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

IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2013

Ms. ROYBAL-ALLARD 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 strengthen 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.
4 This Act may be cited as the “Children’s Act for Re-
5 sponsible Employment of 2013” or the “CARE Act of
6 2013”.

7 SEC. 2. AMENDED DEFINITIONS.
8 Section 3(l) of the Fair Labor Standards Act of 1938
9 (29 U.S.C. 203(l)) is amended to read as follows:
“(l) ‘Oppressive child labor’ means a condition of em-
ployment under which—

“(1) any employee who is 16 or 17 years of age
is employed by an employer in any occupation found
by the Secretary and by order declared to be par-
ticularly hazardous for the employment of children
between such ages or detrimental to their health or
well-being;

“(2) any employee who is 14 or 15 years of age
is employed by an employer, unless the Secretary
has determined that the employment is confined to
periods which will not interfere with the schooling of
the employee, and that the conditions of employment
will not interfere with the health and well-being of
the employee; or

“(3) any employee who is under 14 years of age
is employed by an employer.”.

SEC. 3. REVISED AGE REQUIREMENT FOR CHILD AGRICUL-
TURAL EMPLOYMENT; REPEAL OF WAIVER
PROVISION FOR HAND HARVEST LABORERS.

(a) Revised Age Requirement.—Section 13(c) of
the Fair Labor Standards Act of 1938 (29 U.S.C. 213(c))
is amended by striking paragraphs (1) and (2) and insert-
ing the following:
“(1) The provisions of section 12 relating to child labor shall not apply to any employee under 18 years of age who is employed in agriculture by his or her parent, or by a person standing in the place of the parent, on a farm owned by the parent or person.

“(2) The provisions of section 12 relating to child labor shall not apply to any employee under 16 years of age who is employed by his or her parent, or by a person standing in the place of the parent, in employment other than agricultural employment, manufacturing, mining, or any other employment the Secretary finds to be particularly hazardous for the employment of a child 16 or 17 years of age or detrimental to their health or well being.”.

(b) Repeal of Waiver Provision.—Section 13(c) of such Act (29 U.S.C. 213(c)) is further amended by striking paragraph (4) and redesignating paragraphs (5) through (7) as paragraphs (4) through (6), respectively.

SEC. 4. INCREASED CIVIL PENALTIES FOR CHILD LABOR VIOLATIONS.

Paragraph (1) of section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)(1)) is amended—
(1) by striking “person” each place it appears and inserting “employer”;

(2) in subparagraph (A)—

(A) by striking “not to exceed” and inserting “of”; and

(B) by amending clauses (i) and (ii) to read as follows:

“(i) not less than $500 and not more than $15,000 for each employee who was the subject of such a violation; or

“(ii) not less than $15,000 and not more than $50,000 with regard to each such violation that causes the serious injury, serious illness, or death of any employee under the age of 18 years, which penalty may be doubled where the violation is a repeated or willful violation.”; and

(3) in subparagraph (B) by striking “the term ‘serious injury’ means” and inserting “the terms ‘serious injury’ and ‘serious illness’ mean”.

SEC. 5. SPECIAL CRIMINAL PENALTIES FOR CERTAIN AGGRAVATED CHILD LABOR VIOLATIONS.

Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended—
(1) in subsection (a), by striking “Any person” and inserting “Except as provided in subsection (f), any person”; and

(2) by adding at the end the following:

“(f) Any person who repeatedly or willfully violates any of the provisions of section 12, and such violations result in or cause the death or serious injury or serious illness of an employee under 18 years of age at the time of such violation, shall be subject to imprisonment for not more than 5 years or a fine under title 18, United States Code, or both.”.

SEC. 6. PESTICIDE-RELATED WORKER PROTECTION STANDARD.

Congress finds and declares that the employment of children under the age of 18 in the occupation of a pesticide handler as defined in the worker protection standard for workers exposed to pesticides in part 170 of title 40, Code of Federal Regulations, is particularly hazardous to such children and detrimental to their health and well-being. The Secretary of Labor shall revise part 570 of title 29, Code of Federal Regulations, to prohibit the employment of a child under the age of 18 to perform any of the tasks or duties described in the definition of the term “handler” in section 170.3 of title 40, Code of Federal Regulations.
SEC. 7. APPLICATION OF FAIR LABOR STANDARDS AMENDMENTS.

(a) RULEMAKING.—The Secretary of Labor may prescribe rules as necessary to implement the amendments made by sections 2 through 5 and the revision required by section 6. Any such rules issued shall take effect not later than 30 days after the date on which the such rules are published in the Federal Register.

(b) VIOLATIONS.—The amendments made by sections 2, 3, 4, and 5 and the revision required by section 7 shall apply to violations of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) that occur after the date on which the rules issued under subsection (a) take effect.

(e) RULE OF CONSTRUCTION.—Nothing in the amendments made by section 3, 4, or 5 or in the revision required by section 7 shall be construed to preempt any State law that provides protections or remedies for employees that are greater than the protections or remedies provided under such amendments or such revision.