

106TH CONGRESS  
2D SESSION

# S. 2574

To provide for principles on workers' rights for United States companies doing business in the People's Republic of China and Tibet.

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IN THE SENATE OF THE UNITED STATES

MAY 17, 2000

Mr. TORRICELLI introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To provide for principles on workers' rights for United States companies doing business in the People's Republic of China and Tibet.

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 "Workers' Rights Prin-  
5       ciples for United States Businesses in China Act".

6       **SEC. 2. STATEMENT OF PRINCIPLES.**

7       (a) PURPOSE.—It is the purpose of this Act to estab-  
8       lish principles on workers' rights for United States compa-  
9       nies that do business in the People's Republic of China  
10      and in Tibet.

1 (b) PRINCIPLES.—It is the sense of Congress that  
2 any United States company doing business in the People’s  
3 Republic of China or Tibet shall, within its facilities and  
4 those of its suppliers in the People’s Republic of China  
5 or Tibet, do the following:

6 (1) Prohibit the manufacture of goods or prod-  
7 ucts by bonded labor or forced labor within prison  
8 camps or as part of reform-through-labor or reedu-  
9 cation-through-labor programs.

10 (2) Provide wages that meet workers’ basic  
11 needs and provide fair and decent working hours, in-  
12 cluding at a minimum, adhering to the wage and  
13 hour guidelines under the national labor laws and  
14 policies of the People’s Republic of China.

15 (3) Use production methods that do not nega-  
16 tively affect the occupational safety and health of  
17 workers.

18 (4) Prohibit the use of corporal punishment, as  
19 well as any physical, sexual, or verbal abuse or har-  
20 assment, of workers.

21 (5) Refrain from seeking police or military  
22 intervention to prevent workers from exercising their  
23 rights.

24 (6) Promote the following freedoms among their  
25 employees and the employees of their suppliers: free-

1        dom of association and assembly (including the right  
2        to form unions and to bargain collectively); freedom  
3        of expression; and freedom from arbitrary arrest or  
4        detention.

5            (7) Prohibit discrimination in hiring, remunera-  
6        tion, or promotion based on age, gender, marital sta-  
7        tus, pregnancy, ethnicity, or region of origin.

8            (8) Prohibit discrimination in hiring, remunera-  
9        tion, or promotion based on labor, political, or reli-  
10       gious activity, on involvement in demonstrations,  
11       past records of arrests or internal exile for peaceful  
12       protest, or on membership in organizations com-  
13       mitted to nonviolent social or political change.

14           (9) Use environmentally responsible methods of  
15       production that have minimal adverse impact on  
16       land, air, and water quality.

17           (10) Prohibit child labor, including at a min-  
18       imum, complying with guidelines on minimum age  
19       for employment under the national labor laws of the  
20       People's Republic of China.

21        (c) PROMOTION OF PRINCIPLES BY OTHER NA-  
22       TIONS.—The Secretary of State shall forward a copy of  
23       the principles set forth in subsection (b) to each member  
24       nation of the Organization for Economic Cooperation and

1 Development and encourage such nation to promote prin-  
2 ciples similar to such principles.

3 **SEC. 3. REGISTRATION REQUIREMENT.**

4 (a) REQUIREMENT.—

5 (1) IN GENERAL.—Each United States com-  
6 pany conducting business in the People’s Republic of  
7 China or Tibet shall register with the Secretary of  
8 State and indicate whether such company agrees to  
9 implement the principles set forth in section 2(b).

10 (2) PROHIBITION ON FEE.—No fee shall be re-  
11 quired for purposes of registration under paragraph  
12 (1).

13 (b) EFFECTIVE DATE.—Subsection (a) shall take ef-  
14 fect 180 days after the date of the enactment of this Act.

15 **SEC. 4. REPORTING REQUIREMENTS.**

16 (a) REPORTS BY UNITED STATES COMPANIES.—

17 (1) IN GENERAL.—Each United States com-  
18 pany conducting business in the People’s Republic of  
19 China or Tibet shall submit to the Secretary of  
20 State a report describing such company’s adherence  
21 to the principles set forth in section 2(b) during the  
22 one-year period ending on the date of such report.

23 (2) FORM.—The report shall be submitted on a  
24 form furnished by the Secretary.

1           (3) SUBMITTAL DATES.—A United States com-  
2           pany shall submit the report required by paragraph  
3           (1) not later than one year after the date on which  
4           the company registers under section 3 and annually  
5           thereafter.

6           (b) REVIEW OF REPORTS.—

7           (1) IN GENERAL.—The Secretary shall review  
8           each report submitted under subsection (a) to deter-  
9           mine whether the United States company submitting  
10          such report is adhering to the principles set forth in  
11          section 2(b).

12          (2) ADDITIONAL INFORMATION.—The Secretary  
13          may request additional information from a United  
14          States company for purposes of the review of its re-  
15          port under this subsection, and may use other  
16          sources of information to verify the information con-  
17          tained in such report.

18          (c) ANNUAL REPORT.—Not later than two years  
19          after the date of the enactment of this Act, and annually  
20          thereafter, the Secretary shall submit to Congress and to  
21          the Secretariat of the Organization for Economic Coopera-  
22          tion and Development a report assessing the adherence of  
23          United States companies subject to the reporting require-  
24          ment in subsection (a) to the principles set forth in section

1 2(b). Each report shall cover the one-year period ending  
2 on the date of such report.

3 **SEC. 5. EXPORT MARKETING SUPPORT.**

4 (a) SUPPORT.—A department or agency of the  
5 United States Government may intercede with a foreign  
6 government or foreign national regarding export mar-  
7 keting activity in the People’s Republic of China or Tibet  
8 on behalf of a United States company subject to the re-  
9 porting requirement in section 4(a) only if the United  
10 States company adheres to the principles set forth in sec-  
11 tion 2(b).

12 (b) EFFECTIVE DATE.—Subsection (a) shall take ef-  
13 fect two years after the date of the enactment of this Act.

14 **SEC. 6. ANNUAL PUBLIC HEARING ON ADHERENCE OF**  
15 **UNITED STATES COMPANIES TO PRINCIPLES.**

16 (a) IN GENERAL.—Not later than one year after the  
17 date of the enactment of this Act, and annually thereafter,  
18 the Secretary of State shall conduct a public hearing on  
19 the adherence of United States companies doing business  
20 in the People’s Republic of China or Tibet to the principles  
21 set forth in section 2(b).

22 (b) HEARING REQUIREMENTS.—The Secretary shall  
23 conduct each hearing under subsection (a) in an appro-  
24 priate forum and in a manner intended to facilitate wide-  
25 spread public participation in the hearing.

1 **SEC. 7. DEFINITIONS.**

2 In this Act:

3 (1) ADHERE.—The terms “adhere to”, “adher-  
4 ing to”, and “adherence to”, in the case of the prin-  
5 ciples set forth in section 2(b), mean—

6 (A) agreeing to implement the principles;

7 (B) implementing the principles by taking  
8 good faith measures with respect to each prin-  
9 ciple; and

10 (C) reporting accurately to the Secretary  
11 of State on the measures taken to implement  
12 the principles.

13 (2) INTERCEDE WITH A FOREIGN GOVERNMENT  
14 OR FOREIGN NATIONAL.—

15 (A) IN GENERAL.—The term “intercede  
16 with a foreign government or foreign national”  
17 includes any contact by an officer or employee  
18 of the United States with officials of any for-  
19 eign government or foreign national involving or  
20 contemplating any effort to assist in selling a  
21 good, service, or technology in the People’s Re-  
22 public of China or Tibet.

23 (B) EXCLUSION.—The term does not in-  
24 clude multilateral or bilateral government-to-  
25 government trade negotiations intended to re-  
26 solve trade issues which may affect United

1 States parent companies which do not adhere to  
2 the principles set forth in section 2(b).

3 (3) ORGANIZED UNDER THE LAWS OF THE  
4 UNITED STATES.—The term “organized under the  
5 laws of the United States” means organized under  
6 the laws of the United States, any State of the  
7 United States, the District of Columbia, the Com-  
8 monwealth of Puerto Rico, the Commonwealth of the  
9 Northern Mariana Islands, or any other territory or  
10 possession of the United States.

11 (4) UNITED STATES COMPANY.—The term  
12 “United States company” means a corporation,  
13 partnership, or other business association organized  
14 under the laws of the United States.

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