



STATEMENT FOR THE RECORD

U.S. Customs and Border Protection

BEFORE

U.S. House of Representatives
Committee on Natural Resources
Subcommittee on Water, Oceans, and Wildlife

ON

“Hybrid Subcommittee on Water, Oceans, and Wildlife Legislative Hearing”

July 29, 2021
Washington, D.C.

Chairman Huffman, Ranking Member Westerman, and Members of the Subcommittee, thank you for the opportunity to submit a statement on the role of U.S. Customs and Border Protection (CBP) in eliminating from the U.S. market seafood imports caught by means of illegal, unreported, and unregulated (IUU) fishing, unsafe seafood products, and seafood products produced from forced labor.

CBP works closely with interagency partners and key stakeholders to increase awareness and manage risk in the maritime domain since the inception of the Presidential Task Force outlined in the June 17, 2014 Presidential Memorandum “Establishing a Comprehensive Framework to Combat Illegal, Unreported and Unregulated Fishing (IUU) and Seafood Fraud.” To eliminate IUU fish and fish products in the U.S. market, CBP has expanded information sharing, signed legally binding customs mutual assistance agreements with more than 70 foreign governments, enhanced enforcement authorities, and improved traceability reporting.

As part of the agency’s broader effort to modernize and streamline trade, CBP led an initiative to build the Automated Commercial Environment (ACE). Through the ACE system, the trade community is now able to share import and export data, which the U.S. government then validates and uses to make determinations of admissibility for products entering the country. The ACE system streamlines and automates manual processes, eliminates the need for paper records, except as otherwise required by law or regulation, and helps promote informed compliance with U.S. laws and regulations within the international trade community. With use of this system, federal agencies are now able to collect and query critical data that can be used to promote seafood traceability and determine the origin and admissibility of these goods into the United States.

Ensuring the safety of imported goods is a top-priority trade issue for CBP, and we work collaboratively with our partners to ensure unsafe seafood products do not enter the United States. To better define and assess import safety risk, CBP established the Import Safety Commercial Targeting and Analysis Center (CTAC) facility to streamline and enhance federal efforts by focusing on the import, export, and trafficking of articles that pose a risk to the health and safety of U.S. consumers. By combining the resources of CBP and other government agencies, CTAC protects Americans from harm caused by unsafe imported products, while also improving communication and information sharing and reducing redundant inspection activities.

As a law enforcement agency, CBP works diligently to enforce 19 U.S.C. § 1307, which prohibits the importation of merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor, forced labor, and/or indentured labor, including forced or indentured child labor. The distant-water fishing industry is at high risk of forced labor as foreign companies often coerce vulnerable migrant workers to perform hazardous labor for little or no pay, forcing laborers to spend months at sea without making port calls. These companies exploit forced labor to sell goods below market value, which hurts law-abiding businesses, threatens American jobs, and supplies markets with unsustainable, unethical products.

With the help of U.S. interagency, and tools such as the U.S. Department of Labor’s List of Goods Produced by Child Labor or Forced Labor, as well as foreign government partners, non-governmental and civil society organizations, and the media, CBP has identified forced labor in fishing fleets and individual fishing vessels around the world. To address these violations, CBP issues Withhold Release Orders (WROs), which allows CBP to detain goods when information reasonably but not conclusively indicates that merchandise produced with forced labor is or is likely to be imported into the United States..¹ If CBP conclusively determines that imported goods are produced with forced labor, the agency will publish a formal “finding” to that effect in the Customs Bulletin and in the Federal Register.² Merchandise covered by a finding is subject to seizure and forfeiture³, and penalties may be issued against those who facilitated importing goods produced with forced labor.⁴

CBP may also detain goods when it identifies an apparent violation of regulations concerning the importation, transportation, or marking of goods produced using the labor of convicts, prisoners, or children in a penal or reformatory institution⁵. It will then work with U.S. Immigration and Customs Enforcement-Homeland Security Investigations (ICE/HSI) counterparts to report the facts to the appropriate U.S. Attorney, who advises whether such merchandise should be seized.⁶

As of July 2021, CBP has issued five WROs targeting seafood imports produced with forced labor, four of which are still active and enforced. CBP’s foundational investigations concluded that measures such as physical violence, withholding of wages, and abusive working and living conditions were used in the process of harvesting these importers’ seafood products. As part of its trade enforcement responsibilities, CBP continues to vigilantly monitor U.S.-bound supply chains, communicate with the trade community regarding the risks and consequences of forced labor, and issue WROs when necessary to protect vulnerable workers.

CBP is dedicating every available resource to address the threat seafood that does not meet U.S. standards presents to Americans and American businesses, and we continue to evolve our operations through interagency, partner-driven reporting and innovation. Each agency brings unique legal authorities, expertise, business requirements, and constituencies to our collaboration, and these are instrumental in driving change. CBP will continue to work closely with the U.S. Department of Labor and the National Oceanic and Atmospheric Administration, our extensive network of partner agencies, and Congress to meet the ever-evolving challenges of illegal, unreported, and unregulated fishing.

We thank you for the opportunity to provide this statement today.

¹ 19 C.F.R. § 12.42

² 19 C.F.R. § 12.42

³ 19 C.F.R. § 12.44

⁴ 19 U.S.C. § 1595a

⁵ 18 U.S.C. §§ 1761 - 1762

⁶ 19 C.F.R. § 12.45