



November 14, 2024

Seth D. Renkema,
Chief, Economic Impact Analysis Branch
U.S. Customs and Border Protection
Office of Trade, Regulations and Rulings
90 K Street NE, 10th Floor
Washington, DC 20229-1177

Submission Via reginfo.gov

Re: [OMB Control Number 1651-0140] U.S. Customs and Border Protection Agency
Information Collection Activities; New Collection; Forced Labor Portal/Forced Labor Case
Management System (CMS)

Dear Mr. Renkema,

For over 100 years, AAEI has served as a prominent national voice for the United States' international trade community. AAEI proudly represents various industry sectors within the global trade landscape, comprising manufacturers, importers, exporters, wholesalers, retailers, and various service providers such as customs brokers, freight forwarders, trade advisors, insurers, security providers, transportation interests, and ports. Many of its members are small businesses seeking opportunities to export to foreign markets, while the larger entities help to fuel the economy through their supply chains. As the premier U.S. international trade organization, AAEI is recognized for its expertise in the day-to-day facilitation of trade, including the administration and compliance with import and export laws of the United States, making it an indispensable resource for those directly involved in and impacted by developments in international trade.

Earlier this year, AAEI provided a response to the initial Federal Register Notice (FRN) regarding CBP's new Forced Labor Portal and Case Management System (CMS); the comments below further expand on the four questions posed in the FRN and how the new portal and CMS will impact the industry. By aligning suggestions with the FRN objectives, we seek to provide actionable insights that improve the CMS's effectiveness.

1. Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

Providing importers with data at the 8-digit HTS code level and, at a minimum, the 6-digit level, would allow for more precise identification of shipments at risk. Additionally, information on the volume of shipments being held per industry within each Center of Excellence and Expertise (CEE), as well as within specific HTS codes, would be invaluable for sector-specific risk assessment. When CBP detains a shipment from a particular manufacturer, CBP could clarify whether the detention is due to a concern with the manufacturer itself or an external factor related to the supply chain. This transparency, beyond simply providing the Manufacturer Identification Code (MID), would empower importers to take the appropriate corrective actions effectively.

2. The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

The agency's current estimate of the burden of proposed information collection is a significant underestimation. CBP's current estimate—suggesting that allegation responses take 10 minutes and applicability reviews can be completed in 30 minutes—significantly underrepresents the true burden. For example, an applicability review of extensive documentation, such as a 700-page report, would require substantially more time. Specifying that such reviews may take up to 90 days would offer a more accurate assessment of the process.

Additionally, clarification on the standards of proof would be invaluable; the burden of proof required to substantiate an allegation appears to be less stringent than that required to disprove one, which leaves the review process ambiguous. A clear outline of the burden standards and timelines would support greater transparency and consistency for importers.

3. Suggestions to enhance the quality, utility, and clarity of the information to be collected;

Including more stringent minimum criteria for information submission would help discourage frivolous claims, creating a system that is less susceptible to misuse by tort lawyers. Establishing

higher standards would ensure that only well-substantiated allegations proceed, thereby improving the quality and relevance of the information collected.

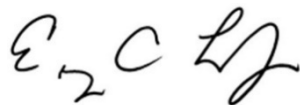
Additionally, CBP should implement a time-stamp requirement for the data it uses to assess allegations. Older data sources can lead to outdated or misleading conclusions. A time-stamp would enhance the utility and clarity of the data, ensuring that it reflects current conditions and provides a more accurate basis for CBP's decisions.

4. Suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses

Allowing for increased file size limits would significantly reduce the burden on those responding to information collection requests. CBP's email system currently caps file sizes at 10MB, which can hinder the submission of comprehensive documentation. Implementing a portal with larger file upload capacities would enable importers to submit larger files without the need to divide them, streamlining the process and reducing time spent on submissions.

If you have any questions or require any clarification of our responses, please contact my staff lead Mitchell Hart at MHart@aaei-hq.org.

Sincerely,



Eugene C. Laney
President & CEO