

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2679

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.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2001

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

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## 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       2001”.

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—

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”; and

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 section 13(a)(18)(C) of such Act (29  
14          U.S.C. 213(a)(18)(C)); and

15          (6) based at least in part on the statistics com-  
16          piled under subparagraph (C), determine the areas  
17          in which additional safety standards are necessary  
18          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 but such State’s laws are only preempted to the extent  
14 that the Secretary determines that they provide lesser pro-  
15 tection 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.

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