

104TH CONGRESS
2D SESSION

H. R. 3294

To amend the Foreign Assistance Act of 1961 to withhold United States assistance from countries determined to be violating the human rights of working children, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 1996

Mr. MORAN (for himself, Mr. KENNEDY of Massachusetts, Mr. FRAZER, Mr. GENE GREEN of Texas, Ms. NORTON, Mr. STUPAK, Mr. BRYANT of Texas, Mr. WILSON, Mr. LIPINSKI, Mr. RANGEL, Ms. KAPTUR, Mr. SANDERS, and Ms. MCKINNEY) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To amend the Foreign Assistance Act of 1961 to withhold United States assistance from countries determined to be violating the human rights of working children, and for other purposes.

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 “Working Children’s
5 Human Rights Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) Principle 9 of the Declaration of the Rights
2 of the Child proclaimed by the United Nations Gen-
3 eral Assembly on November 20, 1959, states that
4 “. . .the child shall not be admitted to employment
5 before an appropriate minimum age; he shall in no
6 case be caused or permitted to engage in any occu-
7 pation or employment which would prejudice his
8 health or education, or interfere with his physical,
9 mental, or moral development . . .”.

10 (2) Article 2 of the International Labor Con-
11 vention No. 138 Concerning Minimum Age For Ad-
12 mission to Employment states that “The minimum
13 age specified in pursuance of paragraph 1 of this ar-
14 ticle shall not be less than the age of compulsory
15 schooling and, in any case, shall not be less than 15
16 years.”.

17 (3) According to the International Labor Orga-
18 nization, an estimated 200,000,000 children under
19 the age of 15 are working in the world, many in
20 dangerous industries like mining and fireworks.

21 (4) Children under the age of 15 constitute ap-
22 proximately 11 percent of the workforce in some
23 Asian countries, 17 percent of the workforce in parts
24 of Africa, and a reported 12 to 26 percent of the
25 workforce in many countries in Latin America.

1 (5) The number of children under the age of 15
2 who are working, and the scale of their suffering, in-
3 creases every year, despite the existence of more
4 than 20 international labor organization conventions
5 on child labor and laws in many countries which
6 purportedly prohibit the employment of underage
7 children.

8 (6) In many countries, children under the age
9 of 15 lack either the legal standing or means to pro-
10 tect themselves from exploitation in the workplace.

11 (7) The prevalence of child labor in many devel-
12 oping countries is rooted in widespread poverty that
13 is attributable to unemployment and underemploy-
14 ment, precarious incomes, low living standards, and
15 insufficient education and training opportunities
16 among adult workers.

17 (8) The employment of children under the age
18 of 15 commonly deprives such children of the oppor-
19 tunity for basic education and also denies gainful
20 employment to millions of adults.

21 (9) The employment of children under the age
22 of 15, often at drastically low wages, undermines the
23 stability of families and ignores the importance of
24 increasing jobs, aggregated demand, and purchasing
25 power among adults as a catalyst to the development

1 of internal markets and the achievement of broad-
2 based, self-reliant economic development in many de-
3 veloping countries.

4 **SEC. 3. AMENDMENTS TO FOREIGN ASSISTANCE ACT OF**
5 **1961.**

6 (a) REPORTING REQUIREMENT.—Section 116(d) of
7 the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d))
8 is amended—

9 (1) in paragraph (2), by striking “and” at the
10 end;

11 (2) in paragraph (3), by striking the period at
12 the end and inserting “; and”; and

13 (3) by adding at the end the following:

14 “(4) the United States policy to establish and
15 encourage an international strategy to reduce viola-
16 tions of the human rights of working children, in-
17 cluding—

18 “(A) a description of the policies adopted,
19 agreements concluded, and programs imple-
20 mented by the Department of State and De-
21 partment of Labor in pursuit of their delegated
22 responsibilities for reducing worldwide viola-
23 tions of the human rights of working children,
24 for the fiscal year just ended, for the current
25 fiscal year, and for the next fiscal year, includ-

1 ing policy development, bilateral and multilat-
2 eral funding, and other support for projects de-
3 signed to reduce violations of the human rights
4 of working children; and

5 “(B) for each country that receives assist-
6 ance under this part, the report shall include—

7 “(i) a detailed status report on the
8 use of child labor within such country, not-
9 ing significant changes in conditions, such
10 as increases or decreases in the use of
11 child labor, and changes in the policy of
12 such country toward the use of child labor;

13 “(ii) a description of United States
14 assistance provided or proposed to be pro-
15 vided to such country for the preceding fis-
16 cal year, the current fiscal year, and for
17 the next fiscal year, with an analysis of the
18 impact that the furnishing of each kind of
19 assistance has had or is expected to have
20 on the use of child labor in the country;

21 “(iii) a description of the plans, pro-
22 grams, and timetables adopted by such
23 country for the progressive elimination of
24 the use of child labor and a discussion of
25 the legal and law enforcement measures

1 taken and the accomplishments achieved in
2 accord with these plans; and

3 “(iv) a description of bribery of public
4 officials and other forms of public corrup-
5 tion that facilitate violations of the human
6 rights of working children.”.

7 (b) ADDITIONAL REQUIREMENTS.—Such Act is fur-
8 ther amended by adding at the end of part I the following:

9 “CHAPTER 12—INTERNATIONAL HUMAN RIGHTS OF
10 WORKING CHILDREN

11 **“SEC. 499. CONSULTATION REQUIREMENT.**

12 “(a) IN GENERAL.—As soon as possible after the
13 transmittal of the report required by section 116(d), the
14 Secretary of State, in conjunction with the Secretary of
15 Labor, shall initiate appropriate consultations with the ap-
16 propriate congressional committees.

17 “(b) ADDITIONAL REQUIREMENTS.—Such consulta-
18 tions shall include the following:

19 “(1) In-person discussions by designated rep-
20 resentatives of the President (including appropriate
21 representatives from the Department of Labor and
22 Department of State) to review the status worldwide
23 of violations of the human rights of working children
24 and the role that United States assistance to those

1 countries violating the human rights of working chil-
2 dren have in combating the exploitation of children.

3 “(2) With respect to each country the President
4 is proposing to provide United States assistance for
5 the next year, the furnishing of—

6 “(A) a description of the nature of the vio-
7 lations of the human rights of working children;
8 and

9 “(B) an analysis of political, economic, and
10 social factors that affect violations of the
11 human rights of working children.

12 **“SEC. 499A. CONGRESSIONAL HEARINGS.**

13 “(a) IN GENERAL.—After consultations have been
14 initiated pursuant to section 499, it is the sense of the
15 Congress that the appropriate congressional committees
16 should hold hearings to review the human rights of work-
17 ing children provisions of the report transmitted pursuant
18 to section 116(d).

19 “(b) TYPE OF HEARINGS.—It is the further sense of
20 the Congress that the hearings described in subsection (a)
21 should be open to the public unless the appropriate con-
22 gressional committees determine, in accordance with the
23 rules of the House of Representatives or the rules of the
24 Senate, as the case may be, that the hearings should be
25 closed to the public.

1 **“SEC. 499B. ANNUAL CERTIFICATION PROCEDURES.**

2 “(a) DETERMINING COUNTRIES VIOLATING THE
3 HUMAN RIGHTS OF WORKING CHILDREN.—

4 “(1) CERTIFICATION.—

5 “(A) IN GENERAL.—Subject to subpara-
6 graph (B), for each fiscal year, any country
7 that desires to receive United States assistance
8 shall certify to the Secretary of State that such
9 country—

10 “(i) has adopted and is enforcing laws
11 that guarantee—

12 “(I) a prohibition on the use of
13 any form of forced or compulsory
14 child labor;

15 “(II) a reasonable minimum age
16 for the employment of children; and

17 “(III) acceptable conditions of
18 work with respect to minimum wages,
19 hours of work, and occupational
20 health and safety relating to child
21 labor; and

22 “(ii) has taken steps to prevent and
23 punish bribery of public officials and other
24 forms of public corruption which facilitate
25 the abuse of child labor laws.

1 “(B) EXCEPTION.—A country that does
2 not meet the requirements of subparagraph (A)
3 for a fiscal year may receive United States as-
4 sistance for such fiscal year if the President de-
5 termines and certifies to the Congress that it is
6 in the vital national interest of the United
7 States to provide such assistance to such coun-
8 try. The President shall include in any such
9 certification—

10 “(i) a full and complete description of
11 the vital national interest of the United
12 States that is placed at risk if such assist-
13 ance is not provided to such country; and

14 “(ii) a statement weighing the risk de-
15 scribed in clause (i) against the risk posed
16 to the vital national interest of the United
17 States by the failure of such country to
18 adopt laws respecting the human rights of
19 working children.

20 “(2) REVIEW OF CERTIFICATION.—

21 “(A) DISCRETIONARY REVIEW.—The Sec-
22 retary of State may review the certification of
23 any country submitted under paragraph (1)(A).

24 “(B) REVIEW BY PETITION.—

1 “(i) IN GENERAL.—An individual may
2 submit to the Secretary a petition to re-
3 view the certification of any country sub-
4 mitted under paragraph (1)(A).

5 “(ii) ACCEPTANCE OF REVIEW.—If
6 the Secretary determines that a petition
7 submitted under clause (i) contains credi-
8 ble evidence that a country submitted a
9 certification under paragraph (1)(A) in a
10 fraudulent manner, or that the country is
11 not in compliance with any of the require-
12 ments contained in such paragraph, then
13 the Secretary shall, not later than 180
14 days after the receipt of such petition, con-
15 duct a review of such certification.

16 “(iii) DENIAL OF REVIEW.—If the
17 Secretary determines that a petition sub-
18 mitted under clause (i) does not contain
19 credible evidence that a country submitted
20 a certification under paragraph (1)(A) in a
21 fraudulent manner, or that the country is
22 not in compliance with any of the require-
23 ments contained in such paragraph, then
24 the Secretary shall, not later than 180
25 days after the receipt of such petition, pro-

1 vide the individual who submitted the peti-
2 tion for review with the reasoning of the
3 decision to deny review of such certifi-
4 cation.

5 “(3) REVOCATION OF CERTIFICATION.—

6 “(A) REVOCATION BY SECRETARY.—If the
7 Secretary determines, based upon a review con-
8 ducted under paragraph (2), that the country is
9 not in compliance with any of the requirements
10 contained in paragraph (1), then the Secretary
11 shall revoke the certification of such country.

12 “(B) REVOCATION BY CONGRESS.—The
13 Congress may enact a joint resolution dis-
14 approving the certification for a country sub-
15 mitted under subparagraph (A) or (B) of para-
16 graph (1).

17 “(b) WITHHOLDING OF ASSISTANCE.—

18 “(1) BILATERAL ASSISTANCE.—50 percent of
19 the United States assistance allocated each fiscal
20 year for each country that has not been certified
21 under subsection (a)(1), and for each country for
22 which a certification has been revoked under sub-
23 section (a)(3), shall be withheld from obligation and
24 expenditure.

1 “(2) MULTILATERAL ASSISTANCE.—The Sec-
2 retary of the Treasury shall instruct the United
3 States Executive Director of each international fi-
4 nancial institution to use the voice and vote of the
5 United States to oppose any loan or other utilization
6 of the funds of their respective institution to or for
7 any country that has not been certified under sub-
8 section (a)(1) and for each country for which a cer-
9 tification has been revoked under subsection (a)(3).

10 **“SEC. 499C. DEFINITIONS.**

11 “For purposes of this chapter, the following defini-
12 tions apply:

13 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES.—The term ‘appropriate congressional com-
15 mittees’ means—

16 “(A) the Committee on International Rela-
17 tions of the House of Representatives; and

18 “(B) the Committee on Foreign Relations
19 of the Senate.

20 “(2) INTERNATIONAL FINANCIAL INSTITU-
21 TION.—The term ‘international financial institution’
22 means the International Bank for Reconstruction
23 and Development, the Inter-American Development
24 Bank, the Asian Development Bank, the African De-
25 velopment Bank, the African Development Fund, the

1 International Monetary Fund, the European Bank
2 for Reconstruction and Development, and the Inter-
3 national Finance Corporation.

4 “(3) UNITED STATES ASSISTANCE.—The term
5 ‘United States assistance’ means

6 “(A) any assistance under this Act (includ-
7 ing programs under title IV of chapter 2 of this
8 part, relating to the Overseas Private Invest-
9 ment Corporation), other than—

10 “(i) disaster relief assistance, includ-
11 ing any assistance under chapter 9 of this
12 part;

13 “(ii) assistance which involves the pro-
14 vision of food (including monetization of
15 food) or medicine; and

16 “(iii) assistance for refugees;

17 “(B) sales, or financing on any terms,
18 under the Arms Export Control Act;

19 “(C) the provision of agricultural commod-
20 ities, other than food, under the Agricultural
21 Trade Development and Assistance Act of
22 1954; and

23 “(D) financing under the Export-Import
24 Bank Act of 1945.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 subsections (a) and (b) shall take effect beginning on the
3 first day of the first fiscal year beginning after the date
4 of the enactment of this Act.

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