

105TH CONGRESS
2D SESSION

S. 2383

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

IN THE SENATE OF THE UNITED STATES

JULY 30, 1998

Mr. HARKIN (for himself, Mr. KENNEDY, Mr. KERRY, and Ms. MOSELEY-BRAUN) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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 striking paragraph (1) and inserting the
6 following:

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 he or she is so em-
11 ployed, if such employee is employed by his or her parent
12 or legal guardian, on a farm owned or operated by such
13 parent or legal guardian.”; and

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

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

16 (a) FAIR LABOR STANDARDS ACT COVERAGE.—

17 (1) FINDING.—The last sentence of section 2(a)
18 (29 U.S.C. 202(a)) is amended by inserting after
19 “households” the following: “, and the employment
20 of employees under the age of 16 years in youth
21 peddling,”.

22 (2) DEFINITION.—Section 3 (29 U.S.C. 203) is
23 amended by adding at the end the following:

24 “(y) ‘Youth peddling’ means selling goods or services
25 to customers at their residences, places of business, or

1 public places such as street corners or public transpor-
 2 tation stations. ‘Youth peddling’ does not include the ac-
 3 tivities of persons who, as volunteers, sell goods or services
 4 on behalf of not-for-profit organizations.”.

5 (b) DEFINITION OF OPPRESSIVE CHILD LABOR.—
 6 Section 3(l) (29 U.S.C. 203(l)) is amended in the last sen-
 7 tence by insert after “occupations other than” the follow-
 8 ing: “youth peddling,”.

9 (c) PROHIBITION OF YOUTH PEDDLING.—Section
 10 12(c) (29 U.S.C. 212(c)) is amended by inserting after
 11 “oppressive child labor in commerce or in the production
 12 of goods for commerce” the following: “, or in youth ped-
 13 dling,”.

14 **SEC. 4. CIVIL AND CRIMINAL PENALTIES FOR CHILD**
 15 **LABOR VIOLATIONS.**

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

18 (1) by striking “\$10,000” and inserting
 19 “\$15,000”;

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

22 (b) CRIMINAL PENALTIES.—Section 16(a) (29
 23 U.S.C. 216(a)) is amended by adding at the end the fol-
 24 lowing: “Any person who violates the provisions of section
 25 15(a)(4), concerning oppressive child labor, shall on con-

1 viction be subject to a fine of not more than \$15,000, or
2 to imprisonment for not more than 5 years, or both, in
3 the case of a willful or repeat violation that results in or
4 contributes to a fatality of a minor employee or a perma-
5 nent disability of a minor employee, or a violation which
6 is concurrent with a criminal violation of any other provi-
7 sion of this Act or of any other Federal or State law.”.

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

9 Section 12(a) (29 U.S.C. 212(a)) is amended by
10 striking the period at the end and inserting the following:
11 “: *And provided further*, that the Secretary shall determine
12 the circumstances under which such goods may be allowed
13 to be shipped or delivered for shipment in interstate com-
14 merce.”.

15 **SEC. 6. COORDINATION.**

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

18 “(g) The Secretary shall encourage and establish
19 closer working relationships with non-governmental orga-
20 nizations and with State and local government agencies
21 having responsibility for administering and enforcing labor
22 and safety and health laws. Upon the request of the Sec-
23 retary, and to the extent permissible under applicable law,
24 State and local government agencies with information re-
25 garding injuries and deaths of employees shall submit such

1 information to the Secretary for use as appropriate in the
2 enforcement of section 12 and in the promulgation and
3 interpretation of the regulations and orders authorized by
4 section 3(l). The Secretary may reimburse such State and
5 local government agencies for such services.”.

6 **SEC. 7. REGULATIONS AND MEMORANDUM OF UNDER-**
7 **STANDING.**

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

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

17 **SEC. 8. AUTHORIZATION.**

18 There is authorized to be appropriated to the Sec-
19 retary of Labor such sums as may be necessary for to
20 carry out this Act and the amendments made by this Act.

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