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Streamlining Government Coordination for Rights-Conscious Supply Chains

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A Report of the Stephenson Ocean Security Project and The International Corporate
Accountability Roundtable

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About ICAR

The International Corporate Accountability Roundtable (ICAR) is a coalition of 40+ member and partner organizations committed to ending corporate abuse of people and the planet. We advocate for real protections and strong enforcement of the law to protect the public by enacting reasonable safeguards against corporate abuse, protecting those who speak out against corporate wrongdoing, and combating the rise of the corporate state.

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Acronyms and Abbreviations

ACE - Automated Commercial Environment

CAATSA - Countering America's Adversaries Through Sanctions Act

CBP - U.S. Customs and Border Protection

CSDDD - Corporate Sustainability Due Diligence Directive

CTE - Critical Tracking Element

DOJ - Department of Justice

DRC - Democratic Republic of the Congo

EBA - Enforceable Brand Agreement

FDA - Food and Drug Administration

FEOC - Foreign Entity of Concern

FLETF - Forced Labor Enforcement Task Force

FTL - Food Traceability List HREDD - Human Rights and Environmental Due Diligence

HSI - Homeland Security Investigations

HTPU - Human Trafficking Prosecution Unit

ILAB - Bureau of International Labor Affairs

IRA - Inflation Reduction Act

IRS - Internal Revenue Service

IUU Fishing - Illegal, Unregulated, Unreported Fishing

KDE - Key Data Element

Maritime SAFE - Maritime Security and Fisheries Enforcement Act

M-POWER - Multilateral Partnership for Organizing, Worker Empowerment, and Rights

MSA - Magnuson Stevens Act

MSI - Multi-Stakeholder Initiative

NGO - Non-governmental Organization

NOAA - National Oceanic and Atmospheric Administration

OFAC - Office of Foreign Assets Control

PGA - Partner Government Agency

PREDICT - Predictive Risk-based Evaluation for Dynamic Import Compliance Targeting

SIMP - Seafood Import Monitoring Program

TVPRA - Trafficking Victims Protection Reauthorization Act

UFLPA - Uyghur Forced Labor Prevention Act

USMCA - United States-Mexico-Canada Agreement

WRO - Withhold Release Order

Executive Summary

As corporate global supply chains grow more complex, they are becoming increasingly opaque. This lack of visibility obscures risks to workers and consumers and limits accountability for traders, retailers, and those ultimately profiting off of company operations, leading to gaps that increase the opportunity and incentives for worker exploitation. The U.S. government has several transparency and traceability requirements in place to monitor supply chains for abuses, in an attempt to limit the use of the U.S. market for these purposes. These programs are siloed, however, with different agencies addressing issues such as conservation, food and product safety, human and labor rights, and national security. Moreover, despite the ever-increasing threat of U.S. products being tainted by forced labor, the U.S. government's enforcement mechanisms are not tied to any transparency or traceability requirements, relying instead on third-party data.

U.S. supply chain disclosure requirements are sparse, having failed to keep up with the evolving reality of these global systems. Some disclosure mechanisms have developed around specific industries, including seafood and minerals, as a result of their significance to U.S. interests. The seafood industry sits at the nexus of food safety and national security and is subject to traceability requirements under both the Food and Drug Administration (FDA) and the National Oceanic and Atmospheric Administration (NOAA) to ensure compliance with safety and nominal sustainability standards, respectively. Similarly, many minerals are deemed “critical” to national and economic security because they are required building blocks for renewable energy technologies and are difficult to obtain at their necessary quantities. Manufacturers of products that contain a certain subset of minerals mined in conflict zones are subject to supply chain due diligence and disclosure

requirements. Moreover, electric vehicle manufacturers can benefit from a significant tax credit, but they must conduct due diligence to ensure battery parts are not manufactured or assembled by actors that pose economic or security threats, known as Foreign Entities of Concern.

Supply chain transparency and traceability programs addressing these industries serve as case studies on how such mechanisms can be used strategically to support efforts to combat forced labor through a whole-of-government approach. These programs also highlight the extent to which corporations can trace their supply chains: Outside of the programs mentioned above, there are no mandated transparency programs that broadly require companies to disclose their supply chain information. This leaves many corporate supply chains shrouded in darkness, creating a significant barrier to enforcement against companies and their suppliers engaging in forced labor.

There are several forced labor and human rights enforcement mechanisms within the U.S. government—including bans on imports made using forced labor, human rights sanctions regimes, and laws that make it a criminal offense for companies to knowingly benefit from human trafficking or forced labor—but none are tied to comprehensive supply chain disclosure requirements. The burden of filling this gap often falls on civil society organizations, which expend extensive resources researching and mapping corporate supply chains and pressuring companies to adhere to enforceable agreements.

In the absence of comprehensive supply chain disclosure requirements, the U.S. government can use existing transparency and traceability programs to combat forced labor in U.S. supply chains. These programs can complement human and labor rights enforcement mechanisms through greater interagency collaboration, with supply chain data shared across government agencies to strengthen enforcement. Additionally, agencies can collaborate to ensure enforcement actions are taken strategically and are therefore more impactful. Although interagency working groups exist, there are several barriers to comprehensive collaboration among agencies. These include a lack of formal processes for collaboration and information sharing, a lack of capacity and resources dedicated to collaboration, and sensitivity of certain data collected by or disclosed to U.S. government agencies.

Even with stronger interagency collaboration, significant improvements will need to be made to supply chain disclosure regimes. Without comprehensive supply chain data traceability and disclosure across all industries, agencies will continue to face an uphill battle in gathering data needed to bring enforcement actions.

Although it is a costly process, corporate actors are best positioned to trace their own supply chains, and to identify and mitigate or prevent abuses where possible. New mandates should shift the burden onto corporations to demonstrate rights-respecting business practices by requiring full supply chain transparency and traceability, including through legislative initiatives such as mandatory human rights and environmental due diligence.

The U.S. government and Congress should take the following steps to ensure U.S. supply chains are free of forced labor:

- **Government Organization and Coordination:** Using existing structures, such as the Forced Labor Enforcement Task Force (FLETF), the U.S. government should identify a primary coordination hub that would ensure that supply chain data collected and analyzed across the government could be integrated with relevant enforcement programs. This hub should make sure that data informs government-wide prioritization of sectors leading in turn to targeted foreign assistance programs, as well as enforcement cascades with various types of sanctions.
- **Resource Allocation:** Congress should appropriate additional funds to the forced labor division of U.S. Customs and Border Protection (CBP) to ensure that the agency is well placed to enforce both the 1930 Tariff Act as well as to meet the increased burden of enforcing the Uyghur Forced Labor Prevention Act. Similarly, the Human Trafficking Prosecution Unit and Homeland Security Investigations should be allocated additional funds for pursuing human trafficking investigations and prosecutions, including specific allocations for prosecuting instances of forced labor and labor trafficking cases. Resources should also be allocated to relevant enforcement agencies to ensure greater collaboration with the Bureau of International Labor Affairs to incorporate workers in enforcement action.
- **Corporations' Responsibility:** Congress should enact legislation that would shift the burden of supply chain transparency and traceability onto corporate actors, including
 - reversing the burden of proof on the forced labor import ban through enacting supply chain disclosure requirements similar to the Seafood Import Monitoring Program to ensure imports made using forced labor are prevented from entry into U.S. markets;
 - requiring U.S. corporations across all industries to fully trace their supply chains and disclose key supply chain data to the U.S. government, including to forced labor enforcement agencies; and
 - mandating human rights and environmental due diligence, including through legislation following past successful models, such as the Foreign Corrupt Practices Act.
- **Viable Alternatives:** In addition to shedding light on tainted supply chains, Congress should create a Fair Labor Innovation Fund to seed viable alternatives to tainted supply chains for American companies.
- **Support Partners Abroad:** The United States government should continue to provide support for human rights and sustainable development through foreign aid to partners around the world to ensure continued support for principles of human rights.

Introduction

U.S. supply chains are spread across the globe through several layers of supplier relationships, making them complex, opaque, and difficult to trace. This lack of transparency poses serious risks to U.S. interests. Meeting the U.S. demand for goods through illegal and unsustainable sources threatens national security, the health of consumers, natural resources, and leads to serious human rights abuses. Corporate actors make billions of dollars in profits from exploiting workers and the environment around the world with impunity. In addition to the moral, economic, and legal mandates underpinning support for human rights, the issue is increasingly of vital national security importance as a key differentiator between the United States and its competitors. Strong support for human rights in our supply chains can serve as a crucial pillar in U.S. efforts to combat trends toward global oligarchy and away from liberal democracy.

The U.S. government has several statutorily mandated programs in place requiring corporations to disclose key supply chain data, in an effort to ensure that these systems are free of harmful practices related to food safety, conservation, national security, trafficking, and forced labor. This last factor—the presence of forced labor in the manufacturing of products sold in the United States or made by U.S. companies—is both among the most challenging to deal with and the most prevalent.¹

Forced labor refers to “work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily.”² It is endemic to nearly all supply chains and can be found in virtually all stages.³ U.S. government tools that hold corporate actors that benefit from forced labor to account are not tied to any comprehensive traceability and transparency mechanism, but rather typically operate independently based on

their mandates, with distinct and uncoordinated detection, analysis, and enforcement mechanisms. As a result, enforcement actions against these corporate actors have been sparse, and have had a limited impact on the significant role U.S. corporations play in forced labor and abusive labor practices around the world. Further, the complexity of many American supply chains makes them difficult to trace, shielding labor abuses and making them costly and time-consuming to investigate.

Forced labor and other labor abuses have become endemic to manufacturing and production in supply chains around the world, and U.S. markets are increasingly tainted with goods produced using forced labor.⁴ As the world's preeminent market state and the largest importer of products with forced labor risks, the United States holds a special responsibility and unique capacity to take effective action to combat this issue.⁵ Moreover, as the home to many of the world's largest multinational corporations, the goods these firms provide and the way they do business shapes the way people around the world perceive the United States.⁶

In addition to the negative impact on the United States' place in the global stage, the presence of forced labor in U.S. supply global chains is harmful to the economy. American businesses that work to ensure supply chains are free from these abuses must compete with companies that exploit workers. Such businesses distort the U.S. economy by developing cheap goods through forced labor and abusive purchasing practices, undercutting market competition. Combating forced labor works to ensure fair competition and level the playing field for businesses that are committed to fair and just supply chains.

However, without adequate insight into U.S. supply chains, many of the existing U.S. tools are not working properly to create the sweeping changes needed to fully eradicate forced labor. The European Union passed a sweeping directive in April 2024 that will require EU companies and certain non-European companies, including many American firms, to conduct human rights and environmental due diligence (HREDD) throughout their supply chains. Although European countries such as Germany and France already have laws like this on the books, this directive will have a significant impact on the way business is conducted around the world, including in the United States.

As the European Union begins to implement this legislation, the United States needs to regain its role as the leader in combating forced labor around the world. This report will explain how U.S. government mechanisms that address forced labor in supply chains can be strengthened to ensure more robust and effective enforcement. The first section will analyze how existing forced labor enforcement and supply chain transparency mechanisms work, and where they fall short. The second section will explain how forced labor enforcement can be strengthened under existing mandates through interagency collaboration, what barriers exist to advancing such collaboration, and where additional mandates may be helpful. The final section will provide recommendations on how legislators and government agencies can advance and strengthen U.S. government forced labor enforcement.

We recognize that these recommendations are coming at the start of a new administration which has undertaken a radical departure in its approach to government structure and function from past presidencies. We hope that this report and its contents can provide a vital roadmap for realizing the potential of U.S. market tools to positively support human rights and U.S. interests abroad.

Methodology

To develop this report, the authors conducted a review of existing research and analysis of U.S. government action and policy to address forced labor and other supply chain abuses, through desk research and interviews with relevant stakeholders. The report relies on a number of different resources, including civil society and think tank studies, government research and resources, and relevant legislation. This research identified (1) existing government mechanisms that address forced labor in U.S. supply chains, (2) U.S. policy statements and positions on addressing abuses, such as forced labor, in U.S. supply chains, (3) supply chain transparency and traceability mechanisms across the government, (4) the mandates behind existing mechanisms, and (5) existing interagency collaboration mechanisms that address abuses in American supply chains.

The authors also conducted interviews with numerous stakeholders and experts, including current and former officials from the White House; the Departments of Labor, Commerce, Homeland Security, Justice, Energy, and Defense; representatives of human rights and conservation-focused civil society organizations; and industry representatives. The authors used these conversations to gain a deeper understanding of how existing mechanisms operate, how they work together, and where there are gaps and opportunities for stronger and more effective enforcement through interagency collaboration.

Limited Supply Chain Transparency Hampers Enforcement

Over the last several decades, corporate supply chains have grown increasingly complex.⁷ Yet regulation has generally not kept up with this rapid change, leaving supply chains opaque and prone to abuse. In the United States, supply chain data transparency is still strikingly limited. Some sparse disclosure requirements are in place related to seafood and minerals. But aside from specific regimes narrowly circumscribed by industry, region, or risk, U.S. law does not generally require corporate disclosure of supply chain information, resulting in serious gaps in the government's ability to trace goods and punish corporate misfeasance.

Supply Chain Data Transparency Landscape in the United States

The U.S. government has little ability to investigate the country's supply chains, and there are currently no broad mandates requiring corporate disclosure of supply chain information across industries. Rather, the U.S. supply chain transparency landscape is limited to a patchwork of disclosure regimes focused on specific industries based on the importance of those systems to U.S. markets and the risks they carry. Supply chain disclosure mechanisms have clustered around industries such as seafood and conflict minerals, in part because of their significance to U.S. interests such as food safety, national security, and human rights.

Seafood supply chain tracing, for example, is necessary for rapidly removing tainted seafood from the market, as well as ensuring seafood is legally harvested without encroaching on neighboring nations' waters or violating environmental and human rights protections. In addition to being subject to broader food safety-related traceability requirements, seafood is currently host to the

only implemented program where key supply chain data is collected and reported as a condition of import. This makes seafood's mandates essential to pursuing a whole-of-government approach to combating forced labor and a crucial sector to examine as a potential traceability model for other industries.

Likewise, minerals such as lithium, tin, and cobalt are necessary for the production of critical technologies such as computers and electric vehicles, while also being difficult to obtain. Global mining practices also pose significant environmental and human rights risks. This makes monitoring the minerals supply chain necessary for building economic security and a sustainable future. Two mandates govern traceability in the minerals industry—the Inflation Reduction Act's Electric Vehicle Tax Credit and Section 1502 of the Dodd-Frank Act. Both mandates call on companies to conduct supply chain tracing to determine whether the covered goods are connected to prohibited jurisdictions. For the Electric Vehicle Tax Credit, those are “foreign entities of concern” like Iran and North Korea, and for Section 1502, it is the Democratic Republic of the Congo (DRC) and other covered conflict-mineral producing countries. However, unlike with seafood, the data collected is not shared with other agencies that could utilize the information to identify forced labor risks. Nonetheless, these mandates demonstrate corporate actors' ability to trace their supply chains with the proper incentives and can serve as key contrasts to the traceability models governing seafood.

These two supply chains are important case studies in understanding how existing U.S. traceability programs, while limited, can potentially be utilized more strategically in promoting a stronger whole-of-government approach to combating forced labor—and what new mandates may be useful in filling the gaps.

SEAFOOD

Seafood is the only industry where key supply chain data is collected and reported as a condition of import and where importers are required to retain chain of custody information from harvest to import. This makes the industry a unique model that could be expanded and replicated to better illuminate complex supply chains and provide critical insight necessary for promoting responsible business conduct and strengthening the United States' whole-of-government approach to combating forced labor.

Seafood's critical position across U.S. interests—as well as its uniquely mobile and murky supply chain where products may be harvested on vessels that can traverse the high seas (far from home port)—makes effective monitoring and enforcement crucial to ensuring a secure and safe supply chain. Illegal, unreported, and unregulated (IUU) fishing in particular, which accounts for approximately 20 percent of the global catch, poses a major threat to these interests.⁸ The global demand for seafood continues to grow exponentially even as global fisheries are stretched to their limits, with approximately 90 percent of the world's stocks fished at or above maximum sustainable levels.⁹ This combination exacerbates the stress on an already highly competed resource and incentivizes IUU fishing to the point that, in the eyes of the U.S. Coast Guard, it has become the world's leading maritime security threat. It is a practice that contributes to seafood fraud, erodes legal markets, jeopardizes global food security, undermines international agreements,

and aggravates geopolitical tensions.¹⁰ The United States—as one of the world’s largest markets for seafood, importing approximately 80 percent of its fish supply—has both the responsibility and the power to reshape global standards through market access control.

Vessels harvesting seafood illegally endanger the livelihoods of law-abiding fishers and destabilize the economies of coastal states.¹¹ Additionally, foreign state-flagged fleets that illegally encroach on other countries’ exclusive economic zones increase geopolitical tensions and undermine coastal nations’ rights to exercise their sovereignty and utilize their own natural resources.¹² When flag states fail to hold their fleets accountable, illegal fishers are further enabled to engage in other illicit activities, allowing for the continued proliferation of transnational crimes such as money laundering, corruption, trafficking in drugs and arms, and forced labor and human trafficking.¹³

Conditions such as the isolation of fishing vessels, combined with exploitative recruiting practices, have created an industry rife with human rights abuses, including human trafficking and forced labor. Recruitment agencies may charge steep recruitment fees and withhold fishers’ documentation as collateral, or captains may use physical violence to coerce them into staying on the vessel to continue to work with little to no pay.¹⁴ Especially when vessels may be fishing in distant waters for years at a time, there is no opportunity to escape.¹⁵ These same vessels are often violating multiple laws at once to make the highest profit at the lowest cost. For example, in 2021 CBP issued an order preventing imports to the United States by Chinese fishing fleet Dalian Ocean Fishing based on information indicating the use of forced labor in its operations.¹⁶ In its investigation, CBP also found that Dalian Ocean Fishing vessels committed wildlife crimes, including illegal shark finning.¹⁷

The seafood industry is subject to two mandates tracking products from the source to the consumer—the FDA’s traceability rule and NOAA’s Seafood Import Monitoring Program (SIMP).

The FDA’s traceability rule, issued in November 2022, implements Section 204 of the Food Safety Modernization Act.¹⁸ Although companies are not required to comply until January 2026, this rule is a huge step for traceability. Existing regulations established through the 2002 Bioterrorism Act are designed to enable the FDA to identify the immediate previous sources and immediate subsequent recipients of foods, but it remains difficult and time consuming to trace the product all the way back to the farm or ranch without consistent product identifiers and recordkeeping throughout the supply chain.¹⁹ The new rule, intended to tighten control of foodborne illness, **establishes additional traceability and recordkeeping requirements** for certain foods determined to be high risk in order to more swiftly identify contaminated food and remove it from the market. It requires more uniform product and location identifiers and the assignment of consistent traceability lot codes, as well as more robust recordkeeping. These requirements apply to a broad range of foods listed on the agency’s Food Traceability List (FTL), including multiple types of seafood such as finfish, crustaceans, and shellfish.

The rule requires that persons who manufacture, process, pack, or hold foods on the FTL maintain records containing information known as key data elements (KDEs) associated with specific critical tracking events (CTEs).²⁰ This information must be provided to the FDA within 24 hours

or a reasonable time to which the FDA has agreed. In essence, this means that at each stage of the supply chain, covered entities must maintain data such as product and location descriptions, and share some of that data with the next immediate recipient of the product in the supply chain.²¹ For example, at the “harvesting” CTE, or supply chain stage, the entity must record and retain KDEs such as the location description for the next recipient, commodity and (if applicable) variety of the food, quantity and unit of measure of the food, and location description for the farm where the food was harvested.

All covered entities must also maintain a traceability plan, including information on the procedures used to comply with the rule and a farm map with geographic coordinates if food is grown or raised. The plan must be made available to the FDA in the event of an inspection or outbreak investigation and must be updated regularly to ensure it accurately reflects current practices.

The seafood supply chain is also subject to SIMP, the only currently implemented government regulatory program requiring companies to proactively report detailed supply chain data tracing of their U.S. imports as a condition of entry.²²

Use of Automated Predictive Risk Analysis Tools

Once in effect, the traceability rule will add a large amount of new data for the FDA’s electronic import screening tool, known as PREDICT—or Predictive Risk-based Evaluation for Dynamic Import Compliance Targeting. PREDICT estimates the risk of imports using information obtained through automated data mining, pattern discovery, and queries of FDA databases.²³ The tool considers data such as inspection records and country of origin, as well as history of the facility, importers, manufacturers, and shippers to determine the shipment’s potential risk. The risk estimates created by the tool are then utilized by the FDA to target higher-risk shipments for further examination, whereas shipments with lower levels of risk are allowed to enter the United States with minimal review.²⁴ This type of machine learning-based risk assessment tool is unique in its operational application to current U.S. supply chains but represents the type of approach that could revolutionize supply chain integrity—if effectively linked to mandated data collection programs. NOAA has begun to develop a notionally similar Global Seafood Data System to complement SIMP, but it is not yet operational.

SIMP was developed in 2015 based on recommendations from the U.S. Government Task Force on Combating IUU Fishing and Seafood Fraud.²⁵ In 2016, NOAA published the final rule establishing SIMP under its authority to enforce the Magnuson-Stevens Fishery Conservation and Management Act’s prohibition on the importation of any fish “taken, possessed, transported, or sold in violation of any foreign law or regulation or any treaty or in contravention of any binding conservation measures adopted by an international agreement or organization to which the United States is a party.”²⁶ Though initially developed under the Obama administration, the rule’s implementation

was overseen and fully supported by the first Trump administration, highlighting the bipartisan nature of this issue.

Under SIMP, at the time of entry, the importer of record is required to report information about the harvesting or producing entity, the fish itself and its history of transport, and the importer of record.²⁷ These combined data elements are intended to confirm legality of catch and landing events. For example, the importer must report information about each harvest event, landing, and the details of the first recipient for the product upon U.S. import.²⁸ This includes the name and flag state of the harvesting vessel, the location of the harvest event, and the species caught, among other information.²⁹ The data is submitted by, or on behalf of, the importer requesting authorization to import through CBP, and before it can be imported it is checked through the International Trade Data System—part of the CBP-managed Automated Commercial Environment (ACE), which serves as the portal for reported import data required by federal agencies.³⁰

SIMP also requires importers to retain chain-of-custody information for all imports of covered species, documenting each step of the supply chain from harvest through importation. The program does not require the retention of specific types of records; rather, any records that establish traceability, including declarations by harvesting and carrier vessels, are sufficient. Chain-of-custody documentation must be retained at the importer of record's place of business and made available for inspection or audit for two years after importation. It should be noted that requiring the reporting of this chain-of-custody information would further enhance the program by expediting audits and supply chain investigations.

NOAA's Office of Law Enforcement is responsible for enforcing SIMP.³¹ In 2023, NOAA reported that 70 tons of shrimp products were refused entry into the U.S. market based on SIMP data and 10 tons of seafood products were seized after being found to have been imported in violation of SIMP and other fisheries regulations.³² However, as currently implemented, SIMP does not prevent or stop illegal or suspect seafood from entering U.S. commerce, nor does it analyze the reported data in real time.³³ Instead, NOAA conducts audits of seafood shipments after they arrive in the country to identify illegal imports and hold perpetrators to account.³⁴ NOAA conducts random audits on a weekly basis in addition to "noncompliance" audits. However, seafood importers have noted that SIMP enforcement is opaque; there is little clarity on why certain importers are audited, whether audits are successful, and what happens when an audit is unsuccessful.³⁵ In addition, SIMP currently only applies to 13 species groups deemed most at risk of IUU fishing by NOAA. Collectively this represents less than half of all seafood imports into the United States. This gap has been found to allow billions of dollars of illegal product to continue to enter the U.S. market.³⁶

Although SIMP was initially developed as a risk-based traceability program, it does not have its own risk-analysis system to synthesize the massive stream of data it collects from importers. To fill this gap, NOAA is in the early stages of developing a **Global Seafood Data System** that would draw on other federal agencies' risk-based trade control programs, such as the FDA's PREDICT, to automatically screen imports based on their risk of being tainted with IUU fishing practices.³⁷ This targeted inspection and enforcement would allow NOAA to stop suspect seafood from entering the U.S. market and identify higher-risk products for audit.

Definitional Uses of “Risk Based”

The term “risk based” has been used as a common descriptor for effective program implementation, analysis, and enforcement of supply chain integrity, but its meaning can vary depending on application and source. NOAA has described SIMP as being a risk-based program because it focuses on products (i.e., specific species) it views as being most at risk of violating U.S. import law. Previously, the U.S. Task Force on Combatting IUU Fishing and Seafood Fraud used the term to refer to ongoing (near real time) assessment of risk associated with individual shipments. This latter approach is the meaning applied by the FDA’s PREDICT program and, unless otherwise specified, the definition that we use in this report.

SIMP is a key tool in the United States’ efforts to decrease the economic incentives to bring IUU seafood to market. The extensive collection of seafood import data under SIMP provides an essential platform for limiting the market for products derived from IUU fishing, forced labor, and other abusive labor practices.

Yet there is broad agreement that several improvements are needed for SIMP to achieve its goals in detecting and deterring illegal shipments before they enter U.S. commerce.³⁸ In addition to using predictive analytics for targeted enforcement, SIMP is uniquely positioned to collect supply chain information that is vital to enforcement of other laws like Section 307 of the Tariff Act, such as data on the origin and chain-of-custody of a product. SIMP applies to 13 seafood species groups, which represents only 40 percent of all U.S. seafood imports.³⁹ Expanding the coverage of SIMP to all seafood species and adding key labor data—such as crew manifests, transshipments, and time at sea—to the recordkeeping requirements would allow SIMP to better identify seafood tainted by IUU fishing and provide crucial information to other enforcement agencies. NOAA released an action plan in the fall of 2024 committing to some of these changes, but implementation will require new rulemaking under the second Trump administration.⁴⁰

SIMP and the FDA traceability rule provide rare insight into a critical supply chain, standing among the few U.S. programs mandating corporate supply chain disclosures. And with SIMP as the only mechanism requiring importers to trace their supply chain as a condition of entry in the United States, the seafood industry’s traceability regime can serve as a potential model to be replicated across industries.

MINERALS

Critical minerals—and the largely overlapping category of conflict minerals—is among the few areas where supply chain disclosure is required (albeit limited), in part due to its importance in the manufacturing of key technologies and the production of clean energy. Transitioning away from fossil fuels is essential to tackling the climate crisis and securing a sustainable future. But as the world shifts toward greener energy solutions, the demand for the minerals necessary for low-carbon energy generation is poised to skyrocket.⁴¹

These minerals are essential to the manufacturing of products critical to U.S. national and economic security, but are difficult to obtain at their necessary quantities due to the high risk of supply chain disruption.⁴² Critical minerals are not only used by Americans in everyday products like cell phones, computers, and medical devices, but also are key to U.S. electricity generation, transportation, and defense systems.⁴³ Many of these critical minerals, such as lithium, cobalt, and nickel, are also necessary building blocks for renewable energy technologies like electric vehicle batteries or wind turbines.⁴⁴

The United States is import-reliant for 31 of the 35 minerals designated as critical by the Department of the Interior, and has no domestic production to supply its demand for 14 critical minerals.⁴⁵ But as communities around the world increasingly face the impacts of the climate crisis and look toward cleaner, renewable energy sources, the boom in demand for these materials puts acute pressure not only on the supply chain, but on communities and the environment. For example, Argentina, Bolivia, and Chile—also known as the “Lithium Triangle”—hold 58 percent of the world’s lithium resources. In this region, lithium is extracted via methods that exacerbate an already present water scarcity problem.⁴⁶ Indigenous communities have raised concerns about lithium mining’s impact on the environment and their livelihoods, as well as companies’ failure to obtain free, prior, and informed consent (FPIC) for their mining practices.⁴⁷ Other grave abuses like forced labor, toxin exposure, and environmental destruction are also prevalent in the supply chain.⁴⁸

In response to this urgent need to increase the sustainability of critical mineral supply chains, the U.S. government has instituted a number of initiatives aimed at tracing and securing them.

The 2022 Inflation Reduction Act (IRA) established several incentives for the domestic production of critical minerals used in renewable energy generation for producers and consumers, including tax credit programs that require certain percentages of various technologies to be produced domestically.

One of the strongest incentives established by the IRA is the amended New Clean Vehicle Tax Credit in Section 30D of the Internal Revenue Code.⁴⁹ For electric vehicle models to qualify for the credit, the IRA includes three sets of requirements. First, final assembly of the vehicle must occur in North America.⁵⁰ Second, in order for the buyer to receive the full \$7,500 credit, the qualified manufacturer of the vehicle must make two assurances: that a certain percentage of the value of critical minerals used are produced in the United States or a country the United States has a free trade agreement with, and that a certain percentage of the value of battery components are produced in North America.⁵¹

Third and finally, eligible vehicles cannot contain battery components manufactured or assembled by a Foreign Entity of Concern (FEOC). An entity is deemed a FEOC if it is “owned by, controlled by, or subject to the jurisdiction or direction of a government of a foreign country that is a covered nation,” such as Iran, North Korea, and Russia.⁵²

In May 2024, the Department of the Treasury and Internal Revenue Service (IRS) issued **a rule to implement the Clean Vehicle Tax Credit’s FEOC exclusion, requiring certain qualified manufacturers to conduct due diligence** on battery components containing critical minerals.⁵³ Specifically, to ensure compliance and proper application of the FEOC exclusion, the rule requires that starting January 1, 2025, manufacturers must submit compliant-battery ledgers that track the

anticipated supply of FEOC-compliant batteries for each calendar year and detail the sourcing and composition of batteries used in clean vehicles. This serves as an incredibly robust form of supply chain tracing and disclosure by requiring manufacturers to identify every entity in their supply chains and report it to the IRS.

Defining Due Diligence

Due diligence refers to the process of investigating and conducting an in-depth review of relevant corporate activities and partners to ensure compliance with all relevant legal and regulatory mandates.⁵⁴ Companies often undertake due diligence when legally required to do so, before beginning a new business relationship, or when conducting large transactions such as entering into a new contract or a merger. There are several forms of due diligence that corporations take depending on the triggering law, incident, or transaction.

Many human rights advocates have called for the adoption of laws requiring corporations to conduct a process known as human rights and environmental due diligence (HREDD). Such legislation would require corporations to conduct due diligence for harmful human rights and environmental impacts of corporate activity. Mandatory HREDD can encompass labor rights abuses as well as corporate activity that prevents people around the world from the enjoyment of their environment, including harmful extractive activities, pollution, and deforestation.⁵⁵

The HREDD process is specifically intended to “identify, prevent, mitigate, and account for” adverse human rights and environmental impacts of a particular business transaction or supply chain.⁵⁶ This involves an ongoing process of

- assessing actual and potential human rights risks, including through engaging with workers and impacted communities;
- taking action on and integrating findings into corporate decisionmaking;
- tracking the effectiveness of corporate action; and
- communicating changes and progress on mitigating and preventing impacts to relevant stakeholders.⁵⁷

Although HREDD is not yet required under U.S. law, many U.S. companies may soon be required to comply with European HREDD standards.⁵⁸

With billions of dollars in tax breaks on the line, the IRA Electronic Vehicle Tax Credit provides a strong incentive for companies to reveal detailed information about their supply chains to the IRS. And in requiring due diligence throughout the entire supply chain to demonstrate compliance with the FEOC restrictions, the rule is a significant step forward in increasing supply chain transparency for critical minerals. Although it is still early in the Section 30D tax credit’s implementation, companies are already submitting their supply chain information in order to receive the benefits, suggesting that

corporate supply chain tracing is not an impossible task. When companies are provided sufficient incentive, they are willing and able to trace their own supply chains. But by virtue of the program being based on incentives, rather than penalties, electric vehicle manufacturers may choose not to apply and therefore keep their supply chain data hidden. Moreover, the data collected is not shared with other government agencies for enforcement, meaning that the ultimate consequence of sourcing from an FEOC is simply not receiving the tax credit.

Conflict minerals, like critical minerals, are the subject of increased supply chain scrutiny. Conflict minerals refer to tin, tantalum, tungsten (“the three Ts”), as well as gold, which are often mined in the DRC. The mining and sale of these minerals fuel the continued conflict in the DRC and pose significant human rights and environmental risks. The three Ts are also considered critical, making it even more crucial to ensure sustainable and rights-conscious access to these materials. In response to international pressure pushing for more responsible sourcing of these minerals, Congress in 2010 included a provision in the financial reform bill known as the Dodd-Frank Act aimed at addressing conflict mineral extraction in the DRC.

This provision, codified in Section 1502 of the Dodd-Frank Act, imposes disclosure and due diligence requirements on certain companies that use conflict minerals produced in the DRC or other covered countries. The rule requires covered companies to conduct a country-of-origin inquiry to determine if the minerals originated in the covered countries.

If the inquiry determines that the minerals may have originated in the covered countries and are not from recycled or scrap materials, the company is required to conduct due diligence conforming to a nationally or internationally recognized framework on the minerals’ source and chain of custody, and to file a conflict minerals report with the Securities and Exchange Commission (SEC).⁵⁹ If the minerals are found to be conflict-free, the company must certify it has obtained an independent audit of its report. If not found conflict-free, in addition to the auditing requirement, the report must describe the products manufactured with the minerals, the facilities used to process them, and the efforts to determine the origin location. The company is also required to publicly disclose the results of this report on its website.

Although this mechanism requires companies to conduct due diligence and disclose certain information about their supply chains, it does not require any additional obligations. This means that the primary consequence of a revealed connection to the DRC or other covered countries is reputational harm. That reputational harm can certainly influence corporate behavior, but without ties to a strong enforcement mechanism, Section 1502’s efficacy is limited.

Section 1502 of the Dodd-Frank Act and the IRA’s Clean Vehicle Tax Credit both increase supply chain transparency in the minerals industry by calling for the disclosure of key data related to country of origin. And although these mechanisms contribute to the illumination of this critical supply chain, the lack of strong enforcement mechanisms tied to the disclosures hampers the efficacy of these tools in combating human rights abuses. Additionally, while the Dodd-Frank due diligence reporting is publicly available, the Clean Vehicle Tax Credit is not. This is because the Clean Vehicle Tax Credit is a voluntary program, and as such, the agencies implementing the

credit, such as the Department of Energy, have determined that the FEOC exclusion due diligence reporting is likely not shareable under current data privacy laws.⁶⁰ There is also therefore no comprehensive system in place to share this information with other agencies.

Beyond the seafood and minerals industries, supply chain tracing requirements in the United States are scarce. The Uyghur Forced Labor Prevention Act (UFLPA) and the Countering America's Adversaries Through Sanctions Act (CAATSA) also require supply chain disclosures to demonstrate that goods were not produced in specific regions and were not made using forced labor, but these mechanisms are inherently limited (both are discussed in more detail below).

Outside of these limited regional and subject matter-specific mandates, there are no mandated transparency programs that broadly require companies to disclose their supply chain information. And although this handful of programs provide key insight into these supply chains, the data collected is seldom funneled to agencies with the authority to use the data to bring an enforcement action against perpetrators of human rights and labor abuses. Moreover, by focusing on these few sectors, other industries' supply chains with similar risks of human rights and labor abuses—such as the garment sector and cocoa—remain obscured.

Forced Labor Enforcement Mechanisms: The Impact of Limited Transparency

Most of the existing mechanisms aimed at combating human and labor rights abuses in U.S. supply chains require accurate, detailed supply chain data for enforcement. The lack of supply chain disclosure requirements poses a **steep barrier for enforcement agencies** working to identify problem companies and their suppliers engaging in forced labor.

Enforcement mechanisms include import controls found in Section 307 of the 1930 Tariff Act and the UFLPA, the authority to prosecute forced labor and trafficking in the Trafficking Victims Protection Reauthorization Act (TVPR), and the Global Magnitsky Sanctions Program, which authorizes the imposition of targeted sanctions on individuals and entities worldwide responsible for serious human rights abuses or significant corruption.

However, limited supply chain transparency, and the even more limited disclosures related to labor practices, make it an uphill battle for authorities to acquire sufficient evidence to bring an enforcement action. When enforcement actions do occur, they are often reliant on externally sourced information such as media reports or allegations submitted by civil society groups.⁶¹ This relationship between CBP and civil society is important and productive but is inherently limited in scope, highly inefficient, and presents a significant barrier to coordinated strategic enforcement efforts on the part of the government. Moreover, the few supply chain data reporting mechanisms that do exist, such as SIMP and PREDICT, do not always share the information collected with other agencies with mandates related to combating forced labor and trafficking, or do not collect data elements with the most relevance to forced labor abuse detection. The result is that although different authorities exist to prevent and punish forced labor, these mechanisms' efficacy is curbed by the lack of sufficient data collection and information sharing.

U.S. IMPORT CONTROLS: TARIFF ACT AND THE UYGHUR FORCED LABOR PREVENTION ACT

While the program supporting the **Tariff Act’s human rights provisions** provides one of the most robust mechanisms for combating forced labor in the U.S. regulatory framework, it simultaneously serves as a prime example of how limited supply chain transparency can undermine enforcement. Section 307 of the Tariff Act prohibits U.S. import of any product that was mined, produced, or manufactured wholly or in part by forced labor, and serves as the foundation for the United States’ human rights-related market access control programs.⁶²

To enforce the import prohibition, CBP may issue a withhold release order (WRO) when information “reasonably but not conclusively” indicates that a good produced with forced labor “is being, or is likely to be, imported” into the United States.⁶³ Products subject to WROs are detained by CBP. To challenge a detention, an importer may submit evidence of its admissibility into the market or reexport the goods outside the country. Where CBP finds probable cause that the merchandise was produced using forced labor, CBP may also issue a formal “Finding.”⁶⁴ Shipments subject to Findings are seized unless the importer establishes by “satisfactory evidence” that the merchandise is not tainted by forced labor.⁶⁵

The Role of the Interagency Forced Labor Enforcement Task Force

In 2020, the United States-Mexico-Canada Agreement Implementation Act authorized the creation of the interagency Forced Labor Enforcement Task Force to monitor the enforcement of Section 307’s prohibition on importing goods made wholly or in part with forced labor into the United States. Officially established by Executive Order 13923 and chaired by the Department of Homeland Security, FLETF is charged with establishing timelines for the CBP commissioner to respond to external WRO petitions; convening quarterly meetings to review active WROs, forced labor investigations, and other enforcement activities; and publishing biannual reports to Congress related to Section 307’s enforcement. The FLETF did not receive any additional funding and as a result member agencies are expected to participate based on their existing budgets.⁶⁶

But CBP officers cannot determine whether a good was made with forced labor simply by looking at it. In order to identify goods produced with forced labor and gather sufficient evidence for an enforcement action, CBP needs to know detailed supply chain information such as the country, region, and facility where the goods were made and processed as well as information about the working conditions of those who produced it.

CBP officers can leverage internal trade data records collected in the CBP managed data portal, the Automated Commercial Environment (ACE) system, which is populated by cargo manifests and import data collected by other agencies. This includes import data collected by the FDA as well as the data reported through the SIMP program. However, because this system is only populated by

information required for import, the data reported under Dodd-Frank and the IRA's Electric Vehicle Tax Credit are not in this system. Although Dodd-Frank conflict mineral reports are publicly available, enforcement agencies must actively seek out the report's information. . Information provided through FDA traceability rules by non-importing entities is also not included in the ACE trade data portal system. The trade data available still leaves the vast majority of the supply chain opaque.

Although CBP does have access to import data through ACE, the evidence of abusive conditions is often overseas and, in many cases, there is insufficient supply chain information in CBP's records to link imports to suppliers engaging in prohibited labor practices. Without corporate disclosure of this information, tracing supply chains is incredibly laborious, and in many cases, impossible. For example, to trace U.S.-consumed tuna to abusive conditions on vessels overseas, reporters staked out America's largest fish market, followed trucks, ran DNA tests, and interviewed fishermen across three continents.⁶⁷ In another case, to trace garments from the source to the brands in the aftermath of the 2013 collapse of the Rana Plaza factory in Bangladesh—when over 1,000 people, mostly garment workers, lost their lives—advocates scrambled to sift through the rubble, looking for garment tags that might indicate what brands were sourcing there.⁶⁸

Without corporate disclosure of this information, tracing supply chains is incredibly laborious, and in many cases, impossible.

CBP's capacity is also limited. The United States imported \$3.28 trillion worth of goods in 2022.⁶⁹ Even with the 723 CBP employees working internationally in 2021, properly investigating this flood of goods is a colossal task.⁷⁰ Although CBP successfully stopped \$466 million worth of goods suspected of being produced using forced labor from entry in 2022, this number is still only a fraction of the estimated \$169 billion worth of at-risk goods that enter the U.S. market each year.⁷¹ Instead, CBP frequently relies on civil society to conduct the arduous field research necessary to link entities engaged in misconduct to imported goods. This results in serious inadequacies in U.S. efforts to combat human and labor rights violations in supply chains.

The term **Civil Society** refers to the “third sector” of society that is distinct from the government or business. Civil society can include nongovernmental organizations (NGOs), unions, universities, religious institutions, or other community and charitable groups. In the context of CBP enforcement of forced labor imports, civil society primarily refers to NGOs and unions.

However, where there is strong political appetite to block imports—such as those made in China's Xinjiang Uyghur Autonomous Region (Uyghur Region) or by North Korean nationals—Congress has twice notably reversed the burden of proof in determining whether certain goods are produced with forced labor. Instead of permitting these goods to enter the United States unless CBP finds

sufficient evidence to detain them, goods imported from these designated regions are presumed to be produced with forced labor and therefore prohibited from entry.

First in 2017, Congress passed CAATSA, which amended the previous year's North Korea Sanctions and Policy Enhancement Act to create a **rebuttable presumption**: the presumption that significant goods, wares, merchandise, and articles mined, produced, or manufactured wholly or in part by North Korean nationals or citizens anywhere in the world are forced-labor goods prohibited from importation under the Tariff Act.⁷²

Then, in 2021, the Uyghur Forced Labor Prevention Act (UFLPA) created a rebuttable presumption that goods made in whole or in part in the Uyghur Region or by certain entities with ties to the region are made with forced labor, and thus prohibited under Section 307 of the Tariff Act.⁷³ The UFLPA also directed FLETF to develop a strategy for supporting enforcement of the prohibition on the importation of these goods into the United States, including developing and maintaining a list of entities in the Uyghur Region that mine, produce, or manufacture wholly or in part any goods, wares, articles, or merchandise with forced labor or are otherwise associated with forced labor in the region.⁷⁴

The Uyghur Forced Labor Prevention Act's Rebuttable Presumption

The UFLPA establishes a rebuttable presumption that any goods, wares, articles, or merchandise mined, produced, or manufactured wholly or in part in China's Xinjiang Uyghur Autonomous Region, or produced by certain entities, are produced using forced labor and are therefore prohibited from import into the U.S. market under Section 307 of the Tariff Act.

Typically, for CBP to enforce the Tariff Act's import ban, the agency investigates allegations by gathering evidence of prohibited labor practices and then linking the abuses to the imported goods through extensive supply chain tracing. This process is labor intensive and can involve a wide range of evidence gathering techniques including lab testing the goods or physically tracking down transport vehicles and comparing evidence gathered with information in their database. Because CBP's capacity is limited, gathering sufficient evidence for an enforcement action is an uphill battle.

UFLPA's rebuttable presumption shifts the burden of conducting that extensive supply chain tracing from CBP to the importer once a link to the Uyghur Region is found. This means that goods made in the Uyghur Region are *presumed* to be prohibited unless the importer produces sufficient proof that the presumption does not apply—or if it does, that the goods were not produced with forced labor. To bring the goods into the United States, the company importing the product, rather than CBP, must conduct the extensive supply chain tracing necessary to prove that the goods are not tainted. This allows CBP to more efficiently enforce the import ban.

If CBP determines that a link to the Uyghur Region exists, an importer may provide information to the agency showing that the goods were not sourced from the region or an entity on the Entity List, and therefore the UFLPA does not apply. However, if the importer cannot demonstrate the UFLPA's inapplicability, the importer must rebut the presumption or the goods will be detained.

To rebut the presumption, the importer must (1) provide clear and convincing evidence that the goods were not made using forced labor, (2) respond to CBP requests for information and, significantly, (3) comply with the FLETF guidance requiring effective due diligence and supply chain tracing.

By shifting the onus to companies to conduct due diligence on their own supply chains in order to implement U.S. import controls, the UFLPA effectively links transparency and enforcement in a way that is otherwise unique in the U.S. legal regime. The law has been largely successful in strengthening enforcement of the forced labor import prohibition, at least for goods originating from the Uyghur Region or prohibited entities. Since the UFLPA was implemented in June 2022, CBP has reviewed more than 9,000 shipments valued at over \$3.4 billion, covering a broad range of products including apparel, automotive parts, chemicals, electronics, flooring, and solar panels.⁷⁵ Additionally, the FLETF has taken numerous steps to expand and enforce the UFLPA Entity List, which as of January 14, 2025, included 144 entities, 114 of which were added in the previous two months.⁷⁶

But even though UFLPA's rebuttable presumption for imports from the Uyghur Region is a significant step in increasing traceability, CBP still needs to be able to recognize when the approach would apply in the first place. It therefore still needs access to supply chain data indicating whether the goods were sourced from the Uyghur Region or other prohibited entities. This means that although the UFLPA is a strong enforcement tool in combating forced labor, mandatory comprehensive supply chain tracing and disclosure as a condition of entry is still necessary to fully identify tainted goods and prevent them from entering the United States.

THE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT

The Trafficking Victims Protection Reauthorization Act (TVPRA) is a federal law aimed at combating human trafficking through a comprehensive approach that includes prevention, protection, and prosecution.⁷⁷ Originally enacted by Congress as the Trafficking Victims Protection Act in 2000, it became the first law to attempt to comprehensively address human trafficking and has since been reauthorized multiple times to enhance its provisions and expand its scope.⁷⁸

With each reauthorization, Congress sought to fill the legislative gaps left by previous versions to more effectively deter and punish traffickers for their crimes domestically and abroad.⁷⁹ Overall, the TVPRA establishes human trafficking as a federal crime and provides a framework for prosecuting traffickers, preventing trafficking activities, and protecting victims.⁸⁰ In the 2008 reauthorization, Congress expanded the act's language to include criminal and civil penalties for any person who "knowingly benefits, financially or by receiving anything of value, from participation in a venture which has engaged in the providing or obtaining of labor or services" by means of force, threats, or abuse when the party knew or recklessly disregarded how the labor was obtained.⁸¹

Notably, since the 2008 reauthorization, a corporation can be held directly liable for financial benefit accrued from business associations where the corporation knew or recklessly disregarded the fact that the other party employed trafficked labor. This is true even if the violation occurred abroad or was perpetrated in the supply chain of the corporation by a separate legal entity.⁸² Most recently, under the 2018 amendments the Department of Justice (DOJ) gained the ability to prosecute forced labor crimes that occur outside the United States or on U.S.- flagged vessels outside U.S. waters, under limited circumstances.⁸³

Under the act, the DOJ's Human Trafficking Prosecutions Unit (HTPU) has broad authority to prosecute instances of human trafficking. However, despite expanded authority for prosecution and the Biden White House's prioritization of addressing labor abuses in supply chains, the HTPU has pursued few prosecutions of corporate actors.⁸⁴ According to the 2023 Federal Human Trafficking Report, there have only been 12 corporate human trafficking defendants since 2000.⁸⁵ Instead of focusing on labor trafficking, the HTPU has primarily conducted investigations of sex trafficking.⁸⁶ In 2020, of the 579 federal human trafficking cases prosecuted under the TVPRA, a mere 6 percent constituted forced labor cases, and prosecutions of corporations made up only 1 percent of all federal trafficking prosecutions.⁸⁷ Similarly, in 2023, the DOJ investigated 588 sex trafficking cases and only 76 labor trafficking cases.⁸⁸ In 2022, a civil case was brought against owners of U.S. and Thai companies alleged to be using forced labor, but no criminal proceedings have taken place.⁸⁹

Although there are several factors leading to a scarcity of forced labor prosecutions, one substantial barrier is that instances of labor trafficking are harder to investigate and detect than sex trafficking cases, because demonstrating corporate liability for supply chain abuses requires extensive investigation and resources.⁹⁰ DOJ investigations of labor trafficking can be arduous for the same reasons CBP's probes of forced labor imports are arduous. Investigators not only need to determine liability of the direct perpetrator, which may demand evidence found abroad, but they must then make a connection between the U.S. corporation being prosecuted and the perpetrator, usually several tiers down the supply chain.⁹¹

Without access to supply chain data, these connections are immensely difficult to make. The DOJ does not have an equivalent to CBP's data portal, ACE. There is no data collection mechanism that is automatically fed to the DOJ for trafficking prosecutions. Although CBP and NOAA collect supply chain information on imports through the UFLPA and SIMP, in order for the DOJ to access that data, it would have to already have interest in prosecuting a particular entity and specifically request that data—assuming that data sharing is not statutorily limited for that information. Information collected from the IRA Electric Vehicle Tax Credit would also not be shared automatically with the DOJ. However, the DOJ can access companies' conflict minerals reports filed in accordance with Section 1502 of the Dodd-Frank Act because those reports are available to the public, though this would, again, require the DOJ to actively seek out individual reports, rather than having automatic access to the information in a managed database.

Even if the DOJ individually requested all the information permitted from the few existing transparency programs, it would still likely be insufficient to sustain a full investigation, prosecution, and conviction. Without full supply chain tracing and access to key information

about labor practices throughout the chain, proving both the existence of forced labor trafficking down the supply chain and the connection to the U.S. company is arduous and would still require significant resources and labor-intensive investigations.

THE GLOBAL MAGNITSKY SANCTIONS PROGRAM

The Global Magnitsky Sanctions program is a U.S. legal mechanism designed to impose targeted sanctions on individuals and entities worldwide responsible for serious human rights abuses or significant corruption.⁹² Established under the Global Magnitsky Human Rights Accountability Act, the program allows the U.S. executive branch to block or revoke visas and freeze assets of foreign individuals involved in these activities.⁹³ The sanctions serve as a deterrent, aiming to hold perpetrators accountable and promote respect for human rights and anti-corruption measures globally. The program can be applied to a wide range of violators, from government officials to nonstate actors.⁹⁴

The Global Magnitsky Act was signed into law by President Barack Obama on December 23, 2016, as part of the National Defense Authorization Act for Fiscal Year 2017.⁹⁵ The law expanded the scope of the original Russia-focused Magnitsky Act of 2012, which targeted Russian officials involved in the death of whistleblower Sergei Magnitsky.⁹⁶ The Global Magnitsky Act provides the United States with a tool to impose sanctions on human rights abusers and corrupt individuals globally, without necessarily affecting broader diplomatic relations with their countries.⁹⁷

The U.S. Department of the Treasury, specifically the Office of Foreign Assets Control (OFAC), is responsible for enforcing the Global Magnitsky Sanctions.⁹⁸ OFAC has the authority to impose sanctions including preventing individuals from owning U.S. property and prohibiting transactions with designated individuals and entities.⁹⁹ The State Department also plays a role by recommending individuals for sanctions and consulting with civil society organizations to gather credible information on potential targets.¹⁰⁰

The scope of enforcement is broad, covering individuals and entities worldwide, and the act requires annual reporting to Congress on newly imposed and terminated sanctions.¹⁰¹ However, as of publication, there has only been one instance of this enforcement tool being used to address issues of forced labor.¹⁰²

Like the TVPRA, there are no supply chain data transparency mechanisms tied to Global Magnitsky Sanctions. To gather information to impose sanctions, information needs to be requested from other agencies and permissible to share for enforcement purposes. In line with the implementation of other enforcement mechanisms, civil society plays a key role in providing credible information to the State and Treasury Departments.

CIVIL SOCIETY'S ROLE IN STRENGTHENING SUPPLY CHAIN DATA TRANSPARENCY TO AID ENFORCEMENT

In the absence of comprehensive accountability for forced labor in supply chains, civil society has developed tools aimed at increasing supply chain transparency and strengthening accountability for human rights and labor abuses. Enforceable brand agreements (EBAs), multi-stakeholder initiatives

(MSIs), and collaborative supply chain mapping platforms can help illuminate supply chains that are otherwise still obscured.

EBAs are legally binding agreements between brands, trade unions, and NGOs that can impose a number of different obligations in the operations of brands' third-party suppliers.¹⁰³ Rather than relying on voluntary corporate social responsibility programs, which have largely failed to make a difference to workers on the ground, EBAs impose legally enforceable obligations, which may include requiring that suppliers cooperate with independent factory monitoring and respect workers' rights.¹⁰⁴ Brands must voluntarily opt in to the agreement in order to be held to the obligations. But once a party to an EBA, these agreements create legal commitments and, if violated, brands can be held to account in court.

Some examples of EBAs include the Accord on Fire and Building Safety in Bangladesh (now the International Accord), the Dindigul Agreement, the Freedom of Association Protocol in Indonesia, and the Fair Food Program. EBAs have been largely successful in making progress toward strengthening labor rights in global supply chains. The International Accord, for example, is an EBA that aimed to respond to the aftermath of the 2013 Rana Plaza disaster in Bangladesh. The accord is a legally binding safety agreement between workers, unions, factory managers, and apparel companies that requires brands and retailers to open their supplier factories to fully independent inspections, allow the results of these inspections to be reported publicly in a searchable database, and establish an independent complaint process for health and safety issues.

The list of factories that supply accord signatories are also made public. The Worker Rights Consortium NGO plays a key role in enforcing the accord by conducting independent, worker-centered investigations to ensure the accord's obligations are being upheld.¹⁰⁵ Additionally, the agreement includes an enforcement mechanism by which legal action can be brought against noncompliant signatories. Since 2013, 88 factories have been temporarily evacuated due to critical safety findings, averting potential disasters.¹⁰⁶

MSIs are "collaborations between businesses, civil society and other stakeholders that seek to address issues of mutual concern, including human rights and sustainability."¹⁰⁷ MSIs take several different forms and serve a number of different functions, including standard setting, certification, and capacity-building. To join the Fair Labor Association MSI, for example, companies must meet certain milestones for workplace standards and report on their due diligence processes. They must also list on their website all manufacturing sites of their products for direct suppliers, including the name of the facility, address, facility parent company, product produced, and the number of workers on site. Other examples of MSIs include the Rainforest Alliance and Fairtrade International.

Another example of civil society efforts toward strengthening supply chain transparency is Open Supply Hub, a nonprofit-created supply chain mapping tool that allows users to collectively contribute to a free database of supply chain information as well as access the information for research and advocacy. This database has been used in many cases to identify companies involved in abuses and seek swift remedy. For instance, after thousands of Bangladeshi workers faced retaliatory criminal charges for participating in public wage protests, the Clean Clothes Campaign,

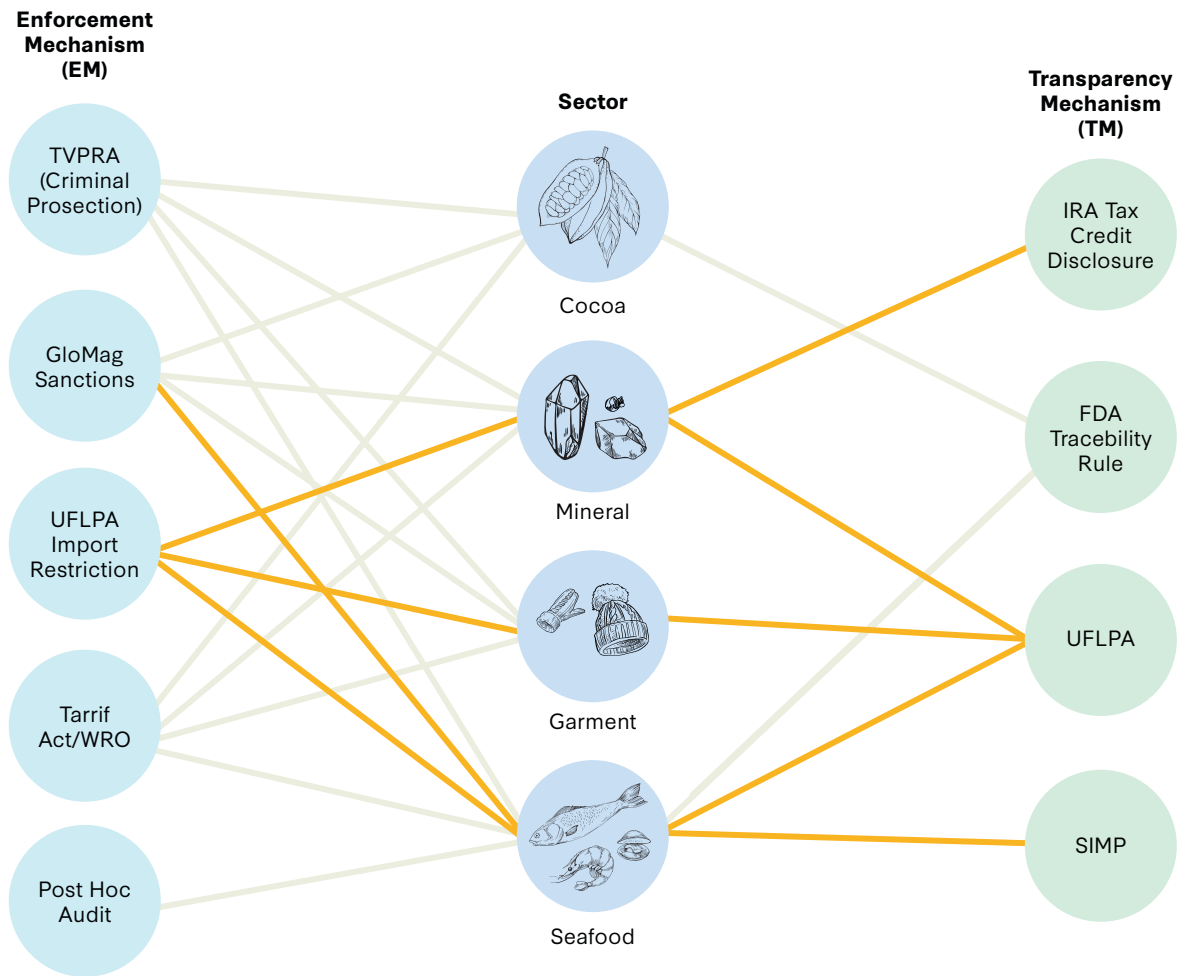
using Open Supply Hub and other sources, was able to identify up to 20 brands sourcing from the 30 factories involved in the repression, leading to 14 dismissals of criminal charges against the workers.¹⁰⁸ Another civil society-led initiative, the Transparency Pledge, requires participating companies to commit to publishing their manufacturing sites in a searchable format.¹⁰⁹

But while these tools play a key role in addressing abuses, they do not replace the need for government regulation that mandates disclosure of supply chain data. For example, even though EBAs are enforceable once created, brands still enter into the agreement on a voluntary basis. Collaborative supply chain mapping tools like Open Supply Hub can be a useful resource, but they are still limited by the information that the corporations voluntarily supply or that civil society and other stakeholders can input into the database. Although 14 criminal cases against Bangladeshi workers were dismissed, many more were still pending that were filed by factories where no major buyers could be identified.

While these tools play a key role in addressing abuses, they do not replace the need for government regulation that mandates disclosure of supply chain data.

Moreover, although civil society has developed some workarounds to illuminate corporate supply chains, this would not be necessary if corporations disclosed their supply chain information themselves. Corporations are best positioned to trace their own supply chains because they are the ones entering relationships with their contractors and suppliers. While supply chain tracing and monitoring is complex, the risk of forced labor in supply chains is significant and companies should at a minimum ensure suppliers are not engaging in forced labor prior to contracting with them. Rather than civil society following trucks and running DNA tests, this information could be much more easily discovered and disclosed by the businesses themselves.

Figure 1: Supply Chain Transparency Mechanisms and Relationships with Sectors



Effectiveness

Strong

TM collects key supply chain data and traces supply chain. There is a mechanism in place to ensure data is accurate and lawful. EM regularly enforces against violations.

Moderate

TM collects key supply chain data; EM has taken at least one enforcement action.

Weak

TM collects minimal data; EM has the potential to enforce but there is no evidence that this has occurred.

Acronyms

TVPRA:
Trafficking Victims Protection Reauthorization Act

GloMag:
Global Magnitsky Sanctions Program

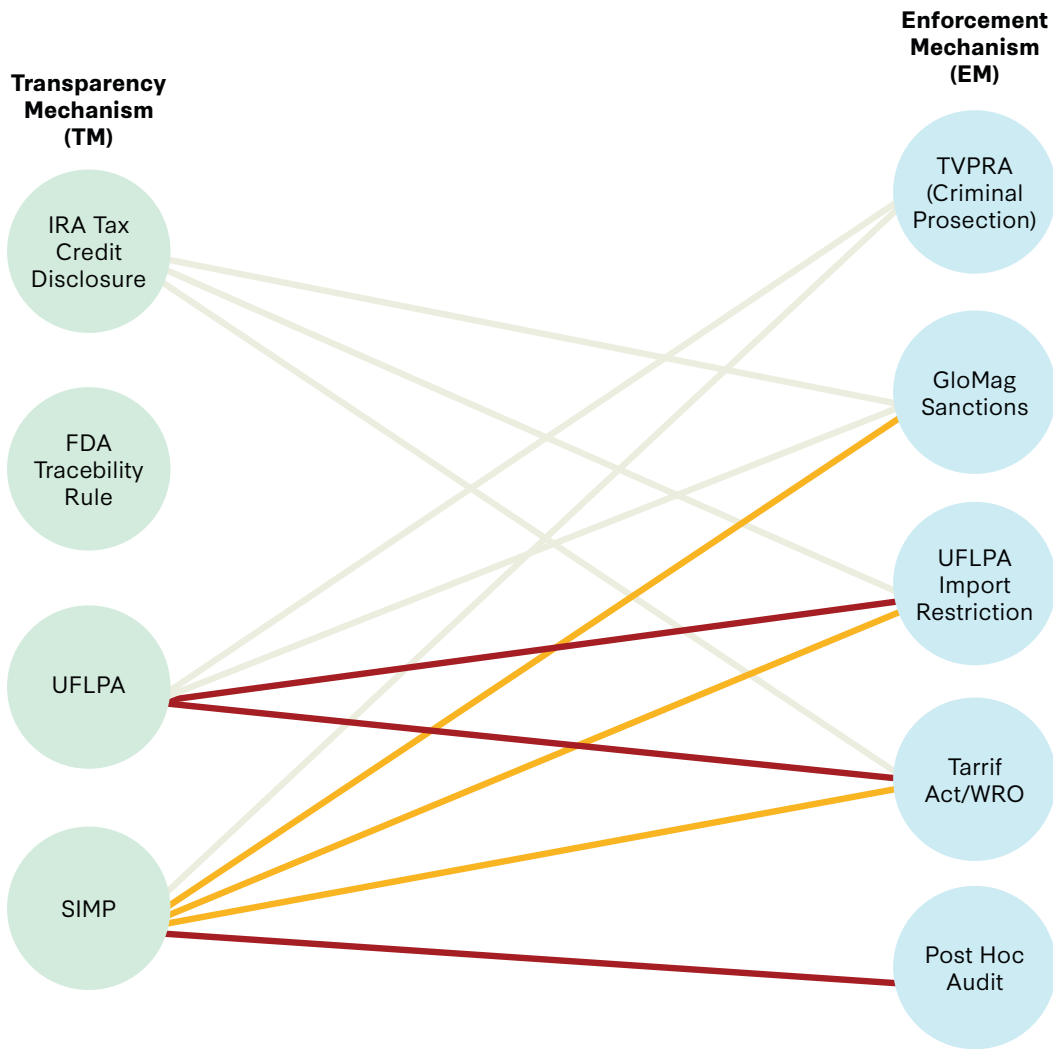
UFLPA:
Uyghur Forced Labor Prevention Act

WRO:
Withhold Release Order

Note: This figure demonstrates key relationships between the seafood, garment, and minerals sectors with key supply chain transparency mechanisms and enforcement mechanisms. As highlighted in this report, the current system is a complex array of interconnected mechanisms, with varying applicability across sectors.

Source: authors' analysis.

Figure 2: Collaborative Relationships Between Supply Chain Transparency and Enforcement Mechanisms



Strength of Relationship

Strong

TM has been utilized by EM at least once. TM has clear and formal mechanism for sharing information with EM.

Moderate

TM has been utilized by EM at least once.

Weak

TM can potentially be used for EM, but has not yet been.

Acronyms

TVPRA:
Trafficking Victims Protection Reauthorization Act

GloMag:
Global Magnitsky Sanctions Program

UFLPA:
Uyghur Forced Labor Prevention Act

WRO:
Withhold Release Order

Note: This figure illustrates the relationships between U.S. government transparency mechanisms and enforcement mechanisms, demonstrating to what degree there are lines of collaboration between them. Although many of these mechanisms share common sectoral mandates, there is little evidence of collaboration and information sharing.

Source: authors' analysis.

Findings

The U.S. government has a number of policy tools that can enhance corporate supply chain transparency and have the potential for discouraging abuse. However, the manner in which these tools are deployed, together with some inherent limitations in scope and authority, results in a system that falls short of providing comprehensive disclosure and truly effective accountability. Moreover, even full transparency only incentivizes behavior change when it is tightly linked to enforcement mechanisms. Agencies tasked with enforcing laws aimed at stemming human rights and environmental misconduct committed by businesses must be able to trace the supply chain, identify misconduct, and impose consequences. Without these elements in place, U.S. government deterrence of supply chain abuse will remain limited.

Agencies tasked with enforcing laws aimed at stemming human rights and environmental misconduct committed by businesses must be able to trace the supply chain, identify misconduct, and impose consequences.

To build more transparent and rights-respecting supply chains and strengthen the whole-of-government approach to combatting forced labor, the U.S. government can strategically leverage existing transparency and enforcement tools by improving information sharing and collaboration across agencies. By (1) ensuring that the supply chain data collected through the

sector-specific mandates is efficiently analyzed and funneled to agencies with the authority and capacity to bring an enforcement action, and (2) putting structures in place that allow different agencies to effectively coordinate with each other, authorities could more quickly and accurately identify human rights risks in supply chains and hold offenders to account.

Because the supply chain data collected is still narrowly circumscribed by industry or region, enforcement is correspondingly limited. Significant improvements can be made under existing mandates, but without required reporting of key supply chain data across industries, agencies will continue to face an uphill battle in gathering sufficient evidence to carry out their enforcement mandates. This will remain especially true in high-risk sectors like fashion or cocoa that are not required to report supply chain data. To fill this gap, the U.S. government should seek additional mandates that effectively tie disclosure and enforcement and that apply more broadly across industry and region. These mandates should include practices that, like SIMP, shift the responsibility to companies to trace their own supply chains and demonstrate rights-respecting business practices throughout.

Strengthening Forced Labor Enforcement Under Existing Authorities Through Interagency Collaboration

In the absence of mandatory HREDD and full supply chain transparency and traceability, there are steps the U.S. government can take under existing authorities to ensure U.S. supply chains are free from forced labor. Although limited, existing U.S. supply chain transparency tools can still be used in more complementary ways that can significantly improve forced labor and human rights enforcement mechanisms.

Despite the sectoral and regional limitations described above, existing transparency mechanisms do have access to data that can be valuable in supporting enforcement against forced labor and human rights abuses in supply chains. However, agency action to address supply chain issues is currently siloed, with different agencies addressing conservation, food and product safety, human and labor rights, and national security, among other sectors. As a result, forced labor and human rights enforcement mechanisms that address abuses in U.S. supply chains, like other U.S. government mechanisms addressing such issues, do not have widespread systems in place to work collaboratively to bring enforcement actions. This means the U.S. government approach is both isolated within specific sectors and jurisdictionally limited in any risk analysis it may seek to undertake. The result is more akin to a “whack-a-mole” approach than a strategic enforcement policy meant to deter human rights abuses at scale.

Additionally, interagency working groups addressing forced labor and human trafficking in U.S. supply chains have been piecemeal and are often sector specific. An exception is the FLETF, which has a broad sectoral mandate but which holds relatively weak strategic policy authority beyond UFLPA implementation, and otherwise serves primarily as an accounting mechanism for WROs.

Government offices addressing these issues should work more collaboratively to ensure that **(1) supply chain data can be shared across agencies to strengthen enforcement and (2) agencies**

take a strategic approach to enforcement. While examples exist of effective interagency collaboration, there is no widespread system in place for agencies to collaborate to address forced labor in U.S. supply chains.

DATA SHARING ACROSS AGENCIES

With the exception of Section 1502 of the Dodd Frank Act, U.S. government forced labor enforcement mechanisms rely on civil society, journalists, and other third parties to submit data necessary for enforcement. There are government programs that require corporate supply chain disclosures for other compliance purposes, such as the FDA food traceability rule, and therefore have access to data that can be vital in strengthening forced labor enforcement. However, their siloed nature means forced labor enforcement mechanisms often do not have access to this data. While agencies have worked together to ensure that information is shared, there are few systems in place for this to occur.

One example of strong interagency collaboration is the relationships CBP has cultivated with government organizations known as Partner Government Agencies (PGAs). As the enforcer of over 500 U.S. import laws, CBP sits in a unique position of interagency collaboration on trade, and it collaborates to different degrees with PGAs in this respect.¹¹⁰ CBP and PGAs can share information to support enforcement of U.S. import laws through the Commercial Targeting and Analysis Center, including enforcement of the forced labor ban in Section 307 of the Tariff Act.¹¹¹

Additionally, CBP is building the ACE system to facilitate processing of imports, including “processing and analysis of commercial import and export data.”¹¹² Although some PGA data requirements have been integrated into ACE, additional deployments are necessary to develop the program.¹¹³ Information sharing is especially valuable for enforcement of forced labor in the seafood industry, where CBP can rely on SIMP data. SIMP is the only currently implemented “U.S. government program that requires companies to report supply chain data back to point of origin as a condition of entry.”¹¹⁴ SIMP has the potential to provide vital “case-specific” data to support forced labor enforcement in U.S. seafood supply chains.¹¹⁵ CBP officials noted to the authors of this report that CBP’s collaboration with SIMP is one of the strongest and most mature partnerships that agency has.¹¹⁶

By contrast, there are no programs that track the many imports of critical minerals.¹¹⁷ Although the data collected through the due diligence requirements for the Electric Vehicle Tax Credit could support CBP forced labor enforcement, existing legal authorities are currently interpreted to prohibit sharing that data for forced labor enforcement purposes.¹¹⁸

It is important to note that the primary collaborative relationship between NOAA’s SIMP and CBP is through the latter agency’s division that enforces environmental provision and *not* its Forced Labor Division. If NOAA proceeds with its stated intent to add labor rights-related key data elements to the SIMP portfolio, this relationship will be critical to build. As it stands at the time of writing, SIMP does not conduct any assessment of labor rights risks, and even if it did, there is no proactive dissemination of that type of risk analysis to CBP. These relationships need to be developed for SIMP and other programs.

STRATEGIC ENFORCEMENT

In addition to data sharing, government agencies also need to collaborate with the goal of ensuring that enforcement actions are pursued based on government-wide strategic priorities and that multiple agencies are working together to address the same issue from their varied points of expertise and authority. This approach, known as strategic enforcement, refers to an enforcement model where all relevant enforcement mechanisms work together to prioritize targeting the worst and most frequent violators.¹¹⁹ This model of enforcement is aimed not at addressing each individual case but at identifying and addressing the underlying structural dynamics that result in violations, in order to achieve “widespread and ongoing compliance.”¹²⁰ Strategic enforcement requires agencies to leverage their resources and powers at every stage possible to ensure they ultimately deter even the worst violators.¹²¹

Agencies have demonstrated the ability to work collaboratively to achieve strategic enforcement results when directed to do so by the White House. One limited example is the Biden administration’s focus on IUU fishing and associated human rights abuses in the seafood sector. In June 2021, President Biden issued National Security Memorandum 11 on Combating Illegal, Unreported, and Unregulated Fishing and Associated Labor Abuses, to “enhance interagency coordination and the use of existing tools and authorities to address the challenge of forced labor in the seafood supply chain.”¹²² Its release was associated with multiple enforcement actions across agencies and mandates.

In May 2021, CBP issued a WRO against the fishing fleet of China’s Dalian Ocean Fishing.¹²³ Dalian’s fishing operations were found to have caught seafood using egregious conditions of forced labor.¹²⁴ In December 2022, OFAC sanctioned Dalian Ocean Fishing and affiliated vessels under the Global Magnitsky Human Rights Accountability Act.¹²⁵ These enforcement actions resulted from collaboration between CBP, OFAC, and the Bureau of International Labor Affairs at the Department of Labor.¹²⁶ Moreover, in July 2024, the FLETF added seafood as a priority sector for UFLPA enforcement.¹²⁷

These actions demonstrate an effort by U.S. government agencies to prioritize addressing forced labor in the seafood industry and to work together to achieve strategic results. Although this presents a successful example, it may actually serve as the exception that proves the rule. The enforcement actions, while timed together, were not necessarily coordinated in their development; additionally, sustained operational data sharing mechanisms were not developed, and the persistence of this strategic focus is dependent on White House oversight of implementation of the National Security Memorandum on Combating IUU Fishing and Associated Labor Abuses.

BARRIERS TO INTERAGENCY COLLABORATION

Several interagency efforts have been developed in recent years to try and improve collaboration on addressing abuses throughout supply chains. These range from broad cross-government enterprises to sector-based efforts. In the former category are the FLETF and the November 2023 White House Memorandum on Advancing Worker Empowerment, Rights, and High Labor Standards Globally, which is “the first whole-of-government approach to advance workers’ rights.”¹²⁸ Sector-based efforts include more directed programs of work such as the Maritime SAFE Interagency Working

Group on Combating IUU Fishing, established under the provisions of the Maritime SAFE Act in 2020.¹²⁹ While these very clear priorities have resulted in a number of successes in interagency collaboration, several barriers have prevented widespread collaboration on effectively and meaningfully addressing forced labor in U.S. supply chains through information sharing and strategic enforcement. These barriers broadly fall into three categories: 1) structural; 2) capacity and resources; and 3) data sensitivity.

Structural Barriers

Among the most significant challenges facing interagency coordination is that there are currently few formal processes in place for government agencies to collaborate and share information to strengthen government enforcement of forced labor. Certain working groups, such as Maritime SAFE, have prioritized identifying mechanisms to share information. But operationalizing proactive distribution of data and associated analyses is strongest where individuals at various agencies invest in prioritizing and developing systems for coordinating with others. Several stakeholders noted that they believed sharing information across government agencies was an important part of efficiently and effectively accomplishing shared goals. However, doing so is difficult to accomplish when there are few systematized processes in place.¹³⁰

As a result, information sharing is largely dependent on the personal connections of individuals across government agencies. Conversely, when these connections are not present, sharing information can be difficult. Current and former civil servants we spoke with said a barrier to sharing information was that they did not know which personnel at relevant agencies would be the points of contact for sharing or receiving information from other agencies.¹³¹ Agencies also have different administrative and bureaucratic cultures, making it difficult to identify how and to whom information should be shared.¹³² Defining roles and responsibilities for interagency activities and, crucially, establishing a culture of proactive distribution of relevant data is essential for ensuring strong interagency collaboration.¹³³ Without this, information sharing will remain an elusive goal.

Some agencies, such as CBP, have strong mechanisms in place for collaboration due to the nature of their role as the enforcer of customs laws and regulations “on behalf of 49 federal agencies.”¹³⁴ But even here, barriers and stovepipes remain with sometimes weak intra-agency links across mission mandates—for example, living resource commodities vs. human rights.

Other agencies are able to share information broadly even without formal processes. The Bureau of International Labor Affairs (ILAB) at the Department of Labor can serve as a clearinghouse for data on forced labor in U.S. supply chains and means of addressing those risks, but there are no formal processes for government agencies to ensure they rely on ILAB data in conducting ongoing risk assessments, or that labor rights considerations are incorporated into their work at all.¹³⁵ ILAB plays a critical role as a repository of information on forced labor and labor rights risks in U.S. supply chains, including through the regular development of comprehensive lists of goods produced by child, forced, or indentured labor.¹³⁶ The bureau has also funded several programs around the world that provided ILAB with a wealth of information about labor conditions and work being conducted to enhance protections for workers.¹³⁷ This research is essential for ensuring U.S. supply chains are free of forced labor.¹³⁸ In addition to publishing information about labor abuses

in U.S. supply chains, ILAB supports U.S. government forced labor enforcement efforts through sharing information with relevant agencies where possible, including through providing support to enforcement agencies on identifying forced labor, but this information could be used more intentionally and systematically across government human rights risk assessment programs.¹³⁹

Because there are no clear processes in place to ensure strong coordination between ILAB and agencies across the government regarding the role they can play in addressing labor abuses, the bureau's coordination with other agencies occurs on an ad hoc basis. While ILAB has seen greater engagement from various government agencies following direction from the Biden White House, processes need to be put in place to ensure its research and data relating to forced labor in U.S. supply chains is incorporated into the work of all agencies.

Lack of Capacity and Resources

Government officials who were interviewed for this report highlighted that even when mechanisms are in place to collaborate on and address issues of forced labor in U.S. supply chains, government agencies have few resources to make this happen. One significant barrier that cuts across forced labor prevention efforts is a lack of sufficient resources and staff to adequately collaborate to enforce against or investigate instances of forced labor.

The Maritime SAFE Working Group includes several sub-working groups, including regional and subject matter groups—one of which is focused on labor rights.¹⁴⁰ However, stakeholders noted that many such groups struggled to adequately collaborate strategically because members were unable to dedicate adequate time, as these responsibilities existed outside their core roles.¹⁴¹ The groups that showed the most success in collaborating and aligning on shared strategic goals were ones that had staff dedicated to coordinating on a full-time basis.¹⁴²

Similarly, although the November 2023 White House Global Labor Strategy directs agencies to collaborate to address forced labor and labor abuses in U.S. supply chains, much of ILAB's collaboration largely depends on members of other government agencies recognizing the role they can play in addressing labor rights in supply chains.¹⁴³ Despite clear calls from Biden administration to prioritize addressing labor rights, particularly within the seafood supply chain, stakeholders noted that staff across agencies are juggling implementation of a number of programs, leaving little time to dedicate toward interagency coordination on the issues they are advancing.¹⁴⁴ Current and past government personnel highlighted that more resources are needed for agency staff to participate meaningfully in interagency efforts to address forced labor in supply chains.

Moreover, enforcement programs are already chronically underfunded and have minimal capacity to act against forced labor in U.S. supply chains within their own mandates let alone collaborate more meaningfully. The White House's past prioritization of the issue has not resulted in an increase in prosecutions of labor trafficking in U.S. supply chains. Although the DOJ's Human Trafficking Prosecutions Unit (HTPU) has authority to prosecute instances of human trafficking and forced labor under the TVPRA, there have been virtually no prosecutions of corporate actors for forced labor.¹⁴⁵

Similarly, since 2022, CBP enforcement of the Tariff Act has stalled and the bureau's Forced Labor Division (FLD) has reportedly suffered from staffing shortages.¹⁴⁶ Between 2022 and 2024, only four forced labor enforcement actions have been issued under the Tariff Act.¹⁴⁷ Although CBP received an increase in appropriations in 2023 to support forced labor enforcement, much of the FLD's capacity has gone toward developing a framework for and implementing the UFLPA.¹⁴⁸ This points to a larger issue of government agencies' failure to prioritize funding of supply chain enforcement.¹⁴⁹

Sensitivity of Information

Finally, interagency collaboration and data sharing is significantly hampered by the real or perceived sensitivity of information collected by or disclosed to relevant government agencies. Law enforcement agencies such as the DOJ's Human Trafficking Protection Unit or the Department of Homeland Security's CBP or Homeland Security Investigations may be concerned about sharing information that may negatively impact enforcement actions or prosecutions. Relevant government agencies also need to consider data privacy protection laws such as the 1974 Privacy Act and the Trade Secrets Act, which protect personal and business information collected by U.S. government agencies from unwarranted disclosure.¹⁵⁰

CBP officials have been particularly restrained with sharing information regarding forced labor enforcement through WROs. According to a GAO report from March 2021, government agencies—including the Departments of Labor and State—noted difficulty in obtaining information relating to WROs from CBP officials. This included information related to the type of information CBP relies on to issue a WRO, and what is needed to revoke a WRO.¹⁵¹ The report also noted that this lack of willingness to share information with relevant partner agencies may have led to missed “opportunities to gather relevant information” for WRO determinations.¹⁵²

Similarly, requirements for electric vehicle manufacturers to obtain the Clean Vehicle Tax Credit include filing a “foreign entity of concern compliance report.”¹⁵³ Although this type of reporting could provide key data for identifying forced labor in critical minerals supply chains if shared with the relevant enforcement agencies, it may be deemed protected under laws like the Trade Secrets Act and the Privacy Act.¹⁵⁴

Another barrier to information sharing has been agency interpretation of legislative confidentiality requirements. The Magnuson Stevens Act (MSA) states that information collected under the act, including data collected by SIMP, is confidential and shall not be subject to disclosure.¹⁵⁵ In 2022, this provision was amended to allow for sharing of information with government agencies to “administer Federal programs established to combat illegal, unreported, or unregulated fishing or forced labor.”¹⁵⁶ However, NOAA interpreted these provisions to mean that data collected under SIMP cannot be shared.¹⁵⁷ Moreover, although the MSA allows for the sharing of SIMP data in the aggregate, this data is not publicly available.¹⁵⁸ As a U.S. government program requiring “companies to report supply chain data back to point of origin as a condition of entry,” SIMP has the potential to contribute valuable information for U.S. government forced labor enforcement programs.¹⁵⁹ The data could be especially valuable to forced labor and labor trafficking prosecutions under the TVPRA and could help combat barriers to prosecuting forced labor. Although sometimes limited by delays, CBP already has the ability to access SIMP data as the agency enforcing import laws and

regulations, and is able to use that data in investigating and issuing WROs against imports of seafood covered by SIMP found to be using forced labor.¹⁶⁰

Building More Transparent and Rights-Respecting Supply Chains Through Additional Mandates

Existing U.S. government supply chain transparency and enforcement programs can become more effective through strategic enforcement and data sharing, but these mechanisms ultimately remain limited outside certain high-risk areas and are not comprehensive in their approach to supply chain transparency. Moreover, although existing U.S. transparency and traceability mechanisms can provide valuable support for forced labor and human rights enforcement, they are not necessarily aimed at combating this type of abuse.

While the U.S. maintains a high legal stand for its supply chains with respect to human rights through the Tariff Act, the UFLPA, the Global Magnitsky sanctions regime, and the U.S.-Mexico-Canada Agreement (USMCA), the European Union has in many respects gone farther and set the bar higher. Over the last several years, mandatory HREDD has emerged as a strong legislative model for building more transparent and rights-based supply chains. Mandatory laws have already been enacted in France and Germany, and in a landmark vote in April 2024, the European Parliament voted to adopt the Corporate Sustainability Due Diligence Directive (CSDDD), which establishes a minimum mandatory HREDD requirement to be adopted in all EU countries.¹⁶¹

As HREDD laws like the CSDDD come into force, many U.S. companies will be required to comply. This creates an opportunity for the U.S. to adopt its own legislation and participate in shaping global HREDD standards. Such legislation in the United States would fill the current gaps in supply chain transparency, traceability, and accountability programs, developing a comprehensive supply chain tracing and human rights risk enforcement regime. This type of system would lead to real consequences for violations and ensure corporations are responsible for managing their own supply chain and human and labor rights risks. Considering that the European Union and the United States together account for a plurality of the global trade market in many sectors, adopting HREDD legislation could have a substantial impact.

Recommendations for More Effective Enforcement and Prevention

Based on the findings presented above, the authors recommend several steps that U.S. government agencies, Congress, and the White House can take to ensure U.S. supply chains are accountable and rights respecting.

Government Organization and Coordination

More effective prevention of labor abuses in U.S. supply chains faces challenges both strategic and operational in nature. This report has generally found that the U.S. government is empowered with considerable authority from Congress to take strong action mandating supply chain transparency for the purposes of preventing forced labor and to enforce against potential violations through administrative, economic, and criminal sanctions. However, these mandates form a patchwork of often mismatched authorities on data collection, data sharing and analysis, and enforcement. Effective enforcement is hampered by a lack of data and effective analysis, or, when it is available, such data and analyses are not always effectively acted upon. Solving this challenge will require a reorientation of the U.S. government's current sector-based approach to one grounded in a strategic global wraparound strategy with clear enforcement cascades.

Solving this challenge will require a reorientation of the U.S. government’s current sector-based approach to one grounded in a strategic global wraparound strategy with clear enforcement cascades.

With this in mind, the U.S. government should identify a primary coordination hub empowered to:

1. Track data collection tools across the government that currently contribute to forced labor enforcement.
2. Take steps to integrate information and analyses from such tools across agencies and mandates.
3. Identify priority sectors for allocation of enforcement capacity on a rolling basis.
4. Develop enforcement cascades for sectors expressly targeted for administrative, economic, and criminal sanctions.
5. Develop recommendations for foreign assistance programs in priority sectors.

The authors recommend using existing FLETF structures for this hub role, but with an enhanced mandate that focuses explicitly on matching federal interests to mandates and tools for both risk assessment and enforcement.

Under this model, a carrot-and-stick approach to the human rights supply chain challenge could more effectively be employed by using escalatory enforcement tools in priority sectors backed by targeted capacity-building programs to support management and enforcement in source states. This approach to capacity building has shown some success through implementation of the Maritime SAFE Act and its prioritization of key regions, but this success has been tied to the same limitations discussed above related to resource allocation and information sharing. It has also not been counterbalanced with targeted enforcement in the manner described here.

Finally, there is a need to ensure that these supporting programs marry effective government-wide strategies to effective implementation of existing laws such as through enforcement actions or local capacity-building initiatives. This requires intentional scalability in program design and application—applying high-level government strategies to decision making on the implementation level.

Resource Allocation

One of the barriers to robust government coordination and strong enforcement of forced labor and human rights issues in U.S. supply chains is a lack of adequate funding for programs implementing enforcement mechanisms. Government agencies working to address abuses throughout supply chains should have specific allocations for staff members whose primary role is to collaborate with other government agencies and ensure that efforts are coordinated and strategically aligned. In addition to the need for resource allocation for coordinated action, forced labor and human rights

enforcement mechanisms should be adequately funded to take into account what is necessary to achieve strong forced labor enforcement. This report provides two recommendations to ensure resources are allocated to strengthen forced labor enforcement.

INCORPORATE WORKER VOICE INTO ENFORCEMENT EFFORTS

Enforcement actions are not enough on their own to bring about change for workers on the ground. These mechanisms need to be paired with support for and inclusion of workers directly impacted by forced labor. Worker voice refers to “the ability of workers to come together, collectively articulate their demands, and seek better terms and conditions of work.”^{162 163}

In 2021, the Department of Labor, the State Department, and USAID launched the Multilateral Partnership for Organizing, Worker Empowerment, and Rights (M-POWER), a multi-stakeholder initiative aimed to strengthen the role of worker organizing and increase worker power globally by providing technical support, research, diplomatic action, and stakeholder engagement.¹⁶⁴ Additionally, the USMCA’s Rapid Response Mechanism (RRM) creates a dispute settlement mechanism for freedom of association and collective bargaining rights.¹⁶⁵ The RRM has been used 27 times between 2021 and 2024. Most of these cases have resulted in the development of comprehensive remediation plans, reinstatement of workers, payment of back wages, and representation by a union for previously unrepresented workers.¹⁶⁶

The U.S. government can more effectively address labor rights violations in U.S. supply chains by developing stronger interagency collaboration mechanisms that bring ILAB knowledge, research, and data on worker voice empowerment to forced labor and human rights enforcement mechanisms. Additionally, enforcement agencies can work with the Department of Labor to ensure that actions are taken strategically and in line with the actions of other agencies and U.S. government labor rights priorities.

Worker voice should also be incorporated into existing agency partnerships. While WROs can be a strong and effective enforcement tool, without taking into account the impact on worker-driven remediation, they can hamper efforts to address labor rights in supply chains.¹⁶⁷ CBP is already working with ILAB to ensure that “efforts to improve and remediate labor protections” center the voices of workers.¹⁶⁸ This relationship serves as a strong model for how other enforcement agencies can collaborate with ILAB to ensure worker voice is represented. CBP should also continue to strengthen relationships to ensure that forced labor enforcement actions are aligned with strategic enforcement goals across agencies.

Department of Labor expertise on worker voice should also be incorporated into efforts to address forced labor in the seafood industry. After calls from civil society and advocates for inclusion of labor rights in SIMP efforts to address IUU fishing, in November 2024, SIMP announced an action plan to enhance the program.¹⁶⁹ The plan includes goals to strengthen SIMP’s partnership with the Department of Labor and CBP to support development of additional data collection requirements aimed at addressing forced labor. The Department of Labor should ensure that SIMP efforts to address forced labor are informed by the department’s engagement with workers in the seafood industry.

CONGRESSIONAL APPROPRIATIONS FOR FORCED LABOR AND HUMAN TRAFFICKING ENFORCEMENT

CBP and agencies addressing human trafficking, such as Homeland Security Investigations and the Human Trafficking Protection Unit at DOJ, have limited enforcement power as a result of insufficient resources to adequately investigate instances of forced labor in U.S. supply chains. Investigation of instances of forced labor in supply chains around the world, particularly when the U.S. government is unable to see into those systems, can be a difficult and time- and resource-intensive process. Although CBP received a substantial increase in funding for fiscal year 2023 to implement the UFLPA, the agency continues to face resource challenges in enforcing the Tariff Act. Similarly, limited resources for human trafficking investigations and prosecutions has resulted in an “under-prosecution” of labor trafficking cases.¹⁷⁰

Congress should appropriate additional funds to CBP’s forced labor division to ensure that the agency is well placed to both enforce the Tariff Act and to meet the increased burden of enforcing the UFLPA. Similarly, agencies such as HTPU and Homeland Security Investigations should be allocated additional funds for pursuing human trafficking investigations and prosecutions. This should include specific allocations for prosecuting instances of forced labor and labor trafficking, as well as the difficulties of pursuing these kinds of cases.

Shifting the Burden onto Corporations

Although significant authority exists for supply chain data collection and data sharing to inform human rights and forced labor enforcement mechanisms within the U.S. government, additional congressional clarity would be valuable to ensure comprehensive transparency and traceability across all supply chains for robust enforcement. Existing tools could work to supplement a more comprehensive legislative framework that would protect people affected by abuses within U.S. supply chains. Moreover, EU countries are already on their way to implementing legislation that would require companies, including many U.S. firms, to more comprehensively track their supply chains to ensure rights are protected. To level the playing field for the rest of U.S. companies and ensure that the United States keeps up with emerging global norms, the United States should pass its own legislation to ensure domestic businesses are not left behind. This report recommends three potential avenues for comprehensively ensuring U.S. supply chains are transparent and free of forced labor and other human rights abuses.

REVERSAL OF BURDEN OF PROOF

The Tariff Act prohibits imports of goods made in whole or in part using forced labor. Currently, importers can import goods into the United States freely without having to provide any data relating to labor rights in their supply chains. Enforcement of this law relies on tips and complaints from third parties pointing to the presence of forced labor in a particular import’s supply chain, despite the fact that importers are in a better position to acquire the necessary information. Only imports covered by the UFLPA or CAATSA are required to disclose supply chain data to rebut the presumption that their products were made using Uyghur or North Korean forced labor.

Considering the widespread presence of forced labor across products entering the United States, and the extensive burden on CBP to investigate claims of forced labor in importers' supply chains, the burden of proving whether forced labor was used in the development of a product should fall on the importing entity. CBP should adopt an approach similar to the supply chain disclosure requirements in SIMP, where all importers would be required to disclose key supply chain data as a condition of entry into U.S. markets. The current approach "tasks CBP with investigating commodity supply chains and identifying instances of forced labor even though the importing entities could do so more efficiently themselves."¹⁷¹ Creating a supply chain labor rights data disclosure requirement for all imports and shifting the burden of proof onto importers would also require fewer investigatory resources from CBP to implement the Tariff Act.

Data disclosure should be required prior to arrival at U.S. ports, ensuring that CBP's Forced Labor Division has access to the information it needs to more thoroughly detect and prevent products made in whole or in part using forced labor from entering U.S. markets.

A phased-in approach could be taken, whereby only high-risk imports would be covered, and the requirement would be gradually increased to cover all imports.¹⁷²

FULL SUPPLY CHAIN TRACEABILITY AND TRANSPARENCY

For the United States to fully and substantially prevent forced labor and human rights abuses in supply chains, the government should require full supply chain traceability and transparency. Corporate supply chains are intentionally opaque and complex, presenting a significant barrier to more robust investigation of forced labor and human rights abuses. Corporations are in the best position to trace their own supply chains and disclose that data to the U.S. government. Shifting this burden to corporations, particularly large multinational corporations, would allow the U.S. government to more strongly enforce existing laws such as the Tariff Act and the TVPRA.

Data collected by the U.S. government on supply chain tracing can be valuable not just for identifying and addressing forced labor in supply chains, but also for addressing the myriad abuses that can occur throughout the system. Additionally, as the Covid-19 pandemic demonstrated, U.S. supply chains are fragile and there are several geopolitical, environmental, health, and human-related factors that can lead to serious disruptions. In 2023, the Department of Commerce launched the Supply Chain Center to increase resilience for select key supply chains.¹⁷³ The center also launched a risk assessment tool known as SCALE, which "utilizes a comprehensive set of indicators to assess structural supply chain risk across the U.S. economy."¹⁷⁴ Such tools could be much more effective with full supply chain traceability and disclosure laws in place and would put the United States in a better position to ensure U.S. supply chains are safe, resilient, and competitive.

While legislation requiring U.S. corporations to trace and disclose their supply chains would significantly increase opportunities for U.S. government enforcement mechanisms to address forced labor, businesses would still not be required to proactively ensure that they are not enabling forced labor and other human rights abuses throughout their supply chains. Supply chain transparency should come with proactive requirements to ensure they are free of forced labor and other human rights abuses.

MANDATORY HUMAN RIGHTS AND ENVIRONMENTAL DUE DILIGENCE

The United States should enact HREDD legislation would require corporations to

1. Identify and assess actual or potential human rights impacts of corporate activity.
2. Take appropriate action to address these impacts and integrate findings across corporate processes.
3. Track effectiveness of measures taken and processes developed.
4. Communicate how the company is addressing impacts.¹⁷⁵

The goal of mandatory HREDD is to **identify and respond** to real and potential risks of human rights and environmental harm, including the prohibition on forced labor, faced by rights-holders throughout the company's operations across their supply chain. As EU countries prepare to implement the CSDDD, many U.S. companies will be required to comply with the law's due diligence requirements.¹⁷⁶ The CSDDD will ultimately apply to all U.S. companies with annual revenue from the EU market of over €450 million, regardless of whether they have any subsidiaries or branches in the European Union, making most large U.S. multinational companies subject to these laws. The United States should act swiftly to take leadership in defining HREDD processes rather than relying on EU implementation. The U.S. government has already recognized the importance of leveraging its position to support businesses in conducting HREDD in the 2024 National Action Plan on Responsible Business Conduct.¹⁷⁷ Enacting HREDD legislation would be in line with U.S. commitments in the 2024 plan.

The United States could model HREDD legislation on existing U.S. law that has proved successful. The Foreign Corrupt Practices Act (FCPA), enacted in 1977, is a U.S. anti-bribery and corruption law which established the United States as a global leader in stemming systemic bribery and corruption and improving the perception of American corporations abroad.¹⁷⁸ As a tried-and-true method of shaping corporate behavior around the world, the FCPA could serve as a model for U.S. HREDD legislation. An "FCPA for Human Rights" would prohibit certain abuses from taking place in U.S. supply chains around the world, require corporations to conduct human rights and environmental due diligence, and provide victims with access to a remedy in U.S. courts.¹⁷⁹

Ensure the Creation of Viable Alternatives

One of the greatest factors in the sustainability of forced labor is its profitability. The International Labour Organization estimates that perpetrators have an annual illegal profit of approximately \$236 billion.¹⁸⁰ This has the downstream impact of making it difficult to develop new, clean supply chains that can compete in the market against those that are already economically viable and have artificially low expenses due to reduced or completely eliminated labor costs.¹⁸¹ Even well-intentioned companies aiming to eliminate forced labor from their supply chains do not have viable clean options and have difficulty developing them. Similarly, states aiming to develop clean industries face difficulty doing so.

Congress, along with like-minded countries interested in eliminating forced labor, could create a Fair Labor Innovation Fund aimed at seeding viable alternatives to tainted supply chains.¹⁸² This would allow clean supply lines to develop that are protected from a race to the bottom on pricing, helping countries develop industries that could compete with those utilizing forced labor elsewhere without being immediately driven out of business by lower prices.

Support Partners Abroad

The success of the US-led postwar order over the last 75 years has been constructed on the foundational pillars of economic, military, and moral strength derived from well-managed and regulated free markets, sustained investment and innovation, and a commitment to individual freedom and the prosperity of partners abroad. Demonstrable commitment to these principles through effective support for human rights in our supply chains and support for sustainable development through foreign aid is critical to maintain US credibility and alliances. Moreover, without foreign aid, some foreign markets may lack capacity to meet the needs of the people supporting them and requirements for United States market access. Continuation of U.S. foreign programs is vital to ensure support for human rights and U.S. interests abroad.

Conclusion

The United States has several tools at its disposal to ensure that U.S. products are free of various kinds of abuses, including forced labor. Several supply chain transparency programs have developed to address abuses, particularly for industries that are of strategic importance or carry high risks of abuse, such as critical minerals and seafood. However, no such transparency programs have been developed to address forced labor.

Instead, the United States has developed enforcement programs that do not have access to supply chain data and therefore require implementing agencies to operate in the dark. Enforcement actions often occur only when civil society organizations or other third parties provide evidence of abuses. As a result, these programs have not resulted in widespread accountability for corporate human rights abuses. Although several WROs are issued on an annual basis, enforcement actions remain few and far in between. Additionally, although the 2018 TVPRA reauthorization gave DOJ authority to prosecute corporations for forced labor in their supply chains, no such prosecutions have occurred to date.

For strong enforcement to take place, forced labor and human rights enforcement mechanisms need to be tied to supply chain transparency and traceability requirements. Using existing mandates, government agencies can work more collaboratively to exchange information and take strategic enforcement actions.

Mechanisms meant to address abuses throughout supply chains currently operate in silos. There are working groups where various government agencies can collaborate on addressing thematic or sectoral issues. However, even with such working groups, agencies operate mostly independently and

take enforcement actions on an ad hoc basis. Although supply chain transparency and traceability mechanisms have access to key supply chain data, that data is often not shared with enforcement agencies. Government agencies sharing information with one another and working collaboratively on enforcement based on agreed upon priorities can result in meaningful accountability.

In the seafood industry, SIMP provides a model for supply chain transparency and traceability programs sharing supply chain data with human rights enforcement mechanisms. SIMP key data indicators, collected as a condition of import, are shared with CBP. Moreover, the November 2024 NOAA Action Plan for SIMP, which is intended to be implemented through extensive rulemaking in 2025, would add additional indicators for labor rights and strengthen SIMP partnerships with CBP and the Department of Labor.

The Electric Vehicle Tax Credit due diligence requirements create a strong supply chain traceability program. Many electric vehicle manufacturers can be eligible for a significant tax credit if they can provide a due diligence report tracing their supply chains to ensure they are free of prohibited entities. This creates a strong incentive for corporations to fully trace their supply chains and provides the U.S. government with key data that could significantly contribute to human rights and labor rights enforcement in minerals supply chains.

Although meaningful enforcement is possible under existing mandates through interagency collaboration, legislative initiatives that require corporations to be responsible for their supply chains, such as supply chain disclosure requirements or mandatory HREDD, could result in widespread and comprehensive changes in the way corporations do business.

As the world's largest importer of goods with forced labor risks, the United States plays a critical role in pursuing perpetrators. Allowing forced labor to continue in U.S. supply chains creates unfair competition for American companies working to ensure safe supply chains, and puts people and communities impacted by U.S. supply chains around the world at risk.

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Endnotes

- 1 “Slavery in Supply Chains,” Anti-Slavery International, <https://www.antislavery.org/slavery-today/slavery-in-global-supply-chains/>.
- 2 International Labour Organization, “Forced Labour Convention,” 1930 (No. 29), Article 2, https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029.
- 3 “Slavery in Supply Chains,” Anti-Slavery International.
- 4 International Labour Organization, *Global Estimates of Modern Slavery: Forced Labor and Forced Marriage* (New York, NY: International Labour Organization, 2022), 2, https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_norm/%40pec/documents/publication/wcms_854795.pdf; and Melissa De Witte, “Stanford Project Details How to Reimagine Global Supply Chains to Be More Equitable, Fair,” Stanford Report, December. 20, 2021, <https://news.stanford.edu/stories/2021/12/reimagining-just-equitable-global-supply-chains>.
- 5 “Policy as a One-Legged Stool: U.S. Actions Against Supply Chain Forced Labor Abuses,” *Harvard Law Review* 136, no. 6 (April 2023), 1701, <https://harvardlawreview.org/print/vol-136/policy-as-a-one-legged-stool-u-s-actions-against-supply-chain-forced-labor-abuses/#footnote-10>.
- 6 Maleha Afzal, “20 Biggest Multinational Companies Headquartered in the US,” Yahoo Finance, December 13, 2023, <https://finance.yahoo.com/news/20-biggest-multinational-companies-headquartered-112932032.html?guccounter=1>; and International Corporate Accountability Roundtable (ICAR), “Building the U.S. Model for Corporate Accountability: A Foreign Corrupt Practices Act for Human Rights,” ICAR, *Policy Brief*, August 2024, <https://icar.ngo/wp-content/uploads/2024/08/FINAL-FCPA-HR-Policy-Brief-1.pdf>.
- 7 Darrell M. West, *Six Ways to Improve Global Supply Chains* (Washington, DC: Brookings Institution, July 2022), <https://www.brookings.edu/research/six-ways-to-improve-global-supply-chains/>.

- 8 “Illegal, Unreported, and Unregulated Fishing,” U.S. Customs and Border Protection, accessed February 10, 2025, <https://www.cbp.gov/trade/programs-administration/natural-resources-protection/IUU-fishing#:~:text=Worldwide%2C%20IUU%20fishing%20accounts%20for,is%20closer%20to%2050%20percent.>
- 9 Food and Agriculture Organization of the United Nations, *The State of World Fisheries and Aquaculture 2024* (Rome: UN Food and Agriculture Organization, 2024), <https://doi.org/10.4060/cd0683en>.
- 10 U.S. Coast Guard, *Illegal, Unreported, and Unregulated Fishing Strategic Outlook* (Washington, DC: U.S. Coast Guard, September 2020), https://www.uscg.mil/Portals/0/Images/iuu/IUU_Strategic_Outlook_2020_Final.pdf.
- 11 Mahlet N. Mesfin, “Combating Illegal Unreported and Unregulated Fishing Through U.S. and Global Action,” U.S. Department of State, Dipnote, June 4, 2024, <https://2021-2025.state.gov/combating-illegal-unreported-and-unregulated-fishing-through-u-s-and-global-action/>.
- 12 Michael Sinclair, “The National Security Imperative to Tackle Illegal, Unreported, and Unregulated Fishing,” Brookings Institution, *Commentary*, January 25, 2021, <https://www.brookings.edu/articles/the-national-security-imperative-to-tackle-illegal-unreported-and-unregulated-fishing/>.
- 13 Caitlin Keating-Bitonti and Anthony R. Marshak, *Illegal, Unreported, and Unregulated (IUU) Fishing: Frequently Asked Questions*, CRS Report No. R48215 (Washington, DC: Congressional Research Service, October 2024), 11-13, <https://crsreports.congress.gov/product/pdf/R/R48215>; and “Fisheries Crime,” UN Office on Drugs and Crime, 2016, https://www.unodc.org/documents/about-unodc/Campaigns/Fisheries/focus_sheet_PRINT.pdf.
- 14 Human Rights Watch, *Hidden Chains: Rights Abuses and Forced Labor in Thailand’s Fishing Industry* (Brussels: Human Rights Watch, January 2018), <https://www.hrw.org/report/2018/01/23/hidden-chains/rights-abuses-and-forced-labor-thailands-fishing-industry>.
- 15 OCEANA, “Fishing Vessels Spend Years at Sea without Oversight, New OCEANA Analysis Finds,” press release, June 25, 2024, <https://usa.oceana.org/press-releases/fishing-vessels-spend-years-at-sea-without-oversight-new-oceana-analysis-finds/#:~:text=Nearly%2023%25%20of%20fishing%20vessels,is%20more%20than%20three%20years.>
- 16 Change to: U.S. Customs and Border Protection Office of Public Affairs, “CBP Issues Withhold Release Order on Chinese Fishing Fleet,” press release, May 28, 2021, <https://www.cbp.gov/newsroom/national-media-release/cbp-issues-withhold-release-order-chinese-fishing-fleet>.
- 17 “Illegal, Unreported, and Unregulated Fishing,” U.S. Customs and Border Protection.
- 18 U.S. Food and Drug Administration, “Requirements for Additional Traceability Records for Certain Foods,” 87 Fed. Reg. 70910 (November 21, 2022), <https://www.federalregister.gov/documents/2022/11/21/2022-24417/requirements-for-additional-traceability-records-for-certain-foods>.
- 19 Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Pub. L. No. 107-188 § 414(b); See comment responses in the federal register notice for descriptions of how the new rule improves on existing regulation: 87 Fed. Reg. 70910; and Kari Irvin et al., “An Overview of Traceback Investigations and Three Case Studies of Recent Outbreaks of *Escherichia coli* O157:H7 Infections Linked to Romaine Lettuce,” *Journal of Food Protection* 84, no. 8 (2021): 1340, <https://www.sciencedirect.com/science/article/pii/S0362028X22068491>.
- 20 A CTE is a stage of the supply chain such as harvesting, cooling, initial packing, and shipping, among others. See U.S. Food and Drug Administration, “Food Traceability Rule: Critical Tracking Events (CTEs) and Key Data Elements (KDEs),” <https://www.fda.gov/media/163132/download>.

- 21 Location descriptions might include the name of the field or other growing area from which the food was harvested, or other information identifying the harvest location such as the field where the produce was grown.
- 22 The Lacey Act also requires declarations from importers of certain wood products pertaining to country of origin and product description, but SIMP’s requirements are more detailed for the purposes of supply chain description; National Oceanic and Atmospheric Administration, “Magnuson-Stevens Fishery Conservation and Management Act; Seafood Import Monitoring Program,” 81 Fed. Reg. 88995 (December 9, 2016), <https://www.federalregister.gov/documents/2016/12/09/2016-29324/magnuson-stevens-fishery-conservation-and-management-act-seafoodimport-monitoring-program>.
- 23 “Entry Screening Systems and Tools,” U.S. Food and Drug Administration, content current as of October 9, 2024, <https://www.fda.gov/industry/fda-import-process/entry-screening-systems-and-tools#screened>.
- 24 U.S. Government Accountability Office, *Report to the Chairman Subcommittee on Europe, Eurasia, and Emerging Threats, Committee on Foreign Affairs House of Representatives: FDA’s Targeting Tool Has Enhanced Screening, but Further Improvements Are Possible* (Washington, DC: U.S. Government Accountability Office, May 2016), <https://www.gao.gov/assets/gao-16-399.pdf>.
- 25 U.S. Department of Commerce, National Oceanic and Atmospheric Administration, “Presidential Task Force on Combating Illegal Unreported and Unregulated (IUU) Fishing and Seafood Fraud Action Plan,” 80 Fed. Reg. 66867 (October 30, 2015), <https://www.federalregister.gov/documents/2015/10/30/2015-27780/presidential-task-force-on-combating-illegal-unreported-and-unregulated-iuufishing-and-seafood>.
- 26 16 U.S.C. § 1857(l)(Q).
- 27 The information required on the harvesting or producing entity includes the name and flag state of harvesting vessel(s), evidence of authorization to fish/farm (permit, farm registration, or license number), the unique vessel identifier (when available), the name(s) of farm or aquaculture facility, and the type(s) of fishing gear used. The information required on the fish itself and its history of transport includes the species of fish, landing or offloading date(s), the point(s) of first landing, the product form(s) at time of landing or offloading—including quantity and weight of product, area(s) of wild-capture or aquaculture harvest (farm address), and the name of the entity or entities to which the fish was landed or delivered. The information required on the importer of record includes the name, affiliation, and contact information, the NOAA Fisheries-issued international fisheries trade permit number, information on any transshipment of product (declarations by harvesting/carrier vessels, bills of lading), and records on processing, reprocessing, and commingling of product.
- 28 Landing refers to when the fish are brought to shore. Information collected about landing include the date of landing, the product form at the time of landing, and the point of landing.
- 29 Under SIMP, the importer must report: species; type of harvest (e.g., wild capture, farm); country of harvest; gear type; landing date; product form (e.g., whole); authorization to fish or run aquaculture operate; name and flag state of harvesting vessel; vessel country of registry; unique vessel identifier (if applicable); harvest weight at landing; country of first landing, delivery location, and/or place of transshipment; and first recipient to which the fish was landed or delivered (name, address, and entity role, such as the buyer or processor); and National Oceanic and Atmospheric Administration Fisheries, “Compliance Guide: U.S. Seafood Import Monitoring Program,” revised January 2024, <https://www.fisheries.noaa.gov/s3/2024-01/SIMP-Compliance-Guide-JAN.2024.revision-508.pdf>.
- 30 U.S. National Oceanic and Atmospheric Administration (NOAA) and U.S. Department of Commerce, *Report to Congress: Efforts to Prevent Importation of Seafood Harvested Through Illegal, Unreported, and Unregulated Fishing and Address Imported Seafood Fraud* (Washington, DC: NOAA and Department of

- Commerce, August 2021), https://media.fisheries.noaa.gov/2021-08/SIMP%20Report%20to%20Congress_Efforts%20to%20Prevent%20Seafood%20Harvested%20through%20IUU%20fishing.pdf.
- 31 National Oceanic and Atmospheric Administration Fisheries, *Report on the Implementation of the U.S. Seafood Import Monitoring Program–FY 2023* (Silver Spring: NOAA Fisheries, 2023), 9, <https://www.fisheries.noaa.gov/s3/2024-05/SIMP-Report-to-Congress-FY2023.pdf>.
- 32 Ibid., 10–11.
- 33 National Oceanic and Atmospheric Administration Fisheries, *Report on the Implementation of the U.S. Seafood Import Monitoring Program* (Silver Spring: NOAA Fisheries, April 2021), 6, <https://media.fisheries.noaa.gov/2021-05/SIMP%20Implementation%20Report%202021.pdf>.
- 34 National Oceanic and Atmospheric Administration Fisheries, *Report on the Implementation of the U.S. Seafood Import Monitoring Program–FY 2023*, 10–11.
- 35 Sandy Aylesworth and Molly Masterton, “Strengthening U.S. Leadership to Deter Illegal Seafood: Implementation Challenges and Recommendations for the Seafood Import Monitoring Program,” National Resource Defense Council (NRDC), *Issue Brief*, January 4, 2023, <https://www.nrdc.org/resources/strengthening-us-leadership-deter-illegal-seafood>.
- 36 U.S. International Trade Commission, *Seafood Obtained Via Illegal, Unreported, and Unregulated Fishing: U.S. Imports and Economic Impact on U.S. Commercial Fisheries* (Washington, DC: U.S. International Trade Commission, February 2021), <https://www.usitc.gov/publications/332/pub5168.pdf>.
- 37 Sally Yozell et al., *Workshop Summary Report: Reimagining the Seafood Import Monitoring Program, Workshop I*, (Washington, DC: Stimson Center, May 2024), https://www.stimson.org/wp-content/uploads/2024/07/REPORT_ReimaginingSIMPWorkshop1StimsonFishWise.pdf.
- 38 A study by the NRDC and FishWise revealed that seafood companies complying with SIMP want greater transparency regarding verification of data and how SIMP’s data is used for enforcement efforts. See NRDC, “Strengthening U.S. Leadership to Deter Illegal Seafood.”
- 39 OCEANA, *Transparency and Traceability: Tools to Stop Illegal Fishing* (Washington, DC: OCEANA, March 2021), 7, https://usa.oceana.org/wp-content/uploads/sites/4/4046/iuu-21-0001_iuu_transparency_report_m1_digital_singlepages.pdf.
- 40 “Action Plan to Improve the U.S. Seafood Import Monitoring Program,” NOAA, November 2024, https://www.fisheries.noaa.gov/s3/2024-11/SIMP-Action-Plan_final.pdf.
- 41 International Energy Agency, *The Role of Critical Minerals in Clean Energy Transitions* (Paris: International Energy Agency, May 2021), <https://www.iea.org/reports/the-role-of-critical-minerals-in-clean-energy-transitions>.
- 42 As defined in Executive Order 13817, a critical mineral is “a mineral identified by the Secretary of the Interior [pursuant to the Executive Order] to be (i) a non-fuel mineral or mineral material essential to the economic and national security of the United States, (ii) the supply chain of which is vulnerable to disruption, and (iii) that serves an essential function in the manufacturing of a product, the absence of which would have significant consequences for our economy or our national security.” See 82 Fed. Reg. 60835 (December 26, 2017), <https://www.federalregister.gov/documents/2017/12/26/2017-27899/afederal-strategy-to-ensure-secure-and-reliable-supplies-of-critical-minerals>.
- 43 U.S. Department of Commerce, *A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals* (Washington, DC: U.S. Department of Commerce, 2020), https://www.commerce.gov/sites/default/files/2020-01/Critical_Minerals_Strategy_Final.pdf.

- 44 U.S. Department of the Interior, “Final List of Critical Minerals 2018,” 83 Fed. Reg. 23295 (May 18, 2018), <https://www.federalregister.gov/documents/2018/05/18/2018-10667/final-list-of-critical-minerals2018>.
- 45 Import reliant means that imports are greater than 50 percent of annual consumption; U.S. Geological Survey, *Mineral Commodity Summaries 2018* (Reston, VA: U.S. Geological Survey, 2018), <https://doi.org/10.3133/70194932>.
- 46 “Human Rights in the Mineral Supply Chains of Electric Vehicles,” Business & Human Rights Resource Centre, <https://www.business-humanrights.org/en/from-us/briefings/transition-minerals-sector-case-studies/human-rights-in-the-mineral-supply-chains-of-electric-vehicles/>.
- 47 Eniko Horvath and Amanda Romero Medina, “Indigenous People’s Livelihoods at Risk in Scramble for Lithium, the New White Gold,” Reuters, April 9, 2019, <https://www.reutersevents.com/sustainability/indigenous-peoples-livelihoods-risk-scramble-lithium-new-white-gold>.
- 48 Congressional-Executive Commission on China, *From Cobalt to Cars: How China Exploits Child and Forced Labor in the Congo*, 118th Cong., 1st sess. (November 14, 2023) <https://www.cecc.gov/events/hearings/from-cobalt-to-cars-how-china-exploits-child-and-forced-labor-in-the-congo>.
- 49 Section 30D was originally enacted by Section 205(a) of the Energy Improvement and Extension Act of 2008 to provide a credit for the purchase and placing in service of new qualified plug-in electric drive motor vehicles. See Energy Improvement and Extension Act of 2008, Pub. L. No. 110-343, 122 Stat. 3765, 3835.
- 50 Owen Minott and Helen Nguyen, “IRA EV Tax Credits: Requirements for Domestic Manufacturing,” Bipartisan Policy Center, February 24, 2023, <https://bipartisanpolicy.org/blog/ira-ev-tax-credits/>.
- 51 The Critical Minerals Requirement is satisfied if 50 percent of the value of critical minerals used for a vehicle is extracted, processed, and/or recycled domestically or in a country the United States has a free trade agreement with, with the minimum percentage increasing annually. For vehicles placed in service after December 31, 2026, the applicable percentage is 80 percent. The Battery Components Requirement is satisfied if 60 percent of the value of battery components are produced or manufactured in North America, with the minimum percentage increasing annually. After December 31, 2028, 100 percent of the value of the battery components must be produced or manufactured in North America.
- 52 42 U.S.C. § 18741(a)(5). Covered nations include the Democratic People’s Republic of Korea, the People’s Republic of China, the Russian Federation, and the Islamic Republic of Iran. Beginning in 2025, eligible vehicles also cannot contain applicable critical minerals extracted, processed, or recycled by a FEOC.
- 53 Internal Revenue Service, “Section 30D Excluded Entities,” 88 Fed. Reg. 84098 (December 4, 2023), <https://www.federalregister.gov/documents/2023/12/04/2023-26513/section-30d-excluded-entities>; and Internal Revenue Service, “§1.30D-6(b) Foreign Entity of Concern Restriction,” 89 Fed. Reg. 37706 (May 6, 2024), <https://www.federalregister.gov/d/2024-09094/p-1312>.
- 54 “Due Diligence,” LexisNexis, <https://www.lexisnexis.com/en-us/professional/risk-management/glossary/due-diligence.page>; and “Everything You Need to Know About Conducting Legal Due Diligence,” Bloomberg Law, <https://pro.bloomberglaw.com/insights/contracts/due-diligence/#process>.
- 55 David R. Boyd and Stephanie Keene, “Policy Brief No. 3: Essential Elements of Effective and Equitable Human Rights and Environmental Due Diligence Legislation,” UN Special Rapporteur on Human Rights and the Environment, June 2022, <https://www.ohchr.org/sites/default/files/documents/issues/environment/srenvironment/activities/2022-07-01/20220701-sr-environment-policybriefing3.pdf>.
- 56 UN Development Programme, *Human Rights Due Diligence: An Interpretive Guide* (Bangkok: UN Development Programme, October 20, 2022), https://www.undp.org/sites/g/files/zskgke326/files/2022-10/HRDD%20Interpretive%20Guide_ENG_Sep%202021.pdf.

- 57 Ibid.; “Corporate Human Rights Due Diligence—Identifying and Leveraging Emerging Practices,” Working Group on Business and Human Rights, Office of the UN High Commissioner for Human Rights, <https://www.ohchr.org/en/special-procedures/wg-business/corporate-human-rights-due-diligence-identifying-and-leveraging-emerging-practices>.
- 58 “European Parliament legislative resolution of 24 April 2024 on the proposal for a directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937 (COM(2022)0071 - C9-0050/2022 - 2022/0051(COD)),” European Parliament, April 24, 2024, https://www.europarl.europa.eu/doceo/document/TA-9-2024-0329_EN.html.
- 59 15 U.S.C. § 78m.
- 60 Interview with Office of Manufacturing and Energy Supply Chains official, September 12, 2024; Trade Secrets Act of 1905, 18 U.S.C.; and Privacy Act of 1974, 5 U.S.C. § 552a.
- 61 U.S. Government Accountability Office, *Forced Labor: CBP Should Improve Communication to Strengthen Trade Enforcement* (Washington, DC: U.S. Government Accountability Office, March 2021), 13-14, <https://www.gao.gov/assets/gao-21-259.pdf>.
- 62 This includes forced or indentured child labor. See Christopher A. Casey, Cathleen D. Cimino-Isaacs, and Michael A. Weber, “Section 307 and Imports Produced by Forced Labor,” Congressional Research Service, IF11360, updated December 10, 2024, <https://crsreports.congress.gov/product/pdf/IF/IF11360>.
- 63 19 C.F.R. § 12.42.
- 64 19 C.F.R. § 12.42(f).
- 65 19 C.F.R. § 12.42.
- 66 “Establishment of the Forced Labor Enforcement Task Force Under Section 741 of the United States-Mexico-Canada Agreement Implementation Act,” Federal Register, May 15, 2020, <https://www.federalregister.gov/documents/2020/05/20/2020-10993/establishment-of-the-forced-labor-enforcement-task-force-under-section-741-of-the-united-states->.
- 67 “Investigating Supply Chains,” Global Investigative Journalism Network, August 15, 2018, <https://gijn.org/investigating-supply-chains/>.
- 68 “Rana Plaza,” Clean Clothes Campaign, <https://cleanclothes.org/campaigns/past/rana-plaza>; Human Rights Watch, *Follow the Thread* (London: Human Rights Watch, April 20, 2017), <https://www.hrw.org/report/2017/04/20/follow-thread/need-supply-chain-transparency-garment-and-footwear-industry>.
- 69 Bureau of Economic Analysis, “U.S. International Trade in Goods and Services, December and Annual 2022,” news release, February 7, 2023, <https://www.bea.gov/news/2023/us-international-trade-goods-and-services-december-and-annual-2022#:~:text=Exports%20increased%20%242.4%20billion%20to,%2428.4%20billion%20to%20%24149.5%20billion>.
- 70 “Typical Day,” U.S. Customs and Border Protection, last modified May 10, 2022, <https://www.cbp.gov/newsroom/stats/typical-day-fy2021>.
- 71 “Trade Statistics,” U.S. Customs and Border Protection, <https://www.cbp.gov/newsroom/stats/trade>; Walk Free, *Global Slavery Index 2023* (Perth: Minderoo Foundation, 2023), <https://www.globalslaveryindex.org/resources/downloads/>.
- 72 Countering America’s Adversaries Through Sanctions Act, Pub. L. No. 115-44, 131 Stat. 886, August 2, 2017, <https://congress.gov/115/plaws/publ44/PLAW-115publ44.pdf>; 19 U.S.C. § 1307.
- 73 Casey, Cimino-Isaacs, and Weber, “Section 307 and Imports Produced by Forced Labor.”

- 74 The UFLPA Entity List includes 1) a list of entities in Xinjiang that mine, produce, or manufacture wholly or in part any goods, wares, articles, or merchandise with forced labor, 2) a list of entities working with the government of Xinjiang to recruit, transport, transfer, harbor, or receive forced labor or Uyghurs, Kazakhs, Kyrgyz, or members of other persecuted groups out of Xinjiang 3) a list of entities that exported products produced wholly or in part by entities on either of the two lists described above from the People’s Republic of China into the United States 4) a list of facilities and entities, including the Xinjiang Production and Construction Corps, that source material from Xinjiang or from persons working with the government of Xinjiang or the Xinjiang Production and Construction Corps for purposes of government labor schemes that use forced labor, including the “poverty alleviation” program or the “pairing-assistance” program. See “UFLPA Entity List,” U.S. Department of Homeland Security, <https://www.dhs.gov/uflpa-entity-list>.
- 75 “Fact Sheet: In Just Two Years, Forced Labor Enforcement Task Force and the Uyghur Forced Labor Prevention Act Have Significantly Enhanced Our Ability to Keep Forced Labor Out of U.S. Supply Chains,” U.S. Department of Homeland Security, July 9, 2024, <https://www.dhs.gov/news/2024/07/09/fact-sheet-just-two-years-forced-labor-enforcement-task-force-and-uyghur-forced>.
- 76 U.S. Department of Homeland Security, “DHS Announces Addition of 37 PRC-Based Companies to UFLPA Entity List,” press release, January 14, 2025, <https://www.dhs.gov/archive/news/2025/01/14/dhs-announces-addition-37-prc-based-companies-uflpa-entity-list>.
- 77 “Trafficking Victims’ Protection Act (TVPA)—Fact Sheet,” Polaris Project, 2008, perma.cc/W2TM-69L8.
- 78 Chelsea Caplinger, “Trafficking Victim Protection Act: 2000-2018,” Human Trafficking Search, 2021, <https://humantraffickingsearch.org/wp-content/uploads/2021/08/TVPA-Compilation-HTS-2021.pdf>.
- 79 Laura Ezell, “Human Trafficking in Multinational Supply Chains: A Corporate Director’s Fiduciary Duty to Monitor and Eliminate Human Trafficking Violations,” *Vanderbilt Law Review* 69, no 2 (2016): 499, 501, <https://scholarship.law.vanderbilt.edu/vlr/vol69/iss2/5/>.
- 80 “Happy 20th Anniversary Trafficking Victims Protection Act,” Polaris Project, October 28, 2020, <https://polarisproject.org/blog/2020/10/happy-20th-anniversary-trafficking-victims-protection-act/>.
- 81 Ezell, “Human Trafficking in Multinational Supply Chains: A Corporate Director’s Fiduciary Duty to Monitor and Eliminate Human Trafficking Violations,” 499, 502.
- 82 Ibid.
- 83 Marti Flacks, Jacqueline Lewis, and David McKean, *Reeling in Abuse: How Conservation Tools Can Help Combat Forced Labor Imports in the Seafood Industry* (Washington, DC: CSIS and International Corporate Accountability Roundtable, February 2022), 9, <https://www.csis.org/analysis/reeling-abuse>.
- 84 Laura Moore, “Cutting Slavery from U.S. Supply Chains: How Supplementing U.S. Customs and Border Protection Withhold Release Order Procedures Will More Effectively Address Forced Labor in Supply Chains,” *Florida State University Law Review* 50 (2023): 401, 416, <https://ir.law.fsu.edu/lr/vol50/iss2/4>.
- 85 Lindsay Lane et al., *2023 Federal Human Trafficking Report* (Washington, DC: Human Trafficking Institute, 2024), 27, <https://data.traffickinginstitute.org/wp-content/uploads/2024/06/2023-Federal-Human-Trafficking-Report-WEB-Spreads-LR.pdf>.
- 86 U.S. Department of State, *2024 Trafficking in Persons Report: United States* (Washington, DC: U.S. Department of State, 2024), <https://www.state.gov/reports/2024-trafficking-in-persons-report/united-states/>; and Lane et al., *2023 Federal Human Trafficking Report*.
- 87 Flacks, Lewis, and McKean, *Reeling in Abuse: How Conservation Tools Can Help Combat Forced Labor Imports in the Seafood Industry*.

- 88 U.S. Department of State, *2024 Trafficking in Persons Report: United States*.
- 89 Flacks, Lewis, and McKean, *Reeling in Abuse: How Conservation Tools Can Help Combat Forced Labor Imports in the Seafood Industry*.
- 90 Hannah Garvin, “Misrepresentations in Labor Trafficking: State Laws as an Alternative Theory of Liability for Recruiters,” *Georgia State University Law Review* 40, no. 2 (2024): <https://readingroom.law.gsu.edu/gslur/vol40/iss2/13>; and Moore, “Cutting Slavery from U.S. Supply Chains: How Supplementing U.S. Customs and Border Protection Withhold Release Order Procedures Will More Effectively Address Forced Labor in Supply Chains.”
- 91 Ibid.
- 92 Michael A. Weber, “The Global Magnitsky Human Rights Accountability Act,” Congressional Research Service, IF10576, updated November 7, 2024, <https://crsreports.congress.gov/product/pdf/IF/IF10576>.
- 93 Ibid.
- 94 Ibid.
- 95 Ibid.
- 96 Ibid.
- 97 Ibid.
- 98 “Global Magnitsky Sanctions: Frequently Asked Questions,” U.S. Office of Foreign Assets Control, <https://ofac.treasury.gov/sanctions-programs-and-country-information/global-magnitsky-sanctions>.
- 99 Ibid.
- 100 Ibid.
- 101 Ibid.
- 102 U.S. Department of the Treasury, “Treasury Targets Serious Human Rights Abuse Aboard Distant Water Fishing Vessels Based in the People’s Republic of China,” press release, December 9, 2022, <https://home.treasury.gov/news/press-releases/jy1154>.
- 103 Clean Clothes Campaign, Global Labor Justice, International Labor Rights Forum, and Worker Rights Consortium, *Model Arbitration Clauses for the Resolution of Disputes Under Enforceable Brand Agreements* (Washington, DC: Global Labor Justice, June 2020), https://globallaborjustice.org/wp-content/uploads/2020/07/ArbProjFinalDraft_June-17-2020-1.pdf.
- 104 Ibid.
- 105 “About,” Worker Rights Consortium, <https://www.workersrights.org/about/>.
- 106 International Accord, *International Accord Quarterly Aggregate Report* (Amsterdam: International Accord, December 1, 2023), https://internationalaccord.org/wp-content/uploads/2024/09/accord_QAR_202304_DEC_2.pdf.
- 107 “What Are MSIs,” MSI Integrity, <https://www.msi-integrity.org/what-are-msis/>.
- 108 “Civil Society Case Study: Clean Clothes Campaign,” Open Supply Hub, <https://info.opensupplyhub.org/resources/clean-clothes-campaign-case-study>.
- 109 “The Pledge,” Transparency Pledge, <https://transparencypledge.org/the-pledge/>.
- 110 “FY 2023 CBP Trade Sheet,” U.S. Customs and Border Protection, June 2024, https://www.cbp.gov/sites/default/files/2024-06/cbp_fy_2023_trade_fact_sheet_06.2024.pdf.

- 111 “Commercial Targeting and Analysis Center,” U.S. Customs and Border Protection, last modified June 1, 2022, <https://www.cbp.gov/trade/priority-issues/import-safety/ctac>.
- 112 “Automated Commercial Environment,” Fed. Reg., [https://www.federalregister.gov/automated-commercial-environment-ace-#:~:text=The%20Automated%20Commercial%20Environment%20\(ACE,Protection%20\(CBP\)%20modernization%20effort](https://www.federalregister.gov/automated-commercial-environment-ace-#:~:text=The%20Automated%20Commercial%20Environment%20(ACE,Protection%20(CBP)%20modernization%20effort).
- 113 “How to Use the Automated Commercial Environment (ACE),” U.S. Customs and Border Protection, last modified April 11, 2024, <https://www.cbp.gov/trade/automated/how-to-use-ace#field-content-tab-group-tab-5>; and “ACE Frequently Asked Questions,” U.S. Customs and Border Protection, last modified February 4, 2025, <https://www.cbp.gov/trade/automated/ace-faq>.
- 114 Flacks, Lewis, and McKean, *Reeling in Abuse: How Conservation Tools Can Help Combat Forced Labor Imports in the Seafood Industry*, 2.
- 115 Ibid.
- 116 Interview with Customs and Border Protection official, June 3, 2024.
- 117 Ibid.
- 118 Interview with Office of Manufacturing and Energy Supply Chains official, September 12, 2024.
- 119 Janice Fine and Jenn Round, *Federal, State, and Local Models of Strategic Enforcement and Co-Enforcement Across the U.S.* (Chicago: UIC Center for Urban Economic Development, 2021), 4-6, <https://workercenterlibrary.org/wp-content/uploads/2024/11/Federal-State-and-Local-Models-of-Strategic-Enforcement-and-Co-enforcement-Across-the-U.S.pdf>.
- 120 Ibid., 6.
- 121 Ibid.
- 122 The White House, “Memorandum on Combating Illegal, Unreported, and Unregulated Fishing and Associated Labor Abuses,” National Security Memorandum-11, June 27, 2022, <https://bidenwhitehouse.archives.gov/briefing-room/presidential-actions/2022/06/27/memorandum-on-combating-illegal-unreported-and-unregulated-fishing-and-associated-labor-abuses/>.
- 123 U.S. Customs and Border Protection Office of Public Affairs, “CBP Issues Withhold Release Order on Chinese Fishing Fleet,” press release, May 28, 2021, <https://www.cbp.gov/newsroom/national-media-release/cbp-issues-withhold-release-order-chinese-fishing-fleet>.
- 124 Ibid.
- 125 U.S. Department of the Treasury, “Treasury Targets Serious Human Rights Abuse Aboard Distant Water Fishing Vessels Based in the People’s Republic of China,” press release, December 9, 2022, <https://home.treasury.gov/news/press-releases/jy1154>.
- 126 Interview with Bureau of International Labor Affairs, Department of Labor officials, May 7, 2024.
- 127 U.S. Department of Homeland Security, “Forced Labor Enforcement Task Force Adds Aluminum, PVC, and Seafood as New High Priority Sectors for Enforcement of Uyghur Forced Labor Prevention Act,” press release, July 9, 2024, <https://www.dhs.gov/news/2024/07/09/forced-labor-enforcement-task-force-adds-aluminum-pvc-and-seafood-new-high-priority>.
- 128 The White House, “Memorandum on Advancing Worker Empowerment, Rights, and High Labor Standards Globally,” November 16, 2023, <https://bidenwhitehouse.archives.gov/briefing-room/presidential-actions/2023/11/16/memorandum-on-advancing-worker-empowerment-rights-and-high-labor-standards-globally/>; U.S. Department of Homeland Security, “Forced Labor Enforcement Task Force Adds

- Aluminum, PVC, and Seafood as New High Priority Sectors for Enforcement of Uyghur Forced Labor Prevention Act.”
- 129 Janet Coit and Dr. Richard W. Spinrad, *Report of the Maritime Security and Fisheries Enforcement Act Interagency Working Group on IUU Fishing Regarding Efforts to Investigate, Enforce, and Prosecute Illegal, Unregulated, and Unreported Fishing in 2020* (Silver Spring: NOAA Fisheries, August 2021), https://media.fisheries.noaa.gov/2021-08/SAFEACTReport_Enforcement.pdf.
- 130 Interview with Bureau of International Labor Affairs, Department of Labor officials, May 7, 2024; interview with Office of Manufacturing and Energy Supply Chains official, Sept. 12, 2024; and interview with former DOJ official, July 31, 2024.
- 131 Interview with Office of Manufacturing and Energy Supply Chains official, Sept. 12, 2024; interview with former Department of Justice official, July 31, 2024.
- 132 Frederick M. Kaiser, *Interagency Collaborative Arrangements and Activities: Types, Rationales, Considerations* (Washington, DC: Congressional Research Service, May 2011), 25, <https://sgp.fas.org/crs/misc/R41803.pdf>.
- 133 U.S. Government Accountability Office, *Leading Practices to Enhance Interagency Collaboration and Address Crosscutting Challenges* (Washington, DC: Government Accountability Office, May 2023), 12, <https://www.gao.gov/assets/gao-23-105520.pdf>.
- 134 U.S. Customs and Border Protection, “FY 2023 CBP Trade Sheet.”
- 135 Interview with Bureau of International Labor Affairs, Department of Labor officials, May 7, 2024; and “Our Work,” Bureau of International Labor Affairs, <https://www.dol.gov/agencies/ilab/our-work>.
- 136 “International Child Labor & Forced Labor Reports,” Bureau of International Labor Affairs, <https://www.dol.gov/agencies/ilab/resources/reports/child-labor>; and “Responsible Business Conduct and Labor Rights InfoHub,” Bureau of International Labor Affairs, <https://www.dol.gov/agencies/ilab/responsible-business-conduct-and-labor-rights-infohub>.
- 137 “ILAB Project Page Search,” Department of Labor, last accessed Feb. 25, 2025, <https://www.dol.gov/agencies/ilab/ilab-project-page-search>.
- 138 “Reports and Publications,” Bureau of International Labor Affairs, <https://www.dol.gov/agencies/ilab/research-impact-evaluation>.
- 139 “Strengthening Labor Conditions and Promoting Good Jobs in the Fishing Sectors,” Bureau of International Labor Affairs, https://www.dol.gov/sites/dolgov/files/ILAB/508_Fishing_Fact_Sheet.pdf.
- 140 Janet Coit and Dr. Richard W. Spinrad, *National 5-Year Strategy for Combatting Illegal, Unreported, and Unregulated Fishing, 2022-2026* (Silver Spring: U.S. Interagency Working Group on IUU Fishing, October 19, 2022), 8, A1-1-3, https://media.fisheries.noaa.gov/2022-10/2022_NationalStrategyReport_USIWGonIUUfishing.pdf.
- 141 Interview with United States Agency for International Development (USAID) official, August 16, 2024.
- 142 Ibid.
- 143 Interview with Bureau of International Labor Affairs, Department of Labor officials, May 7, 2024.
- 144 Ibid; Interview with USAID official, August 16, 2024; interview with former Department of Justice official, July 31, 2024.

- 145 Moore, “Cutting Slavery from U.S. Supply Chains: How Supplementing U.S. Customs and Border Protection Withhold Release Order Procedures Will More Effectively Address Forced Labor in Supply Chains”; and Flacks, Lewis, and McKean, *Reeling in Abuse: How Conservation Tools Can Help Combat Forced Labor Imports in the Seafood Industry*.
- 146 “Human Trafficking: U.S. Agencies’ International Efforts to Fight a Global Problem,” U.S. Government Accountability Office, September 2022, <https://www.gao.gov/assets/730/722303.pdf>.; “Withhold Release Orders and Findings Dashboard,” U.S. Customs and Border Protection, last modified February 4, 2025, <https://www.cbp.gov/trade/forced-labor/withhold-release-orders-and-findings>; and Matthew M. Higgins, “Closed Loophole, Open Ports: Section 307 of the Tariff Act and the Ongoing Importation of Goods Made Using Forced Labor,” *Stanford Law Review* 75, no. 4 (2023): 917, 956, <https://www.stanfordlawreview.org/print/article/closed-loophole-open-ports/>.
- 147 “Withhold Release Orders and Findings Dashboard,” U.S. Customs and Border Protection.
- 148 EXPLANATORY STATEMENT SUBMITTED BY MR. LEAHY, CHAIR OF THE SENATE COMMITTEE ON APPROPRIATIONS, REGARDING H.R. 2617, CONSOLIDATED APPROPRIATIONS ACT, 2023; Congressional Record Vol. 168, No. 198, 117th Cong. 2nd Sess., December 20, 2022, <https://www.congress.gov/congressional-record/volume-168/issue-198/senate-section/article/S8553-2>.; and Higgins, “Closed Loophole, Open Ports: Section 307 of the Tariff Act and the Ongoing Importation of Goods Made Using Forced Labor.”
- 149 Ibid.
- 150 Trade Secrets Act of 1905, 18 U.S.C.; and Privacy Act of 1974, 5 U.S.C. § 552a.
- 151 U.S. Government Accountability Office, *CBP Should Improve Communication to Strengthen Trade Enforcement* (Washington, DC: GAO, March 2021), 25, <https://www.gao.gov/assets/720/712726.pdf>.
- 152 Ibid.
- 153 “2024 FEOC Compliance Report Template,” Department of Energy, https://www.energy.gov/sites/default/files/2024-08/2024_FEOC_Compliance_Report_TEMPLATE-8.16_0.pdf.
- 154 “30D New Clean Vehicle Credit,” Department of Energy, <https://www.energy.gov/mesc/30d-new-clean-vehicle-credit>; and Interview with Office of Manufacturing and Energy Supply Chains official, September 12, 2024.
- 155 16 U.S.C. 1881a MSA § 402.
- 156 National Defense Authorization Act for Fiscal Year 2023, Pub. L. No. 117-263, Sec. 11330, 136 Stat. 2395, 4100, 117th Cong., December 23, 2022, <https://www.congress.gov/bill/117th-congress/house-bill/7776>.
- 157 Flacks, Lewis, and McKean, *Reeling in Abuse: How Conservation Tools Can Help Combat Forced Labor Imports in the Seafood Industry*, 19.
- 158 Maritime SAFE Act, 16 U.S.C. 1881(b)(3); and Flacks, Lewis, and McKean, *Reeling in Abuse: How Conservation Tools Can Help Combat Forced Labor Imports in the Seafood Industry*.
- 159 Flacks, Lewis, and McKean, *Reeling in Abuse: How Conservation Tools Can Help Combat Forced Labor Imports in the Seafood Industry*.
- 160 U.S. Government Accountability Office, *Combating Illegal Fishing: Better Information Sharing Could Enhance U.S. Efforts to Target Seafood Imports for Investigation* (Washington, DC: GAO, May 19, 2023), <https://www.gao.gov/products/gao-23-105643>; Flacks, Lewis, and McKean, *Reeling in Abuse: How Conservation Tools Can Help Combat Forced Labor Imports in the Seafood Industry*, 19.

- 161 “French Corporate Duty of Vigilance Law (English Translation),” RESPECT International, <https://respect.international/french-corporate-duty-of-vigilance-law-english-translation/>; Act on Corporate Due Diligence Obligations in Supply Chains of July 16, 2021, German Bundestag, July 16, 2021, https://www.bmas.de/SharedDocs/Downloads/DE/Internationales/act-corporate-due-diligence-obligations-supply-chains.pdf?_blob=publicationFile&v=3; and Corporate Sustainability Due Diligence, European Parliament Legislative Resolution.
- 162 “Worker Voice: What it is, what it isn’t, and what it matters,” Bureau of International Labor Affairs, <https://www.dol.gov/sites/dolgov/files/ILAB/worker-voice-summary-3724-with-qr-code.pdf>.
- 163 The White House, “Memorandum on Advancing Worker Empowerment, Rights, and High Labor Standards Globally.”
- 164 “M-POWER - Multilateral Partnership for Organizing, Worker Empowerment, and Rights,” Bureau of International Labor Affairs, <https://www.dol.gov/sites/dolgov/files/ILAB/508-M-POWER-04072022.pdf>; U.S. Department of Labor, “Secretary Walsh Announces New Partners, Action Plan, Support for International Worker Voice Initiative,” press release, December 8, 2022, <https://www.dol.gov/newsroom/releases/osec/osec20221208>.
- 165 “FACT SHEET: The USMCA Rapid Response Mechanism Delivers for Workers,” U.S. Trade Representative, last updated September 4, 2024, <https://ustr.gov/about-us/policy-offices/press-office/fact-sheets/2024/september/fact-sheet-usmca-rapid-response-mechanism-delivers-workers#:~:text=The%20RRM%20provides%20any%20interested,the%20terms%20of%20the%20USMCA>.
- 166 Ibid.
- 167 U.S. Government Accountability Office, *CBP Should Improve Communication to Strengthen Trade Enforcement* (Washington, DC: Government Accountability Office, March 2021), 31, <https://www.gao.gov/assets/720/712726.pdf>.
- 168 Andrew Friedman and Michelle Strucke, “To Combat Modern Slavery, Incentivize Innovation by Funding the Development of Diverse Supply Chains,” CSIS, *Commentary*, December 18, 2024, <https://www.csis.org/analysis/combat-modern-slavery-incentivize-innovation-funding-development-diverse-supply-chains>.
- 169 “NOAA Fisheries Announces Action Plan to Enhance the U.S. Seafood Import Monitoring Program,” NOAA Fisheries, November 14, 2024, <https://www.fisheries.noaa.gov/feature-story/noaa-fisheries-announces-action-plan-enhance-us-seafood-import-monitoring-program>.
- 170 Annie Smith, “The Underprosecution of Labor Trafficking,” *South Carolina Law Review* 72, no. 2 (January 2020), <https://sclawreview.org/article/the-underprosecution-of-labor-trafficking/>.
- 171 Higgins, “Closed Loophole, Open Ports,” 917, 964.
- 172 Ibid.
- 173 “Fact Sheet: Department of Commerce Announces New Actions on Supply Chain Resilience,” “U.S. Department of Commerce,” September 10, 2024, <https://www.commerce.gov/news/fact-sheets/2024/09/fact-sheet-department-commerce-announces-new-actions-supply-chain>.
- 174 U.S. Department of Commerce Office of Public Affairs, “U.S. Department of Commerce Holds Inaugural Supply Chain Summit,” press release, September 10, 2024, <https://www.commerce.gov/news/press-releases/2024/09/us-department-commerce-holds-inaugural-supply-chain-summit>.
- 175 “Corporate Human Rights Due Diligence—Identifying and Leveraging Emerging Practices,” Office of the UN High Commissioner for Human Rights, <https://www.ohchr.org/en/special-procedures/wg-business/corporate-human-rights-due-diligence-identifying-and-leveraging-emerging-practices>.

- 176 David Lakhdir, “The EU Due Diligence Directive: Implications for U.S. Companies,” *Business Law Today*, July 15, 2024, https://www.americanbar.org/groups/business_law/resources/business-law-today/2024-july/eu-due-diligence-directive-implications-us-companies/.
- 177 U.S. Department of State, *2024 United States Government National Action Plan on Responsible Business Conduct* (Washington, DC: Department of State, 2024), 4, <https://www.state.gov/wp-content/uploads/2024/03/2024-United-States-Government-National-Action-Plan-on-Responsible-Business-Conduct.pdf>.
- 178 Abigail Bellows, *Regaining U.S. Global Leadership on Anticorruption* (Washington, DC: Carnegie Endowment for International Peace, July 2020), <https://carnegieendowment.org/research/2020/07/regaining-us-global-leadership-on-anticorruption?lang=en>; and International Corporate Accountability Roundtable, “Building the U.S. Model for Corporate Accountability: A Foreign Corrupt Practices Act for Human Rights.”
- 179 Ibid.
- 180 International Labour Organization (ILO), *Acting Against Forced Labour: An Assessment of Investment Requirements and Economic Benefits* (Geneva: ILO, 2024), 28, https://www.ilo.org/sites/default/files/2024-10/Acting%20against%20forced%20labour_report_WEB.pdf.
- 181 Ibid.
- 182 Friedman and Strucke, “To Combat Modern Slavery, Incentivize Innovation by Funding the Development of Diverse Supply Chains.”

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