

104TH CONGRESS
1ST SESSION

H. R. 139

To prohibit the entry into the United States of items produced, grown, or manufactured in the People's Republic of China with the use of forced labor.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. SOLOMON introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To prohibit the entry into the United States of items produced, grown, or manufactured in the People's Republic of China with the use of forced labor.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Chinese Slave Labor
5 Act".

6 **SEC. 2. PROHIBITION ON IMPORTATION OF ARTICLES**
7 **MADE WITH FORCED LABOR.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of law, no product, growth, or manufactured article

1 of the People’s Republic of China shall enter or be im-
2 ported into the United States unless—

3 (1) the Secretary of the Treasury (hereafter in
4 this section referred to as the “Secretary”) deter-
5 mines that such product, growth, or manufactured
6 article is not the product, growth, or manufacture of
7 forced labor; and

8 (2) such determination is based on consulta-
9 tions described in subsection (b) and a certification
10 submitted to the Secretary in accordance with sub-
11 section (c).

12 (b) RIGHT OF INSPECTION AND CONSULTATION.—
13 The United States shall use all diplomatic efforts to per-
14 suade the People’s Republic of China to permit represent-
15 atives of international humanitarian and intergovern-
16 mental organizations, such as the International Labor Or-
17 ganization and the International Committee of the Red
18 Cross, to periodically inspect all camps, prisons, and other
19 facilities holding detainees, and the Secretary shall consult
20 with representatives of such organizations to assure that
21 products of the People’s Republic of China which are for
22 export are not being produced with the use of forced labor.

23 (c) CERTIFICATION.—The Secretary shall prescribe
24 the form and content of the certification (including docu-
25 mentation) for submission in connection with any product,

1 growth, or manufactured article of the People's Republic
2 of China that satisfies the Secretary that the importer has
3 taken steps to ensure that such product was not produced,
4 grown, or manufactured with the use of forced labor.

5 (d) PENALTIES.—

6 (1) UNLAWFUL ACTS.—It is unlawful to—

7 (A) enter or import into the United States
8 any product or article if such entry or importa-
9 tion is prohibited under subsection (a), or

10 (B) make a false certification under sub-
11 section (c).

12 (2) CIVIL PENALTIES.—Any person or entity
13 who violates paragraph (1) shall be subject to a civil
14 penalty of—

15 (A) not more than \$10,000 for the first
16 violation,

17 (B) not more than \$100,000 for the sec-
18 ond violation, and

19 (C) not more than \$1,000,000 for any sub-
20 sequent violation.

21 (3) CONSTRUCTION.—Except as provided in
22 paragraph (2), the unlawful acts described in para-
23 graph (1) shall be treated as violations of the cus-
24 toms laws for purposes of applying sections 581

1 through 641 of the Tariff Act of 1930 (19 U.S.C.
2 1581 through 1641).

3 (e) DEFINITIONS.—For purposes of this section:

4 (1) FORCED LABOR.—The term “forced labor”
5 means any work or service which is exacted from
6 any person under the menace of any penalty for its
7 nonperformance and for which the worker does not
8 offer himself or herself voluntarily.

9 (2) PRODUCT, GROWTH, OR MANUFACTURED
10 ARTICLE.—A product, growth, or manufactured arti-
11 cle shall be treated as being a product, growth, or
12 manufacture of forced labor if the article—

13 (A) was fabricated, assembled, or proc-
14 essed, in whole or in part,

15 (B) contains any part that was fabricated,
16 assembled, or processed in whole or in part, or

17 (C) was grown, harvested, mined, quarried,
18 pumped, or extracted,

19 with the use of forced labor.

20 (3) ENTER OR IMPORT.—The terms “enter” or
21 “import” into the United States means entered, or
22 withdrawn from warehouse for consumption, in the
23 customs territory of the United States.

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