

118TH CONGRESS
1ST SESSION

S. 3051

To amend the Fair Labor Standards Act of 1938 to apply child labor laws to independent contractors, increase penalties for child labor law violations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 17, 2023

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

A BILL

To amend the Fair Labor Standards Act of 1938 to apply child labor laws to independent contractors, increase penalties for child labor law 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop Child Labor Act”.

1 **SEC. 2. AMENDMENTS TO THE FAIR LABOR STANDARDS**2 **ACT OF 1938.**

3 (a) PRIVATE ENFORCEMENT.—Section 16(b) of the
4 Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)(1))
5 is amended—

6 (1) by inserting after the third sentence the fol-
7 lowing: “Any employer who violates the provisions of
8 section 12 or 13(c), relating to child labor, shall be
9 liable to any child harmed as a result of such viola-
10 tion for compensatory damages and punitive dam-
11 ages in an amount not more than \$250,000.”;

12 (2) in the fourth sentence—

13 (A) by inserting “or, with respect to viola-
14 tions of the provisions of section 12 or 13(c),
15 relating to child labor, children” after “more
16 employees”; and

17 (B) by inserting “or children, as the case
18 may be,” after “other employees”;

19 (3) in the fifth sentence, by inserting “or chil-
20 dren, as the case may be,” after “employees”; and

21 (4) by adding at the end the following: “The
22 right provided by this subsection to bring an action
23 by or on behalf of any child with respect to viola-
24 tions of the provisions of section 12 or 13(c), relat-
25 ing to child labor, and the right of any child to be-
26 come a party plaintiff to any such action, shall ter-

1 minate upon the filing of a complaint by the Sec-
2 retary in an action under section 17 in which legal
3 or equitable relief is sought as a result of alleged
4 violations of such provisions.”.

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

8 (1) in subparagraph (A)—

9 (A) in the matter preceding clause (i), by
10 striking “not to exceed” and inserting “of an
11 amount (subject to subparagraph (C)) that is”;

12 (B) in clause (i), by striking “\$11,000”
13 and inserting “not less than \$5,000 and not
14 more than \$132,270”; and

15 (C) in clause (ii), by striking “\$50,000”
16 and inserting “not less than \$25,000 and not
17 more than \$601,150”; and

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

19 “(C) The dollar amounts referred to in clauses
20 (i) and (ii) of subparagraph (A) shall be increased
21 annually, for fiscal year 2024 and every fiscal year
22 thereafter, by the percent increase, if any, in the
23 consumer price index for all urban consumers (all
24 items; United States city average) for the most re-

1 cent 12-month period for which applicable data is
2 available.”.

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

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

7 (2) by inserting “(other than subsection (a)(4)
8 of such section)” after “section 15”;

9 (3) by striking “subsection” each place it ap-
10 pears and inserting “paragraph”; and

11 (4) by adding at the end the following:

12 “(2) Any person who repeatedly or willfully violates
13 section 15(a)(4) shall upon conviction thereof be subject
14 to a fine of not more than \$50,000, or to imprisonment
15 for not more than 1 year, or both.”.

16 (d) EFFECTIVE DATE.—The amendments made by
17 subsections (a), (b), and (c) shall apply with respect to
18 violations alleged to have occurred on or after the date
19 of the enactment of this Act.

20 **SEC. 3. GRANT PROGRAM FOR PREVENTION OF CHILD**
21 **LABOR VIOLATIONS.**

22 (a) IN GENERAL.—The Secretary of Labor may
23 award grants to eligible entities for purposes of education,
24 training, and development of systems to help employers
25 recognize, avoid, and prevent violations of section 12 or

1 13(c) of the Fair Labor Standards Act of 1938 (29 U.S.C.
2 212, 213(e)).

3 (b) ELIGIBLE ENTITY.—For purposes of this section,
4 the term “eligible entity” means—

5 (1) a nonprofit organization described in section
6 501(c)(3) of the Internal Revenue Code of 1986;

7 (2) a nonprofit trade industry or employer asso-
8 ciation;

9 (3) a labor-management partnership; or

10 (4) a labor organization.

11 **SEC. 4. NATIONAL ADVISORY COMMITTEE ON CHILD LABOR**

12 .

13 (a) ESTABLISHMENT.—There is established the Na-
14 tional Advisory Committee on Child Labor (in this section
15 referred to as the “Committee”).

16 (b) MEMBERSHIP.—

17 (1) COMPOSITION.—The Committee shall be
18 composed of 12 members of whom—

19 (A) 3 shall be representatives of manage-
20 ment who are appointed by the Secretary of
21 Labor;

22 (B) 3 shall be representatives of labor or-
23 ganizations who are appointed by the Secretary
24 of Labor;

1 (C) 1 shall be a member of the public who
2 is appointed by the Secretary of Labor;

3 (D) 2 shall be members of the public who
4 are appointed by the Secretary of Health and
5 Human Services; and

6 (E) 3 shall be child welfare professionals
7 who are appointed by the Secretary of Health
8 and Human Services.

9 (2) DATE.—The appointments of the members
10 of the Committee shall be made not later than 90
11 days after the date of enactment of this Act.

12 (3) PERIOD OF APPOINTMENT; VACANCIES.—

13 (A) IN GENERAL.—A member of the Com-
14 mittee shall be appointed for a term of 2 years.

15 (B) VACANCIES.—A vacancy in the Com-
16 mittee—

17 (i) shall not affect the powers of the
18 Committee; and

19 (ii) shall be filled in the same manner
20 as the original appointment.

21 (4) MEETINGS.—The Committee shall hold no
22 fewer than 2 meetings during each calendar year.

23 (5) CHAIRPERSON.—The Secretary of Labor
24 shall designate the Chairperson of the Committee

1 from among the members of the Committee ap-
2 pointed under paragraph (1).

3 (c) DUTIES OF COMMITTEE.—The Committee shall
4 advise, consult, and make recommendations to the Sec-
5 retary of Labor and the Secretary of Health and Human
6 Services on matters related to the recognition, avoidance,
7 prevention, and enforcement of violations of section 12 or
8 13(c) of the Fair Labor Standards Act of 1938 (29 U.S.C.
9 212, 213(c)).

10 (d) COMMITTEE PERSONNEL MATTERS.—

11 (1) COMPENSATION OF MEMBERS.—A member
12 of the Committee who is not an officer or employee
13 of the Federal Government shall be compensated at
14 a rate equal to the daily equivalent of the annual
15 rate of basic pay prescribed for level IV of the Exec-
16 utive Schedule under section 5315 of title 5, United
17 States Code, for each day (including travel time)
18 during which the member is engaged in the perform-
19 ance of the duties of the Committee.

20 (2) TRAVEL EXPENSES.—A member of the
21 Committee shall be allowed travel expenses, includ-
22 ing per diem in lieu of subsistence, at rates author-
23 ized for employees of agencies under subchapter I of
24 chapter 57 of title 5, United States Code, while

1 away from their homes or regular places of business
2 in the performance of services for the Committee.

3 (3) STAFF.—

4 (A) IN GENERAL.—The Chairperson of the
5 Committee may, without regard to the civil
6 service laws (including regulations), appoint
7 and terminate an executive director and such
8 other additional personnel as may be necessary
9 to enable the Committee to perform its duties,
10 except that the employment of an executive di-
11 rector shall be subject to confirmation by the
12 Committee.

13 (B) COMPENSATION.—The Chairperson of
14 the Committee may fix the compensation of the
15 executive director and other personnel without
16 regard to chapter 51 and subchapter III of
17 chapter 53 of title 5, United States Code, relat-
18 ing to classification of positions and General
19 Schedule pay rates, except that the rate of pay
20 for the executive director and other personnel
21 may not exceed the rate payable for level V of
22 the Executive Schedule under section 5316 of
23 that title.

24 (4) DETAIL OF GOVERNMENT EMPLOYEES.—A
25 Federal Government employee may be detailed to

1 the Committee without reimbursement, and such de-
2 tail shall be without interruption or loss of civil serv-
3 ice status or privilege.

4 (5) PROCUREMENT OF TEMPORARY AND INTER-
5 MITTENT SERVICES.—The Chairperson of the Com-
6 mittee may procure temporary and intermittent serv-
7 ices under section 3109(b) of title 5, United States
8 Code, at rates for individuals that do not exceed the
9 daily equivalent of the annual rate of basic pay pre-
10 scribed for level V of the Executive Schedule under
11 section 5316 of that title.

12 (e) DURATION OF COMMITTEE.—Section 1013 of
13 title 5, United States Code, shall not apply to the Com-
14 mittee.

15 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to the Committee to carry
17 out this section \$3,000,000 for fiscal year 2024.

○