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1ST SESSION

S. 194

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 SENATE OF THE UNITED STATES

JANUARY 26 (legislative day, JANUARY 5), 1993

Mr. HELMS introduced the following bill; which was read twice and referred to the Committee on Finance

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. PROHIBITION OF ARTICLES USING FORCED**
4 **LABOR.**

5 (a) IN GENERAL.—Notwithstanding any other provi-
6 sion of law, no product, growth, or manufactured article
7 of the People's Republic of China shall enter or be im-
8 ported into the United States unless—

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

6 (2) the determination described in paragraph
7 (1) is based on consultations described in subsection
8 (b), and

9 (3) the importer of any product, growth, or
10 manufactured article of the People’s Republic of
11 China submits a certification to the Secretary in ac-
12 cordance with subsection (c).

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

1 (c) CERTIFICATION.—The Secretary shall prescribe
2 the form, content, and manner of submission of the certifi-
3 cation (including documentation) required in connection
4 with the entry or importation into the United States of
5 any product, growth, or manufactured article of the Peo-
6 ple’s Republic of China. Such certification shall satisfy the
7 Secretary that the importer has taken steps to ensure that
8 such product was not produced, grown, or manufactured
9 with the use of forced labor.

10 (d) PENALTIES.—

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

12 (A) enter or import into the United States
13 any product or article if such importation is
14 prohibited under subsection (a), or

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

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

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

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

24 (C) not more than \$1,000,000 for more
25 than two violations.

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 the enforcement
5 provisions 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 all work or service which is exacted from any
10 person under the menace of any penalty for its non-
11 performance and for which the worker does not offer
12 himself voluntarily.

13 (2) PRODUCT, GROWTH, OR MANUFACTURED
14 ARTICLE.—A product, growth, or manufactured arti-
15 cle shall be treated as being a product, growth, or
16 manufacture of forced labor if—

17 (A) the article was fabricated, assembled,
18 or processed, 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, IMPORT, ETC.—The term “entry”,
25 “enter or be imported”, “import”, or “importation”

1 means entered, or withdrawn from warehouse for
2 consumption, in the customs territory of the United
3 States.

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