

Calendar No. 743

75TH CONGRESS  
1ST SESSION

**S. 2226**

[Report No. 726]

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IN THE SENATE OF THE UNITED STATES

APRIL 19 (calendar day, APRIL 20), 1937

Mr. WHEELER and Mr. JOHNSON of Colorado introduced the following bill; which was read twice and referred to the Committee on Interstate Commerce

JUNE 7 (calendar day, JUNE 14), 1937

Reported by Mr. WHEELER, with amendments

[Omit the part struck through and insert the part printed in italic]

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**A BILL**

To regulate 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 all goods, wares, and merchandise ~~manufactured~~, pro-  
4 duced, ~~or mined~~ on or after January 1, 1938, wholly or in  
5 part through the use of child labor, transported into any  
6 State or Territory of the United States and remaining therein  
7 for use, consumption, sale, or storage, shall upon arrival and  
8 delivery in such State or Territory be subject to the operation  
9 and effect of the laws of such State or Territory to the same

1 extent and in the same manner as though such goods, wares,  
2 and merchandise had been ~~manufactured~~, produced, ~~or mined~~  
3 in such State or Territory, and shall not be exempt there-  
4 from by reason of being introduced in the original package  
5 or otherwise.

6       SEC. 2. It shall be unlawful for any person knowingly  
7 to transport or cause to be transported, in any manner or by  
8 any means whatsoever, or aid or assist in obtaining trans-  
9 portation for or in transporting any goods, wares, or  
10 merchandise ~~manufactured~~, produced, ~~or mined~~ on or after  
11 January 1, 1938, wholly or in part through the use of child  
12 labor, from one State or Territory into any State or Terri-  
13 tory, where said goods, wares, or merchandise are intended  
14 by any person interested therein to be received, possessed,  
15 sold, or in any manner used, either in the original package  
16 or otherwise, in violation of any law of such State or  
17 Territory.

18       SEC. 3. It shall be unlawful for any person knowingly  
19 to transport or cause to be transported, in any manner or  
20 by any means whatsoever, or aid or assist in obtaining trans-  
21 portation for or in transporting in interstate commerce any  
22 goods, wares, or merchandise ~~manufactured~~, produced, ~~or~~  
23 ~~mined~~ on or after January 1, 1938, wholly or in part  
24 through the use of child labor, unless the outside of such  
25 goods, wares, or merchandise, or the package containing

1 the same if they be packaged, shall bear a conspicuous label  
2 conforming to the requirements of this section. Such label  
3 shall truthfully set forth—

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

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

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

7 and

8 (4) A summary statement of the kind or kinds of work  
9 performed by children in connection with which child labor  
10 was utilized in the ~~manufacture~~, production, ~~or mining~~ of such  
11 goods, wares, or merchandise and the type or types of places  
12 where such work was performed.

13 In case a label conforming to the requirements of this section  
14 has been removed from goods, wares, or merchandise, or  
15 from a package containing the same, or such goods, wares,  
16 or merchandise have been removed from a package bearing  
17 such a label, prior to the time such goods, wares, or mer-  
18 chandise shall be offered for shipment in interstate commerce,  
19 the information set forth in such label pursuant to the require-  
20 ments of clause (4) of the preceding sentence or of this  
21 sentence shall be incorporated in a new label affixed to such  
22 goods, wares, or merchandise so offered for shipment, or to  
23 the package containing the same if they be packaged, to-  
24 gether with a statement that such information was taken  
25 from another label. The incorporation of such information

1 and statement in the new label shall constitute compliance  
2 with the requirements of said clause (4) unless child labor  
3 shall have been used in connection with processing or fabri-  
4 cating such goods, wares, or merchandise after removal of  
5 the label therefrom or from the package containing the same  
6 or after removal thereof from the package bearing such  
7 label, as aforesaid, in which event the incorporation of said  
8 information and said statement shall be a requirement as to  
9 said new label in addition to those defined by said clause (4).

10 ~~SEC. 4. It shall be unlawful for any person who has~~  
11 ~~manufactured, produced, or mined goods, wares, or mer-~~  
12 ~~chandise in any State or Territory, wholly or in part through~~  
13 ~~the use of child labor, on or after January 1, 1938, know-~~  
14 ~~ingly to transport or cause to be transported, in any manner~~  
15 ~~or by any means whatsoever, or aid or assist in obtaining~~  
16 ~~transportation for or in transporting such goods, wares, or~~  
17 ~~merchandise in interstate or foreign commerce.~~

18 *SEC. 4. It shall be unlawful for any person who—*

19 *(a) has produced goods, wares, or merchandise in*  
20 *any State or Territory, wholly or in part through the*  
21 *use of child labor, on or after January 1, 1938; or*

22 *(b) has taken delivery of such goods, wares, or*  
23 *merchandise in any State or Territory with notice of*  
24 *their character whether by purchase or on consignment,*

1        *as commission merchant, agent for forwarding or other*  
2        *purposes, or otherwise,*  
3        *to transport or cause to be transported, in any manner or by*  
4        *any means whatsoever, or aid or assist in obtaining trans-*  
5        *portation for or in transporting such goods, wares, or mer-*  
6        *chandise in interstate or foreign commerce or to sell such*  
7        *goods, wares, or merchandise for shipment in interstate or*  
8        *foreign commerce or with knowledge that shipment thereof*  
9        *in interstate or foreign commerce is intended.*

10        SEC. 5. For the purposes of this Act the term "child  
11        labor" shall be defined (a) as employment of a human being  
12        under the age of sixteen years and (b) as employment of a  
13        human being under the age of eighteen years at "extra haz-  
14        ardous work" specified by regulations promulgated pursuant  
15        hereto which specification shall be based on facts found by the  
16        Secretary of Labor as to the relative possibility of injury or  
17        detriment to health involved in various types of employment  
18        after necessary information on the subject has been collected  
19        by him or derived by him from sources deemed to be reliable;  
20        the term "children" shall be defined as human beings under  
21        the age of sixteen years; the term "package" shall be defined  
22        as a wrapping, container, or crate and as a unit of rolling  
23        stock in which goods, wares, or merchandise may be shipped  
24        or transported in bulk; the term "person" shall be defined

1 as an individual, a corporation, a partnership, an association,  
2 a joint-stock company, or any unincorporated organization;  
3 and the phrase "State or Territory" shall be defined to in-  
4 clude the organized States and Territories of the United  
5 States, any district or possession thereof, or place noncon-  
6 tiguous but subject to the jurisdiction thereof. The phrase  
7 ~~"manufactured, produced, or mined"~~ thereof; the words "*pro-*  
8 *duced*" and "*production*" shall be defined to include manufac-  
9 *turing, processing, fabricating, and mining operations* but as  
10 used in this Act shall not be construed to mean planting, cul-  
11 tivation, and harvesting of fruits, grains, vegetables, and other  
12 agricultural products or agricultural work in connection with  
13 dairying, livestock husbandry, and poultry husbandry.

14 SEC. 6. Any person violating any provision of this Act  
15 shall for each offense, upon conviction thereof, be punished  
16 by a fine of not more than \$1,000, and such goods, wares,  
17 or merchandise shall be forfeited to the United States and  
18 may be seized and condemned by like proceedings as those  
19 provided by law for the seizure and forfeiture of property  
20 imported into the United States contrary to law: *Provided,*  
21 *however,* That no person who in conformity to section 3 of  
22 this Act and in good faith sets forth in a label information  
23 stated to have been taken from another label shall be deemed  
24 thereby to have violated this Act so as to render himself  
25 subject to conviction, or goods, wares, or merchandise bear-

1 ing or contained in a package bearing such label subject to  
2 forfeiture, in the event any of the information so stated to  
3 have been taken from another label proves to be false: *And*  
4 *provided further, That no common carrier shall be deemed*  
5 *to have violated this Act if, at the time it accepts goods, wares,*  
6 *or merchandise for transportation in interstate commerce in*  
7 *the regular course of its business, it shall rely in good faith*  
8 *upon a signed statement of the consignor that the obtaining of*  
9 *transportation for or the transportation of such goods, wares,*  
10 *or merchandise will not constitute a violation of this Act, but*  
11 *any consignor who shall knowingly sign any false statement*  
12 *made to a common carrier as aforesaid shall be deemed*  
13 *thereby to have violated this Act. The failure of any consignor*  
14 *to furnish such a statement to a common carrier at the latter's*  
15 *request shall excuse the common carrier from its obligations to*  
16 *accept any goods for transportation in interstate commerce. In*  
17 *any proceeding arising out of an alleged violation of this*  
18 *Act, a showing that the goods, wares, or merchandise with*  
19 *respect to which the violation is alleged to have occurred*  
20 *were manufactured, produced, or mined wholly or in part*  
21 *by a person who used child labor at one or more stages or*  
22 *to perform one or more operations in the manufacture,*  
23 *production, or mining of goods, wares, or merchandise of*  
24 *similar character subsequent to January 1, 1938, and within*  
25 *six months of the date of the alleged violation at the place*

1 *of employment where said goods, wares, or merchandise*  
2 *were so produced in whole or in part shall be prima-facie*  
3 *evidence that the goods, wares, or merchandise with respect*  
4 *to which said violation is alleged to have occurred were*  
5 ~~*manufactured, produced, or mined*~~ *wholly or in part through*  
6 *the use of child labor. In any such proceeding a copy of,*  
7 *extract from, or statement summarizing a record kept by,*  
8 *or document filed with, a government, church, or school*  
9 *authority establishing, or purporting to establish, the age*  
10 *or date of birth of a human being whose labor is alleged*  
11 *to have been used in the ~~manufacture~~ *production* of goods,*  
12 *wares, or merchandise shall be admissible in evidence when*  
13 *certified by or on behalf of such authority without further*  
14 *identification or authentication as prima-facie evidence*  
15 *of the age of such human being. The adduction of such*  
16 *prima-facie evidence shall cast upon the defendant or the*  
17 *party objecting to the forfeiture of goods, wares, or mer-*  
18 *chandise, as the case may be, the burden of rebutting or*  
19 *repelling such prima-facie evidence by affirmative proof to*  
20 *the contrary. All records, returns, applications, and other*  
21 *information filed with or kept by any public office, officers,*  
22 *or authority pursuant to the Act of August 14, 1935 (ch.*  
23 *531, 49 Stat. 620), or any rule or regulation promulgated*  
24 *pursuant thereto, shall be available for inspection by any*  
25 *public official authorized or qualified to enforce this Act or*



1 to prosecute a violation thereof, and such public official may  
2 require that copies of, extracts from, or statements sum-  
3 marizing any of such records, returns, applications, or other  
4 information be certified and delivered to him by or on behalf  
5 of any public office, officers, or authority by whom the same  
6 are kept or with whom they be filed. *Any public official*  
7 *authorized or qualified to enforce this Act may utilize in*  
8 *that connection, and shall be entitled to rely upon, any and*  
9 *all records, returns, applications, certificates, and other*  
10 *information collected by or filed with authorities charged*  
11 *with the administration and enforcement of the laws of any*  
12 *State relating to the education and employment of human*  
13 *beings that may be made available to such public officials*  
14 *by such authorities and are deemed by such public officials*  
15 *to be useful and reliable.*

16 SEC. 7. Any violation of this Act shall be prosecuted  
17 in any court having jurisdiction of crime within the district  
18 in which said violation was committed, or from or into which  
19 any such goods, wares, or merchandise may have been car-  
20 ried or transported, or in any State or Territory, contrary  
21 to the provisions of this Act.

22 SEC. 8. (a) The Secretary of Labor, *through the Chil-*  
23 *dren's Bureau or such other agency within the Department*  
24 *of Labor as he may designate, shall be charged with the*  
25 *enforcement of this Act and shall be vested with full authority*

1 to administer its provisions and to prescribe such rules  
2 and regulations as may be necessary for its enforcement.

3       **(b)** *The Chief of the Children's Bureau or any persons*  
4 *designated by him, pursuant to the regulations issued under*  
5 *the preceding subsection, shall have authority to enter and*  
6 *inspect at any-time factories or other places in which articles*  
7 *are produced or held for interstate commerce and to inspect*  
8 *records relating to the employment of or to the shipment of*  
9 *articles therefrom, and to make periodic reports of such*  
10 *inspections: Provided, That nothing herein contained shall be*  
11 *construed to authorize any invasion of the privacy of any*  
12 *home by search or inspection or otherwise.*

13       **SEC. 9.** Sections 1, 2, and 4 of this Act are each  
14 intended to prescribe separate and distinct bases of regula-  
15 tion and the invalidity of any provision of any of said sec-  
16 tions or the application of such provision to any person or  
17 circumstances is not intended to affect the remainder of  
18 the Act and the application of such provision to other persons  
19 or circumstances.

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By Mr. WHEELER and Mr. JOHNSON of Colorado

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