

118TH CONGRESS
1ST SESSION

H. R. 2956

To amend the Fair Labor Standards Act of 1938 to increase criminal and civil penalties related to child labor, to require the Secretary of Labor to annually report to Congress on child labor violations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2023

Mr. KILDEE (for himself, Mr. CÁRDENAS, Ms. CLARKE of New York, Ms. NORTON, Mr. MULLIN, Ms. TLAIB, Mr. GARCÍA of Illinois, Ms. TOKUDA, Ms. SCHOLTEN, Ms. SCHAKOWSKY, Ms. CARAVEO, Mr. LYNCH, Mr. CARSON, Ms. WASSERMAN SCHULTZ, Mr. CASAR, Ms. SÁNCHEZ, Ms. JAYAPAL, Ms. CHU, Mr. MCGOVERN, Ms. MOORE of Wisconsin, Ms. TITUS, Ms. LEE of California, Ms. VELÁZQUEZ, Ms. WILLIAMS of Georgia, Ms. ADAMS, Mr. NORCROSS, Mr. EVANS, Ms. DEAN of Pennsylvania, Mr. TRONE, Ms. SLOTKIN, Mr. TAKANO, Mr. THANEDAR, Mrs. DINGELL, Ms. BARRAGÁN, Mr. POCAN, Mr. DESAULNIER, and Mrs. HAYES) 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 increase criminal and civil penalties related to child labor, to require the Secretary of Labor to annually report to Congress on child labor violations, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Combating Child
3 Labor Act”.

4 **SEC. 2. PENALTIES RELATED TO CHILD LABOR.**

5 (a) **CRIMINAL PENALTIES.**—Section 16(a) of the
6 Fair Labor Standards Act of 1938 (29 U.S.C. 216(a) is
7 amended—

8 (1) by striking “Any” and inserting “(1) Any”;

9 (2) by inserting “(other than subsection (a)(4))”
10 after “section 15”;

11 (3) by striking “this subsection” each place it
12 appears and inserting “this paragraph”; and

13 (4) by adding at the end the following new
14 paragraphs:

15 “(2) Any person who repeatedly or willfully vio-
16 lates section 15(a)(4) shall upon conviction thereof
17 be subject to a fine of not more than \$100,000, or
18 to imprisonment for not more than 5 years, or both.

19 “(3) Any person who repeatedly or willfully vio-
20 lates section 15(a)(4) that results in the death or se-
21 rious injury of an employee under the age of 18
22 years shall upon conviction thereof be subject to a
23 fine of not more than \$500,000, or to imprisonment
24 for not more than 10 years, or both”.

1 (b) CIVIL PENALTIES.—Section 16(e)(1) of the Fair
2 Labor Standards Act of 1938 (29 U.S.C. 216(e)(1)) is
3 amended—

4 (1) in subparagraph (A)—

5 (A) by striking “not to exceed” and insert-
6 ing “that is”;

7 (B) by moving the margins for clauses (i)
8 and (ii) 4 ems to the left;

9 (C) in clause (i)—

10 (i) by striking “\$11,000” and insert-
11 ing “not less than \$1,000 and not more
12 than \$150,000”; and

13 (ii) by striking “; or” and inserting “,
14 which penalty may be doubled where the
15 violation is a repeated or willful violation;”;
16 and

17 (D) in clause (ii)—

18 (i) by striking “\$50,000” and insert-
19 ing “not less than \$20,000 and not more
20 than \$700,000”; and

21 (ii) by striking “death or”; and

22 (iii) by striking the period at the end
23 and inserting “; or”

24 (E) by adding at the end the following:

1 “(iii) not less than \$70,000 and not more than
 2 \$700,000 with regard to each such violation that
 3 causes the death of any employee under the age of
 4 18 years, which penalty may be doubled where the
 5 violation is a repeated or willful violation.”.

6 (2) in subparagraph (B), by striking “subpara-
 7 graph (A)” and inserting “this section”.

8 (c) EFFECTIVE DATE.—The amendments made by
 9 this section shall apply to violations occurring on or after
 10 the date of enactment of this section.

11 **SEC. 3. REPORT ON CHILD LABOR ACTIVITIES.**

12 The Fair Labor Standards Act of 1938 (29 U.S.C.
 13 201 et seq.) is further amended by inserting after section
 14 12 the following new section:

15 **“SEC. 12A. REPORT ON CHILD LABOR ACTIVITIES.**

16 “The Secretary shall submit annually a report to
 17 Congress, and on the same day publish such report in the
 18 Federal Register and on the website of the Department
 19 of Labor, on violations of the provisions of section 12 or
 20 13(c), relating to child labor, or any regulation issued pur-
 21 suant to such sections, in the most recent fiscal year pre-
 22 ceding such report, including the following information:

23 “(1) A list of employers determined to have
 24 committed such violations, including—

25 “(A) the employer’s name and address;

1 “(B) the number and type of violations
2 committed;

3 “(C) a summary explanation of each viola-
4 tion of sections 12(a) and 15(a)(1) related to
5 child labor;

6 “(D) any penalties assessed under section
7 17; and

8 “(E) any other action taken in relation to
9 such violations.

10 “(2) A list of goods (including consumer facing
11 brands and trademarks, the names under which such
12 goods are marketed to consumers, and other infor-
13 mation a consumer may use to identify such goods)
14 that the Secretary has reason to believe were pro-
15 duced in an establishment situated in the United
16 States in or about which any oppressive child labor
17 has been employed.

18 “(3) A summary of trends in such violations,
19 including—

20 “(A) whether such violations were related
21 to—

22 “(i) the occupation of the child being
23 found to be particularly hazardous for the
24 child employed or detrimental to their
25 health and well-being;

1 “(ii) the periods during which such
2 child is employed; or

3 “(iii) the maximum hours such child
4 may be employed for; and

5 “(B) any comparatively high violation rates
6 in industries or regions.

7 “(4) A summary of enforcement actions taken
8 by the Secretary to prevent and detect such viola-
9 tions, including information on how the Secretary
10 detects violations, the enforcement strategy, whether
11 such enforcement strategy is effective, and ways it
12 could be improved.

13 “(5) Information on the prevalence of investiga-
14 tions related to such violations in comparison to the
15 potential extent of oppressive child labor in the
16 United States.

17 “(6) Information on data collection related to
18 child labor, including recommendations for improv-
19 ing such data collection.

20 “(7) A description of any additional resources
21 necessary to conduct activities related to enforcing
22 the provisions of sections 12 or 13(c).”.

○