

U.S. House of Representatives

Committee on Natural Resources

Washington, DC 20515

September 19, 2018

The Honorable Kirstjen M. Nielsen
Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, DC 20016

The Honorable Wilbur L. Ross, Jr.
Secretary of Commerce
U.S. Department of Commerce
Washington, DC 20230

The Honorable Michael R. Pompeo
Secretary of State
U.S. Department of State
Washington, DC 20520

Dear Secretary Nielsen, Secretary Pompeo, and Secretary Ross,

We write to express our deep concern about labor and human rights abuses in the seafood supply chain. Alarming, the State Department's 2018 Trafficking in Persons Report (TIP) identified more than 40 countries with human trafficking associated within the seafood supply chain.¹ As the world's third-largest seafood importer, the United States has a clear role in eliminating human trafficking within the seafood supply chain globally by ensuring that imports of seafood products into the United States are not associated with human trafficking or forced labor.

Human trafficking has been particularly pervasive in Thailand's fishing industry. Forced labor, and the associated crime of human trafficking, has persisted in the seafood supply chain despite increased international scrutiny and multiple high-profile media exposés. Various nongovernmental organizations continue to report shockingly high levels of labor exploitation, including investigations by International Justice Mission and Issara Institute² and Human Rights Watch.³ Specifically, independent investigations over the past decade have documented serious issues of forced labor and human rights abuses in the Thai shrimp industry.⁴ In some cases, vulnerable people have been smuggled out of their home countries, coerced into taking illegal narcotics as stimulants, and forced to fish around the clock out of fear for their lives. Given the United States imports over \$800 million of shrimp from Thailand annually,⁵ we urge your

¹ U.S. Department of State. (2018). Trafficking in Persons Report 2018. Available at <https://www.state.gov/j/tip/rls/tiprpt/2018/>. The U.S. Department of Labor 2016 list of goods produced by child labor or forced labor includes seafood goods from 16 countries, available at https://www.dol.gov/sites/default/files/documents/ilab/TVPRA_Report2016.pdf.

² Issara Institute & International Justice Mission. (2017). Not In the Same Boat. Available at <https://www.ijm.org/sites/default/files/studies/IJM-Not-In-The-Same-Boat.pdf>.

³ Human Rights Watch. (2018). Hidden Chains. Available at <https://www.hrw.org/report/2018/01/23/hidden-chains/rights-abuses-and-forced-labor-thailands-fishing-industry>.

⁴ For example, https://ejfoundation.org/resources/downloads/shrimp_report_v44_lower_resolution.pdf and http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_402971.pdf.

⁵ National Marine Fisheries Service data, <https://www.st.nmfs.noaa.gov/commercial-fisheries/foreign-trade/applications/annual-product-by-countryassociation>.

Departments to ensure that the United States does not import any seafood associated with human trafficking, from Thailand or any other country.

Your respective Departments already have many of the necessary authorities to combat these crimes against humanity. The U.S. Department of Homeland Security (DHS) has the authority to seize and block imports of products that have been made with forced labor. The State Department can impose penalties on countries based on human trafficking violations. The U.S. Department of Commerce is required to trace specific seafood products to address illegal, unreported, and unregulated (IUU) fishing and seafood fraud.

In 2016, Congress passed the Trade Facilitation and Trade Enforcement Act, which amended Section 307 of the Smoot-Hawley Tariff Act of 1930 (Tariff Act) to close the “consumptive demand” loophole.⁶ The Tariff Act authorizes U.S. Customs and Border Protection (CBP) to seize and block imports of products that have been made with forced labor. Since the consumptive demand loophole was closed in 2016, CBP has detained 15 shipments of seafood processed in China by North Korean workers.⁷ However, the Tariff Act has not been enforced to prevent imports to the United States of seafood that has been produced with forced labor in Thailand.⁸

We request the following from your respective Departments:

Department of Homeland Security: Fully utilize the Tariff Act to prevent imports to the United States of seafood that has been produced with forced labor from any country. Please inform our staff if CBP needs additional resources or authority to take additional enforcement action on seafood imports derived from forced labor. Additionally, we request the name of the point of contact at CBP responsible for these issues. If there is not currently a point of contact, please ensure there is one.

Department of State: Put diplomatic pressure on the Thai government and other governments identified in the TIP report to eliminate human trafficking and forced labor from their respective seafood supply chains.

Department of Commerce:

- The Trafficking Victims Protect Act of 2000 created the President’s Interagency Task Force to Monitor and Combat Trafficking in Persons. While DHS and State are active members, the Department of Commerce is not. To address this issue, many of us joined together to introduce the “Human Trafficking and IUU Fishing Act” (H.R. 6834), which would provide representation for National Oceanic and Atmospheric Administration (NOAA) Fisheries. In the meantime, we recommend that the Department of Commerce send a representative to attend any future meetings.

⁶ Tariff Act of 1930, 19 U.S.C. 1307. The consumptive demand loophole allowed goods made in forced labor to be imported into the United States if there was insufficient domestic production to meet consumer demand.

⁷ <https://www.cbp.gov/newsroom/blogs/tftea-two-years-and-counting>. The seizures of Chinese seafood were made after the passage of the Countering American Adversaries through Sanctions Act (CAATSA) on August 2, 2017 providing additional authority to CBP to take action against goods produced with North Korean labor under Section 307, <https://www.cbp.gov/newsroom/national-media-release/cbp-combats-modern-day-slavery-passage-countering-america-s>.

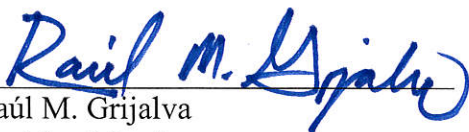
⁸ <https://www.cbp.gov/trade/trade-community/programs-outreach/convict-importations/detention-orders>.

- The Seafood Import Monitoring Program (SIMP), established on December 9, 2016, created data-reporting and record-keeping procedures to prevent mislabeled and IUU seafood from entering the U.S. market for 13 species and species groups.⁹ IUU fishing depletes global seafood stocks and makes workers more vulnerable to exploitation. Seafood fraud can disguise the true origins of the seafood. While we applaud this collaborative effort, these species only account for about 40 percent of seafood that enters the United States. In addition, the final regulations for SIMP neglected to address forced labor and human trafficking, which often occurs concurrently with IUU fishing. Since IUU fishing also refers to fishing activities in violation of national laws or international obligations,¹⁰ and Thailand and other nations already have in place domestic laws prohibiting forced labor, such actions should be addressed under SIMP. We urge the National Oceanic and Atmospheric Administration (NOAA) to expand SIMP to address risk factors associated with human trafficking and include all seafood species to ensure that any seafood sold in the United States is not produced using forced labor or in violation of any human rights laws.

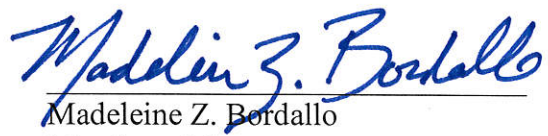
Departments of Homeland Security, Commerce, and State: This summer, a delegation from DHS, NOAA, and State traveled to Thailand to learn more about human rights abuses in Thailand's fishing fleet.¹¹ We commend you for this cooperative effort and hope this will lead to further attention on potential human rights violations in the Thai seafood industry. We request you brief our staff on lessons learned, next steps, and any additional direction needed from Congress to tackle the global problem of human trafficking linked to IUU fishing.

If utilized in a coordinated fashion, the information gathering, reporting requirements, and enforcement authorities of each of your agencies could prevent further human rights violations in the seafood supply chain. Thank you for your time and consideration. We look forward to reviewing your responses. If you have any questions regarding our request, please have your staff contact Lora Snyder (lora.snyder@mail.house.gov) on the House Natural Resources Committee staff.

Sincerely,



Raúl M. Grijalva
Ranking Member
House Natural Resources Committee

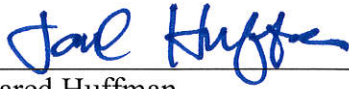


Madeleine Z. Bordallo
Member of Congress

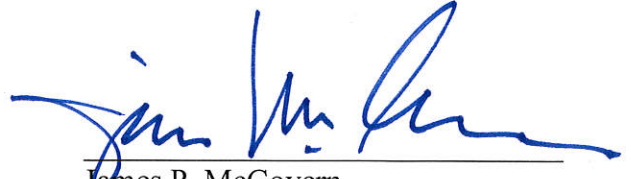
⁹ Complete text of the final rule is available at: <https://www.federalregister.gov/documents/2016/12/09/2016-29324/magnuson-stevens-fishery-conservation-and-management-act-seafood-import-monitoring-program>.

¹⁰ <http://www.fao.org/3/y3536e04.htm>.

¹¹ <https://www.cbp.gov/newsroom/spotlights/cbp-leads-delegation-thailand-discusses-forced-labor-concerns-fishing-industry>.



Jared Huffman
Member of Congress



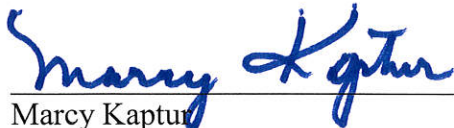
James P. McGovern
Member of Congress



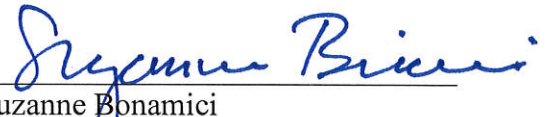
Gregorio Kilili Camacho Sablan
Member of Congress



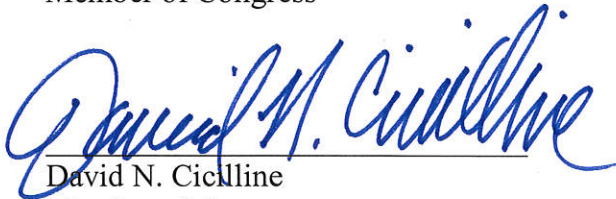
Jim Costa
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Marcy Kaptur
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David N. Cicilline
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