

## **Virtual Trade Week: Forced Labor Frequently Asked Questions (FAQs)**

**Q. What countries does the State Department identify with governments that sponsor human trafficking?**

The State Department's Trafficking in Persons report identified ten (10) countries where actual governments sponsor human trafficking. Those countries include; China, North Korea, Russia, Cuba, Afghanistan, Belarus, Myanmar, Eritrea, South Sudan and Turkmenistan.

**Q. If it is understood that "any part" of the imported good is demonstrated to have been made from forced labor then the entire good is prohibited. Should we presume the component or material ingredient is a "de minimis" component? If that minor component or material is further manufactured and "substantially transformed" into a new and different article under the Customs regulations and laws, does that prohibition still apply? If so, can you please clarify or confirm the legal basis?**

The Forced Labor Statute, 19 USC 1307 specifically states: *All goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision.*

**Q. Can goods, determined to be produced with forced labor, be seized if they were imported and/or received prior to the order being put in place?**

Yes, if the WRO is issued indicating that goods are reasonably, but not conclusively, produced with forced labor, CBP can issue redelivery notices to the affected importers for suspect merchandise to be redelivered. These shipments would be detained similarly to new shipments arriving into the US. Reference - 19 CFR § 141.113 (d)

**Q. How does the remediation fund work?**

Identify other organizations that have a shared supply chain to co-fund deeper due diligence. Establish an MOU that outlines the terms of the engagement in addition to a framework that allows parties to co-fund specific remediation activities based on due diligence findings. Each party shares the cost and resources needed to address a particular area.

**Q. What are best practices for importers to ensure their suppliers are not engaging in forced labor?**

Refer to resources outlined in the following Q&A regarding “*How can we insure due diligence...*” In addition, consider each of the following questions below to build an effective Compliance Program:

**Comprehensive Supply Chain Profile:**

- How well do you understand your supply chain - from sourcing of raw materials to manufacturing to the assembly of finished goods?
- What methods are used to assess forced labor risks in the supply chain?
- Are you engaged with multi-stakeholder initiatives?

**Written Code of Conduct:**

- How do you communicate supplier expectations?
- Are your expectations documented and well communicated to suppliers?
- What are the minimum labor standards for your suppliers?

**Robust Internal Control Process:**

- How do you evaluate compliance to effectively deter and detect instances of noncompliance?
- Are periodic audits conducted to assess compliance?

**Q. How should we ensure due diligence if we, the importer, do not have a direct relationship with the upstream suppliers/manufacturers?**

CBP’s [Informed Compliance Guidance Document on Reasonable Care](#) provides suggested reliable measures for ensuring imported goods are not produced with forced labor. These measures include requiring forced labor stipulations in purchase agreements. Another measure is to stay informed. Many U.S. government agencies, civil society organizations, and unions monitor industries at-risk for forced labor and publish their findings. For example, the Department of Labor publishes [List of Goods Produced by Child Labor or Forced Labor](#) and [List of Products Produced by Forced or Indentured Child Labor](#). Similarly, organizations such as [Human Rights Watch](#), [Global Labor Justice - International Labor Rights Forum](#), [Solidarity Center](#), [Verité](#), [Workers' Rights Consortium](#), [Greenpeace](#), [Australian Strategic Policy Institute](#), [Transparentem](#), and others have done extensive reporting on forced labor in supply chains. We recommend that importers regularly check these resources, as well as press and media reports, to stay abreast of the latest reporting on potential forced labor in their supply chains. For a non-exhaustive list of resources, visit the Human Trafficking Legal Center's [Tariff Act Resource Page](#)

The Organization of Economic Co-operation and Development (OECD) also provides valuable resources to help organizations verify the economic and social well-being of people involved in their supply chain.

- [OECD Guidelines for Multinational Enterprises \(MNE\)](#)
- [Due Diligence Guidance for Responsible Supply](#)
- [Chains in the Garment and Footwear Sector.](#)
- [Guidance for Responsible Supply Chains of Minerals from Conflict-Affected & High-Risk Areas.](#)
- [OECD-FAO Guidance for Responsible Agricultural Supply Chains](#)

**Q. Penalty goes to US importer but importer does not have enough guideline to avoid this bad supplier. For instance, FDA is providing a guideline through Foreign Supplier Verification Program, which give specific guideline what food importer should do to avoid unsafe foreign food supplier. Can CBP provide importers specific guidelines?**

CBP has an informed compliance guidance document on reasonable care that covers forced labor.

<https://www.cbp.gov/sites/default/files/assets/documents/2020-Feb/icprescare2017revision.pdf>

**Q. How many other customs authorities worldwide are leading efforts in cutting forced labor and is there a running list of initiatives worldwide?**

To our knowledge, there are a number of countries who have very publically denounced the human rights abuses and modern day slavery conditions of forced labor. However, it appears that only the U.S. has a Customs border enforcement authority.

**Q. Please provide the CBP Forced Labor office contact information.**

Contact the CBP Forced Labor office at [www.forcedlabor@cbp.dhs.gov](mailto:www.forcedlabor@cbp.dhs.gov)

#### **Additional Related Resource Materials**

- **CBP Informed Compliance Guidance – Reasonable Care (Forced Labor)**  
<https://www.cbp.gov/sites/default/files/assets/documents/2020-Feb/icprescare2017revision.pdf>
- **U.S. Department of State Trafficking in Persons Report**  
<https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>
- **Department of Labor List of Goods Produced with Child and Forced Labor,**  
<https://www.dol.gov/sites/dolgov/files/ILAB/ListofGoods.pdf>
- **Department of Labor ILAB Comply Chain Apps**  
<https://www.dol.gov/agencies/ilab/apps>