

## Request for Proposals: Tariff Act Legal Fund

OCTOBER 2021

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### Summary

Across the globe, approximately 25 million people are in forced labour. Many of these people – and the goods they produce with their labour – are part of vast and complex global supply chains. The United States is the largest importer of goods at-risk of being produced with forced labour, with an estimated value of more than \$144 billion a year, or 40% of the global total.

For ninety years, Section 307 of the U.S. Tariff Act of 1930 has prohibited the importation of goods into the United States that have been mined, produced or manufactured with forced, indentured or convict labour. This provision is implemented by U.S. Customs and Border Protection (CBP), that has the power to issue a Withhold Release Order (WRO) to prevent imports from entering the U.S. if there is evidence that forced labour may have been used in their production overseas. Following the closure of a legal loophole in 2016, over 30 WROs have been issued against specific commodities, factories or exporters. The Tariff Act is a powerful trade tool that can be used to curb forced labour in global supply chains, by compelling businesses to adopt rigorous due diligence measures to avoid the penalty of having their goods detained at the border.

The Freedom Fund has created the Tariff Act Legal Fund to support the effective implementation of Section 307 of the U.S. Tariff Act. The Fund provides grants to civil society organisations for the purpose of carrying out on-the-ground evidence collection of forced labour that can be linked to goods entering the U.S and providing this information as a petition to CBP.

Over the next 12 months we intend to fund a total of ten investigations. Our aim is to increase the number and diversity of groups that are providing evidence to CBP, in order to strengthen the role of civil society in utilising the Tariff Act mechanism to combat forced labour in global supply chains. A second RFP for the Fund will be issued in May 2022.

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### Project criteria

Civil society has a critical role to play in supporting the implementation of the U.S. Tariff Act, by providing CBP with evidence where there is a reasonable belief that shipments entering the United States, or likely to enter the United States, are produced using forced labour, convict labour or indentured labour. Petitions submitted to CBP must include two elements: 1) that a good is produced with forced labour, according to the standard laid out in section 307<sup>1</sup>; and 2) that the good is being imported into the United States.

The Tariff Act Legal Fund provides dedicated grant funding to civil society organisations to conduct on-the-ground investigations of forced labour in the production of goods and gather evidence of their import into the United States. The goal of the investigation should be to collect primary evidence of forced labour, including worker interviews and testimony, within the target country. We do not expect applicant organisations to be able to demonstrate a high level of knowledge of the Tariff Act petition process. Each grantee will receive

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<sup>1</sup> “All work or service which is exacted from any person under the menace of any penalty for its non-performance and for which the worker does not offer himself voluntarily”

tailored guidance and support on drafting and submitting Tariff Act petitions from our partner [Human Trafficking Legal Center](#). Further information on the Tariff Act, evidential requirements and the petition process can be found in the Tariff Act Legal Fund FAQ or in [Human Trafficking Legal Center's Tariff Act Practice Guide](#).

## Scope

This is a global call for proposals. The Fund does not focus on specific countries or industries but is committed to supporting geographically diverse Tariff Act enforcement. Projects should meet the following criteria:

- The investigation targets a specific sector or industry where there is evidence of forced labour occurring. This includes but is not limited to goods included in the [ILAB List of Goods Produced with Forced and Child Labour](#).
- A [Withhold Release Order \(WRO\)](#) is not already in place for this specific sector or industry.

We will prioritise investigations targeting sectors or industries where petitions have not already been filed. A list of public petitions can be found [here](#).

## Budget

Interested parties may apply for a grant of up to \$50,000 USD. Grant funds shall only be used for costs associated with the Tariff Act project.

## Timeline

Grants will be provided to cover activities over a 12-month period. In exceptional circumstances, we may consider projects up to 18 months.

## Risk management

We take the protection of human rights defenders extremely seriously and are acutely aware of the risks involved in conducting forced labour investigations. All projects should incorporate a risk analysis and mitigation plan covering risks to field staff and investigation participants including workers and survivors. Technical assistance will be available to all grantees to strengthen risk identification and mitigation processes and digital security.

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## Organisational criteria

Human rights organisations, civil society organisations, watchdog groups, trade unions, worker groups and investigative journalists are invited to submit proposals. We are particularly interested in receiving applications from organisations based in the Global South, or partnerships between international and local groups.

Applicant organisations must be able to demonstrate:

- Presence in the target country, or a well-established relationship with civil society or worker groups based there
- Experience in carrying out human rights research and/or investigations
- Knowledge of issues relating to worker exploitation, including forced labour
- Risk management policies and procedures

As the aim of the Fund is to build capacity within civil society to use the Tariff Act mechanism, priority will be given to organisations that have not previously submitted a petition to CBP.

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## Proposal format

Interested parties should submit a concept note of no more than 5 pages that covers the following elements:

- Project overview, describing how the proposed investigation fits the project criteria outlined above and rationale for filing a Tariff Act petition
- Methodology, outlining a clear evidence collection strategy to meet the requirements of section 307 of the Tariff Act
- Team structure and organisational experience in carrying out human rights investigations
- Identification of key project risks and mitigation strategies
- High level workplan for key project phases and deliverables
- Proposed budget

Applicants are also required to fill out a short risk assessment survey, available [here](#).

The concept note must be written in English and submitted electronically in Microsoft Word or PDF format according to the instructions below. Both the concept note and risk assessment survey must be submitted by **3 December 2021**

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## Proposal timeline and submission instructions

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| 27 October 2021                         | Release of RFP                                       |
| <b>3 December 2021 Midnight UK time</b> | <b>Concept note and risk assessment survey due.</b>  |
| By 7 January 2022                       | All shortlisted organisations will be notified.      |
| February 2022                           | Grant agreements signed with selected organisations. |

### Instructions for Submission

- 1) Create your concept note and save as a PDF or Word Document.
- 2) Upload your files to <https://send.tresorit.com>
- 3) Send the link generated to [TALFund@protonmail.com](mailto:TALFund@protonmail.com)
- 4) Ensure you have completed the [Risk Assessment Survey](#). If you do not want to use GoogleSurvey, please contact us below for an alternative form.

For any questions on the Tariff Act Legal Fund or the submission process, please contact [cbailey@freedomfund.org](mailto:cbailey@freedomfund.org)