

**COMMITTEE ON WAYS AND MEANS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515**

January 13, 2022

The Honorable Katherine C. Tai
United States Trade Representative
Office of the United States Trade Representative
600 17th Street, NW
Washington, D.C. 20509

The Honorable Martin J. Walsh
Secretary
United States Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210

The Honorable Alejandro Mayorkas
Secretary
United States Department of Homeland Security
301 7th Street, SW
Washington, D.C. 20528

Dear Ambassador Tai, Secretary Walsh, and Secretary Mayorkas:

As members of the Committee on Ways and Means, we write to request that the United States Trade Representative (USTR), the United States Department of Labor (DOL), and the United States Customs and Border Protection (CBP) review the allegations of labor exploitation and forced labor in the Dominican Republic's sugar industry.¹ Specifically, we request you identify all policy tools available to address potential violations, including under the Dominican Republic-Central America Free Trade Agreement (DR-CAFTA), Section 307 of the Tariff Act, and any other trade enforcement laws, and develop a comprehensive action plan to remedy those concerns.

Stakeholders have raised serious inquiries regarding inhumane labor conditions in the Dominican Republic's sugar sector for many years. In December 2011, Father Christopher Hartley filed a submission under the labor chapter of DR-CAFTA alleging numerous violations

¹ <https://www.washingtonpost.com/business/interactive/2021/central-romana-tax-haven-south-dakota/>
<https://www.jacobinmag.com/2021/10/haitian-dominican-republic-sugarcane-immigration-poverty-rights>
<https://www.motherjones.com/politics/2021/09/sugar-central-romana-fanjul-dominican-republic/>
<https://www.motherjones.com/politics/2021/12/central-romana-sugar-hoyo-de-puerco-demolished/>
<https://revealnews.org/podcast/the-bitter-work-behind-sugar/>

across the Dominican Republic's sugar production industry. DOL conducted an investigation and found "evidence of apparent and potential labor violations in the sector,"² including concerns regarding acceptable conditions of work, child labor, and forced labor. After issuing its report in 2013, DOL engaged directly with the Government of the Dominican Republic (GODR), the International Labor Organization (ILO), and Dominican Republic industry stakeholders; provided technical assistance and related program funding; and conducted six public periodic reviews. The most recent review in 2018 found that "while concerns remain, the GODR continues to take positive steps towards addressing some of the labor issues identified in the report."³

At the same time, recent findings by investigative journalists provide strong evidence that, despite ten years of effort, labor conditions in the Dominican Republic sugar sector remain abhorrent. Reports from the Washington Post's Pandora Papers investigation, Mother Jones, and the Center for Investigative Reporting include written and video testimonies by laborers of Haitian descent about the conditions they experience in the *bateys*,⁴ *colonos*,⁵ sugar cane fields, and throughout the country's sugar production. These testimonies describe: poverty-level wages; excessive work hours; lack of safety or protective equipment; abhorrent housing conditions with limited access to water and electricity; denial of public benefits such as pensions, social security, and medical care; and harassment, intimidation, and retaliation by supervisors, company representatives, company armed guards, and police.

Notwithstanding important steps taken in the sector over the years, the conditions reported indicate that we must do more to ensure compliance with domestic labor laws and international labor standards, including those embedded in the DR-CAFTA. DR-CAFTA has required the Dominican Republic to enforce its labor laws for fifteen years, and for ten of those fifteen years the U.S. government has worked on the outstanding labor petition highlighting that the industry is falling short. All the while, workers in the sugar sector are reportedly forced to work in slave-like conditions. We are simply not doing enough. The United States must reexamine and redouble government efforts to meaningfully address this situation.

Given the shared jurisdiction regarding international labor and forced labor issues, we request that USTR, DOL, and CBP jointly: (i) review the alleged violations and any measures, including corporate governance and internal controls, that have been implemented to protect against and prevent abuse; (ii) identify and consider all policy tools available to the Biden Administration under DR-CAFTA, Section 307 of the Tariff Act, and any other trade enforcement laws; and (iii) develop a comprehensive action plan to remedy those concerns and ensure the rights of laborers producing critical goods for U.S. and global consumption are respected and enforced.

² Public Report of Review of Submission No. 2011-03 (Dominican Republic), Department of Labor <https://www.dol.gov/sites/dolgov/files/ILAB/legacy/files/20130926DR.pdf>

³ See Sixth Periodic Review of Implementation of Recommendations in the U.S. Department of Labor's Public Report of Submission 2011-03 (Dominican Republic) May 16, 2018, Department of Labor <https://www.dol.gov/agencies/ilab/our-work/trade/fta-submissions#DR>

⁴ *Bateys* are sugar cane worker camps or residential areas.

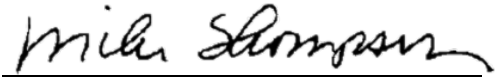
⁵ *Colonos* are small sugar mill owners that supply the larger sugar mills that export.

We also request a briefing on the review and action plan to the Trade Subcommittee of the House Committee on Ways and Means within 45 calendar days.

Sincerely,



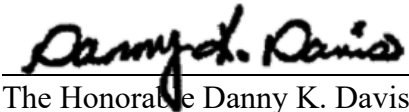
Earl Blumenauer, *Chair*
Subcommittee on Trade



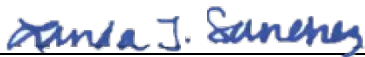
The Honorable Mike Thompson



The Honorable Bill Pascrell, Jr.



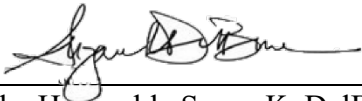
The Honorable Danny K. Davis



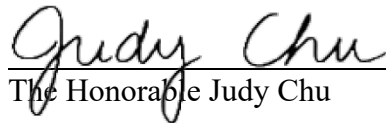
The Honorable Linda T. Sánchez



The Honorable Terri Sewell



The Honorable Susan K. DelBene



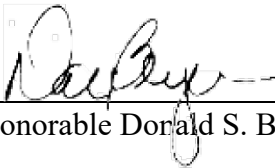
The Honorable Judy Chu



The Honorable Gwen Moore



The Honorable Daniel T. Kildee



The Honorable Donald S. Beyer



The Honorable Dwight Evans



The Honorable Bradley S. Schneider



The Honorable Jimmy Gomez



The Honorable Stacey Plaskett

cc: Hon. Thea Lee, Deputy Undersecretary for International Affairs
Hon. Troy Miller, Senior Official Performing the Duties of the Commissioner of U.S.
Customs and Border Protection
Hon. AnnMarie Highsmith, Executive Assistant Commissioner for the Office of Trade,
U.S. Customs and Border Protection