FORCED LABOR

CBP Should Improve Communication to Strengthen Trade Enforcement

What GAO Found

The Department of Homeland Security’s U.S. Customs and Border Protection (CBP) uses several tools to enforce Section 307 of the Tariff Act of 1930 (Section 307), which prohibits the importation of goods made with forced labor. For example, CBP may issue a withhold release order (WRO) when information reasonably but not conclusively indicates that merchandise produced with forced labor is being, or likely to be, imported into the United States. CBP may detain shipments of merchandise pursuant to WROs at U.S. ports of entry, unless an importer provides sufficient evidence that it was not made with forced labor. In addition, CBP may revoke or modify a WRO if evidence shows the merchandise was not made with forced labor; is no longer being produced with forced labor; or is no longer being, or likely to be, imported into the United States.

CBP has taken steps to communicate with other federal agencies as well as nonfederal stakeholders about its enforcement of Section 307.

- CBP communicates with other agencies, including the Departments of Labor and State, through monthly meetings of an interagency working group. During these meetings, members discuss their agencies’ forced labor-related efforts and CBP reports its planned enforcement actions.
- CBP officials told GAO that they may communicate separately with other agencies’ officials to obtain or share information relevant to CBP’s investigations.
- CBP officials communicate with nongovernmental organizations (NGO) and private sector entities that address forced labor, according to CBP officials.

However, one aspect of CBP’s communication with other federal agencies and nonfederal stakeholders lacks transparency. CBP has published a description of its process for issuing WROs as well as the types of information it requires to revoke or modify them. But CBP has not published a description of its WRO revocation and modification process, comparable to a description of its WRO issuance process posted on its website. As a result, other agencies and stakeholders lack knowledge of the process. This may limit the agencies’ ability to support CBP’s enforcement and the private sector’s ability to comply with Section 307.

What GAO Recommends

GAO recommends that CBP make a description of its WRO revocation and modification process publicly available. CBP agreed with GAO’s recommendation.

View GAO-21-259. For more information, contact Kimberly Gianopoulos at (202) 512-8612 or gianopoulouk@gao.gov.