



ONE HUNDRED EIGHTEENTH CONGRESS
REPRESENTATIVE CHRISTOPHER H. SMITH, CHAIR
SENATOR JEFF MERKLEY, COCHAIR

March 11, 2024

Secretary Antony J. Blinken
U.S. Department of State
2201 C St NW
Washington, DC 20451

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

Dear Secretary Blinken and Secretary Mayorkas:

As chairs of the bipartisan and bicameral Congressional-Executive Commission on China (CECC), we are writing to ask the Administration to act quickly and decisively to address forced labor in China's seafood industry and the very real possibility that U.S. consumers of seafood are funding North Korea's nuclear saber-rattling.

Recent reporting by The Outlaw Ocean Project published in *The New Yorker* exposed horrific details about abusive practices towards North Koreans forced to work in seafood processing plants in the People's Republic of China (PRC) and the fact that this seafood ends up on American plates.

U.S. law prohibits imports of any good made with North Korean labor. The Countering American Adversaries Through Sanctions Act (CAATSA), passed in 2017, imposes sanctions on individuals and entities associated with adversarial countries – including North Korea. Section 321(b) (22 U.S.C. § 9241a) of CAATSA established a rebuttal presumption that all goods, whether entirely or partially mined, produced, or manufactured by the labor of North Korean nationals or citizens globally, are prohibited from being imported under Section 307 of the Tariff Act of 1930.

Furthermore, the employment of North Koreans violates United Nation's Security Council Resolution 2397, which prohibits third countries from using North Korean laborers. According to U.N. General Assembly Resolution 78/218, the U.N. prohibits employment of North Koreans to stop foreign currency transfers to North Korea's dictator Kim Jong Un, who uses the wages garnered from workers to fund "its illicit nuclear weapons and ballistic missile programmes."

North Korean labor is profitable to China's seafood industry in part because of imports to the United States and other countries. Given China's footprint in the global seafood supply chain, American consumers are unwittingly exposed to products likely tainted with such labor. There is extensive and publicly available documentation of U.S. imports from the companies identified in *The New Yorker* article. Seafood sold in American grocery stores and wholesalers such as Costco and delivered to military bases, school food programs, and even congressional cafeterias makes both American consumers and the U.S. government inadvertently complicit in supporting forced labor and funding Kim Jong Un's dictatorial regime. It would

www.cecc.gov

243 FORD HOUSE OFFICE BUILDING | WASHINGTON, DC 20515 | 202-226-3766

also be a direct violation of federal law. This is unacceptable, and we hope you agree. A coordinated U.S. government response is needed immediately.

We wrote to the Department of Homeland Security in October 2023, detailing our concerns that forced labor was tainting America's seafood supply chain. The requests made in that letter remain relevant: Use the authorities provided by Congress to the Administration to block PRC seafood imports linked to forced labor and end U.S. government procurement of seafood caught and processed from such sources. We would like to see all our requests implemented swiftly. The recent investigations by The Outlaw Oceans Project illustrate the need for quick and decisive action to address not only how the PRC is violating U.N. Security Council sanctions and but also how American seafood procurements may be funding one of the most dangerous and brutal regimes on the planet.

Given the facts stated above and to assist ongoing congressional oversight, we urge you to take the following steps as soon as possible:

1. Immediately stop all imports from Chinese companies that employ North Korean labor, pursuant to Section 321(b) of the Countering American Adversaries Through Sanctions Act (CAATSA).
2. Request an open briefing, or at the very least an Arria-formula meeting, at the U.N. Security Council, to discuss the PRC's violation of U.N. Security Council sanctions regarding the employment of North Koreans and the intersection of North Korea's nuclear ambitions and forced labor transfer programs.
3. Work with like-minded partners to insist that the U.N. High Commissioner for Refugees gain access to North Koreans in the PRC and ensure that all North Koreans workers are given the opportunity to seek asylum.
4. Deepen information sharing with like-minded partners, particularly South Korea and Japan, to promote transparency and traceability in the seafood supply chain from the PRC.
5. Work through respective interagency processes to require all U.S. federal seafood procurements to provide full supply chain disclosures, records of shipments, and forced labor prevention plans to the Seafood Import Monitoring Program (SIMP) and U.S. Customs and Border Protection (CBP.)
6. Issue a joint interagency advisory outlining the supply chain risks for businesses and federal procurement managers in purchasing seafood from the PRC.

No U.S. business or federal agency should source seafood caught or processed with forced labor or from companies using North Korean labor, as that labor generates revenue for the North Korean government and violates U.S. law. We look forward to continuing to work with you to ensure American consumers are no longer unwittingly exposed to products tainted by forced labor. Thank you for your attention to this matter.

Sincerely,



Representative Christopher H. Smith
Chair



Senator Jeffrey A. Merkley
Cochair