

MAR 08 2024

SENATE RESOLUTION

RATIFYING A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES GIVING THE CONGRESS OF THE UNITED STATES POWER TO LIMIT, REGULATE, AND PROHIBIT THE LABOR OF PERSONS UNDER EIGHTEEN YEARS OF AGE.

1 WHEREAS, unregulated child labor has a detrimental effect
2 on health and welfare of children; and
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4 WHEREAS, the 1900 census revealed that approximately two
5 million children were working in mills, mines, fields,
6 factories, stores, and on city streets across the United States,
7 which influenced a national movement to end child labor in the
8 United States; and
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10 WHEREAS, in 1916, the Congress of the United States
11 (Congress) passed its first child labor bill, the Keating-Owen
12 Child Labor Act of 1916, which attempted to regulate child labor
13 by prohibiting the interstate shipment of goods produced by any
14 factory, shop, or cannery that employed children under the age
15 of fourteen; any mine that employed children under the age of
16 sixteen; and any facility where children under the age of
17 sixteen worked at night or for more than eight hours during the
18 day; and
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20 WHEREAS, Congress cited to the federal government's ability
21 to regulate interstate commerce as its authority to pass the
22 Keating-Owen Child Labor Act; however, the United States Supreme
23 Court in *Hammer v. Dagenhart*, 247 U.S. 251 (1918), distinguished
24 between the Congress's power to regulate commerce and the
25 states' power to regulate production, and ruled that the law was
26 unconstitutional because it overstepped the federal government's
27 powers to regulate interstate commerce; and
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29 WHEREAS, in 1918, Congress passed a second child labor bill
30 as part of the Revenue Act of 1919, also called Child Labor Tax
31 Law, which took an indirect route to regulate child labor by
32 using the government's power to levy taxes; and
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WHEREAS, House Joint Resolution 184 was submitted to the state legislatures for ratification; and

WHEREAS, ratification of House Joint Resolution 184 stalled after 1925, due to an effective campaign to discredit it, including traditional states' rights arguments against increases in the power of the federal government and accusations that the amendment was a communist-inspired plot to subvert the Constitution of the United States; and

WHEREAS, by 1937, when the most recent state ratified House Joint Resolution 184, only twenty-eight states had ratified it, which fell short of the three-fourths threshold required for a constitutional amendment; and

WHEREAS, the proposal for the constitutional amendment is still outstanding since Congress did not set a time limit for its ratification, and ratification by ten more states is required to add the amendment to the Constitution of the United States; and

WHEREAS, fifteen states have rejected and refused to subsequently ratify House Joint Resolution 184, and Hawai'i is one of the seven states that have no record of taking action on the proposed constitutional amendment; and

WHEREAS, federal regulation of child labor in the United States is now provided under the Fair Labor Standards Act of 1938, as amended; however, ratification of the constitutional amendment set forth in House Joint Resolution 184 would put Hawai'i on the right side of history; now, therefore,

BE IT RESOLVED by the Senate of the Thirty-second Legislature of the State of Hawaii, Regular Session of 2024, that the Article proposed as an amendment to the Constitution of the United States as set forth in United States House Joint Resolution 184, dated June 2, 1924, is hereby ratified by the Legislature of the State of Hawaii; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Archivist of the United States,

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1 Majority Leader of the United States Senate, members of Hawai'i's
2 congressional delegation, and Director of Labor and Industrial
3 Relations.

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OFFERED BY: _____

