

118TH CONGRESS
2D SESSION

H. R. 9137

To safeguard the rights of workers and protect children by responsibly increasing civil monetary penalties and other means.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2024

Mr. SCOTT of Virginia (for himself, Mr. NORCROSS, Mrs. DINGELL, Mr. HORSFORD, Mr. POCAN, Ms. ADAMS, Ms. NORTON, Mr. MCGARVEY, Ms. BONAMICI, Mr. CASAR, Ms. WILD, Mr. THANEDAR, Ms. OMAR, and Mrs. RAMIREZ) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Oversight and Accountability, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To safeguard the rights of workers and protect children by responsibly increasing civil monetary penalties and other means.

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 “Labor Enforcement
5 to Securely Protect Workers Act” or the “LET’S Protect
6 Workers Act”.

1 **SEC. 2. IMPROVED PROTECTION FOR WORKERS AND CHIL-**
2 **DREN THROUGH MEANINGFUL CIVIL PEN-**
3 **ALTIES.**

4 (a) CHILD LABOR.—Section 16(e)(1)(A) of the Fair
5 Labor Standards Act of 1938 (29 U.S.C. 216(e)(1)(A))
6 is amended to read as follows:

7 “(A) Any person who violates the provisions of sec-
8 tions 12 or 13(c), relating to child labor, or any regulation
9 issued pursuant to such sections, shall be subject to a civil
10 penalty as follows:

11 “(i) Not more than \$150,000, but not less than
12 \$1,500, for each employee who was the subject of
13 such a violation.

14 “(ii) Not more than \$700,000, but not less
15 than \$7,000, with regard to each such violation that
16 causes the death or serious injury of any employee
17 under the age of 18 years, which penalty may be
18 doubled where the violation is a repeated or willful
19 violation.”.

20 (b) WAGE AND HOUR PROTECTIONS.—Section 16(e)
21 of the Fair Labor Standards Act of 1938 (29 U.S.C.
22 216(e)), as amended by subsection (a), is further amend-
23 ed—

24 (1) in paragraph (2)—

25 (A) in the first sentence—

1 (i) by striking “repeatedly or will-
2 fully”; and

3 (ii) by striking “not to exceed \$1,100
4 for each such violation” and inserting “not
5 to exceed, for each such violation, \$25,000
6 or, if such a violation is a repeated or will-
7 ful violation, \$50,000”; and

8 (B) in the second sentence, by striking
9 “not to exceed \$1,100 for each such violation”
10 and inserting “not to exceed, for each such vio-
11 lation, \$25,000 or, if such a violation is a re-
12 peated or willful violation, \$50,000”;

13 (2) by redesignating paragraphs (3), (4), and
14 (5) as paragraphs (4), (5), and (6), respectively; and

15 (3) by inserting after paragraph (2), as so
16 amended, the following new paragraph:

17 “(3) Any person who violates section 11(c) shall be
18 subject to a civil penalty not to exceed \$2,500 for each
19 such violation.”.

20 (c) WORKERS’ HEALTH AND SAFETY.—Section 17 of
21 the Occupational Safety and Health Act of 1970 (29
22 U.S.C. 666) is amended—

23 (1) in subsection (a)—

24 (A) by striking “\$70,000” and inserting
25 “\$800,000”; and

1 (B) by striking “\$5,000” and inserting
 2 “\$60,000”;

3 (2) in subsection (b), by striking “7,000” and
 4 inserting “\$80,000”;

5 (3) in subsection (c), by striking “\$7,000” and
 6 inserting “\$40,000”;

7 (4) in subsection (d), by striking “\$7,000” and
 8 inserting “\$80,000”; and

9 (5) in subsection (i), by striking “\$7,000” and
 10 inserting “\$40,000”.

11 (d) FARMWORKER PROTECTIONS.—Section
 12 503(a)(1) of the Migrant and Seasonal Agricultural Work-
 13 er Protection Act (29 U.S.C. 1853(a)(1)) is amended by
 14 striking “\$1,000” and inserting “\$30,000”.

15 (e) MINE SAFETY AND BLACK LUNG BENEFITS.—

16 (1) INCREASED CIVIL PENALTIES DURING PAT-
 17 TERN OF VIOLATIONS STATUS.—Section 110(b) of
 18 the Federal Mine Safety and Health Act of 1977
 19 (30 U.S.C. 820(b)) is amended by adding at the end
 20 the following:

21 “(3) Notwithstanding any other provision of this Act,
 22 in the case of an operator who has been given written no-
 23 tice of a pattern of violations in accordance with para-
 24 graph (1) of section 104(e), such operator, for any viola-
 25 tion of any provision of this Act occurring during the pe-

1 riod beginning on the date that such notice was issued
 2 and ending on the date such pattern of violation is deemed
 3 to be terminated in accordance with paragraph (3) of sec-
 4 tion 104(e), shall be assessed a civil penalty by the Sec-
 5 retary equal to the lesser of—

6 “(A) twice the amount that would, in the ab-
 7 sence of this paragraph, be assessed by the Sec-
 8 retary for such violation; or

9 “(B) the maximum amount that may be as-
 10 sessed for such violation.”.

11 (2) ENSURING PAYMENT OF PENALTIES.—

12 (A) AMENDMENTS.—Section 110 of the
 13 Federal Mine Safety and Health Act of 1977
 14 (30 U.S.C. 820) is further amended—

15 (i) by redesignating subsection (l) as
 16 subsection (m); and

17 (ii) by inserting after subsection (k)
 18 the following:

19 “(l) ENSURING PAYMENT OF PENALTIES.—

20 “(1) DELINQUENT PAYMENT LETTER.—If the
 21 operator of a coal or other mine fails to pay any civil
 22 penalty assessment that has become a final order of
 23 the Commission or a court, not later than 45 days
 24 after such assessment becomes such a final order,

1 the Secretary shall send the operator a letter advis-
2 ing the operator—

3 “(A) of the consequences under this sub-
4 section of such failure to pay; and

5 “(B) of the opportunity to enter into or
6 modify a payment plan with the Secretary
7 based upon a demonstrated inability to pay, in-
8 cluding—

9 “(i) the procedure for entering into
10 such plan; and

11 “(ii) the consequences of not entering
12 into or not complying with such plan.

13 “(2) WITHDRAWAL ORDERS FOLLOWING FAIL-
14 URE TO PAY.—

15 “(A) IN GENERAL.—If an operator that re-
16 ceives a letter under paragraph (1) with respect
17 to an assessment, has not, by the date that is
18 180 days after such assessment became a final
19 order, paid the assessment or entered into a
20 payment plan described in paragraph (1)(B),
21 the Secretary shall issue a withdrawal order
22 until the operator pays such assessment in full
23 (including interest and administrative costs) or
24 enters into such a payment plan.

1 “(B) SUBSEQUENT WITHDRAWAL
2 ORDER.—If such operator enters into a pay-
3 ment plan with the Secretary on or after the
4 date on which the Secretary issues a withdrawal
5 order and at any time fails to comply with the
6 terms specified in such payment plan, the Sec-
7 retary shall reissue such withdrawal order until
8 the operator rectifies the noncompliance with
9 the payment plan in the manner specified in
10 such payment plan.

11 “(C) WITHDRAWAL ORDER DEFINED.—In
12 this paragraph, the term ‘withdrawal order’
13 means an order requiring an operator to cause
14 all persons, except those referred to in section
15 104(c), to be withdrawn from, and to be prohib-
16 ited from entering, the mine that is covered by
17 the final order described in paragraph (1) with
18 respect to such operator.”.

19 (B) APPLICABILITY OF AMENDMENTS.—

20 (i) IN GENERAL.—The amendments
21 made by subparagraph (A) shall apply to
22 all unpaid civil penalty assessments under
23 the Federal Mine Safety and Health Act of
24 1977 (30 U.S.C. 801 et seq.) that become
25 a final order of the Federal Mine Safety

1 and Health Review Commission or a court
2 on or after the date of enactment of this
3 Act.

4 (ii) PRIOR FINAL ORDERS.—In the
5 case of any unpaid civil penalty assessment
6 that became such a final order before the
7 date of enactment of this Act, the date on
8 which such assessment became a final
9 order shall be deemed to be the date of en-
10 actment of this Act.

11 (3) CIVIL PENALTY FOR RETALIATION.—Sec-
12 tion 110(a) of the Federal Mine Safety and Health
13 Act of 1977 (30 U.S.C. 820(a)) is further amend-
14 ed—

15 (A) by redesignating paragraph (4) as
16 paragraph (5); and

17 (B) by inserting after paragraph (3) the
18 following:

19 “(4) If any person violates section 105(c), the Sec-
20 retary shall propose, and the Commission shall assess,
21 during any 3-year period, a civil penalty of not less than
22 \$10,000 or more than \$100,000 for the first occurrence
23 of such violation by such person, and not less than
24 \$20,000 or more than \$200,000 for any subsequent viola-
25 tion by such person.”.

1 (4) BLACK LUNG BENEFITS PENALTIES.—Sec-
2 tion 423(d)(1) Federal Mine Safety and Health Act
3 of 1977 (30 U.S.C. 933(d)(1)) is amended by strik-
4 ing “\$1,000” and inserting “\$50,000 but not less
5 than \$5,000”.

6 (f) FAMILY AND MEDICAL LEAVE.—

7 (1) INTERFERENCE WITH RIGHTS AND PRO-
8 CEEDINGS.—Section 107(b) of the Family and Med-
9 ical Leave Act of 1993 (29 U.S.C. 2617(b)) is
10 amended by adding at the end the following new
11 paragraph:

12 “(4) CIVIL PENALTY.—In addition to any sums
13 recovered by the Secretary pursuant to paragraph
14 (2), any employer that violates section 105 may be
15 assessed a civil money penalty not to exceed \$25,000
16 for each separate offense.”.

17 (2) NOTICE.—Section 109(b) of the Family and
18 Medical Leave Act of 1993 (29 U.S.C. 2619(b)) is
19 amended by striking “\$100” and inserting
20 “\$2,500”.

21 (3) RECORDKEEPING.—Section 106(b) of the
22 Family and Medical Leave Act of 1993 (29 U.S.C.
23 2616(b)) is amended by adding “Any employer that
24 violates this subsection may be assessed a civil mon-

1 etary penalty not to exceed \$2,500 for each separate
2 offense.” at the end.

3 **SEC. 3. ENFORCEMENT OF CERTAIN REQUIREMENTS FOR**
4 **EMPLOYEE HEALTH PLANS.**

5 (a) PARITY IN MENTAL HEALTH AND SUBSTANCE
6 USE DISORDERS.—

7 (1) IN GENERAL.—Section 502(c)(10)(A) of the
8 Employee Retirement Income Security Act of 1974
9 (29 U.S.C. 1132(c)(10)(A)) is amended—

10 (A) by striking “any plan sponsor of a
11 group health plan” and inserting “any plan
12 sponsor or plan administrator of a group health
13 plan, service provider,”; and

14 (B) by striking “for any failure” and all
15 that follows and inserting “for any failure, or
16 participation in such failure, by such sponsor,
17 administrator, service provider, or issuer to
18 meet, in connection with the plan, the require-
19 ments of—

20 “(i) subsection (a)(1)(F), (b)(3), (c),
21 or (d) of section 702 or section 701 or
22 702(b)(1) with respect to genetic informa-
23 tion; or

1 “(ii) subsection (a) of section 712
2 with respect to parity in mental health and
3 substance use disorder benefits.”.

4 (2) CONFORMING AMENDMENT.—Section
5 502(c)(10) of the Employee Retirement Income Se-
6 curity Act of 1974 (29 U.S.C. 1132(c)(10)(A)) is
7 further amended by striking “USE OF GENETIC IN-
8 FORMATION” in the heading and inserting “USE OF
9 GENETIC INFORMATION AND PARITY IN MENTAL
10 HEALTH AND SUBSTANCE USE DISORDER BENE-
11 FITS”.

12 (b) EXCEPTION TO THE GENERAL PROHIBITION ON
13 ENFORCEMENT.—

14 (1) CIVIL ACTION.—Section 502(a)(6) of the
15 Employee Retirement Income Security Act of 1974
16 (29 U.S.C. 1132(a)(6)) is amended to read as fol-
17 lows:

18 “(6) by the Secretary to collect any civil penalty
19 that the Secretary has imposed or assessed pursuant
20 to authority under this title;”.

21 (2) ENFORCEMENT IN RELATION TO GROUP
22 HEALTH PLANS.—Section 502(b)(3) of the Employee
23 Retirement Income Security Act of 1974 (29 U.S.C.
24 1132(b)(3)) is amended by striking “Except” and all
25 that follows through “the Secretary” and inserting

1 “Except as provided in subsections (c)(9), (c)(10),
 2 and (a)(6) (with respect to collecting civil penalties
 3 under subsections (c)(9) and (c)(10)), and except
 4 with respect to enforcement by the Secretary of sec-
 5 tion 712, the Secretary”.

6 **SEC. 4. IMPROVING WORKPLACE DEMOCRACY THROUGH**
 7 **CIVIL MONETARY PENALTIES.**

8 Section 12 of the National Labor Relations Act (29
 9 U.S.C. 162) is amended—

10 (1) by striking “Sec. 12. Any person” and in-
 11 serting the following:

12 **“SEC. 12. PENALTIES.**

13 “(a) VIOLATIONS FOR INTERFERENCE WITH
 14 BOARD.—Any person”; and

15 (2) by adding at the end the following:

16 “(b) CIVIL PENALTIES FOR UNFAIR LABOR PRAC-
 17 TICES.—Any employer who commits an unfair labor prac-
 18 tice within the meaning of section 8(a) shall be subject
 19 to a civil penalty in an amount not to exceed \$50,000 for
 20 each such violation, except that, with respect to such an
 21 unfair labor practice within the meaning of paragraph (3)
 22 or (4) of section 8(a) or such a violation of section 8(a)
 23 that results in the discharge of an employee or other seri-
 24 ous economic harm to an employee, the Board shall double
 25 the amount of such penalty, to an amount not to exceed

1 \$100,000, in any case where the employer has within the
2 preceding 5 years committed another such violation of
3 such paragraph (3) or (4) or such violation of section 8(a)
4 that results in such discharge or other serious economic
5 harm. A civil penalty under this paragraph shall be in ad-
6 dition to any other remedy ordered by the Board. Sums
7 collected as civil penalties pursuant to this section shall
8 be deposited in the general fund of the Treasury.

9 “(c) CONSIDERATIONS.—In determining the amount
10 of any civil penalty under this section, the Board shall con-
11 sider—

12 “(1) the gravity of the actions of the employer
13 resulting in the penalty, including the impact of such
14 actions on the charging party or on other persons
15 seeking to exercise rights guaranteed by this Act;

16 “(2) the size of the employer;

17 “(3) the history of any previous unfair labor
18 practices or other actions by the employer resulting
19 in a penalty; and

20 “(4) the public interest.

21 “(d) DIRECTOR AND OFFICER LIABILITY.—If the
22 Board determines, based on the particular facts and cir-
23 cumstances presented, that a director or officer’s personal
24 liability is warranted, a civil penalty for a unfair labor
25 practice described in this section may also be assessed

1 against any director or officer of the employer who di-
 2 rected or committed the unfair labor practice, had estab-
 3 lished a policy that led to such an unfair labor practice,
 4 or had actual or constructive knowledge of and the author-
 5 ity to prevent the unfair labor practice and failed to pre-
 6 vent the unfair labor practice.”.

7 **SEC. 5. SECURING WORKERS’ RIGHTS THROUGH RESPON-**
 8 **SIBLE RECORDKEEPING AND NOTICE TO EM-**
 9 **PLOYEES.**

10 (a) **WORKPLACE HEALTH AND SAFETY.**—Section
 11 9(c) of the Occupational Safety and Health Act of 1970
 12 (29 U.S.C. 658(c)) is amended by adding at the end the
 13 following: “In the case of a violation that relates to mak-
 14 ing, keeping, or preserving a record, such violation con-
 15 tinues to occur until the earlier of (1) the date on which
 16 an employer complies with the requirement, rule, stand-
 17 ard, order, or regulation that was violated with respect
 18 to making, keeping, or preserving such record; or (2) the
 19 date on which the requirement to keep and preserve such
 20 record expires.”.

21 (b) **WAGE, HOUR, AND FAMILY AND MEDICAL LEAVE**
 22 **PROTECTIONS.**—Section 11(c) of the Fair Labor Stand-
 23 ards Act of 1938 (29 U.S.C. 211(c)) is amended by insert-
 24 ing before the last sentence the following: “For purposes
 25 of enforcement of this subsection under section 16(e)(3),

1 a violation of a requirement to make, keep, or preserve
2 a record continues to occur until the earlier of (1) the date
3 on which an employer has complied with the regulation
4 or order that was violated with respect to such record, or
5 (2) the date on which the requirement to keep and pre-
6 serve such record expires.”

7 (c) RULEMAKING.—Not later than one year after the
8 date of enactment of this Act, the Secretary of Labor shall
9 promulgate or amend such regulations as are necessary
10 to implement the amendments made by this section.

11 (d) AUTHORIZATION.—Subsection (c) shall be consid-
12 ered a specific authorization by Congress in accordance
13 with section 801(b)(2) of title 5, United States Code, with
14 respect to the issuance of a new recordkeeping rule pursu-
15 ant to the Occupational Safety and Health Act of 1970.

16 **SEC. 6. EFFECTIVE DATES; APPLICATION.**

17 (a) SECTIONS 2, 3, AND 4.—Except as as provided
18 in section 2(e)(2)(B), the amendments made by sections
19 2, 3, and 4 of this Act shall take effect on January 1,
20 2025, and shall apply with respect to violations that occur
21 on or after January 1, 2025.

22 (b) SECTION 5.—The amendments made by section
23 5 of this Act shall take effect on the date of enactment

1 of this Act, and shall apply with respect to violations that
2 occur on or after the date of enactment of this Act.

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