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FROM: PETERSON, R

DOC DATE: 29 JUL 96
SOURCE REF: 5214

KEYWORDS: HUMAN RIGHTS
LEGISLATIVE REFERRAL

DEFENSE POLICY

PERSONS:

SUBJECT: DEFENSE PROPOSED RPT RE HR-3843 SWEATSHOP PRODUCT BAN ACT OF 1996

ACTION: NFAR PER LORIN

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

LRM NO: 5214

FILE NO: 2681

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7/29/96

LEGISLATIVE REFERRAL MEMORANDUM

Total Page(s): 6

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TO: Legislative Liaison Officer - See Distribution below:

FROM: Ron PETERSON *Ron Peterson* (for) Assistant Director for Legislative Reference

OMB CONTACT: Robert NASSIF 395-7896 Legislative Assistant's Line: 395-6194
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nassif_r@a1.eop.gov

SUBJECT: DEFENSE Proposed Report RE: HR3843, Sweatshop Product Ban Act of 1996

DEADLINE: 12:00pm Tuesday, July 30, 1996

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President.

Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: In addition to the proposed DoD report on HR 3843, attached are copies of the bill as well as a letter from Congressman Underwood explaining the intent of the legislation and requesting the DoD's views.

If your agency does not respond by the deadline, this Office will assume that there is no comment.

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Honorable Robert A. Underwood
House of Representatives
Washington, D.C. 20515-5301

Dear Congressman Underwood:

This is in reply to your letter of July 15 requesting the Department's comments and suggestions regarding draft legislation to ban the purchase for resale in Defense commissaries and military exchanges of imported items produced in so-called sweatshops.

I have asked each of the military exchanges and the Defense Commissary Agency to review the draft legislation. Each of the exchanges and the commissary agency already adhere to Department of Labor standards. The Army and Air Force Exchange System already has a policy in place, the Navy Exchange Command recently sent their vendors a letter reminding them of their commitment to adhere to all DOL standards, and the Marine Corps will shortly send a similar letter to their vendors. The Defense Commissary Agency by complying with the Federal Acquisition Regulations, complies with the DOL standards.

It is the Department's view that no additional legislation is necessary at this time to ensure that the commissary and military exchanges do not purchase for resale merchandise from vendors who operate "sweatshops." As part of the next update to the Armed Forces Exchange Regulation, however, we will include specific policy in this area.

I appreciate the opportunity to review this legislation and your continued commitment to our quality of life programs.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for consideration of the committee.

Sincerely,

ROBERT A. UNDERWOOD

ASST SEC DEF (FMP)
07/15/96 12:48
703-695-4046
ARMED SERVICES
NATURAL RESOURCES



Congress of the United States

House of Representatives

Washington, DC 20515-5301

July 15, 1996

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The Honorable Frederick Pang
Assistant Secretary of Defense
for Force Management
The Pentagon, Room 3E784
Washington, D.C. 20301

Dear Assistant Secretary Pang,

I am writing to ask for your comments and suggestions regarding legislation I have drafted which would ban the purchase for resale in defense commissary and exchange stores of imported items produced by so-called sweatshops.

The recent incident involving clothing produced for Kathie Lee Gifford's line of clothing at Walmart highlighted the problem of finding products manufactured by child labor on America's retail shelves. While the Department of Labor has standards affecting the use of child labor, it is my understanding that there is nothing in current law which specifically bans defense commissary and exchange stores from producing items manufactured with child or prison labor.

Under my draft legislation, the Secretary of Labor would develop minimum labor standards and identify companies or manufacturers who do not meet those minimum standards. The Secretary of Defense would then certify to Congress that defense commissary and exchange stores are not purchasing any imported items from those companies. The list and minimum standards developed by the Secretary of Labor would be made available to companies.

In trying to accomplish the goal of banning the purchase of products manufactured by sweatshop labor, I am mindful of the need to keep the bureaucratic and paperwork requirement to a minimum, and am looking for the best way to reach this goal without an undue burden on the Department of Defense. I believe the approach that I have developed strikes this balance.

Enclosed is a copy of the draft bill. Since I would like to introduce the legislation early this week, I would welcome your comments and suggestions before I introduce it. Thank you for taking the time to review this draft. I appreciate any suggestions, and look forward to hearing from you.

Sincerely,

ROBERT A. UNDERWOOD
Member of Congress

| <i>THIS SEARCH</i> | <i>THIS DOCUMENT</i> | <i>GO TO</i> |
|--------------------|----------------------|--------------|
| Next Hit | Forward | New Search |
| Prev Hit | Back | HomePage |
| Hit List | Best Sections | Help |
| | Doc Contents | |

| | | |
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| References to this bill in the Congressional Record | Digest and Status Information About this Bill. | Download this bill. (4,990 bytes). |
|---|--|------------------------------------|

Sweatshop Product Ban Act of 1996 (Introduced in the House)

HR 3843 IH

104th CONGRESS

2d Session

H. R. 3843

To amend title 10, United States Code, to prohibit the Defense Commissary Agency and nonappropriated fund instrumentalities of the Department of Defense from purchasing imported consumer items to be sold in commissary or exchange stores when such consumer items are not produced in conformity with minimum labor standards.

IN THE HOUSE OF REPRESENTATIVES

July 17, 1996

Mr. UNDERWOOD (for himself, Mr. GEPHARDT, Mr. BONIOR, Mr. FUNDERBURK, Mr. LANTOS, Mr. BERMAN, Mr. RICHARDSON, Mr. ACKERMAN, Mr. EVANS, Mr. ABERCROMBIE, Mr. MORAN, Mr. MANTON, Mr. TORRES, Ms. LOFGREN, Mr. TRAFICANT, Mr. ILLIARD, Mr. FRAZER, Mr. KENNEDY of Massachusetts, Mr. SCHUMER, Mr. FALEOMAVAEGA, Mr. TOWNS, Mr. SPRATT, Mr. ROMERO-BARCELO, Mr. FILNER, Mr. YATES, Mr. DEFAZIO, Mr. HINCHEY, Mr. SANDERS, Ms. KAPTUR, Mr. FATTAL, Mr. LIPINSKI, Mr. WATT of North Carolina, Mr. MEEHAN, Ms. VELAZQUEZ, Ms. ROYBAL-ALLARD, and Mr. HOLDEN) introduced the following bill; which was referred to the Committee on National Security

A BILL

To amend title 10, United States Code, to prohibit the Defense Commissary Agency and nonappropriated fund instrumentalities of the Department of Defense from purchasing imported consumer items to be sold in commissary or exchange stores when such consumer items are not produced in conformity with minimum labor standards.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Sweatshop Product Ban Act of 1996'.

SEC. 2. CONDITION ON SALE OF IMPORTED CONSUMER ITEMS IN COMMISSARY AND EXCHANGE STORES.

(a) COMPLIANCE WITH MINIMUM LABOR STANDARDS REQUIRED- (1) Chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

Sec. 2490b. Commissary and exchange stores: condition on sale of imported consumer items

(a) **COMPLIANCE WITH MINIMUM LABOR STANDARDS-** The Defense Commissary Agency and any nonappropriated fund instrumentality operating a military exchange store may not purchase for resale in a commissary or exchange store any consumer item imported into the United States if the Defense Commissary Agency or nonappropriated fund instrumentality has reason to believe that the consumer item was not produced in conformity with minimum labor standards.

(b) **ESTABLISHMENT OF STANDARDS-** The Secretary of Labor shall develop the minimum labor standards to be applied for purposes of this section, in particular standards regarding the use of child or prison labor and the production of consumer items under other inhumane conditions.

(c) **PROCESS TO DETERMINE COMPLIANCE-** The Secretary of Labor shall annually develop and submit to the Secretary of Defense a list of companies and manufacturers that are not in compliance with the minimum labor standards developed under subsection (b). The Secretary of Defense shall annually certify to Congress that the Defense Commissary Agency and nonappropriated fund instrumentalities have not purchased any consumer items from the companies and manufacturers identified by the Secretary of Labor.

(d) **DEFINITION-** In this section, the term 'nonappropriated fund instrumentality' means the Army and Air Force Exchange Service, Navy Exchange Service Command, Marine Corps exchanges, or any other instrumentality of the United States under the jurisdiction of the Armed Forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

'2490b. Commissary and exchange stores: condition on sale of imported consumer items.'

(b) **EFFECTIVE DATE-** Section 2490b of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into or extended after the date of the enactment of this Act for the purchase of imported consumer items for sale in military commissary or exchange stores.

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| Next Hit | Forward | New Search |
| Prev Hit | Back | HomePage |
| Hit List | Best Sections | Help |
| | Doc Contents | |
