

McKinney            Schiff            Thune  
Riley                Schumer        Yates

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

¶126.35 MONITORING OF PRODUCTS MADE WITH FORCED LABOR

Mr. CRANE, pursuant to House Resolution 302, called up the bill (H.R. 2195) to provide for certain measures to increase monitoring of products of the People's Republic of China that are made with forced labor.

When said bill was considered and read twice.

Pursuant to House Resolution 302, the following amendment in the nature of a substitute recommended by the Committee on Ways and Means printed in the bill was considered as agreed to:

Strike out all after the enacting clause and insert:

**SECTION 1. FINDINGS.**

The Congress makes the following findings:

(1) The United States Customs Service has identified goods, wares, articles, and merchandise mined, produced, or manufactured under conditions of convict labor, forced labor, and indentured labor in several countries.

(2) The United States Customs Service has actively pursued attempts to import products made with forced labor, resulting in seizures, detention orders, fines, and criminal prosecutions.

(3) The United States Customs Service has taken 21 formal administrative actions in the form of detention orders against different products destined for the United States market, found to have been made with forced labor, including products from the People's Republic of China.

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

**SEC. 2. AUTHORIZATION FOR ADDITIONAL CUSTOMS PERSONNEL TO MONITOR THE IMPORTATION OF PRODUCTS MADE WITH FORCED LABOR.**

There are authorized to be appropriated for monitoring by the United States Customs Service of the importation into the United States of products made with forced labor, the importation of which violates section 307 of the Tariff Act of 1930 or section 1761 of title 18, United States Code, \$2,000,000 for fiscal year 1999.

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

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

(b) CONTENTS OF REPORT.—The report under subsection (a) shall include information concerning the following:

(1) The extent of the use of forced labor in manufacturing products destined for the United States market.

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

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

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

It is the sense of the Congress that the President should determine whether any country with which the United States has a memorandum of understanding with respect to reciprocal trade which involves goods made with forced labor is frustrating implementation of the memorandum. Should an affirmative determination be made, the President should immediately commence negotiations to replace the current memorandum of understanding with one providing for effective procedures for the monitoring of forced labor, including improved procedures to request investigations of suspected prison labor facilities by international monitors.

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

As used in this Act, the term "forced labor" means convict labor, forced labor, or indentured labor, as such terms are used in section 307 of the Tariff Act of 1930.

After debate,

Pursuant to House Resolution 302, the previous question was ordered.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. TAYLOR of Mississippi moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill insert the following:

**SECTION 6. QUARTERLY ADJUSTMENT OF TARIFFS ON PRODUCTS OF THE PEOPLE'S REPUBLIC OF CHINA.**

(a) QUARTERLY DETERMINATIONS BY SECRETARY OF THE TREASURY.—The Secretary of the Treasury shall determine, at the end of each calendar quarter—

(1) the dollar amount of tariffs paid to the People's Republic of China during that quarter by persons for exporting goods and services from the United States to the People's Republic of China; and

(2) the dollar amount of tariffs paid to the United States during that quarter by persons for importing goods and services from the People's Republic of China into the United States.

(b) ADJUSTMENT OF TARIFFS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall adjust the tariffs on all products of the People's Republic of China so that an amount is collected on imports of products of the People's Republic of China, during the 3-month period beginning 30 days after the end of the calendar quarter for which a determination is made under subsection (a), equal to the amount by which the dollar amount computed under paragraph (1) of subsection (a) exceeds the dollar amount computed under paragraph (2) of subsection (a).

During debate,

¶126.36 POINT OF ORDER

Mr. CRANE made a point of order against the motion to recommit with instructions, and said:

"Mr. Speaker, the motion to recommit with instructions is not germane to the underlying bill. The fundamental purpose or common thread of the bill is very narrow, and only concerns the monitoring of products made with forced labor. The range of methods employed in the bill is similarly narrow.

"The motion, however, deals with the reciprocal tariff treatments of the products of China. This is clearly not within the very narrow purpose of this bill. The issue of tariffs is also outside the range of methods employed in the bill. Therefore, the motion to recommit with instructions is not germane, and I urge the Chair to sustain the point of order."

Mr. TAYLOR of Mississippi was recognized to speak to the point of order, and said:

"Mr. Speaker, as I mentioned before, the Committee on Ways and Means has an opportunity every year to consider this measure and measures just like it. They choose not to.

"I am appealing to the House because I have heard on too many occasions from too many Members of this body that we are not given the chance to do what is right. At every town meeting we attend, when people ask, how do these unfair things continue to happen, do Members know what we have to say? We have to say, it is the committee system, the Speaker, the Committee on Ways and Means committee. They will not let us do that.

"They do not understand that. They cannot find in the Constitution of the United States where it somehow makes some Members of Congress better than other Members of Congress; where just a few Members of Congress can decide whether or not 435 Members, who were each elected by over half a million American citizens, that they cannot even decide on basic questions of right and wrong when it comes to trade issues.

"I am asking the Members of this body to step up to the plate. I am asking them to do tonight what they tell their constituents at their town meetings. That is, do what is right, regardless of what the Committee on Ways and Means wants, regardless of what the Speaker wants, regardless of what the Democratic leadership wants or the Republican leadership wants. For once, let us do what America wants. Tonight is the Members' chance.

"I am asking for that opportunity. I hope Members will vote against tabling this motion. I hope we will bring it to the floor. I hope we will vote as a Nation to tell the people of China we are sick and tired of being their chumps."

The SPEAKER pro tempore, Mr. QUINN, sustained the point of order, and said:

"The gentleman from Illinois [Mr. CRANE] makes the point of order that the amendment proposed in the motion to recommit is not germane. The test of germaneness in this situation is the relationship of the amendment proposed in the motion to recommit to the provisions of the bill as a whole.

"The bill as perfected authorizes funding for monitoring the importation into the United States of goods produced by forced labor. It also requires the reporting of certain information on that topic, and also expresses the sense of the Congress that the President