

105TH CONGRESS  
1ST SESSION

# H. R. 320

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

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

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## 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”.

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

3 (a) IN GENERAL.—Notwithstanding any other provi-  
4 sion of law, no article that is the product, growth, or man-  
5 ufacture of the People’s Republic of China shall enter or  
6 be imported into the United States unless—

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

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

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

1       (c) CERTIFICATION.—The Secretary shall prescribe  
2 the form and content of the certification (including docu-  
3 mentation) for submission in connection with any article  
4 that is the product, growth, or manufacture of the Peo-  
5 ple’s Republic of China that satisfies the Secretary that  
6 the importer has taken steps to ensure that such article  
7 was not produced, grown, or manufactured with the use  
8 of forced labor.

9       (d) PENALTIES.—

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

11                   (A) enter or import into the United States  
12 any article if such entry or importation is pro-  
13 hibited under subsection (a), or

14                   (B) make a false certification under sub-  
15 section (c).

16           (2) CIVIL PENALTIES.—Any person or entity  
17 who violates paragraph (1) shall be subject to a civil  
18 penalty of—

19                   (A) not more than \$10,000 for the first  
20 violation,

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

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

1           (3) CONSTRUCTION.—Except as provided in  
2       paragraph (2), the unlawful acts described in para-  
3       graph (1) shall be treated as violations of the cus-  
4       toms laws for purposes of applying sections 581  
5       through 641 of the Tariff Act of 1930 (19 U.S.C.  
6       1581 through 1641).

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

8           (1) FORCED LABOR.—The term “forced labor”  
9       means any work or service which is exacted from  
10      any person under the threat of any penalty for its  
11      nonperformance and for which the worker does not  
12      offer himself or herself voluntarily.

13          (2) PRODUCT, GROWTH, OR MANUFACTURED  
14      ARTICLE.—An article shall be treated as being a  
15      product, growth, or manufacture of forced labor if  
16      the article—

17              (A) was fabricated, assembled, or proc-  
18              essed, in whole or in part,

19              (B) contains any part that was fabricated,  
20              assembled, or processed in whole or in part, or

21              (C) was grown, harvested, mined, quarried,  
22              pumped, or extracted,  
23      with the use of forced labor.

24          (3) ENTER OR IMPORT.—The terms “enter” or  
25      “import” into the United States means entered, or

- 1        withdrawn from warehouse for consumption, in the
- 2        customs territory of the United States.

