

108TH CONGRESS
1ST SESSION

H. R. 2145

To condition the minimum-wage-exempt status of organized camps under the Fair Labor Standards Act of 1938 on compliance with certain safety standards, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2003

Mr. ANDREWS introduced the following bill; which was referred to the
Committee on Education and the Workforce

A BILL

To condition the minimum-wage-exempt status of organized camps under the Fair Labor Standards Act of 1938 on compliance with certain safety standards, 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Camp Safety Act of
5 2003”.

1 **SEC. 2. REQUIREMENT FOR ORGANIZED CAMPS TO CON-**
2 **TINUE MINIMUM-WAGE-EXEMPT STATUS.**

3 Section 13(a) of the Fair Labor Standards Act of
4 1938 (29 U.S.C. 213(a)) is amended as follows:

5 (1) In paragraph (3), by inserting “(subject to
6 paragraph (18))” after “organized camp”.

7 (2) In paragraph (17), by striking the period at
8 the end and inserting “; or”.

9 (3) By adding at the end the following new
10 paragraph:

11 “(18) an organized camp under paragraph (3),
12 if such camp—

13 “(A) provides personal health, first aid and
14 medical services, health supervision, and main-
15 tenance of camp-related health records for
16 campers;

17 “(B) adheres to applicable State and local
18 standards regarding—

19 “(i) fire and building safety relating
20 to the buildings and the occupants of
21 buildings used by such camp; and

22 “(ii) sanitation relating to camp per-
23 sonnel, buildings, and grounds;

24 “(C) reports annually to the Secretary, on
25 a date prescribed by the Secretary, all incidents
26 resulting in death, injury, or illness, other than

1 minor injuries which require only first aid treat-
2 ment and which do not involve medical treat-
3 ment, loss of consciousness, restriction of activ-
4 ity or motion, or premature termination of a
5 camper's term at the camp;

6 “(D) provides access to the Secretary for
7 inspection or investigation of such camp under
8 section 3 of the Camp Safety Act of 2001;

9 “(E)(i) conducts criminal background
10 checks of all camp employees for convictions
11 under Federal and State laws;

12 “(ii) maintains a record of such checks for
13 at least 6 months after the date of termination
14 of such an employee's employment; and

15 “(iii) makes such records available to the
16 Secretary upon the request of the Secretary;
17 and

18 “(F) maintains a ratio of at least 1 life-
19 guard for every 30 camper swimmers.”.

20 **SEC. 3. ENFORCEMENT BY SECRETARY OF LABOR.**

21 (a) IN GENERAL.—The Secretary of Labor shall
22 monitor and enforce compliance of organized camps sub-
23 ject to section 13(a)(18) of the Fair Labor Standards Act
24 of 1938 (29 U.S.C. 213(a)(18)). In monitoring and en-
25 forcing such compliance, the Secretary shall—

1 (1) implement a system for the routine report-
2 ing of fatalities and serious injuries or illnesses;

3 (2) implement procedures for conducting in-
4 spection and verifying information provided to the
5 Secretary by such camps;

6 (3) investigate complaints received regarding
7 such camps;

8 (4) require appropriate training, including
9 knowledge of outdoor camping, for camp inspectors;
10 and

11 (5) compile statistics based on the information
12 in the reports required to be submitted by such
13 camps under subparagraph (C) of section 13(a)(18)
14 of such Act (29 U.S.C. 213(a)(18)(C)); and

15 (6) based at least in part on the statistics com-
16 piled under such subparagraph (C), determine the
17 areas in which additional safety standards are nec-
18 essary and prescribe appropriate regulations.

19 (b) INVESTIGATIVE AUTHORITY.—In monitoring and
20 enforcing compliance under subsection (a), the Secretary
21 of Labor may—

22 (1) enter and inspect such a camp and its
23 records, question the employees of such camp, and
24 investigate facts, conditions, practices, or other mat-

1 ters, to the extent the Secretary deems necessary or
2 appropriate; and

3 (2) administer oaths and examine witnesses
4 under oath, issue subpoenas, and compel the attend-
5 ance of witnesses and other relevant records.

6 **SEC. 4. EFFECT ON STATE LAW.**

7 (a) EQUAL OR GREATER PROTECTION UNDER STATE
8 LAW.—Section 13(a)(18) of the Fair Labor Standards
9 Act of 1938 (29 U.S.C. 213(a)(18)) preempts a State’s
10 laws regarding camp safety, unless the Secretary of Labor
11 determines that such State’s laws provide substantially the
12 same, or greater, protection for campers as such section.
13 Such State’s laws are only preempted to the extent that
14 the Secretary determines that they provide lesser protec-
15 tion for campers than such section.

16 (b) JUDICIAL REVIEW OF DETERMINATION BY SEC-
17 RETARY.—A State aggrieved by a determination under
18 subsection (a) may bring an action in an appropriate
19 United States district court for review of such determina-
20 tion.

21 (c) EFFECT OF COMPLIANCE WITH EQUIVALENT
22 STATE LAW.—A person that complies with a State law
23 which the Secretary of Labor has determined under sub-
24 section (a) provides substantially the same, or greater,
25 protection for campers as section 13(a)(18) of the Fair

1 Labor Standards Act of 1938 (29 U.S.C. 213(a)(18))
2 shall be deemed to have complied with the requirements
3 of such section.

