

H.R. 2678, THE INTERNATIONAL CHILD LABOR ELIMINATION ACT OF 1997; AND H. CON. RES. 37, CONCURRENT RESOLUTION REGARDING LITTLE LEAGUE BASEBALL

MARKUP
BEFORE THE
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS
AND HUMAN RIGHTS
OF THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED FIFTH CONGRESS
SECOND SESSION

—————
FEBRUARY 12, 1998
—————

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**MARKUP OF H.R. 2678, THE INTERNATIONAL
CHILD LABOR ELIMINATION ACT OF 1997;
AND S. CON. RES. 37, CONCURRENT RESO-
LUTION REGARDING LITTLE LEAGUE BASE-
BALL**

THURSDAY, FEBRUARY 12, 1998

**HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND
HUMAN RIGHTS,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.**

The subcommittee met, pursuant to notice, at 1:05 p.m. in room 2200, Rayburn House Office Building, Hon. Christopher Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The Subcommittee will come to order.

The Subcommittee on International Relations and Human Rights meets today, pursuant to notice, in open session to consider two pieces of legislation, H.R. 2678, relating to child labor, and S. Con. Res. 37, relating to Little League Baseball.

Without objection, the statement of Mr. Lantos, the Ranking Member of this Subcommittee, will be made a part of the record.

[The prepared statement of Mr. Lantos appears in the appendix.]

Mr. SMITH. Without objection, we will also make my comments on the legislation on H.R. 2678 a part of the record as well.

[The prepared statement of Mr. Smith appears in the appendix.]

Mr. SMITH. We now turn to consideration of H.R. 2678. The Chair lays the bill before the Subcommittee.

Mr. SMITH. The clerk will report the title of the bill.

The CLERK. H.R. 2678, a bill to impose certain sanctions on countries that do not prohibit child labor.

Mr. SMITH. Without objection, the first reading of the bill is dispensed with. The clerk will read the text of the bill.

The CLERK. Be it enacted by the Senate and House of Representatives of the United States—

Mr. SMITH. Without objection, the bill is considered as having been read and is open for amendment at this time.

[The bill H.R. 2678 appears in the appendix.]

I have an amendment at the desk which the clerk will report.

The CLERK. Amendment to H.R. 2678 offered by Mr. Smith: On page 9, line 5, strike "\$10,000,000" and insert "\$30,000,000".

Mr. SMITH. Without objection, the amendments are considered as having been adopted.

[Mr. Smith's amendment to H.R. 2678 appears in the appendix.]

Mr. SMITH. I recognize myself for 5 minutes and would ask, without objection, that my full statement be made part of the record.

International child labor is a staggering problem that defies an easy solution. In the words of the International Labor Organization, few human rights abuses are so unanimously condemned while being so widely practiced as child labor.

On paper, virtually every country in the world has outlawed this exploitation in its cruelest forms. Unfortunately, the facts on the ground are that somewhere between 200 and 250 million children under the age of 14 are being robbed of their youth for the profit of others.

The bill before us today represents a moderate, measured approach to the child labor problem. In the past, some business groups have complained that they would be unfairly punished for others' transgressions by legislative efforts such as a blanket ban on child-made imports.

While I disagree with that contention, I would point out that it is not an issue with regard to H.R. 2678, which does not contain an import ban. The bill merely conditions access to a gratuitous benefit—non-humanitarian foreign aid from the United States—on adherence to internationally recognized standards of decency toward children.

Furthermore, this bill will allow companies in problem industries in problem countries to receive U.S. assistance, for an example, in the form of OPIC or Eximbank assistance, as long as they can show that they themselves do not use child labor. Thus, it provides targeted incentives for change, both from the top down and from the bottom up.

Again, my full statement will be made part of the record.

Let me just point out, if there are any other Members of our Subcommittee who will or would like to make comments, we will make their statements part of the record as well.

I will put the question: As many as are in favor of the amendment shall signify by saying "aye"; as many opposed will signify by saying "no".

Aye.

The ayes have it. The amendment is agreed to.

I have a further amendment to the text, and the clerk will read.

The CLERK. Technical amendments to H.R. 2678 offered by Mr. Smith of New Jersey: Page—

Mr. SMITH. Without objection, the amendments are considered as having been read.

[Mr. Smith's technical amendments appear in the appendix.]

Mr. SMITH. The question is on the amendment. All those in favor will signify by saying "aye".

Aye.

Opposed?

None. The ayes have it, and the amendment is agreed to.

I move that the Subcommittee report the bill to the Full Committee, with the amendments as adopted by the Subcommittee, with the recommendation that the amendments be agreed to.

The question is on the motion from myself, the gentleman from New Jersey. As many as are in favor, say "aye".

Aye.

Those opposed will say "no".

[No response.]

Mr. SMITH. The ayes appear to have it, and the measure is adopted.

Our next item of business is Senate Concurrent Resolution 37, which the Chair lays before the committee. The clerk will report the title of that resolution.

The CLERK. S. Con. Res. 37, Concurrent Resolution Regarding Little League Baseball.

Mr. SMITH. Without objection, the preamble and operative text of the resolution shall be read for amendment.

Without objection, the resolution is considered as having been read and is open to amendment at any point.

[H. Con. Res. 37 appears in the appendix.]

Mr. SMITH. Just let me say that this is something that has been referred to us by the Speaker. It was passed on the Senate side. It is to try to provide international status for the organization for purposes of recognition in Poland, as a matter of fact, and Mr. McDade is the sponsor.]

So this resolution is noncontroversial, and I would just move that the Subcommittee report the resolution to the Full Committee.

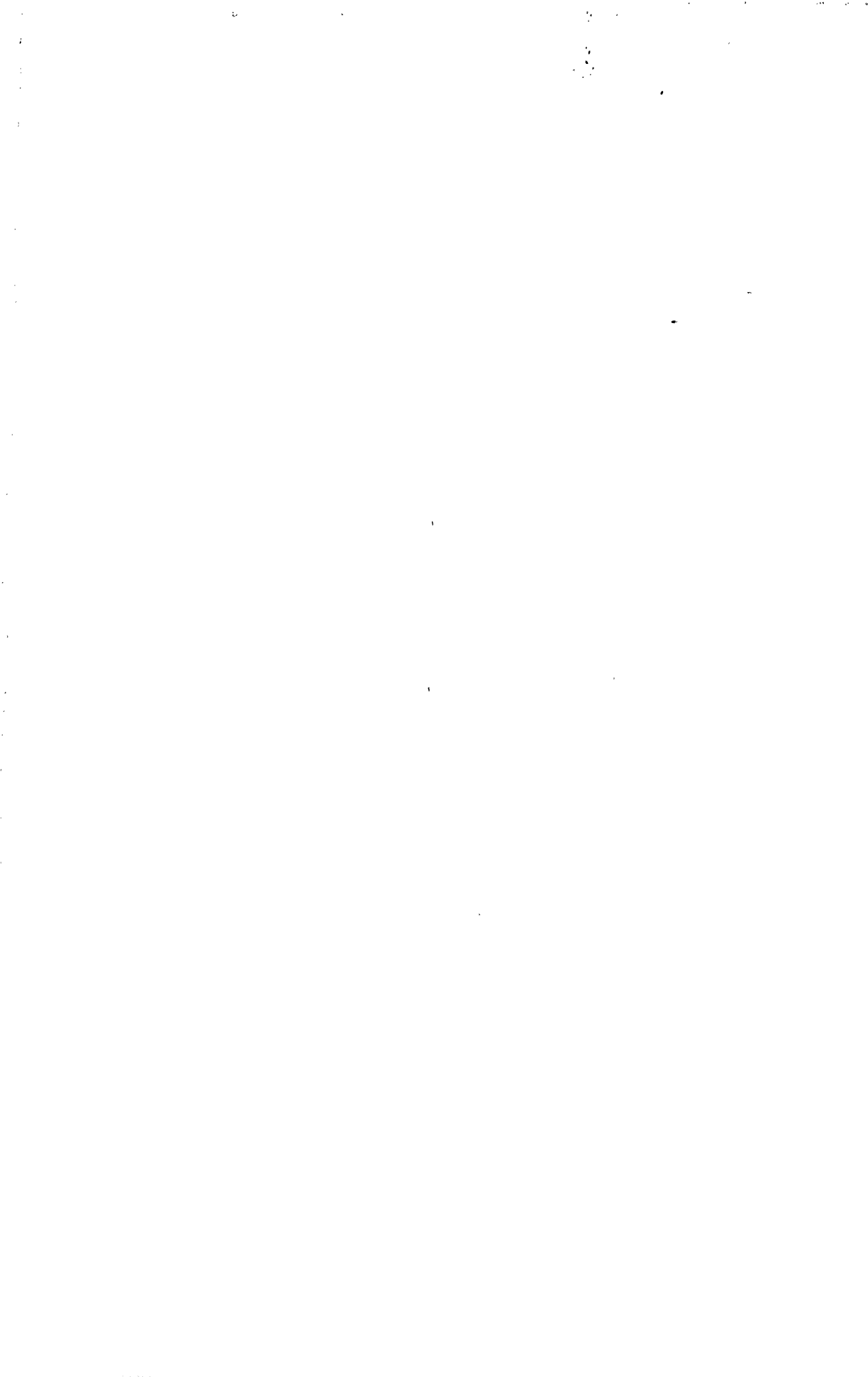
The question is on the motion offered by the gentleman from New Jersey.

As many as are in favor of the motion shall signify by saying "aye"—those opposed, "no".

There are no noes. The ayes appear to have it.

That concludes our business for today. Thank you.

[Whereupon, at 2:15 p.m., the Subcommittee was adjourned.]



APPENDIX

105TH CONGRESS
1ST SESSION

H. R. 2678

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 21, 1997

Mr. SMITH of New Jersey (for himself, Mr. HYDE, Mr. LANTOS, Mr. MORAN of Virginia, Mr. KENNEDY of Massachusetts, Ms. ROS-LEHTINEN, Mr. SANDERS, 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 1997".

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 and the United Nations Children's Fund
23 (UNICEF) have estimated the total number of child
24 workers to be between 200,000,000 and

1 250,000,000. More than 95 percent of those child
2 workers live in developing countries.

3 (5) The International Labor Organization has
4 estimated that 13.2 percent of all children 10 to 14
5 years of age around the world were economically ac-
6 tive in 1995. According to UNICEF, 75 percent of
7 the child laborers in the 10 to 14 age group work
8 6 days a week or more, and 50 percent work 9 hours
9 a day or more. There are no reliable figures on
10 workers under 10 years of age, though their num-
11 bers are known to be significant. Reliable child labor
12 statistics are not readily available, in part because
13 many governments in the developing world are reluc-
14 tant to document those activities, which are often il-
15 legal under domestic laws, which violate inter-
16 national standards, and which may be perceived as
17 a failure of internal public policy.

18 (6) Notwithstanding international and domestic
19 prohibitions, many children in developing countries
20 are forced to work as debt-bonded and slave laborers
21 in hazardous and exploitative industries. According
22 to the United Nations Working Group on Contem-
23 porary Forms of Slavery and the International
24 Labor Organization, there are tens of millions of
25 child slaves in the world today. Large numbers of

1 those slaves are involved in agricultural and domes-
2 tic labor, the sex industry, the carpet and textile in-
3 dustries, and quarrying and brick making.

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

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

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

18 **SEC. 3. IDENTIFICATION OF FOREIGN COUNTRIES AND IN-**
19 **DUSTRIES THAT USE CHILD LABOR IN PRO-**
20 **DUCING GOODS.**

21 (a) IDENTIFICATION OF COUNTRIES AND INDUS-
22 TRIES.—The Secretary of Labor shall, not later than 6
23 months after the date of the enactment of this Act, and
24 not later than the end of each 1-year period thereafter,
25 identify those foreign countries that do not prohibit child

1 labor, or that have laws prohibiting child labor but do not
2 effectively enforce them, and those industries in such
3 countries in which goods are produced or services provided
4 with the use of child labor. The Secretary may revoke the
5 identification of a country or an industry before the end
6 of the 1-year period during which the identification would
7 otherwise be effective, if revocation is warranted by new
8 information or a change in the laws or practices of a coun-
9 try.

10 (b) SANCTIONS.—The sanctions set forth in sections
11 4 and 5 shall apply with respect to those countries and
12 industries identified under subsection (a) for so long as
13 the identification is effective under such subsection.

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

1 **SEC. 4. PROHIBITION ON ASSISTANCE FOR FOREIGN COUN-**
 2 **TRIES THAT USE CHILD LABOR IN PRODUC-**
 3 **ING GOODS.**

4 (a) **PROHIBITION ON ASSISTANCE.—**

5 (1) **BILATERAL ASSISTANCE.—**

6 (A) **IN GENERAL.—**Subject to subpara-
 7 graph (C), the President may not provide to a
 8 foreign country identified by the Secretary of
 9 Labor under section 3(a)—

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

12 (I) disaster relief assistance, in-
 13 cluding any assistance under chapter
 14 9 of part I of such Act;

15 (II) assistance which involves the
 16 provision of food (including monetiza-
 17 tion of food) or medicine; and

18 (III) assistance for refugees;

19 (ii) sales, or financing on any terms,
 20 under the Arms Export Control Act; or

21 (iii) the provision of agricultural com-
 22 modities, other than food, under the Agri-
 23 cultural Trade Development and Assist-
 24 ance Act of 1954.

25 (B) **EXPORT-IMPORT BANK.—**The Export-
 26 Import Bank of the United States may not give

1 approval to the issuance of any guarantee, in-
2 surance, extension of credit, or participation in
3 an extension of credit in connection with the
4 provision of any good or service to—

5 (i) the government of a foreign coun-
6 try identified by the Secretary of Labor
7 under section 3(a), or an agency of such
8 government; or

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

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

18 (ii) Clause (i) does not affect contracts en-
19 tered into by the Overseas Private Investment
20 Corporation before the date of the enactment of
21 this Act.

22 (2) MULTILATERAL ASSISTANCE.—The Sec-
23 retary of the Treasury shall instruct the United
24 States Executive Director of each international fi-
25 nancial institution to use the voice and vote of the

1 United States to oppose any loan or other use of the
2 funds of such institution to or for any industry iden-
3 tified by the Secretary of Labor under section 3(a).

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

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

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

22 **SEC. 5. REGULATIONS.**

23 The President shall issue such regulations as are nec-
24 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 1999
6 through 2003 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 grow or produce
5 products primarily for local consumption
6 and do not regularly employ 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 grown, 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,
12 growing, harvesting, mining, quarrying, pump-
13 ing, or otherwise extracting), sells, imports, ex-
14 ports, or contracts for the production of, a good
15 in a foreign 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” has the meaning given that term in section
4 1701(c)(2) of the International Financial Institu-
5 tions Act (22 U.S.C. 262r(c)(2)).

○

AMENDMENT TO H.R. 2678
OFFERED BY MR. SMITH OF NEW JERSEY

Page 9, line 5, strike "\$10,000,000" and insert
"\$30,000,000".

**TECHNICAL AMENDMENTS TO H.R. 2678
OFFERED BY MR. SMITH OF NEW JERSEY**

Page 1, line 5, strike "1997" and insert "1998".

Page 5, lines 10 and 11, strike "sections 4 and 5"
and insert "section 4".

Page 11, line 22, insert ", with respect to that coun-
try", after "means".

105TH CONGRESS
1ST SESSION

S. CON. RES. 37

CONCURRENT RESOLUTION

Concurrent Resolution expressing the sense of the Congress that Little League Baseball Incorporated was established to support and develop Little League baseball worldwide and that its international character and activities should be recognized.

CONCURRENT RESOLUTION

Whereas Little League Baseball Incorporated is a nonprofit membership organization, chartered by the Congress of the United States in 1964 to promote, develop, supervise, and assist youth worldwide in participation in Little League baseball and to instill in youth the spirit and competitive will to win, values of team play, and healthful association with other youth under proper leadership;

Whereas Little League Baseball Incorporated has chartered more than 18,000 local Little League baseball or softball leagues in 85 countries, across 6 continents, through which more than 198,000 teams and 3,000,000 youth worldwide come together in healthy competition, learning the value of teamwork, individual responsibility, and respect for others;

Whereas Little League Baseball Incorporated provides administrative and other services, including financial assistance from time to time, to such leagues without any obligation to reimburse Little League Baseball Incorporated;

Whereas Little League Baseball Incorporated has established a United States foundation for the advancement and support of Little League baseball in the United States and around the world, and has also created in Poland through its representative, Dr. Creighton Hale, the Poland Little League Baseball Foundation for the construction of Lit-

the League baseball facilities and playing fields, in which youth may participate worldwide in international competitions, and is providing all the funds for such construction;

Whereas the efforts of Little League Baseball Incorporated are supported by millions of volunteers worldwide, as parents, league officials, managers, coaches, and auxiliary members and countless volunteer agencies, including sponsors, all of whom give their time and effort without remuneration, in service to others, to advance the goals of Little League Baseball Incorporated and thereby assist the economic transformation of societies worldwide, the improvement in the quality of life of all citizens and the promotion of a civil international community; and

Whereas, as demonstrated by the success of its efforts worldwide, Little League Baseball Incorporated is the largest nongovernmental international youth sports organization in the world and continues to grow: Now, therefore, be it

1 *Resolved by the Senate (the House of Representatives*
 2 *concurring)*, That (a) it is the sense of the Congress that
 3 Little League Baseball Incorporated is international in
 4 character and has engendered international goodwill
 5 through its worldwide activities, particularly among the
 6 youth of the world.

7 (b) The Congress reaffirms that Little League Base-
 8 ball Incorporated was established to support and develop
 9 Little League baseball worldwide, through the chartering
 10 of local leagues and the provision of assistance to such

1 local leagues, through the creation or location of facilities
2 in other countries, and the provision of other support as
3 appropriate, including financial support, without right of
4 reimbursement or repayment.

5 (c) The Congress calls upon the parliamentary bodies
6 and government officials of other nations, particularly
7 those that participate in Little League baseball, to recog-
8 nize and celebrate the international character of Little
9 League baseball.

Passed the Senate October 29, 1997.

Attest:

Secretary.

**Statement of Chairman Christopher H. Smith
Subcommittee on International Operations and
Human Rights**

International child labor is a staggering problem that defies an easy solution. In the words of the International Labor Organization, "Few human rights abuses are so unanimously condemned, while being so widely practiced as child labor." On paper, virtually every country in the world has outlawed this exploitation in its cruelest forms. Unfortunately, the facts on the ground are that somewhere between 200 and 250 million children under the age of 14 are being robbed of their youth for the profit of others.

According to UNICEF, three quarters of child laborers between the ages of 10 and 14 work six days a week or more. One-half of these children work nine hours a day or more. Many work in hazardous industries. Many others are forced into prostitution and other forms of sexual exploitation.

The sheer magnitude of these statistics poses the risk of blinding us to the human misery they represent. I want those of you in this room who are parents to

imagine your own kids in those circumstances. Only then do you begin to get a taste of the sadness and hopelessness caused by this victimization.

In an effort to combat this evil, I and several of my colleagues from both sides of the aisle introduced H.R. 2678, the International Child Labor Elimination Act, last Session. That bill, which we are marking up today, is a measured, responsible, and powerful tool for promoting global change that will benefit millions of children.

According to the International Program on the Elimination of Child Labor (IPEC), "the political will and commitment of individual governments to address child labour . . . is the starting point" for any realistic effort to combat the problem. Thus, the key provision of this bill prohibits non-humanitarian foreign aid to countries which do not have or which do not enforce child labor laws in accord with international standards, as well as aid to industries in those countries that use child labor. By clearly defining the consequences of willful blindness to their child labor problems, the bill creates concrete incentives for governments of problem countries to become actively engaged in combating child labor.

The bill also requires our representatives to the World Bank and other multilateral lending institutions to oppose funding to projects and industries that use child labor. For example, as we heard at our hearing during the last Congress, the World Bank has spent our tax dollars to subsidize projects that exploit children in south Asia. Such subsidies must stop.

Finally, the bill will authorize an additional annual contribution to the International Program on the Elimination of Child Labor (IPEC). For the past few years, I have pushed for an increase in United States contributions to this successful, respected effort of the International Labor Organization, and I am glad that the Administration is supporting an increase in IPEC funding. Over the past three years, our tiny contributions to IPEC (on the order of one to three million dollars per year) have resulted in discernable improvements in discrete situations around the world, such as the soccer ball industry in Pakistan and the garment industry in Bangladesh.

Today I am offering an amendment to this bill that would increase the authorized level of our IPEC contribution to \$30 million per fiscal year -- the same level of support that the President is currently seeking as part of his new

child labor initiative. Notwithstanding international acclaim for its programs, IPEC has not had funding sufficient to satisfy all the requests it has received from countries seeking help with their child labor problems. Furthermore, as we increase the incentives for countries to combat their child labor problems, I expect that country requests for IPEC assistance will increase.

This bill represents a moderate, measured approach to the child labor problem. In the past, business groups have complained that they would be unfairly punished for others' transgressions by legislative efforts such as a blanket ban on child-made imports. While I disagree with that contention, I would point out that it is not an issue with regard to H.R. 2678, which does not contain an import ban. This bill merely conditions access to a gratuitous benefit – non-humanitarian foreign aid from the United States – on adherence to internationally recognized standards of decency toward children. Furthermore, this bill will allow companies in problem industries in problem countries to receive U.S. assistance (in the form of OPIC and Ex-Im assistance), so long as they can show that they themselves do not use child labor. Thus it provides targeted incentives for change, both from the top down and from the bottom up. It encourages problem

governments to become active partners in the fight against child labor, and it provides businesses with an incentive to refuse to exploit children.

I do not presume to claim that this bill will singlehandedly solve the vast global problem of child labor. I am confident, however, that it will make a difference in the lives of many exploited children around the world. For that reason, I ask my colleagues to join me in working to see that the International Child Labor Elimination Act becomes law during the 105th Congress.

Statement of Congressman Tom Lantos
Markup of the Subcommittee on International Operations and Human Rights
Child Labor / Little League Baseball
February 12, 1998

Mr. Chairman, I welcome this markup session of the Subcommittee on International Operations and Human Rights, and I commend you, Mr. Chairman, for bringing both of the bills we are considering today before the Subcommittee. I would like to make brief comments on both of the bills that are being considered. Let me say at the outset, Mr. Chairman, that I support both bills, and I support moving them to the next step in the legislative process, which is consideration in the full International Relations Committee.

First, with regard to S. Con. Res. 37, I support this Senate resolution. A companion resolution – H. Con. Res. 107 – was introduced in the House by our colleague, Congressman Joseph M. McDade of Pennsylvania, and 44 of our colleagues in the House have cosponsored this bill. S. Con. Res. 37 urges that Little League Baseball, Inc., should be entitled to all of the benefits and privileges of non-government organizations. Mr. Chairman, in a letter to you and an identical letter to me, Assistant Secretary of State for Legislative Affairs, Barbara Larkin has indicated that the Department supports the sentiments in this resolution and that it has no objection to its content. I ask that Ms. Larkin's letter to you be included in the record of this hearing.

Second, Mr. Chairman, I would like to comment on H.R. 2678, the "International Child Labor Elimination Act of 1998" which will impose sanctions on

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countries that do not prohibit child labor. I commend you for introducing this legislation and for moving it through this subcommittee. In the last Congress, our Subcommittee held important hearings on the problem of child labor with leaders of the Administration and with private witnesses, and I appreciated those hearings. This legislation is an outgrowth of those hearings, and I am delighted to be a cosponsor of this legislation which we are considering today.

President Bill Clinton in his State of the Union address to Congress just a few weeks ago called upon the Congress and other nations to join in the fight against abusive child labor. Consistent with that statement of policy, the budget presented by the Administration for FY 1999 gives substance to that commitment by urging including a ten-fold increase in funding – from \$3 million to \$30 million – for U.S. contributions to the International Labor Organization's International Program on the Elimination of Child Labor (IPEC). I welcome the amendment which you, Mr. Chairman, are proposing today which authorizes \$30 million for the IPEC – the full amount that has been requested by the President. I strongly support your amendment.

The Department of State has also expressed its support for the goals of this legislation and for legislation that will encourage countries with child labor problems to adopt legislation, policies, and programs to eliminate child labor. The State Department, however, has expressed concerns about some specific provisions of this legislation. I ask, Mr. Chairman, that the State Department letter to you or the

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identical letter to me from Assistant Secretary Barbara Larkin be included in the published record of this hearing. I also ask, Mr. Chairman, that you and I and our two staffs work together with the Department of State in an effort to narrow, and I hope to resolve, the concerns that have been expressed about this legislation by the Department before it is taken up for consideration by the full International Relations Committee.

Mr. Chairman, the International Labor Organization (I.L.O) estimates that around the world the number of children who work is some 200 to 250 million. This horrendous number of children are working despite the fact that most countries have acceded to the United Nations Convention on the Rights of the Child. That Convention recognizes "the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development."

The work that these exploited children frequently perform is filthy, debasing and hazardous. Girls are at particular risk, as they frequently are subject to sexual exploitation. Child labor interferes with a child's opportunity to gain a basic education, and in the increasingly complex world in which we live, this relegates these children to lifetimes of low-income and low-status jobs.

H.R. 2678 is a necessary and a helpful step to reduce and eliminate

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exploitation of child labor and to establish labor rights as fundamental human rights of all workers, and in particular of currently abused children.

Mr. Chairman, Peggy Taylor, Director of the Department of Legislation of the AFL-CIO has written to you and members of this committee indicating its support for this legislation. I ask that you also include in the published record of this hearing the letter of Ms. Taylor expressing support for this legislation.



United States Department of State

Washington, D.C. 20520

FEB 12 1998

Dear Mr. Chairman:

We are responding to your January 16 request for comments on H.R. 2678, the International Child Labor Elimination Act of 1997.

The Department of State shares the bill's goal of obtaining maximum cooperation from other countries to eliminate child labor exploitation. As language in the bill points out, no reliable figures exist on the parameters of this problem, but the ILO estimates that there are at least 250 million children involved. The work that exploited children do can be dirty, demeaning and dangerous. A significant proportion of these children are debt-bonded or slave laborers. Girls are at particular risk, as they often are a target for commercial sexual exploitation. Employment interferes with a child's opportunity to gain a basic education - and, for children whose work involves captivity, "employment" means no education at all. We therefore welcome Congressional support for measures that will encourage countries with child labor problems to adopt legislation, policies and programs that can help ameliorate, and hopefully eliminate, the problem. Such undertakings can aid our own diplomatic efforts to work for the elimination of child labor exploitation and promote human rights, including the internationally recognized core labor rights of all workers.

In his State of the Union Address, the President called on Congress and other nations to join in the fight against abusive child labor. The President's FY 1999 budget includes a ten-fold increase - from \$3 million to \$30 million - for the U.S. contribution to IPEC (the ILO's International Program on the Elimination of Child Labor).

The Honorable

Christopher H. Smith, Chairman,
 Subcommittee on International Operations and
 Human Rights,
 Committee on International Relations,
 House of Representatives.

Given IPEC's past performance, we believe this investment holds promise for significant accomplishments in years ahead.

In addition to supporting IPEC, the Labor Department has published four reports on child labor issues around the world. This year the Labor Department is preparing a status report on efforts countries have made, if any, to eliminate abusive child labor. The State Department has assisted the Labor Department in negotiating a successful agreement with the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) to phase out the use of child workers in that country's garment industry and establish schools where they can receive education and vocational training to help prepare them for adulthood. In India, Foreign Service personnel helped stimulate the negotiations that eventually led to the creation of "Rugmark," the independent monitoring program that certifies hand-knotted carpets made without child labor. In Pakistan, the U.S. partial suspension of GSP benefits based on child labor problems yielded a monitoring program to prevent this abuse in the soccer industry. Negotiations are nearing completion on similar projects in the carpet industry.

We are concerned with the broad unilateral sanctions on assistance and trade finance that could be automatically triggered under Section 4 of the bill. There may be situations where targeted sanctions on entities that exploit child labor could be appropriate or effective. The automatic sanctions envisioned in section 4, however, are a blunt instrument that could actually undercut our efforts to eliminate child labor and place at risk other important foreign policy objectives such as narcotics control, efforts to prevent situations that could lead to humanitarian crises, prevention of environmental degradation, and providing opportunities for economic development. We are also concerned that automatic sanctions will adversely effect our efforts to build international consensus on these issues.

As you may know, the international community will have two critically important opportunities to act on child labor, when the International Labor Conference meets in Geneva in June. The Conference will consider the draft of a new ILO Convention on the most intolerable forms of child labor. The ILO Conference that meets the following year (1999) would then be expected to adopt the Convention. It could then be submitted to the Senate for its advice and

consent to ratification. The International Labor Conference also will consider the adoption of a new ILO Declaration and follow-up mechanism on core labor rights, including the prohibition on exploitative child labor.

Having noted our concern about certain provisions of this legislation, the Department stands ready to work with you and other Members in exploring legislative proposals that would give the U.S. versatile and effective new tools to promote the protection and well being of children in both our bilateral relations and in our efforts to have the international community address the problem. For example, as stated above, we support providing \$30 million to the Department of Labor to use to support the ILO's IPEC programs, which is supporting innovative child labor projects. In addition, we are committed to full and effective enforcement of existing legislation in this area including the Vento, Frank and Sanders amendments.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

I hope that this information is useful to you. Please do not hesitate to call if we can be of further assistance.

Sincerely,



Barbara Larkin
Assistant Secretary
Legislative Affairs

