



ONE HUNDRED EIGHTEENTH CONGRESS
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October 24, 2023

Secretary Alejandro Mayorkas
U.S. Department of Homeland Security
2707 Martin Luther King Jr Ave SE
Washington, DC 20528-0525

Dear Secretary Mayorkas:

As chairs of the bipartisan and bicameral Congressional-Executive Commission on China (CECC), we write to pose questions about the Department of Homeland Security (DHS)'s response to troubling reports about forced labor and other human rights abuses in China's seafood industry and to urge immediate actions to ensure that America's seafood supply chains are forced labor-free. Given that these reports implicate the United States government's seafood purchases, we believe the situation needs a robust and coordinated response across all federal agencies.

Recent investigations by Washington, D.C.-based nonprofit journalist organization The Outlaw Ocean Project revealed human rights abuses on board China's illegal, unregulated, and unreported (IUU) fishing fleets and the forced labor of Uyghurs transferred from Xinjiang Uyghur Autonomous Region (XUAR) to seafood processing factories in the Shandong province of China. There is also emerging evidence of North Koreans working in seafood processing in Liaoning province. Up to 80,000 North Korean laborers are working in the cities of Donggang and Dandong, important seafood processing centers. Since 2017, at least three Chinese seafood processing companies, known for employing North Korean workers, sent over 1,000 tons of seafood to the United States through a dozen different importers.

The evidence presented by The Outlaw Ocean Project and detailed in the *New Yorker* and other publications globally is compelling and well-documented. Major wholesalers, restaurants, grocery chains, food service companies, and the U.S. government all import large amounts of seafood from the processing plants in Shandong and Liaoning. From the fish sticks served at school lunches to the fish sandwiches and calamari sold at major restaurants and grocery chains, the plates of American consumers are filled with products likely tainted with forced labor. At the very least, we should all agree that American veterans, school children, and men and women in uniform should not be unwitting accomplices to egregious human rights abuses.

As you know, under the *Uyghur Forced Labor Prevention Act* (P.L. 117-78, or UFLPA); the *Countering America's Adversaries Through Sanctions Act* (P.L. 115-44 or CAATSA) as well as Sec. 307 of the *Tariff Act of 1930* (19 U.S.C. §1307), seafood caught or processed with forced labor should be prohibited from entry into the United States. Because Uyghurs and North Koreans are working in PRC-based processing plants, the ability of DHS to act immediately and robustly is greatly enhanced by existing legislation.

Given that the information compiled in the reports referenced above was shared with DHS before publication, we ask you to report on the actions already taken to address seafood supply chains from China's

IUU fishing and tainted with the forced labor of Uyghurs and North Koreans, and we urge you to take the following steps as soon as possible:

- 1) Issue Withhold Release Orders (WROs) for all seafood processing facilities in Shandong and Liaoning provinces.
- 2) Place the companies that employ Uyghur labor on the “Entity List” pursuant to UFLPA and inform seafood importers of the intent to stop imports from those companies immediately.
- 3) Stop imports from companies employing North Korean labor immediately, pursuant to CAASTA.
- 4) Coordinate with all federal agencies purchasing seafood for schools, veterans, prisons, and military bases to inform them of DHS actions against China’s seafood industry and train procurement specialists about U.S. laws prohibiting the import of forced labor-made products and enforcement of both existing WROs related to China and the UFLPA. We have sent copies of this letter to the Secretaries of Agriculture, Defense, Labor Education, and Veterans Affairs and the Director of the Office of Management and Budget to start an interagency dialogue on federal procurement.
- 5) Report to us on the specific outcomes of DHS coordination with the Secretary of Commerce to address the import of seafood caught or processed with forced labor as required by the James Inhofe National Defense Authorization Act of 2023 (P.L. 117-263).

We note and appreciate the emphasis placed by DHS on China’s seafood industry over the past several years and the enforcement of the UFLPA by the men and women of Customs and Border Protection (CBP). There is always more that can be done, but we continue to offer staunch support for CBP’s enforcement efforts and DHS’s leadership of the Forced Labor Enforcement Task Force. Please let us know how we can assist you to ensure America’s seafood supply chains are cleared of forced labor.

We look forward to your response.

Sincerely,



Representative Chris Smith
Chair



Senator Jeffrey A. Merkley
Cochair

cc. Secretary of Defense
Secretary of Agriculture
Secretary of State
Secretary of Education
Secretary of Veterans Affairs
Secretary of Commerce
Secretary of Labor
Director of the Office of Management and Budget
Undersecretary Robert P. Silvers, Department of Homeland Security