMITTEE

Recommendations:

- 1. Recognition for WRO Remediation** - COAC recommends CBP exercise discretion when considering how and when to carry out enforcement responsibilities for 19 USC 1307, particularly prior to issuing a WRO. CBP should take into account when the importing community is making genuine efforts to conduct due diligence and active remediation as the agency makes decisions about how and when to issue a WRO, including considering utilizing grace periods during which CBP provides alerts and/or guidance to allow the problem to be sustainably resolved before issuing a WRO. Remediation is only viable when the importing community maintains the necessary business leverage and the supplier is financially stable.
- 2. Enhanced Collaboration between Industry & USG to identify known forced labor risks** - COAC previously recommended several aspects of collaboration between Industry & USG¹. COAC recommends enhanced collaboration with industry experts, civil society and other USG agencies to utilize existing resources including, but not limited to the DOL List of Goods Produced by Child or Forced Labor and the DOS Trafficking in Persons Report in order to identify, prioritize, communicate and partner on known forced labor risks.
- 3. Enhanced Collaboration between Industry & USG to address highest forced labor risks** - COAC recommends that CBP recognize and implement the need for a risk-based approach, including targeting enforcement action on known high risk areas, in consultation with civil society, the private sector and other parts of the USG in order to address the worst abuses.
- 4. WRO Process Considerations** - COAC recommends CBP fully engage all relevant stakeholders (affected individuals, USG, private sector, civil society, etc.) prior to issuing a WRO to help avoid unintended consequences related to its actions. This will ensure other USG agencies with proper authority can promote proper action be taken to protect those that may be affected, which may include personal protection, health care, legal aid, psychological assistance and referrals.
- 5. ILO Standards** - COAC recommends CBP, through its interagency efforts related to forced labor with the U.S. Government, respect, promote and realize the ILO Declaration on the Fundamental Principles and Rights at Work to foster greater enforcement and implementation of human rights laws at the national level. To the extent possible, promote alignment with the ILO Convention 29 and 2014 Protocol on forced labor.
- 6.** COAC recommends that CBP, through its interagency efforts related to forced labor with the U.S. Government, assist US importers with deeper visibility in the supply chain by sharing experiences, resources, and tools utilized to access information about forced labor risk in upstream levels of the supply chain that may be less accessible to importers.

¹ Recommendation numbers 10112 and 10119 presented on 11/16/2016 and 10287 presented on 11/4/2017.