

64TH CONGRESS,
1ST SESSION.

Calendar No. 342.
H. R. 8234.

[Report No. 358.]

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 7, 1916.

Read twice and referred to the Committee on Interstate Commerce.

APRIL 19, 1916.

Reported by Mr. ROBINSON, with an amendment.

[Strike out all after the enacting clause and insert the part printed in italic.]

AN ACT

To prevent interstate commerce in the products of child labor, 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 ~~That no producer, manufacturer, or dealer shall ship or de-~~
4 ~~liver for shipment in interstate commerce the product of any~~
5 ~~mine or quarry situated in the United States which has been~~
6 ~~produced, in whole or in part, by the labor of children under~~
7 ~~the age of sixteen years, or the product of any mill, cannery,~~
8 ~~workshop, factory, or manufacturing establishment situated~~
9 ~~in the United States which has been produced, in whole or in~~
10 ~~part, by the labor of children under the age of fourteen years~~
11 ~~or by the labor of children between the ages of fourteen years~~

1 ~~and sixteen years who work more than eight hours in any~~
2 ~~one day, or more than six days in any one week, or after the~~
3 ~~hour of seven o'clock postmeridian, or before the hour of~~
4 ~~seven o'clock antemeridian.~~

5 ~~SEC. 2. Proof of the employment within sixty days~~
6 ~~prior to the shipment of such product therefrom (first) in~~
7 ~~a mine or quarry of a child under the age of sixteen years,~~
8 ~~or (second) in a mill, cannery, workshop, factory, or manu-~~
9 ~~facturing establishment (a) of a child under the age of four-~~
10 ~~teen years, or (b) of a child between the ages of fourteen~~
11 ~~years and sixteen years for more than eight hours in any one~~
12 ~~day or more than six days in any one week, or after the hour~~
13 ~~of seven o'clock postmeridian, or before the hour of seven~~
14 ~~o'clock antemeridian shall be prima facie evidence that such~~
15 ~~product has been produced in whole or in part by the labor~~
16 ~~of such a child.~~

17 ~~SEC. 3. That the Attorney General, the Secretary of~~
18 ~~Commerce, and the Secretary of Labor shall constitute a~~
19 ~~board to make and publish from time to time uniform rules~~
20 ~~and regulations for carrying out the provisions of this Act.~~

21 ~~SEC. 4. That for the purpose of securing proper en-~~
22 ~~forcement of this Act the Secretary of Labor, or any person~~
23 ~~duly authorized by him, shall have authority to enter and in-~~
24 ~~spect at any time mines, quarries, mills, canneries, workshops,~~
25 ~~factories, manufacturing establishments and other places~~

1 ~~in which goods are produced or held for interstate commerce;~~
2 ~~and the Secretary of Labor shall have authority to employ~~
3 ~~such assistance for the purposes of this Act as may from time~~
4 ~~to time be authorized by appropriation or other law.~~

5 ~~SEC. 5. That it shall be the duty of each district attor-~~
6 ~~ney to whom the Secretary of Labor shall report any viola-~~
7 ~~tion of this Act, or to whom any State factory or mining or~~
8 ~~quarry inspector, commissioner of labor, State medical in-~~
9 ~~spector, or school attendance officer, or any other person shall~~
10 ~~present satisfactory evidence of any such violation to cause~~
11 ~~appropriate proceedings to be commenced and prosecuted~~
12 ~~in the proper courts of the United States without delay for~~
13 ~~the enforcement of the penalties as in such cases herein pro-~~
14 ~~vided: *Provided*, That nothing in this Act shall be construed~~
15 ~~to apply to bona fide boys' and girls' canning clubs recog-~~
16 ~~nized by the Agricultural Department of the several States~~
17 ~~and of the United States.~~

18 ~~SEC. 6. That any person who violates any of the pro-~~
19 ~~visions of section one of this Act, or who refuses or obstructs~~
20 ~~entry or inspection authorized by section four of this Act,~~
21 ~~shall for the first offense be punished by a fine of not more~~
22 ~~than \$200 and for each subsequent offense shall be punished~~
23 ~~by a fine of not more than \$1,000 nor less than \$100, or by~~
24 ~~imprisonment for not more than three months, or by both~~
25 ~~fine and imprisonment, in the discretion of the court: *Pro-*~~

~~1~~ ~~vided, That no dealer shall be subject to conviction under~~
~~2~~ ~~the provisions of this Act who shall establish a guaranty~~
~~3~~ ~~issued by the person by whom such goods were manufac-~~
~~4~~ ~~tured or produced, resident in the United States, to the~~
~~5~~ ~~effect that in the manufacture and production of such goods,~~
~~6~~ ~~neither in whole nor in part, had children been employed or~~
~~7~~ ~~permitted to work in any mine or quarry under the age of~~
~~8~~ ~~sixteen years, or in any mill, cannery, workshop, factory,~~
~~9~~ ~~or manufacturing establishment under the age of fourteen~~
~~10~~ ~~years, or between the ages of fourteen years and sixteen years~~
~~11~~ ~~who worked more than eight hours in any one day or more~~
~~12~~ ~~than six days in any one week or after the hour of seven~~
~~13~~ ~~o'clock postmeridian or before the hour of seven o'clock~~
~~14~~ ~~antemeridian, and in such event the guarantor shall be~~
~~15~~ ~~amenable to any prosecution, fine, or penalty to which the~~
~~16~~ ~~person seeking the protection of such guaranty would other-~~
~~17~~ ~~wise have been subject under the provisions of this Act. Said~~
~~18~~ ~~guaranty, to afford the protection above provided, shall~~
~~19~~ ~~contain the name and address of the person giving the same.~~

~~20~~ ~~SEC. 7. That the word "dealer" or the word "per-~~
~~21~~ ~~son" as used in this Act shall be construed to include any~~
~~22~~ ~~individual or corporation or the members of any partnership~~
~~23~~ ~~or other unincorporated association. The term "ship or de-~~
~~24~~ ~~liver for shipment in interstate commerce" as used in this~~
~~25~~ ~~Act means to ship or deliver for shipment from any State or~~

1 ~~Territory or the District of Columbia to or through any other~~
2 ~~State or Territory or the District of Columbia.~~

3 ~~SEC. 8. That in prosecutions under this Act each ship-~~
4 ~~ment or delivery for shipment shall constitute a separate~~
5 ~~offense.~~

6 ~~SEC. 9. That this Act shall take effect from and after~~
7 ~~one year from the date of its passage.~~

8 *That no producer, manufacturer, or dealer shall ship or*
9 *deliver for shipment in interstate or foreign commerce any*
10 *article or commodity the product of any mine or quarry,*
11 *situated in the United States, in which within thirty days*
12 *prior to the time of the removal of such product therefrom*
13 *children under the age of sixteen years have been employed*
14 *or permitted to work, or any article or commodity the*
15 *product of any mill, cannery, workshop, factory, or manu-*
16 *facturing establishment, situated in the United States, in*
17 *which within thirty days prior to the removal of such product*
18 *therefrom children under the age of fourteen years have been*
19 *employed or permitted to work, or children between the ages*
20 *of fourteen years and sixteen years have been employed or*
21 *permitted to work more than eight hours in any day, or*
22 *more than six days in any week, or after the hour of seven*
23 *o'clock postmeridian, or before the hour of six o'clock ante-*
24 *meridian: Provided, That a prosecution and conviction of*
25 *a defendant for the shipment or delivery for shipment of any*

1 *article or commodity under the conditions herein prohibited*
2 *shall be a bar to any further prosecution against the same*
3 *defendant for shipments or deliveries for shipment of any*
4 *such article or commodity before the beginning of said*
5 *prosecution.*

6 *SEC. 2. That the Attorney General, the Secretary of*
7 *Commerce, and the Secretary of Labor shall constitute a*
8 *board to make and publish from time to time uniform rules*
9 *and regulations for carrying out the provisions of this Act.*

10 *SEC. 3. That for the purpose of securing proper en-*
11 *forcement of this Act the Secretary of Labor, or any person*
12 *duly authorized by him, shall have authority to enter and*
13 *inspect at any time mines, quarries, mills, canneries, work-*
14 *shops, factories, manufacturing establishments, and other*
15 *places in which goods are produced or held for interstate*
16 *commerce; and the Secretary of Labor shall have authority*
17 *to employ such assistance for the purposes of this Act as*
18 *may from time to time be authorized by appropriation or*
19 *other law.*

20 *SEC. 4. That it shall be the duty of each district attorney*
21 *to whom the Secretary of Labor shall report any violation*
22 *of this Act, or to whom any State factory or mining or quarry*
23 *inspector, commissioner of labor, State medical inspector,*
24 *or school-attendance officer, or any other person shall*
25 *present satisfactory evidence of any such violation to cause*

1 *appropriate proceedings to be commenced and prosecuted in*
2 *the proper courts of the United States without delay for the*
3 *enforcement of the penalties in such cases herein provided:*
4 *Provided, That nothing in this Act shall be construed to apply*
5 *to bona fide boys' and girls' canning clubs recognized by the*
6 *Agricultural Department of the several States and of the*
7 *United States.*

8 *SEC. 5. That any person who violates any of the pro-*
9 *visions of section one of this Act, or who refuses or obstructs*
10 *entry or inspection authorized by section three of this Act,*
11 *shall for each offense prior to the first conviction of such person*
12 *under the provisions of this Act, be punished by a fine of not*
13 *more than \$200, and shall for each offense subsequent to*
14 *such conviction be punished by a fine of not more than*
15 *\$1,000, nor less than \$100, or by imprisonment for not more*
16 *than three months, or by both such fine and imprisonment,*
17 *in the discretion of the court: Provided, That no dealer shall*
18 *be prosecuted under the provisions of this Act for a shipment,*
19 *delivery for shipment, or transportation who establishes a*
20 *guaranty issued by the person by whom the goods shipped*
21 *or delivered for shipment or transportation were manufac-*
22 *tured or produced, resident in the United States, to the effect*
23 *that such goods were produced or manufactured in a mine*
24 *or quarry in which within thirty days prior to their removal*
25 *therefrom no children under the age of sixteen years were*

1 employed or permitted to work, or in a mill, cannery, work-
2 shop, factory, or manufacturing establishment, in which
3 within thirty days prior to the removal of such goods there-
4 from no children under the age of fourteen years were em-
5 ployed or permitted to work, nor children between the ages
6 of fourteen years and sixteen years employed or permitted
7 to work more than eight hours in any day or more than six
8 days in any week or after the hour of seven o'clock post-
9 meridian or before the hour of six o'clock antemeridian;
10 and in such event, if the guaranty contains any false statement
11 of a material fact, the guarantor shall be amenable to pros-
12 ecution and to the fine or imprisonment provided by this
13 section for violation of the provisions of this Act. Said guar-
14 anty, to afford the protection above provided, shall contain
15 the name and address of the person giving the same: And
16 provided further, That no producer, manufacturer, or dealer
17 shall be prosecuted under this Act for the shipment, delivery
18 for shipment, or transportation of a product of any mine,
19 quarry, mill, cannery, workshop, factory, or manufacturing
20 establishment, if the only employment therein, within thirty
21 days prior to the removal of such product therefrom, of a
22 child under the age of sixteen years has been that of a child
23 as to whom the producer or manufacturer has in good faith
24 procured, at the time of employing such child, and has since
25 in good faith relied upon and kept on file a certificate, issued

1 *in such form, under such conditions, and by such persons as*
2 *may be prescribed by the board, showing the child to be of*
3 *such an age that the shipment, delivery for shipment, or*
4 *transportation was not prohibited by this Act. Any person*
5 *who knowingly makes a false statement or presents false*
6 *evidence in or in relation to any such certificate or applica-*
7 *tion therefor shall be amenable to prosecution and to the fine*
8 *or imprisonment provided by this section for violations of this*
9 *Act. In any State designated by the board, an employment*
10 *certificate or other similar paper as to the age of the child,*
11 *issued under the laws of that State and not inconsistent with*
12 *the provisions of this Act, shall have the same force and effect*
13 *as a certificate herein provided for.*

14 *SEC. 6. That the word "person" as used in this Act*
15 *shall be construed to include any individual or corporation*
16 *or the members of any partnership or other unincorporated*
17 *association. The term "ship or deliver for shipment in inter-*
18 *state or foreign commerce" as used in this Act means to trans-*
19 *port or to ship or deliver for shipment from any State or*
20 *Territory or the District of Columbia to or through any other*
21 *State or Territory or the District of Columbia or to any*
22 *foreign country; and in the case of a dealer means only to*
23 *transport or to ship or deliver for shipment from the State,*
24 *Territory, or district of manufacture or production.*

