

75TH CONGRESS  
1ST SESSION

# S. 2345

---

IN THE SENATE OF THE UNITED STATES

MAY 6, 1937

MR. BARKLEY introduced the following bill; which was read twice and referred to the Committee on Interstate Commerce

---

## A BILL

To regulate commerce with foreign nations and among the several States in the products of child labor.

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  
4       deliver for shipment in interstate or foreign commerce any  
5       article produced in a factory situated in the United States,  
6       in or about which within sixty days prior to the removal of  
7       such article therefrom any minor under the age of sixteen  
8       years has been employed: *Provided,* That a prosecution and  
9       conviction of a defendant for the shipment or delivery for  
10      shipment of any article under the conditions herein pro-  
11      hibited shall be a bar to any further prosecution against the

1 same defendant for shipments or deliveries for shipment  
2 of any such article before the beginning of said prosecution.

3 (b) The provisions of this Act with respect to articles  
4 within the preceding subsection, shall also apply with respect  
5 to such articles as are produced in any mine, foundry, saw-  
6 mill, planing mill or establishment manufacturing explosives,  
7 situated in the United States, in which within sixty days  
8 prior to the removal of such articles therefrom any minor  
9 under the age of eighteen years has been employed.

10 SEC. 2 (a). The Secretary of Labor shall have  
11 authority from time to time to make, amend, and rescind  
12 such rules and regulations as may be necessary to carry out  
13 the provisions of this Act.

14 (b) The Chief of the Children's Bureau or any persons  
15 designated by him, pursuant to the regulations issued under  
16 the preceding subsection, shall have authority to enter and  
17 inspect at any time factories or other places in which articles  
18 are produced or held for interstate commerce and to inspect  
19 records relating to the employment of minors or to the ship-  
20 ment of articles therefrom, and to make periodic reports of  
21 such inspections.

22 (c) The Secretary of Labor, with the consent of the  
23 state agencies charged with the administration of state laws  
24 relating to the employment of minors, may utilize such state  
25 and local officers concerned with the administration of these

1 laws as he may find necessary from time to time for the  
2 administration of this Act.

3 (d) Whenever the Secretary of Labor shall report any  
4 violation of this Act to the Attorney General and furnish  
5 him with substantial evidence in support thereof, the  
6 Attorney General shall cause appropriate proceedings to be  
7 commenced and prosecuted in the proper courts of the  
8 United States without delay for the enforcement of the  
9 penalties in such cases herein provided.

10 SEC. 3. That any person who violates any of the pro-  
11 visions of section 1 of this Act, or who refuses or obstructs  
12 entry or inspection authorized by section 2 of this Act, shall  
13 for each offense prior to the first conviction of such person  
14 under the provisions of this Act, be punished by a fine of  
15 not more than \$200, and shall for each offense subsequent  
16 to such conviction be punished by a fine of not more than  
17 \$1,000, nor less than \$100, or by imprisonment for not more  
18 than three months, or by both such fine and imprisonment  
19 in the discretion of the court: *Provided*, That no dealer shall  
20 be prosecuted under the provisions of this Act for a ship-  
21 ment or delivery for shipment who has secured a represen-  
22 tation in writing from the person by whom the goods shipped  
23 or delivered for shipment were produced, resident in the  
24 United States, to the effect that such articles were not pro-  
25 duced in a place the shipment of which therefrom is pro-

1 hibited under section 1; and in such event, if such represen-  
2 tation contains any false statement of a material fact, the  
3 person furnishing the same shall be amenable to prosecution  
4 and to the fine or imprisonment provided by this section  
5 for violation of the provisions of this Act. Said represen-  
6 tation, to afford the protection above provided, shall contain  
7 the name and address of the person furnishing the same:  
8 *And provided further,* That there shall be no prosecution  
9 under this Act for the shipment or delivery for shipment  
10 of articles produced in a place the shipment of which there-  
11 from is prohibited by reason of the employment of a minor  
12 under the age of eighteen, if such employment has been that  
13 of a minor as to whom the producer or manufacturer has on  
14 file prior to such shipment or delivery an age certificate,  
15 issued pursuant to the regulations authorized herein, indi-  
16 cating that the minor is of such an age that such shipment  
17 or delivery was not prohibited by this Act. Any person who  
18 knowingly makes a false statement or presents false evi-  
19 dence in or in relation to any such certificate or applica-  
20 tion therefor, shall be amenable to prosecution and to the fine  
21 or imprisonment provided by this section for violations of  
22 this Act. In any state designated by the regulations an  
23 employment or age certificate issued by an official author-  
24 ized to issue such certificates under the laws of that state  
25 and not inconsistent with the provisions of this Act, shall

1 have the same force and effect as a certificate herein  
2 provided for.

3 SEC. 4. Whenever used in this Act—

4 (a) The words "United States" shall mean the States,  
5 Alaska, Hawaii and the District of Columbia;

6 (b) The word "person" shall include one or more indi-  
7 viduals, partnerships, associations, corporations, legal repre-  
8 sentatives, trustees, trustees in bankruptcy or receivers;

9 (c) The words "ship or deliver for shipment in inter-  
10 state and foreign commerce" as used in this Act means to  
11 transport or to ship or deliver for shipment from any state  
12 or territory or the District of Columbia to or through any  
13 other state or territory or the District of Columbia or to  
14 any foreign country; and in the case of a dealer means only  
15 to transport or to ship or deliver for shipment from the  
16 state, territory or district of manufacture or production;

17 (d) The word "factory" shall include any mine, mill,  
18 foundry, cannery, workshop or manufacturing establishment;

19 (e) The word "producer" shall include manufactured,  
20 assembled, fabricated, processed, packed or otherwise pre-  
21 pared for shipment.

22 (f) The word "article" shall include commodities, sup-  
23 plies, materials, and equipment;

24 (g) The word "employed" shall include suffered or  
25 permitted to work.

1        SEC. 5. If any provision of this Act, or the application  
2 thereof to any persons or circumstances, is held invalid, the  
3 remainder of the Act, and the application of such provisions  
4 to other persons or circumstances, shall not be affected  
5 thereby.

6        SEC. 6. This Act shall become effective on and after  
7 one hundred eighty days from its approval.

8        SEC. 7. This Act may be cited as the "Federal Child  
9 Labor Act of 1937."

76TH CONGRESS }  
1ST SESSION

S. 2345

---

---

# A BILL

To regulate commerce with foreign nations  
and among the several States in the products  
of child labor.

---

---

By Mr. BARKLEY

MAY 6, 1937

Read twice and referred to the Committee on  
Interstate Commerce