

105TH CONGRESS
2D SESSION

H. R. 4450

To amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 1998

Mr. GEPHARDT (for himself and Mr. LANTOS) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Fair Labor Standards Act of 1938 to reform the provisions relating to 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 **SECTION 1. SHORT TITLE; REFERENCE.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Children’s Act for Responsible Employment” or the
6 “CARE Act”.

7 (b) **REFERENCE.**—Whenever in this Act an amend-
8 ment or repeal is expressed in terms of an amendment
9 to, or repeal of, a section or other provision, the reference
10 shall be considered to be made to a section or other provi-

1 sion of the Fair Labor Standards Act of 1938 (29 U.S.C.
2 201 et seq.).

3 **SEC. 2. AGRICULTURAL EMPLOYMENT.**

4 Section 13(c) (29 U.S.C. 213(c)) is amended—

5 (1) by amending paragraph (1) to read as fol-
6 lows:

7 “(1) The provisions of section 12 relating to child
8 labor shall not apply to any employee employed in agri-
9 culture outside of school hours for the school district
10 where such employee is living while such employee is so
11 employed, if such employee is employed by such employee’s
12 parent or legal guardian, on a farm owned or operated
13 by such parent or legal guardian.”; and

14 (2) by striking paragraphs (2) and (4).

15 **SEC. 3. YOUTH PEDDLING.**

16 (a) FINDING.—The last sentence of section 2(a) (29
17 U.S.C. 202(a)) is amended by inserting after “house-
18 holds” the following: “and the employment of employees
19 in youth peddling”.

20 (b) OPPRESSIVE CHILD LABOR.—Section 3(l) (29
21 U.S.C. 203(l)) is amended in the last sentence by striking
22 “manufacturing and mining” and inserting “manufactur-
23 ing, mining, and youth peddling”.

24 (b) DEFINITION.—Section 3 (29 U.S.C. 203) is
25 amended by adding at the end the following:

1 “(y) ‘Youth peddling’ means selling goods or services
2 by employees under the age of 16 to customers at their
3 residences, places of business, or public places such as
4 street corners or public transportation stations. The term
5 ‘youth peddling’ does not include—

6 “(1) the activities of individuals who, as volun-
7 teers, sell goods or services on behalf of not-for-prof-
8 it organizations; or

9 “(2) certain categories of employment, such as
10 seasonal employment, which the Secretary may by
11 regulation exclude from such term.”.

12 (c) PROHIBITION OF YOUTH PEDDLING.—Section
13 12(c) (29 U.S.C. 212(c)) is amended by inserting after
14 “oppressive child labor in commerce or in the production
15 of goods for commerce” the following: “, in youth ped-
16 dling,”.

17 **SEC. 4. CIVIL AND CRIMINAL PENALTIES FOR CHILD**
18 **LABOR VIOLATIONS.**

19 (a) CIVIL MONEY PENALTIES.—Section 16(e) (29
20 U.S.C. 216(e)) is amended in the first sentence—

21 (1) by striking “\$10,000” and inserting
22 “\$15,000”;

23 (2) by inserting after “subject to a civil penalty
24 of” the following: “not less than \$500 and”.

1 (b) CRIMINAL PENALTIES.—Section 16(a) (29
2 U.S.C. 216(a)) is amended by adding at the end the fol-
3 lowing: “Any person who violates the provisions of section
4 15(a)(4), concerning oppressive child labor, shall on con-
5 viction be subject to a fine of not more than \$15,000, or
6 to imprisonment for not more than 5 years, or both, in
7 the case of a willful or repeat violation that results in or
8 contributes to a fatality of a minor employee or a perma-
9 nent disability of a minor employee, or a violation which
10 is concurrent with a criminal violation of any other provi-
11 sion of this Act or of any other Federal or State law.”.

12 **SEC. 5. GOODS TAINTED BY OPPRESSIVE CHILD LABOR.**

13 Section 12(a) (29 U.S.C. 212(a)) is amended by in-
14 serting after “notice of any such violation” the following
15 “or any other such shipment or delivery for shipment that
16 the Secretary determines may be allowed to be shipped
17 or delivered for shipment in interstate commerce”.

18 **SEC. 6. COORDINATION.**

19 Section 4 (29 U.S.C. 204) is amended by adding at
20 the end the following:

21 “(g) The Secretary shall encourage and establish
22 closer working relationships with non-governmental orga-
23 nizations and with State and local government agencies
24 having responsibility for administering and enforcing labor
25 and safety and health laws. Upon the request of the Sec-

1 retary, and to the extent permissible under applicable law,
2 State and local government agencies with information re-
3 garding injuries and deaths of employees shall submit such
4 information to the Secretary for use as appropriate in the
5 enforcement of section 12 and in the promulgation and
6 interpretation of the regulations and orders authorized by
7 section 3(l). The Secretary may reimburse such State and
8 local government agencies for such services.”.

9 **SEC. 7. REGULATIONS AND MEMORANDUM OF UNDER-**
10 **STANDING.**

11 (a) REGULATIONS.—The Secretary of Labor shall
12 issue such regulations as are necessary to carry out this
13 Act and the amendments made by this Act.

14 (b) MEMORANDUM OF UNDERSTANDING.—The Sec-
15 retary of Labor and the Secretary of Agriculture shall, not
16 later than 180 days after the date of enactment of this
17 Act, enter into a memorandum or understanding to coordi-
18 nate the development and enforcement of standards to
19 minimize child labor.

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