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**DEFENSE ENERGY SUPPORT CENTER**  
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FORT BELVOIR, VIRGINIA 22060-8222

MAR 06 2001

IN REPLY  
REFER TO

DESC-CPA

CONTRACTING INSTRUCTION (CI): 01-8  
MEMORANDUM FOR CI Distribution

SUBJECT: Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor

This CI is being issued to implement Executive Order (EO) 13126 (see FAC 97-23), which was signed on June 12, 1999, effective February 20, 2001, to enforce laws prohibiting the manufacture or importation of products that have been mined, produced, or manufactured wholly or in part using forced or indentured child labor.

The only clauses affected by this EO are commercial Clauses **I1.04** and **I1.04-1**, Contract Terms and Conditions Required to Implement Statutes or Executive Orders - Commercial Items. These two clauses were amended by adding a new FAR clause **52.222-19**, Child Labor - Cooperation with Authorities and Remedies, to the listing of IBR clauses. This new FAR clause is required in all acquisitions of supplies that exceed the micropurchase threshold **and must be checked off**, even though the EO doesn't apply to any products purchased by this contracting activity.

Please see the attached for further information.

This CI is informational only, and no further regulatory coverage will be published. Point of contact is Cheri Bohman, extension 7626.

*Colleen A. Morris*

COLLEEN A. MORRIS  
Associate Center Senior Procurement Official

Attachment:  
FAC 97-23 information





## Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor

Final Rule, Effective February 20, 2001  
(Adds New FAR Subpart 22.15)

EO 13126 was signed on June 12, 1999, to enforce laws prohibiting the manufacture or importation of products that have been mined, produced, or manufactured wholly or in part using forced or indentured child labor.

**Applicability:** Four revised clauses; two new clauses, one of which is completely inapplicable to DESC (see details on page 2, actual clause revisions at Attachments 1 - 4).

**Products:** Final (Jan 5<sup>th</sup>) DOL product list:

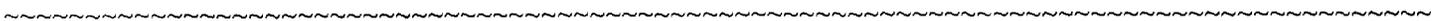
- Bamboo (Burma)
- Beans (including yellow, soya, and green beans) (Burma)
- Bricks (hand-made) (Burma, Pakistan)
- Chilies (Burma)
- Corn (Burma)
- Pineapples (Burma)
- Rubber (Burma)
- Shrimp (aquaculture) (Burma)
- Sugarcane (Burma)
- Teak (Burma)

**Potential Possibilities List** (future). Other products being considered but not evidenced at this time:

- Brassware (India)\*
- Bricks (hand-made) (India)\*
- Carpets (South Asia)\*\*
- Cocoa (Ivory Coast)
- Cotton (Pakistan)
- Fireworks (India)\*
- Footwear (India)\*
- Glass bangles (hand-blown) (India)\*
- Hand-rolled beedi cigarettes (India)\*
- Locks (hand-made) (India)\*
- Matches (hand-dipped) (India)\*
- Quarried stones (hand-broken) (India)\*
- Silk (hand-spun/hand-loomed) (India)\*
- Sugarcane (Pakistan)

\*These products were excluded from the "final" list because the Government of India is making extensive efforts to prevent and eliminate child labor in these sectors. This effort will be monitored by the DOL.

\*\*Carpets were excluded because extensive labeling efforts are currently in place, although not all manufacturers are using them at this time. This effort will be monitored by the DOL.



**Clauses:**

**1. Commercial:**

- a. **Clauses I1.04 and I1.04-1** (“Contract Terms and Conditions Required to Implement Statutes or Executive Orders – Commercial Items”) are revised to add new clause 52.222-19, Child Labor – Cooperation with Authorities and Remedies, to the listing of IBR clauses. This clause **must be checked off** since it is required in accordance with 22.1505(b): “Insert the clause at 52.222-19, Child Labor – cooperation with Authorities and Remedies, in all solicitations and contracts for the acquisition of supplies that are expected to exceed the micropurchase threshold.” In addition, Subpart 22.1500 “applies to acquisitions of supplies that exceed the micropurchase threshold.”
- b. **Clauses K1.01-9** (overseas) and **K1.01-10** (domestic) (“Offeror Representations and Certifications – Commercial Items”) are revised to add the definition of “Forced or indentured child labor” and resultant (inapplicable) offeror certification, which is the same information covered by noncommercial clause 52.222-18, Certification Regarding Knowledge of Child Labor for Listed End Products (see 22.1505(a)). However, DESC contracting officers will **not** be required to list any products in these clauses since no DESC products are on the “final” DOL product list, nor are any DESC products on the potential possibilities list (see page 1 for both lists). (These clauses are included in the Offeror Submission Package.)

2. **Noncommercial:** Subpart 22.1500 “applies to acquisitions of **supplies** that exceed the micropurchase threshold.” Therefore, the entire new subpart is inapplicable to Code F, our only noncommercial CBU, which only purchases **services**.

**Anomaly:** Effective date of FAC 97-22: March 12<sup>th</sup>  
Effective date of FAC 97-23: February 20<sup>th</sup>  
Both FACs amend K1.01-9 and K1.01-10.

1. Both clauses will be amended by both FACs at once, on February 20<sup>th</sup>, dated “**(FEB 2001)**” since the preparers of –23 made their changes to the –22 version, even though it wasn’t yet in effect, verified in a phone call.
2. Both clauses will then be “**redated**” on March 12<sup>th</sup> to “**(MAR 2001)**” in accordance with instructions contained in FAC 97-23, even though the effective date is from FAC 97-22.

**Note:** Concerning this FAC 97-23, FAC 97-22, Plain Language in Government Writing, makes only extremely minor editorial changes to K1.01-9 and K1.01-10, as shown below:

FAC 97-22 changes already included in FAC 97-23, even though not effective until March 2001:

**Change to K1.01-9 & K1.01-10, effective March 12<sup>th</sup>, FAC 97-22:**

- (a)(5) Women-owned small business concern mean a small business concern—
  - (i) That Which is at least 51 percent owned by one or more women; or, in the case...

**I1.04 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS – COMMERCIAL ITEMS (FEB 2001)**

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(b) The Contractor shall comply with the FAR clauses in this paragraph (b) that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items or components:

**[Contracting Officer must check as appropriate.]**

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[ ] 52.222-19, Child Labor – Cooperation with Authorities and Remedies (E.O. 13126).

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**I1.04-1 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS – COMMERCIAL ITEMS (ALT I) (FEB 2001)**

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(b) The Contractor shall comply with the FAR clauses in this paragraph (b) that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items or components:

**[Contracting Officer must check as appropriate.]**

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52.222-19, Child Labor – Cooperation with Authorities and Remedies (E.O. 13126).

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**K1.01-9 OFFEROR REPRESENTATIONS AND CERTIFICATIONS - COMMERCIAL ITEMS  
(ALT I) (FEB 2001)**

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(a) **DEFINITIONS.** As used in this provision—

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**(2) Forced or indentured child labor means all work or service—**

(i) Extracted from any person under the age of 18 under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily ; or

(ii) Performed by any person under the age of 18 pursuant to a contract the enforcement of which can be accomplished by process or penalties.

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**(5) Women-owned small...—**

(i) That is at least 51 percent owned by one or more women; or, ....

\*\*\*\*\*

(i) Certification Regarding Knowledge of Child Labor for Listed End Products (E.O. 13126).

[The Contracting Officer must list in paragraph (i)(1) any end products being acquired under this solicitation that are included in the List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor, unless excluded at 22.1503(b).]

(1) Listed end products.

Listed End Product

Listed Countries of Origin

(2) Certification. [If the Contracting Officer has identified end products and countries of origin in paragraph (i) of this provision, then the offeror must certify to either (i)(2)(i) or (i)(2)(ii) by checking the appropriate block.]

(i) The offeror will not supply any end product listed in paragraph (i)(1) of this provision that was mined, produced, or manufactured in the corresponding country as listed for that product.

(ii) The offeror may supply an end product listed in paragraph (i)(1) of this provision that was mined, produced, or manufactured in the corresponding country as listed for that product. The offeror certifies that it has made a good faith effort to determine whether forced or indentured child labor was used to mine, produce, or manufacture any such end product furnished under this contract. On the basis of those efforts, the offeror certifies that it is not aware of any such use of child labor.

**K1.01-10 OFFEROR REPRESENTATIONS AND CERTIFICATIONS - COMMERCIAL ITEMS  
(ALTS I/II) (FEB 2001) (MAR 2001 on March 12<sup>th</sup>)**

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(a) **DEFINITIONS.** As used in this provision—

\*\*\*\*\*

**(2) Forced or indentured child labor means all work or service—**

(i) Extracted from any person under the age of 18 under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily ; or

(ii) Performed by any person under the age of 18 pursuant to a contract the enforcement of which can be accomplished by process or penalties.

\*\*\*\*\*

**(5) Women-owned small...—**

(i) That is at least 51 percent owned by one or more women; or, ....

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(ii) The offeror may supply an end product listed in paragraph (i)(1) of this provision that was mined, produced, or manufactured in the corresponding country as listed for that product. The offeror certifies that it has made a good faith effort to determine whether forced or indentured child labor was used to mine, produce, or manufacture any such end product furnished under this contract. On the basis of those efforts, the offeror certifies that it is not aware of any such use of child labor.