

104TH CONGRESS
2^D SESSION

H. R. 4307

To prohibit the importation of soccer balls manufactured or assembled with
child labor.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 1996

Mr. KENNEDY of Massachusetts (for himself, Mr. SMITH of New Jersey, Mr. BROWN of California, Mr. MORAN, Mr. SANDERS, Mr. EVANS, and Mr. FRANK of Massachusetts) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on International Relations, 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 prohibit the importation of soccer balls manufactured
or assembled with 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 “Forcing Out Underage
5 Labor Act of 1996”.

1 **SEC. 2. PROHIBITION ON IMPORTATION OF SOCCER BALLS**
2 **MANUFACTURED OR ASSEMBLED WITH**
3 **CHILD LABOR.**

4 (a) IDENTIFICATION OF COUNTRIES.—The Secretary
5 of Labor shall identify those countries in which soccer
6 balls are manufactured or assembled, in whole or in part,
7 with the use of child labor.

8 (b) PROHIBITION ON IMPORTS.—

9 (1) PROHIBITION.—The Secretary of the Treas-
10 ury shall prohibit the entry of any soccer balls man-
11 ufactured or assembled, in whole or in part, in a
12 country identified by the Secretary of Labor under
13 subsection (a). For purposes of this subsection and
14 subsection (a), the term “assembled” includes, but is
15 not limited to, stitching.

16 (2) EXCEPTION.—Paragraph (1) shall not
17 apply to the entry of any article for which a certifi-
18 cation that meets the requirements of subsection (c)
19 is provided and the article, or the packaging in
20 which it is offered for sale, contains, in accordance
21 with regulations prescribed by the Secretary of
22 Labor, a label stating that the article is not a prod-
23 uct of child labor.

24 (c) CERTIFICATION THAT ARTICLE IS NOT A PROD-
25 UCT OF CHILD LABOR.—

1 (1) FORM AND CONTENT.—The Secretary of
2 the Treasury shall prescribe the form and content of
3 documentation, for submission in connection with
4 the entry of an article, that satisfies the Secretary
5 that the exporter of the article to the United States,
6 and the importer of the article into the customs ter-
7 ritory of the United States, have undertaken reason-
8 able steps to ensure that the article is not a product
9 of child labor.

10 (2) REASONABLE STEPS.—For purposes of
11 paragraph (1), “reasonable steps” includes—

12 (A) in the case of the exporter of an arti-
13 cle—

14 (i) having entered into a contract with
15 an organization described in paragraph (4)
16 in the country concerned for allowing in-
17 spections for the purpose of certifying both
18 that the article is not a product of child
19 labor, and that a label, protected under the
20 copyright or trademark laws of that coun-
21 try, that contains such certification is af-
22 fixed to the article; and

23 (ii) having affixed to the article a
24 label described in clause (i); and

1 (B) in the case of the importer of an arti-
2 cle into the customs territory of the United
3 States, having required the certification and
4 label described in subparagraph (A) in the
5 agreement setting forth the terms and condi-
6 tions of the acquisition or provision of the im-
7 ported article.

8 (3) WRITTEN EVIDENCE.—The documentation
9 required by the Secretary under paragraph (1) shall
10 include written evidence that the reasonable steps
11 set forth in paragraph (2) have been taken.

12 (4) CERTIFYING ORGANIZATIONS.—The Sec-
13 retary of the Treasury shall compile and maintain a
14 list of independent professional, internationally cred-
15 ible organizations, in foreign countries, that have
16 been established for the purpose of conducting in-
17 spections, certifying, and labeling that articles to be
18 exported from those countries are not products of
19 child labor. Each such organization may consist of,
20 but not be limited to, representatives of nongovern-
21 mental child welfare and human rights organiza-
22 tions, manufacturers, exporters, independent trade
23 unions, national governments, and neutral inter-
24 national organizations.

1 **SEC. 3. PENALTIES.**

2 (a) UNLAWFUL ACTS.—It is unlawful—

3 (1) to attempt to enter any soccer ball if the
4 entry is prohibited under section 2(b)(1); or

5 (2) to violate any regulation prescribed under
6 section 4.

7 (b) CIVIL PENALTY.—Any person who commits any
8 unlawful act set forth in subsection (a) is liable for a civil
9 penalty of not to exceed \$25,000.

10 (c) CRIMINAL PENALTY.—In addition to being liable
11 for a civil penalty under subsection (b), any person who
12 intentionally commits any unlawful act set forth in sub-
13 section (a) is, upon conviction, liable for a fine of not less
14 than \$10,000 and not more than \$35,000, or imprison-
15 ment for not more than 1 year, or both.

16 (d) CONSTRUCTION.—The violations set forth in sub-
17 section (a) shall be treated as violations of the customs
18 laws for purposes of applying the enforcement provisions
19 of the Tariff Act of 1930, including—

20 (1) the search, seizure, and forfeiture provi-
21 sions;

22 (2) section 592 (relating to penalties for entry
23 by fraud, gross negligence, or negligence); and

24 (3) section 619 (relating to compensation to in-
25 formers).

1 **SEC. 4. REGULATIONS.**

2 The Secretary of Labor and the Secretary of the
3 Treasury shall issue such regulations as are necessary to
4 carry out this Act.

5 **SEC. 5. DEFINITIONS.**

6 As used in this Act:

7 (1) CHILD LABOR.—The term “child labor”
8 means the performance of services in exchange for
9 remuneration (without regard to whom paid), sub-
10 sistence, goods, or services, or any combination
11 thereof, or under circumstances tantamount to invol-
12 untary servitude—

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

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

25 (ii) work on family and small-scale ag-
26 ricultural holdings which produce for local

1 consumption and do not regularly employ
2 hired workers,

3 (iii) work done by persons at least 14
4 years of age in schools or other training in-
5 stitutions for general, vocational, or tech-
6 nical education,

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

14 (v) participation in artistic perform-
15 ances pursuant to permits granted in indi-
16 vidual cases by the competent authority in
17 the country concerned; and

18 (B) by persons under the age of 18 if such
19 services would likely jeopardize the health, safe-
20 ty, or moral character of a young person, except
21 for the performance of such services by individ-
22 uals at least 16 years of age where—

23 (i) the country concerned has ex-
24 pressly authorized such employment by na-
25 tional laws or regulation;

1 (ii) the health, safety, and morals of
2 the individuals involved are fully protected;
3 and

4 (iii) the individuals involved have re-
5 ceived adequate specific instruction or vo-
6 cational training in the relevant branch of
7 activity.

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

19 (3) PRODUCT OF CHILD LABOR.—An article
20 shall be treated as being manufactured or assembled
21 with the use of child labor if the article—

22 (A) was fabricated, assembled, or proc-
23 essed, in whole or part, or

24 (B) contains any part that was fabricated,
25 assembled, or processed, in whole or in part,

1 with child labor.

2 (4) ENTRY.—The term “entry” means entry, or
3 withdrawal from warehouse for consumption, in the
4 customs territory of the United States.

5 **SEC. 6. UNITED STATES SUPPORT FOR DEVELOPMENTAL**
6 **ALTERNATIVES FOR UNDERAGE CHILD**
7 **WORKERS.**

8 There is authorized to be appropriated to the Presi-
9 dent the sum of—

10 (1) \$10,000,000 for each of fiscal years 1997
11 through 2000 for a United States contribution to
12 the International Labor Organization for the activi-
13 ties of the International Program on the Elimination
14 of Child Labor; and

15 (2) \$100,000 for fiscal year 1997 for a United
16 States contribution to the United Nations Commis-
17 sion on Human Rights for those activities relating to
18 bonded child labor that are carried out by the Sub-
19 committee and Working Group on Contemporary
20 Forms of Slavery.

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