

Open Letter to CBP on Trade Data Transparency

October 20, 2022

**The Honorable Chris Magnus
Commissioner of U.S. Customs and Border Protection**

1300 Pennsylvania Ave. NW
Washington, DC 20229

Re: Open Letter on Trade Data Transparency

Dear Commissioner Magnus,

The undersigned organizations and advocates write to express our collective outrage at a recent proposal driven by industry groups as part of the Commercial Customs Operations Advisory Committee (COAC) to shield ocean freight manifests from disclosure. If adopted, the proposal would eviscerate the already limited access to customs data that is currently available to civil society. Public disclosure of vessel manifest data is essential to civil society, investigative journalists, and workers' rights organizations, especially as we work to support effective enforcement of the U.S. Tariff Act and the Uyghur Forced Labor Prevention Act (UFLPA).

The COAC proposal advocates additional problematic legislative amendments, which if accepted, would further derail forced labor investigations and enforcement under Section 307 of the U.S. Tariff Act, 1930, as well as under the UFLPA. An [article](#) published by the Associated Press (AP) on October 18, 2022 revealed these proposals. The amendments in question would profoundly hobble the agency's ability to enforce forced labor laws, as well as the ability of civil society to share evidence of forced labor in U.S. supply chains. As the agency charged with the enforcement of these laws, CBP's perspective is given a great deal of weight, both within the Administration and on Capitol Hill, and it is absolutely critical that CBP reject these proposed changes outright.

Public disclosure of import/export data is critical to tracing and monitoring forced labor risks in supply chains. Transparency of trade data is already far too limited. Currently, U.S. federal law (19 U.S.C § 1431) provides for public access only to ocean freight data. Data on air and land cargo is still not accessible to the public. Moreover, U.S. law already grants both importers and shippers the right to request confidentiality of their data on a case-by-case basis (19 C.F.R. § 103.31).

The trajectory should be for more transparency, not less. We advocate for disclosure of air, road, and rail manifests, in addition to maritime vessel manifests, while the COAC proposal seeks to shroud all import data behind a thick veil of secrecy. We urge CBP to reject calls for more “confidentiality” and instead disclose all types of customs data - air, rail, maritime and road - to the public. In addition, we urge CBP not to fall prey to proposals that will drive up the procedural complexity of the forced labor enforcement process, placing burdens both on CBP and civil society that are intended to operate as barriers to the enforcement of existing law.

In sum, U.S. companies can not publicly claim to oppose forced labor, while lobbying the U.S. Government to shield their supply chains from scrutiny. The effort to hide trade data is aimed at hindering enforcement of provisions banning imports of goods tainted by forced labor, and serves no legitimate public purpose. This is a shameful example of corporate overreach to protect profits by disabling efforts to hold perpetrators accountable.

We call on CBP to demonstrate its continued commitment to combating forced labor in global supply chains by rejecting this cynical call for confidentiality of vessel manifest data along with any other associated proposals. For years, U.S. advocates fought to remove loopholes that had crippled enforcement of Section 307 of the U.S. Tariff Act, culminating in the passage of the Trade Facilitation and Enforcement Act (TFTEA) of 2015. Now is not the time for the U.S. Government to move in precisely the opposite direction.

We therefore respectfully request that CBP publicly oppose, and summarily reject, the call for additional import data confidentiality.

Sincerely,

Advocating Opportunity

Alliance to End Slavery and Trafficking (ATEST)

American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)

Anti-Slavery International

Campaign for Uyghurs

Coalition to Abolish Slavery and Trafficking

Corporate Accountability Lab

FishWise

Free the Slaves

Freedom Network USA

Freedom United

Global Labor Justice-International Labor Rights Forum (GLJ-ILRF)

Greenpeace USA

HEAL Trafficking

Human Rights Watch

Humanity United Action

International Campaign for the Rohingya

International Corporate Accountability Roundtable (ICAR)

Jewish Movement for Uyghur Freedom

No Business with Genocide

Oceana

Oxfam America

Polaris

Safe Horizon, Inc

Solidarity Center

The Freedom Fund

The Human Trafficking Legal Center

Transparentem

Uyghur American Association

Uyghur Freedom Forum

Uyghur Human Rights Project

Uyghur Rights Advocacy Project

Verité

Worker Rights Consortium

World Uyghur Congress

Victims of Communism Memorial Foundation

Ambassador (ret.) Luis C.deBaca

Professor from Practice, University of Michigan Law School

Sabra Boyd

Sabra Boyd LLC