

75TH CONGRESS
1ST SESSION

S. 1976

IN THE SENATE OF THE UNITED STATES

MARCH 29 (calendar day, APRIL 5), 1937

Referred to the Committee on Interstate Commerce and ordered to be printed

AMENDMENT

(IN THE NATURE OF A SUBSTITUTE)

Intended to be proposed by Mr. WHEELER to the bill (S. 1976) to regulate interstate transportation of products of child labor in certain cases, viz: Strike out all after the enacting clause and insert the following:

- 1 That all goods, wares, and merchandise manufactured,
- 2 produced, or mined on or after January 1, 1938, wholly or
- 3 in part through the use of child labor, transported into any
- 4 State or Territory of the United States and remaining therein
- 5 for use, consumption, sale, or storage, shall upon arrival and
- 6 delivery in such State or Territory be subject to the oper-
- 7 ation and effect of the laws of such State or Territory to the
- 8 same extent and in the same manner as though such goods,

1 wares, and merchandise had been manufactured, produced,
2 or mined in such State or Territory, and shall not be exempt,
3 therefrom by reason of being introduced in the original
4 package or otherwise.

5 SEC. 2. It shall be unlawful for any person knowingly
6 to transport or cause to be transported, in any manner or
7 by any means whatsoever, or aid or assist in obtaining trans-
8 portation for or in transporting any goods, wares, or mer-
9 chandise manufactured, produced, or mined on or after
10 January 1, 1938, wholly or in part through the use of child
11 labor, from one State, Territory, Puerto Rico, Virgin Islands,
12 or District of the United States, or place noncontiguous but
13 subject to the jurisdiction thereof, into any State, Territory,
14 Puerto Rico, Virgin Islands, or District of the United States
15 or place noncontiguous but subject to the jurisdiction thereof,
16 where said goods, wares or merchandise are intended by any
17 person interested therein to be received, possessed, sold, or
18 in any manner used, either in the original package or other-
19 wise, in violation of any law of such State, Territory, Puerto
20 Rico, Virgin Islands, or District of the United States, or
21 place noncontiguous but subject to the jurisdiction thereof.

22 SEC. 3. It shall be unlawful for any person knowingly
23 to transport or cause to be transported, in any manner or
24 by any means whatsoever, or aid or assist in obtaining trans-
25 portation for or in transporting in interstate commerce any

1 goods, wares, or merchandise manufactured, produced, or
2 mined on or after January 1, 1938, wholly or in part through
3 the use of child labor, unless the outside of such goods, wares
4 or merchandise, or the package containing the same if they
5 be packaged, shall bear a conspicuous label conforming to
6 the requirements of this section. Such label shall truth-
7 fully set forth—

8 (1) The name and address of the shipper;

9 (2) The name and address of the consignee;

10 (3) The nature of such goods, wares or merchandise;

11 and

12 (4) A summary statement of the kind or kinds of
13 work performed by children in the manufacture, production
14 or mining of such goods, wares or merchandise and the type
15 or types of places where such work was performed.

16 In case a label conforming to the requirements of this sec-
17 tion has been removed from goods, wares or merchandise,
18 or from a package containing the same, or such goods, wares
19 or merchandise have been removed from a package bearing
20 such a label, prior to the time such goods, wares or mer-
21 chandise shall be offered for shipment in interstate com-
22 merce, the information set forth in such label pursuant to
23 the requirements of clause (4) of the preceding sentence
24 or of this sentence shall be incorporated in a new label
25 affixed to such goods, wares or merchandise so offered for

1 shipment, or to the package containing the same if they
2 be packaged, together with a statement that such informa-
3 tion was taken from another label. The incorporation of
4 such information and statement in the new label shall con-
5 stitute compliance with the requirements of said clause (4)
6 unless child labor shall have been used in connection with
7 processing or fabricating such goods, wares or merchandise
8 after removal of the label therefrom or from the package
9 containing the same or after removal thereof from the pack-
10 age bearing such label, as aforesaid, in which event the
11 incorporation of said information and said statement shall
12 be a requirement as to said new label in addition to those
13 defined by said clause (4).

14 SEC. 4. For the purposes of this Act the term "child
15 labor" shall be defined as employment of a person under
16 the age of sixteen years, the term "children" shall be de-
17 fined as persons under the age of sixteen years, and the
18 term "package" shall be defined as a wrapping, container or
19 crate and as a unit of rolling stock in which goods, wares
20 or merchandise may be shipped or transported in bulk. The
21 phrase "manufactured, produced, or mined" as used in this
22 Act shall not be construed to mean planting, cultivation,
23 and harvesting of fruits, grains, vegetables, and other agri-
24 cultural products or agricultural work in connection with
25 dairying, livestock husbandry and poultry husbandry.

1 SEC. 5. Any person violating any provision of this Act
2 shall for each offense, upon conviction thereof, be punished
3 by a fine of not more than \$1,000, and such goods, wares,
4 or merchandise shall be forfeited to the United States, and
5 may be seized and condemned by like proceedings as those
6 provided by law for the seizure and forfeiture of property
7 imported into the United States contrary to law: *Provided,*
8 *however,* That no person who in conformity to section 3
9 of this Act and in good faith sets forth in a label information
10 stated to have been taken from another label shall be deemed
11 thereby to have violated this Act so as to render himself
12 subject to conviction; or goods, wares, or merchandise bear-
13 ing or contained in a package bearing such label subject to
14 forfeiture in the event any of the information so stated to
15 have been taken from another label proves to be false. In
16 any proceeding arising out of an alleged violation of this
17 Act, a showing that the goods, wares, or merchandise with
18 respect to which the violation is alleged to have occurred
19 were manufactured, produced, or mined wholly or in part
20 by a person who used child labor at one or more stages or
21 to perform one or more operations in the manufacture, pro-
22 duction, or mining of goods, wares, or merchandise of similar
23 character subsequent to January 1, 1938, and within six
24 months of the date of the alleged violation, shall be prima
25 facie evidence that the goods, wares, or merchandise with

1 respect to which said violation is alleged to have occurred
2 were manufactured, produced, or mined wholly or in part
3 through the use of child labor. The adduction of such prima
4 facie evidence shall cast upon the defendant or the party
5 objecting to the forfeiture of goods, wares, or merchandise,
6 as the case may be, the burden of rebutting or repelling such
7 prima facie evidence by affirmative proof to the contrary.

8 SEC. 6. Any violation of this Act shall be prosecuted in
9 any court having jurisdiction of crime within the district in
10 which said violation was committed, or from or into which
11 any such goods, wares, or merchandise may have been
12 carried or transported, or in any Territory, Puerto Rico,
13 Virgin Islands, or the District of Columbia, contrary to the
14 provisions of this Act.

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