

- The current failure effectively to enforce U.S. law prohibiting importation of prison labor products has established a perverse set of incentives for U.S. importers and their retail partners in which those willing to purchase prison labor products from Chinese suppliers may achieve and retain with impunity a competitive advantage over competitors who source from legitimate manufacturers.
- U.S. businesses that have cause to believe a competitor may be importing products manufactured with prison or other forced labor, thereby gaining an unfair competitive pricing advantage, currently have no private right of action to pursue civil claims against that competitor.

THE COMMISSION'S KEY RECOMMENDATIONS

The Commission believes that 10 of its 45 recommendations to Congress are of particular significance. These are presented below in the order in which they appear in the Report. The complete list of 45 recommendations appears at the Report's conclusion on page 337.

- **Employing World Trade Organization trade remedies more aggressively.** The Commission recommends that Congress urge the administration to employ more aggressively all trade remedies authorized by World Trade Organization rules to counteract the Chinese government's practices. The Commission further recommends that Congress urge the administration to ensure that U.S. trade remedy laws are preserved and effectively implemented to respond to China's unfair or predatory trade activities so as to advance the interests of U.S. businesses.
- **Responding effectively to China's currency manipulation.** The Commission recommends that Congress enact legislation that will ensure an effective response to China's currency manipulation.
- **Ensuring disclosure of foreign state-controlled investments in the United States.** The Commission recommends that Congress, within the context of its broader review of financial and corporate regulation, create enforceable disclosure requirements regarding the investments in the United States of all foreign sovereign wealth funds and other foreign state-controlled companies and investment vehicles. Such disclosure requirements, embodied in law or regulation, should include but not be limited to holdings in any public or private company, hedge fund, private equity fund, investment partnership, and/or investment vehicle.
- **Monitoring reviews of foreign state-controlled investments in the United States.** The Commission recommends that Congress monitor the implementation and application of the Foreign Investment and National Security Act of 2007 and other appropriate laws and regulations with respect to the possibility of China's sovereign wealth funds acting in concert with other Chinese government-controlled companies and/or investment vehicles in a manner that technically fails to activate the established review process.

- **Identifying substandard shipments of imported fish into the United States.** The Commission recommends that Congress grant the authority to the Food and Drug Administration (FDA) to identify and indelibly mark imports of fish that fail to meet the agency’s standards of safety and to seize and destroy shipments of fish that foreign governments report have been contaminated or that subsequently are recalled in that country. The Commission further recommends that Congress pass legislation to institute within the FDA an import inspection and equivalency of standards program for fish similar to the meat and poultry inspection program administered by the U.S. Department of Agriculture.
- **Examining the implications of China’s use of media manipulation and “lawfare” for U.S. foreign policy and military activities.** The Commission recommends that Congress direct the U.S. departments of State and Defense to examine the implications of China’s use of media manipulation and “lawfare” for U.S. foreign policy and military activities.
- **Ensuring adequate funding for programs to monitor and protect critical American computer networks and sensitive information.** The Commission recommends that Congress assess the adequacy of and, if needed, provide additional funding for military, intelligence, and homeland security programs that monitor and protect critical American computer networks and sensitive information, specifically those tasked with protecting networks from damage caused by cyber attacks.
- **Assessing the security and integrity of the supply chain for government and defense contractor computer equipment, and ensuring acquisition of equipment from trustworthy sources.** In order to maintain the security of computer networks used by U.S. government agencies and defense contractors, the Commission recommends that Congress assess the security and integrity of the supply chain for computer equipment employed in those government and contractor networks—particularly those used by the Department of Defense—and, if necessary, provide additional funding to ensure the acquisition of equipment from trustworthy sources.
- **Pressing China to reduce tariffs on environmental goods and services.** The Commission recommends that Congress urge the administration to press China to reduce or eliminate in a timely fashion its tariffs on environmental goods and services so as to encourage the import of clean energy and pollution control technologies into China.
- **Establishing a “private right of action” against those suspected of importing products of prison labor.** The Commission recommends that Congress enact legislation establishing a “private right of action”—i.e., civil litigation—allowing a business to file suit against a competitor suspected of importing prison labor products in violation of U.S. law and/or knowingly falsifying customs information in order to gain an unfair competitive advantage.