

118TH CONGRESS  
1ST SESSION

# S. 1288

To ensure that contractors of the Department of Agriculture comply with certain labor laws, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 25, 2023

Mr. BOOKER (for himself and Mr. WELCH) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To ensure that contractors of the Department of Agriculture comply with certain labor laws, 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 “Child Labor Exploi-  
5 tation Accountability Act”.

6 **SEC. 2. PROMOTION OF ECONOMIC SECURITY AND WORK-**  
7 **PLACE ACCOUNTABILITY.**

8 (a) **REQUIRED DISCLOSURES.**—The Secretary of Ag-  
9 riculture shall require any entity that enters into a con-  
10 tract with the Department of Agriculture on or after the

1 date that is 2 years after the date of enactment of this  
2 Act to disclose to the Secretary of Labor, on an annual  
3 basis and to the best of the knowledge of the entity, wheth-  
4 er, within the preceding 3-year period, any administrative  
5 merits determination, arbitral award or decision, or civil  
6 judgment, as defined in regulations issued by the Sec-  
7 retary of Labor, has been issued against the entity, or any  
8 subcontractor of the entity, for violations of any of the  
9 following (including, as applicable, any regulations issued  
10 under any of the following):

11 (1) The Fair Labor Standards Act of 1938 (29  
12 U.S.C. 201 et seq.).

13 (2) The Occupational Safety and Health Act of  
14 1970 (29 U.S.C. 651 et seq.).

15 (3) The National Labor Relations Act (29  
16 U.S.C. 151 et seq.).

17 (4) Subchapter IV of chapter 31 of title 40,  
18 United States Code (commonly known as the  
19 “Davis-Bacon Act”).

20 (5) Chapter 67 of title 41, United States Code  
21 (commonly known as the “Service Contract Act”).

22 (6) Executive Order 11246 (42 U.S.C. 2000e  
23 note; relating to equal employment opportunity).

24 (7) Section 503 of the Rehabilitation Act of  
25 1973 (29 U.S.C. 793).

1           (8) Section 4212 of title 38, United States  
2 Code.

3           (9) The Family and Medical Leave Act of 1993  
4 (29 U.S.C. 2601 et seq.).

5           (10) Title VII of the Civil Rights Act of 1964  
6 (42 U.S.C. 2000e et seq.).

7           (11) Title I of the Americans with Disabilities  
8 Act of 1990 (42 U.S.C. 12111 et seq.).

9           (12) The Age Discrimination in Employment  
10 Act of 1967 (29 U.S.C. 621 et seq.).

11           (13) Executive Order 13658 (79 Fed. Reg.  
12 9851; relating to establishing a minimum wage for  
13 contractors).

14           (14) The Railway Labor Act (45 U.S.C. 151 et  
15 seq.).

16           (15) The Pregnant Workers Fairness Act (divi-  
17 sion II of the Consolidated Appropriations Act, 2023  
18 (Public Law 117–328)).

19           (16) Section 4714 of title 41, United States  
20 Code.

21           (17) Part 170 of title 40, Code of Federal Reg-  
22 ulations (regarding the Worker Protection Stand-  
23 ard).

1           (18) Section 218 of the Immigration and Na-  
2           tionality Act (8 U.S.C. 1188) relating to protections  
3           for H-2A workers.

4           (19) Section 274B of such Act (8 U.S.C.  
5           1324b).

6           (20) Any applicable State or local labor or em-  
7           ployment law, as defined in regulations issued by the  
8           Secretary of Labor.

9           (b) CONSULTATION.—The Secretary of Labor shall  
10          be available, as appropriate and in coordination as de-  
11          scribed in subsection (e), for consultation with an entity  
12          described in subsection (a) to assist the entity in evalu-  
13          ating the information on labor compliance submitted to  
14          the entity by a subcontractor pursuant to such subsection.

15          (c) CORRECTIVE MEASURES.—On an annual basis,  
16          the Secretary of Labor—

17                 (1) shall provide an entity that makes a disclo-  
18                 sure pursuant to subsection (a) an opportunity to re-  
19                 port any steps taken by the entity, or any subcon-  
20                 tractor of the entity, to correct violations of or im-  
21                 prove compliance with the labor laws, including Ex-  
22                 ecutive orders, listed in such subsection, including  
23                 any agreements entered into with an enforcement  
24                 agency; and

1           (2) may negotiate with such entity corrective  
2 measures that the entity or any subcontractor of the  
3 entity may take in order to avoid having the entity  
4 placed on the list under subsection (d).

5           (d) LIST OF INELIGIBLE ENTITIES.—

6           (1) IN GENERAL.—For each calendar year be-  
7 ginning with the first calendar year that begins after  
8 the date that is 2 years after the date of enactment  
9 of this Act, the Secretary of Labor, in coordination  
10 as described in subsection (e), shall prepare, and  
11 submit to the Secretary of Agriculture, a list of each  
12 entity that shall be ineligible for a contract with the  
13 Department of Agriculture for that year based on—

14                   (A) serious, repeated, or pervasive viola-  
15 tions of the labor laws, including Executive or-  
16 ders, listed under subsection (a) committed by  
17 the entity or any subcontractor of the entity; or

18                   (B) the failure of such entity, or any sub-  
19 contractor of such entity, to complete any cor-  
20 rective measure negotiated under subsection (c).

21           (2) INELIGIBILITY.—The Secretary of Agri-  
22 culture shall not—

23                   (A) solicit a contract from any entity on  
24 the list under paragraph (1) that is in effect for

1 a year for that year or any of the subsequent  
2 4 years; and

3 (B) conduct an inspection pursuant to the  
4 Federal Meat Inspection Act (21 U.S.C. 601 et  
5 seq.) or the Poultry Products Inspection Act  
6 (21 U.S.C. 451 et seq.), as applicable, of any  
7 facility owned or controlled by an entity on the  
8 list under paragraph (1) that is in effect for a  
9 year for that year or for any of the subsequent  
10 4 years.

11 (e) COORDINATION.—In providing the consultation  
12 described in subsection (b) and preparing the list under  
13 subsection (d), the Secretary of Labor shall coordinate,  
14 as appropriate, with the National Labor Relations Board,  
15 the Equal Employment Opportunity Commission, the En-  
16 vironmental Protection Agency, States, and local govern-  
17 ments.

18 (f) CRIMINAL PENALTY FOR FAILURE TO REPORT.—

19 (1) OFFENSE.—It shall be unlawful for an enti-  
20 ty to knowingly fail to make a disclosure required  
21 under subsection (a).

22 (2) PENALTY.—

23 (A) IN GENERAL.—A violation of para-  
24 graph (1) shall be treated as a violation of sec-  
25 tion 1031(a) of title 18, United States Code.

1           (B) GROSS LOSS TO GOVERNMENT; GROSS  
2           GAIN TO DEFENDANT.—For purposes of apply-  
3           ing section 1031 of title 18, United States  
4           Code, to a violation of paragraph (1) of this  
5           subsection, the amount that the Department of  
6           Agriculture pays an entity that violates such  
7           paragraph (1) under a contract described in  
8           subsection (a) of this section shall be treated as  
9           the gross loss to the Government or the gross  
10          gain to the defendant.

11          (g) ANNUAL REPORTS TO CONGRESS.—For each cal-  
12          endar year beginning with the first calendar year that be-  
13          gins after the date that is 2 years after the date of enact-  
14          ment of this Act, Secretary of Agriculture shall submit  
15          a report to the Committee on Agriculture, Nutrition, and  
16          Forestry of the Senate and the Committee on Agriculture  
17          of the House of Representatives that includes—

18               (1) the number of entities on the list under sub-  
19               section (d) for the year of the report;

20               (2) the number of entities that agreed to take  
21               corrective measures under subsection (c) for such  
22               year;

23               (3) the amount of the applicable contracts for  
24               the entities described in paragraph (1) or (2); and

1           (4) performance indicators and measures, as  
2           determined by the Secretary of Agriculture, assess-  
3           ing the effectiveness of the implementation by the  
4           Secretary of Agriculture of this Act for such year.

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