

104TH CONGRESS
2D SESSION

H. R. 4037

To impose certain sanctions on countries that do not prohibit child labor.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 5, 1996

Mr. SMITH of New Jersey (for himself, Mr. HYDE, Mr. LANTOS, Mr. MORAN, Mr. KENNEDY of Massachusetts, Ms. ROS-LEHTINEN, Mr. MILLER of California, and Mr. FALEOMAVAEGA) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To impose certain sanctions on countries that do not prohibit child 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 “International Child
5 Labor Elimination Act of 1996”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) Article 32 of the United Nations Convention
2 on the Rights of the Child recognizes “the right of
3 the child to be protected from economic exploitation
4 and from performing any work that is likely to be
5 hazardous or to interfere with the child’s education
6 or to be harmful to the child’s health or physical,
7 mental, spiritual, moral or social development.”.

8 (2) Article 2 of Convention 138 of the Inter-
9 national Labor Organization, the Minimum Age
10 Convention, states that the minimum age for admis-
11 sion to employment or work “shall not be less than
12 the age of completion of compulsory schooling and,
13 in any case, shall not be less than 15 years.”.

14 (3) Convention 29 of International Labor Orga-
15 nization, the Forced Labor Convention, which has
16 been in effect since 1930, prohibits most forms of
17 “forced or compulsory labor”, including all forced
18 labor by people under the age of 18.

19 (4) Although it is among the most universally
20 condemned of all human rights abuses, child labor is
21 widely practiced. The International Labor Organiza-
22 tion has estimated the total number of child workers
23 to be between 100,000,000 and 200,000,000. More
24 than 95 percent of those child workers live in devel-
25 oping countries.

1 (5) The International Labor Organization has
2 estimated that 13.2 percent of all children 10 to 14
3 years of age around the world were economically ac-
4 tive in 1995. There are no reliable figures on work-
5 ers under 10 years of age, though their numbers are
6 known to be significant. Reliable child labor statis-
7 tics are not readily available, in part because many
8 governments in the developing world are reluctant to
9 document those activities, which are often illegal
10 under domestic laws, which violate international
11 standards, and which may be perceived as a failure
12 of internal public policy.

13 (6) Notwithstanding international and domestic
14 prohibitions, many children in developing countries
15 are forced to work as debt-bonded and slave laborers
16 in hazardous and exploitative industries. According
17 to the United Nations Working Group on Contem-
18 porary Forms of Slavery and the International
19 Labor Organization, there are tens of millions of
20 child slaves in the world today. Large numbers of
21 those slaves are involved in agricultural and domes-
22 tic labor, the sex industry, the carpet and textile in-
23 dustries, and quarrying and brick making.

1 (7) In many countries, children lack either the
2 legal standing or the means to protect themselves
3 from cruelty and exploitation in the workplace.

4 (8) The employment of children often interferes
5 with the opportunities of such children for basic edu-
6 cation. Furthermore, where it coexists with high
7 rates of adult unemployment, the use of child labor
8 likely denies gainful employment to millions of
9 adults.

10 (9) While child labor is a complex and multifac-
11 eted phenomenon that is tied to issues of poverty,
12 educational opportunity, and culture, its most abu-
13 sive and hazardous forms are repugnant to basic
14 human rights and must be eliminated.

15 **SEC. 3. IDENTIFICATION OF FOREIGN COUNTRIES AND IN-**
16 **DUSTRIES THAT USE CHILD LABOR IN PRO-**
17 **DUCING GOODS.**

18 (a) IDENTIFICATION OF COUNTRIES AND INDUS-
19 TRIES.—The Secretary of Labor shall, not later than 6
20 months after the date of the enactment of this Act, and
21 not later than the end of each 1-year period thereafter,
22 identify those foreign countries that do not prohibit child
23 labor, or that have laws prohibiting child labor but do not
24 effectively enforce them, and those industries in such
25 countries in which goods are produced or services provided

1 with the use of child labor. The Secretary may revoke the
2 identification of a country or an industry before the end
3 of the 1-year period during which the identification would
4 otherwise be effective, if revocation is warranted by new
5 information or a change in the laws or practices of a coun-
6 try.

7 (b) SANCTIONS.—The sanctions set forth in section
8 4 shall apply with respect to those countries and industries
9 identified under subsection (a) for so long as the identi-
10 fication is effective under such subsection.

11 (c) EXEMPTION.—The prohibition under section
12 4(a)(1)(B) on activities of the Export-Import Bank of the
13 United States, the prohibition under section 4(a)(1)(C) on
14 activities of the Overseas Private Investment Corporation,
15 and the prohibition on multilateral assistance under sec-
16 tion 4(a)(2) shall not apply with respect to a business en-
17 tity if it is established to the satisfaction of the Secretary
18 of Labor that no goods produced by that entity are prod-
19 ucts of child labor and that the business entity does not
20 otherwise use child labor.

21 **SEC. 4. PROHIBITION ON ASSISTANCE FOR FOREIGN COUN-**
22 **TRIES THAT USE CHILD LABOR IN PRODUC-**
23 **ING GOODS.**

24 (a) PROHIBITION ON ASSISTANCE.—

25 (1) BILATERAL ASSISTANCE.—

1 (A) IN GENERAL.—Subject to subpara-
2 graph (C), the President may not provide to a
3 foreign country identified by the Secretary of
4 Labor under section 3(a)—

5 (i) any assistance under the Foreign
6 Assistance Act of 1961, other than—

7 (I) disaster relief assistance, in-
8 cluding any assistance under chapter
9 of part I of such Act;

10 (II) assistance which involves the
11 provision of food (including monetiza-
12 tion of food) or medicine; and

13 (III) assistance for refugees;

14 (ii) sales, or financing on any terms,
15 under the Arms Export Control Act; and

16 (iii) the provision of agricultural com-
17 modities, other than food, under the Agri-
18 cultural Trade Development and Assist-
19 ance Act of 1954.

20 (B) EXPORT-IMPORT BANK.—The Export-
21 Import Bank of the United States may not give
22 approval to the issuance of any guarantee, in-
23 surance, extension of credit, or participation in
24 an extension of credit in connection with the
25 provision of any good or service to—

1 (i) the government of a foreign coun-
2 try identified by the Secretary of Labor
3 under section 3(a), or an agency of such
4 government; or

5 (ii) a business entity that is in an in-
6 dustry identified by the Secretary of Labor
7 under section 3(a) in such a country.

8 (C) OVERSEAS PRIVATE INVESTMENT COR-
9 PORATION.—(i) The Overseas Private Invest-
10 ment Corporation may not issue insurance, re-
11 insurance, or financing, or conduct other activi-
12 ties, in connection with an industry identified
13 by the Secretary of Labor under section 3(a).

14 (ii) Clause (i) does not affect contracts en-
15 tered into by the Overseas Private Investment
16 Corporation before the date of the enactment of
17 this Act.

18 (2) MULTILATERAL ASSISTANCE.—The Sec-
19 retary of the Treasury shall instruct the United
20 States Executive Director of each international fi-
21 nancial institution to use the voice and vote of the
22 United States to oppose any loan or other use of the
23 funds of such institution to or for any industry iden-
24 tified by the Secretary of Labor under section 3(a).

1 (b) EXCEPTION.—A foreign country or an industry
2 identified by the Secretary of Labor under section 3(a)
3 may receive bilateral assistance described in subsection
4 (a)(1) if the President determines and certifies to the Con-
5 gress that it is in the vital national interest of the United
6 States to provide such bilateral assistance to such country
7 or industry, as the case may be. The President shall in-
8 clude in any such certification—

9 (1) a full and complete description of the vital
10 national interest of the United States that is placed
11 at risk if such assistance is not provided to such
12 country or industry; and

13 (2) a statement weighing the risk described in
14 paragraph (1) against the risk posed to the vital na-
15 tional interest of the United States by the failure of
16 such country to adopt or enforce laws prohibiting
17 child labor or by the use of child labor by such in-
18 dustry, as the case may be.

19 **SEC. 5. REGULATIONS.**

20 The President shall issue such regulations as are nec-
21 essary to carry out this Act.

1 **SEC. 6. UNITED STATES SUPPORT FOR DEVELOPMENTAL**
2 **ALTERNATIVES FOR UNDERAGE CHILD**
3 **WORKERS.**

4 There is authorized to be appropriated to the Presi-
5 dent the sum of \$10,000,000 for each of fiscal years 1997
6 through 2001 for a United States contribution to the
7 International Labor Organization for the activities of the
8 International Program on the Elimination of Child Labor.

9 **SEC. 7. DEFINITIONS.**

10 As used in this Act:

11 (1) CHILD LABOR.—The term “child labor”
12 means the performance of services in exchange for
13 remuneration (regardless of to whom paid), subsist-
14 ence, goods, or services, or any combination thereof,
15 or under circumstances tantamount to involuntary
16 servitude—

17 (A) by persons who have not attained the
18 minimum age, except for—

19 (i) light work by persons no more
20 than 2 years younger than the minimum
21 age that is not likely to harm their health
22 or development and which does not preju-
23 dice their attendance at school, their par-
24 ticipation in vocational orientation or
25 training programs approved by the com-
26 petent authority in the country concerned,

1 or their capacity to benefit from the in-
2 struction received,

3 (ii) work on family and small-scale ag-
4 ricultural holdings which produce for local
5 consumption and do not regularly employ
6 hired workers,

7 (iii) work done by persons at least 14
8 years of age in schools or other training in-
9 stitutions for general, vocational, or tech-
10 nical education,

11 (iv) work done by persons at least 14
12 years of age as an integral part of a pro-
13 gram of education, training, or occupa-
14 tional guidance carried out in accordance
15 with conditions prescribed by the com-
16 petent authority in the country concerned,
17 and

18 (v) participation in artistic perform-
19 ances pursuant to permits granted in indi-
20 vidual cases by the competent authority in
21 the country concerned; and

22 (B) by persons under the age of 18 if such
23 services would likely jeopardize the health, safe-
24 ty, or moral character of a young person, except

1 for the performance of such services by individ-
2 uals at least 16 years of age where—

3 (i) the country concerned has ex-
4 pressly authorized such employment by na-
5 tional laws or regulation;

6 (ii) the health, safety, and morals of
7 the individuals involved are fully protected;
8 and

9 (iii) the individuals involved have re-
10 ceived adequate specific instruction or vo-
11 cational training in the relevant branch of
12 activity.

13 (2) MINIMUM AGE.—The term “minimum age”
14 means the age at which children complete compul-
15 sory schooling under the national laws of the coun-
16 try concerned, or the age of 15, whichever is older,
17 except that when a country whose economy and edu-
18 cational facilities are insufficiently developed has
19 specified, pursuant to an international agreement, a
20 minimum age of 14 years for a period of limited and
21 specifically identified duration, the term “minimum
22 age” means the age of 14 years during that period.

23 (3) PRODUCT OF CHILD LABOR.—A good shall
24 be treated as being a product of child labor if the
25 good—

1 (A) was fabricated, assembled, or proc-
2 essed, in whole or part,

3 (B) contains any part that was fabricated,
4 assembled, or processed, in whole or in part, or

5 (C) was harvested, mined, quarried,
6 pumped, or otherwise extracted,

7 with child labor.

8 (4) BUSINESS ENTITY.—The term “business
9 entity”—

10 (A) means any entity that produces (in-
11 cluding fabricating, assembling, processing, har-
12 vesting, mining, quarrying, pumping, or other-
13 wise extracting), sells, imports, exports, or con-
14 tracts for the production of, a good in a foreign
15 country; and

16 (B) includes, but is not limited to, entities
17 owned or controlled in whole or in part by the
18 government of a foreign country.

19 (5) FOREIGN COUNTRY.—The term “foreign
20 country” means any foreign country and any posses-
21 sion or territory of a foreign country that is admin-
22 istered separately for customs purposes (and in-
23 cludes any designated zone within such country, pos-
24 session, or territory).

1 (6) INTERNATIONAL FINANCIAL INSTITU-
2 TION.—The term “international financial institu-
3 tion” means the International Bank for Reconstruc-
4 tion and Development, the International Develop-
5 ment Association, the Multilateral Investment Guar-
6 antee Agency, the Inter-American Development
7 Bank, the Asian Development Bank, the African De-
8 velopment Bank, the African Development Fund, the
9 International Monetary Fund, the European Bank
10 for Reconstruction and Development, and the Inter-
11 national Finance Corporation.

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