

Union Calendar No. 212

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 2195**

[Report No. 105-366, Part I]

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**A BILL**

To provide for certain measures to increase monitoring of products of the People's Republic of China that are made with forced labor.

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OCTOBER 31, 1997

Reported from the Committee on Ways and Means with amendments

OCTOBER 31, 1997

Referral to the Committee on International Relations extended for a period ending not later than October 31, 1997

OCTOBER 31, 1997

Committee on International Relations discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## IN THE HOUSE OF REPRESENTATIVES

JULY 17, 1997

Mr. SMITH of New Jersey (for himself, Mr. COX of California, Mr. GILMAN, Mr. SPENCE, Mr. SOLOMON, Mr. SHADEGG, Mr. MCINTOSH, Mr. ROHRABACHER, Mr. GIBBONS, and Mr. SAM JOHNSON of Texas) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

OCTOBER 31, 1997

Additional sponsors: Mr. ROYCE, Mr. HUNTER, Mr. KING, Mr. LANTOS, Mr. HYDE, Mr. TRAFICANT, Mr. WATTS of Oklahoma, Mr. WOLF, Mr. WELLER, Mr. BURTON of Indiana, Mr. WATKINS, Mr. BONIOR, Mr. BROWN of Ohio, Mr. EVANS, Ms. FURSE, Mr. GUTIERREZ, Mr. PORTER, and Mr. FILNER

OCTOBER 31, 1997

Reported from the Committee on Ways and Means with amendments

[Strike out all after the enacting clause and insert the part printed in italic]

OCTOBER 31, 1997

Referral to the Committee on International Relations extended for a period ending not later than October 31, 1997

OCTOBER 31, 1997

Committee on International Relations discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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# A BILL

To provide for certain measures to increase monitoring of products of the People's Republic of China that are made with 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. FINDINGS.**

4       *The Congress makes the following findings:*

5           (1) *The United States Customs Service has iden-*  
6 *tified goods, wares, articles, and merchandise mined,*  
7 *produced, or manufactured under conditions of con-*  
8 *vict labor, forced labor, and indentured labor in sev-*  
9 *eral countries.*

10          (2) *The United States Customs Service has ac-*  
11 *tively pursued attempts to import products made*  
12 *with forced labor, resulting in seizures, detention or-*  
13 *ders, fines, and criminal prosecutions.*

14          (3) *The United States Customs Service has taken*  
15 *21 formal administrative actions in the form of de-*  
16 *tention orders against different products destined for*  
17 *the United States market, found to have been made*  
18 *with forced labor, including products from the Peo-*  
19 *ple's Republic of China.*

1           (4) *The United States Customs Service does not*  
2           *currently have the tools to obtain the timely and in-*  
3           *depth verification necessary to identify and interdict*  
4           *products made with forced labor that are destined for*  
5           *the United States market.*

6   **SEC. 2. AUTHORIZATION FOR ADDITIONAL CUSTOMS PER-**  
7                           **SONNEL TO MONITOR THE IMPORTATION OF**  
8                           **PRODUCTS MADE WITH FORCED LABOR.**

9           *There are authorized to be appropriated for monitor-*  
10          *ing by the United States Customs Service of the importa-*  
11          *tion into the United States of products made with forced*  
12          *labor, the importation of which violates section 307 of the*  
13          *Tariff Act of 1930 or section 1761 of title 18, United States*  
14          *Code, \$2,000,000 for fiscal year 1999.*

15   **SEC. 3. REPORTING REQUIREMENT ON FORCED LABOR**  
16                           **PRODUCTS DESTINED FOR THE UNITED**  
17                           **STATES MARKET.**

18          (a) *REPORT TO CONGRESS.*—*Not later than 1 year*  
19          *after the date of the enactment of this Act, the Commissioner*  
20          *of Customs shall prepare and transmit to the Congress a*  
21          *report on products made with forced labor that are destined*  
22          *for the United States market.*

23          (b) *CONTENTS OF REPORT.*—*The report under sub-*  
24          *section (a) shall include information concerning the follow-*  
25          *ing:*

1           (1) *The extent of the use of forced labor in manu-*  
2           *facturing products destined for the United States*  
3           *market.*

4           (2) *The volume of products made with forced*  
5           *labor, destined for the United States market, that is*  
6           *in violation of section 307 of the Tariff Act of 1930*  
7           *or section 1761 of the title 18, United States Code,*  
8           *and is seized by the United States Customs Service.*

9           (3) *The progress of the United States Customs*  
10          *Service in identifying and interdicting products made*  
11          *with forced labor that are destined for the United*  
12          *States market.*

13   **SEC. 4. RENEGOTIATING MEMORANDA OF UNDERSTANDING**  
14                           **ON FORCED LABOR.**

15          *It is the sense of the Congress that the President should*  
16          *determine whether any country with which the United*  
17          *States has a memorandum of understanding with respect*  
18          *to reciprocal trade which involves goods made with forced*  
19          *labor is frustrating implementation of the memorandum.*  
20          *Should an affirmative determination be made, the Presi-*  
21          *dent should immediately commence negotiations to replace*  
22          *the current memorandum of understanding with one pro-*  
23          *viding for effective procedures for the monitoring of forced*  
24          *labor, including improved procedures to request investiga-*

1 *tions of suspected prison labor facilities by international*  
2 *monitors.*

3 **SEC. 5. DEFINITION OF FORCED LABOR.**

4 *As used in this Act, the term “forced labor” means con-*  
5 *vict labor, forced labor, or indentured labor, as such terms*  
6 *are used in section 307 of the Tariff Act of 1930.*

Amend the title so as to read: “A bill to provide for certain measures to increase monitoring of products that are made with forced labor.”.