

118TH CONGRESS
2D SESSION

S. 4038

To amend the Fair Labor Standards Act of 1938 to strengthen the provisions relating to child labor, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2024

Mr. LUJÁN 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 strengthen the provisions relating to child labor, 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 “Children’s Act for Re-
5 sponsible Employment and Farm Safety of 2024” or the
6 “CARE Act of 2024”.

7 **SEC. 2. TABLE OF CONTENTS.**

8 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Findings.

TITLE I—AMENDMENTS TO THE FAIR LABOR STANDARDS ACT
OF 1938

- Sec. 101. Application of child labor laws to independent contractors.
 Sec. 102. Revised age requirement for child agricultural employment and ex-
 emptions for hazardous and non-hazardous work.
 Sec. 103. Repeal of waiver provision for hand harvest laborers.
 Sec. 104. Pesticide-related worker protection standard.

TITLE II—PENALTIES AND ENFORCEMENT

- Sec. 201. Increased civil penalties for child labor violations.
 Sec. 202. Special criminal penalties for certain aggravated child labor viola-
 tions.

TITLE III—REPORTS AND MEMORANDUM OF UNDERSTANDING

- Sec. 301. Report to Congress on child labor and work-related injuries to chil-
 dren and related matters.
 Sec. 302. Employer reporting requirements.
 Sec. 303. Memorandum of understanding.

TITLE IV—EFFECTIVE DATES

- Sec. 401. Effective date for application of child labor laws to independent con-
 tractors.
 Sec. 402. Application of other fair labor standards amendments.
 Sec. 403. Application of Occupational Safety and Health Act amendments.

1 **SEC. 3. FINDINGS.**

2 Congress finds the following:

3 (1) Across the United States, there are hun-
 4 dreds of thousands of children who are working in
 5 the agricultural industry and performing the gruel-
 6 ing work that is required to plant, pick, process, and
 7 pack the food that people eat every day.

8 (2) Congress included exemptions to the Fair
 9 Labor Standards Act of 1938 (29 U.S.C. 201 et
 10 seq.) child labor provisions that create separate min-
 11 imum age thresholds and hazardous occupations
 12 rules for children employed in agriculture. Such Act
 13 does not limit the number of hours per day or week

1 that children can work in agriculture, nor does it
2 place limits on when that work occurs outside of
3 school hours (i.e., children may work in agriculture
4 for any number of hours per day or week, and at
5 any time during the day or night).

6 (3) Historically, children have been permitted to
7 work in agriculture at younger ages, for longer
8 hours, and under more hazardous conditions than
9 other working children. Like most other agricultural
10 workers, children remain excluded from basic protec-
11 tions provided to workers in other industries under
12 Federal employment laws. Even where protections
13 exist under Federal law, Federal agencies lack suffi-
14 cient resources to conduct investigations and hold
15 employers accountable for violations.

16 (4) Allowing children to engage in agricultural
17 work from a young age can result in long-term nega-
18 tive consequences, especially when the child worker
19 is not employed on a family farm where family mem-
20 bers take precautions for their children and family
21 members. Working in agriculture as a child can re-
22 sult in an early end to childhood, and long hours
23 worked at unfair and unlawful wages can pose risks
24 to their overall health, education, and lives.

1 (5) Child farmworkers suffer work-related fa-
2 talities at more than 4 times the rate of other young
3 workers and, according to a 2018 report by the Gov-
4 ernment Accountability Office, more than half of all
5 work-related child fatalities are in the agriculture in-
6 dustry, often because exceptions are made that allow
7 farmworker children to operate heavy, dangerous
8 equipment and to be exposed to other hazards. Yet,
9 great efforts have been taken to strictly limit the
10 possibility of children in other industries from en-
11 gaging in dangerous work activities or jobs. The de-
12 mands imposed by doing agricultural work, coupled
13 with the low pay and poor working conditions, result
14 in shocking drop-out rates from school for child
15 farmworkers. Aside from these risks, farmworker
16 children are exceptionally vulnerable to sexual abuse
17 and harassment by supervisors, company owners,
18 crew leaders, co-workers, and others.

19 **TITLE I—AMENDMENTS TO THE**
20 **FAIR LABOR STANDARDS ACT**
21 **OF 1938**

22 **SEC. 101. APPLICATION OF CHILD LABOR LAWS TO INDE-**
23 **PENDENT CONTRACTORS.**

24 The Fair Labor Standards Act of 1938 (29 U.S.C.
25 201 et seq.) is amended—

1 (1) in section 3 (29 U.S.C. 203)—

2 (A) in subsection (d)—

3 (i) by striking “‘Employer’ includes”
4 and inserting “(1) ‘Employer’ includes”;

5 (ii) by inserting “(or, for purposes of
6 any child labor provision of this Act, in-
7 cluding paragraph (2), subsection (aa),
8 section 12, and any provision of this Act
9 administering or enforcing such a child
10 labor provision, a worker)” after “em-
11 ployee”; and

12 (iii) by adding at the end the fol-
13 lowing:

14 “(2) Notwithstanding any other provision in this sec-
15 tion, for purposes of any child labor provision of this Act,
16 including subsections (l) and (aa), section 12, and any
17 provision of this Act administering or enforcing such a
18 child labor provision, the term ‘employer’ includes any per-
19 son engaging an individual (including an independent con-
20 tractor) for the performance of work.”;

21 (B) in subsection (j)—

22 (i) by inserting “(or, for purposes of
23 any child labor provision of this Act, in-
24 cluding section 12 and any provision of
25 this Act administering or enforcing such a

1 child labor provision, worker)” after “em-
2 ployee” each place it appears; and

3 (ii) by inserting “(or, for purposes of
4 any child labor provision of this Act, in-
5 cluding section 12 and any provision of
6 this Act administering or enforcing such a
7 child labor provision, engaged for work)”
8 after “was employed”;

9 (C) in subsection (l)—

10 (i) by striking “employment under”
11 and inserting “work under”;

12 (ii) by striking “employee” each place
13 it appears and inserting “worker”;

14 (iii) by striking “is employed by” each
15 place it appears and inserting “performs
16 work for”;

17 (iv) by striking “employing” and in-
18 serting “engaging for work”;

19 (v) by striking “employment of” each
20 place it appears and inserting “engage-
21 ment for work of”;

22 (vi) by striking “employment in” and
23 inserting “engagement for work in”;

24 (vii) by striking “employees” and in-
25 serting “workers”; and

1 (viii) by striking “such employment”
2 and inserting “such work”;

3 (D) in subsection (s), by inserting “(or, for
4 purposes of any child labor provision of this
5 Act, including section 12 and any provision of
6 this Act administering or enforcing such a child
7 labor provision, workers)” after “employees”
8 each place it appears; and

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

10 “(z) ‘Work’, for purposes of any child labor provision
11 of this Act, including subsections (d)(2), (l), and (aa), sec-
12 tion 12, and any provision of this Act administering or
13 enforcing such a child labor provision, means the perform-
14 ance of services for remuneration, including employment.

15 “(aa) ‘Worker’, for purposes of any child labor provi-
16 sion of this Act, including subsection (l), section 12, and
17 any provision of this Act administering or enforcing such
18 a child labor provision, means any individual (including
19 an independent contractor or an employee) engaged for
20 work by an employer.”;

21 (2) in section 11 (29 U.S.C. 211)—

22 (A) in subsection (a)—

23 (i) by inserting “(or, for purposes of
24 any child labor provision of this Act, in-
25 cluding section 12 and any provision of

1 this Act administering or enforcing such a
2 child labor provision, work)” after “em-
3 ployment”; and

4 (ii) by inserting “(or, for purposes of
5 any child labor provision of this Act, in-
6 cluding section 12 and any provision of
7 this Act administering or enforcing such a
8 child labor provision, workers)” after
9 “such employees”; and

10 (B) in subsection (c)—

11 (i) by inserting “or, for purposes of
12 any child labor provision of this Act, in-
13 cluding section 12 and any provision of
14 this Act administering or enforcing such a
15 child labor provision, the persons working
16 for the employer” after “employed by
17 him”; and

18 (ii) by inserting “(or, for purposes of
19 any such child labor provision of this Act,
20 work)” after “employment”;

21 (3) in section 12 (29 U.S.C. 212)—

22 (A) in subsection (b), by striking “employ-
23 ment of” and inserting “engagement for work
24 of”; and

1 (B) in subsection (d), by striking “em-
2 ployee” and inserting “worker”;

3 (4) in section 13 (29 U.S.C. 213)—

4 (A) in subsection (c)—

5 (i) in paragraph (3), by striking “em-
6 ployed” and inserting “engaged for work”;

7 (ii) in paragraph (5)—

8 (I) by striking “employee” each
9 place it appears and inserting “work-
10 er”;

11 (II) by striking “employees” each
12 place it appears and inserting “work-
13 ers”; and

14 (III) in subparagraph (C)—

15 (aa) in clause (i), by striking
16 “employee’s” each place it ap-
17 pears and inserting “worker’s”;
18 and

19 (bb) in clause (iii)(I), by
20 striking “employment” and in-
21 serting “work”;

22 (iii) in paragraph (6)—

23 (I) in the matter preceding sub-
24 paragraph (A)—

1 (aa) by striking “employees
2 who are under” and inserting
3 “workers who are under”; and

4 (bb) by striking “Employee
5 who are 17” and inserting
6 “Workers who are 17”;

7 (II) by striking “employee” each
8 place it appears and inserting “work-
9 er”;

10 (III) by striking “employee’s”
11 each place it appears and inserting
12 “worker’s”;

13 (IV) by striking “of employment”
14 each place it appears and inserting
15 “of work”;

16 (V) in subparagraph (F), by
17 striking “employees of” each place it
18 appears and inserting “workers of”;
19 and

20 (VI) in subparagraph (G), by
21 striking “employment” and inserting
22 “engagement for work”; and

23 (iv) in paragraph (7)—

1 (I) in subparagraph (A)(i), by
2 striking “employed” and inserting
3 “engaged for work”; and

4 (II) in subparagraph (B), in the
5 matter preceding clause (i), by strik-
6 ing “employment” and inserting “en-
7 gagement for work”;

8 (B) in subsection (d), by inserting “(or, for
9 purposes of section 12, worker)” after “any em-
10 ployee”; and

11 (C) in subsection (f), by inserting “(or, for
12 purposes of section 11 (with respect to any
13 child labor provision of this Act) and 12, work-
14 er)” after “any employee”; and

15 (5) in section 18C (29 U.S.C. 218c)—

16 (A) by inserting “(or, for purposes of any
17 child labor provision of this Act, including sec-
18 tion 12 and any provision of this Act admin-
19 istering or enforcing such a child labor provi-
20 sion, worker)” after “employee” each place it
21 appears; and

22 (B) by inserting “(or, for purposes of any
23 child labor provision of this Act, including sec-
24 tion 12 and any provision of this Act admin-
25 istering or enforcing such a child labor provi-

1 sion, of work)” after “employment” each place
2 it appears.

3 **SEC. 102. REVISED AGE REQUIREMENT FOR CHILD AGRI-**
4 **CULTURAL EMPLOYMENT AND EXEMPTIONS**
5 **FOR HAZARDOUS AND NON-HAZARDOUS**
6 **WORK.**

7 (a) REVISED AGE REQUIREMENT FOR CHILD AGRI-
8 CULTURAL EMPLOYMENT AND EXEMPTIONS FOR NON-
9 HAZARDOUS WORK.—Section 13(c) of the Fair Labor
10 Standards Act of 1938 (29 U.S.C. 213(c)) is amended by
11 striking paragraph (1) and inserting the following: “(1)
12 Except as provided in paragraph (2), the provisions of sec-
13 tion 12 relating to child labor shall not apply to any work-
14 er—

15 “(A) who is younger than 16 years of age and
16 engaged for work, outside of the school hours for the
17 school district where such worker is living while so
18 engaged, in agriculture by his or her parent, grand-
19 parent, aunt, uncle, first cousin, or legal guardian,
20 on a farm that is owned or operated by such parent,
21 grandparent, aunt, uncle, first cousin, or legal
22 guardian, while such worker is so engaged;

23 “(B) who—

24 “(i) is 16 or 17 years of age; and

25 “(ii) is engaged for work in agriculture; or

1 “(C) who—

2 “(i) is 14 or 15 years of age; and

3 “(ii) is engaged for work in agriculture—

4 “(I) in an occupation that the Sec-
5 retary finds and declares appropriate for
6 the engagement for work of a child who is
7 14 or 15 years of age and does not inter-
8 fere with the schooling, health, and well-
9 being of such a child; and

10 “(II) for periods, and under condi-
11 tions, that the Secretary finds and declares
12 appropriate for the engagement for work of
13 a child who is 14 or 15 years of age in
14 non-agricultural work and does not inter-
15 fere with the schooling, health, and well-
16 being of such a child.”.

17 (b) EXEMPTIONS FOR HAZARDOUS WORK.—Section
18 13(c) of such Act (29 U.S.C. 213(c)) is further amended
19 by striking paragraph (2) and inserting the following:

20 “(2) The provisions of section 12 relating to child
21 labor shall apply to any worker younger than 18 years of
22 age engaged for work in agriculture in an occupation the
23 Secretary finds and declares to be particularly hazardous
24 for the engagement for work of a child younger than 18

1 years of age or detrimental to the health or well-being of
2 such a child, except—

3 “(A) with respect to engagement for work, out-
4 side of the school hours for the school district where
5 such worker is living while so engaged, in agriculture
6 by his or her parent, grandparent, aunt, uncle, first
7 cousin, or legal guardian, on a farm that is owned
8 or operated by such parent, grandparent, aunt,
9 uncle, first cousin, or legal guardian; or

10 “(B) with respect to engagement for work in
11 agriculture of a worker who—

12 “(i) is a student learner exempted under
13 section 570.72(a) of title 29, Code of Federal
14 Regulations (or any successor regulations);

15 “(ii) is exempted under section 570.72(b)
16 of title 29, Code of Federal Regulations (or any
17 successor regulations), because the worker has
18 completed a training program of the cooperative
19 extension service of a land-grant college or uni-
20 versity; or

21 “(iii) is exempted under section 570.72(c)
22 of title 29, Code of Federal Regulations (or any
23 successor regulations), because the worker is
24 engaged in a vocational agricultural training
25 program.”.

1 **SEC. 103. REPEAL OF WAIVER PROVISION FOR HAND HAR-**
2 **VEST LABORERS.**

3 Section 13(c) of the Fair Labor Standards Act of
4 1938 (29 U.S.C. 213(c)) is amended by repealing para-
5 graph (4).

6 **SEC. 104. PESTICIDE-RELATED WORKER PROTECTION**
7 **STANDARD.**

8 (a) CONGRESSIONAL FINDING.—Congress finds and
9 declares that the engagement for work of children younger
10 than the age of 18 in the occupation of a pesticide handler
11 is particularly hazardous for, and detrimental to the
12 health and well-being of, such children.

13 (b) REQUIREMENT FOR SECRETARY OF LABOR.—
14 Not later than the date that is 1 year after the date of
15 enactment of this Act, the Secretary of Labor shall revise
16 part 570 of title 29, Code of Federal Regulations (as in
17 effect on the date of enactment of this Act), to prohibit
18 the engagement for work of a child under the age of 18
19 as a pesticide handler.

20 (c) DEFINITION OF PESTICIDE HANDLER.—

21 (1) IN GENERAL.—For purposes of this section,
22 the term “pesticide handler” means, except as pro-
23 vided in subparagraph (B), an individual who—

24 (A) is a child worker performing work at
25 an agricultural establishment or commercial
26 pesticide handling establishment; and

1 (B) is—

2 (i) mixing, loading, transferring, or
3 applying pesticides;

4 (ii) disposing of pesticides or pesticide
5 containers;

6 (iii) handling opened containers of
7 pesticides;

8 (iv) acting as a flagger;

9 (v) cleaning, adjusting, handling, or
10 repairing the parts of mixing, loading, or
11 application equipment that may contain
12 pesticide residues;

13 (vi) assisting with the application of
14 pesticides;

15 (vii) entering a greenhouse or other
16 enclosed area—

17 (I) after the application of a pes-
18 ticide and before—

19 (aa) the inhalation exposure
20 level listed in the labeling has
21 been reached; or

22 (bb) one of the ventilation
23 criteria described in paragraph
24 (3), or in the labeling of the pes-
25 ticide, has been met; and

- 1 (II) to—
- 2 (aa) operate ventilation
- 3 equipment;
- 4 (bb) adjust or remove cov-
- 5 erings used in fumigation; or
- 6 (cc) monitor air levels;
- 7 (viii) entering a treated area outdoors
- 8 after application of any soil fumigant to
- 9 adjust or remove soil coverings such as tar-
- 10 paulins;
- 11 (ix) performing tasks as a crop advi-
- 12 sor—
- 13 (I) during any pesticide applica-
- 14 tion;
- 15 (II) before—
- 16 (aa) the inhalation exposure
- 17 level listed in the labeling has
- 18 been reached; or
- 19 (bb) one of the ventilation
- 20 criteria described in paragraph
- 21 (3), or in the labeling of the pes-
- 22 ticide, has been met; or
- 23 (III) during any restricted-entry
- 24 interval; or
- 25 (x) performing any task or duty—

1 (I) described in the definition of
2 the term “handler” in section 170.3
3 of title 40, Code of Federal Regula-
4 tions (or any successor regulations);
5 and

6 (II) not otherwise described in
7 clauses (i) through (ix).

8 (2) EXCEPTION.—The term “pesticide handler”
9 described under paragraph (1) does not include any
10 individual who is only handling pesticide containers
11 that have been emptied or cleaned according to pes-
12 ticide product labeling instructions or, in the absence
13 of such instructions, have been subjected to triple-
14 rinsing or its equivalent.

15 (3) VENTILATION CRITERIA.—The ventilation
16 criteria described in this paragraph are the fol-
17 lowing:

18 (A) FUMIGANT.—In the case of a pesticide
19 applied as a fumigant, an individual may not be
20 in the entire greenhouse (and any adjacent
21 structure that cannot be sealed off from the
22 treated area)—

23 (i) until the air concentration is meas-
24 ured to be equal to or less than the inhala-

1 tion exposure level the labeling of the pes-
2 ticide requires to be achieved; or

3 (ii) in the case of a pesticide with no
4 inhalation exposure level listed on the la-
5 beling, until after—

6 (I) ten air exchanges are com-
7 pleted;

8 (II) two hours of ventilation
9 using fans or other mechanical ven-
10 tilating systems;

11 (III) four hours of ventilation
12 using vents, windows or other passive
13 ventilation;

14 (IV) eleven hours with no ventila-
15 tion followed by 1 hour of mechanical
16 ventilation;

17 (V) eleven hours with no ventila-
18 tion followed by 2 hours of passive
19 ventilation; or

20 (VI) twenty-four hours with no
21 ventilation.

22 (B) SMOKE, MIST, FOG, OR AEROSOL.—In
23 the case of a pesticide applied as a smoke, mist,
24 fog, or aerosol, an individual may not be in the

1 entire enclosed area until the requirements in
2 clause (i) or (ii) of subparagraph (A) are met.

3 (C) RESPIRATORY PROTECTION DEVICE
4 REQUIRED FOR APPLICATION BY THE PRODUCT
5 LABELING.—In the case of a pesticide not oth-
6 erwise covered by subparagraph (A) or (B) and
7 for which a respiratory protection device is re-
8 quired by the product labeling for application,
9 an individual may not be in the treated area
10 until the requirements in clause (i) or (ii) of
11 subparagraph (A) are met.

12 (D) APPLIED FROM 12-INCHES ABOVE, AS
13 A FINE SPRAY, OR USING PRESSURE GREATER
14 THAN 40 PSI.—In the case of a pesticide that is
15 not otherwise covered by subparagraph (A),
16 (B), or (C) and is applied from a height of not
17 less than 12 inches from the planting medium,
18 as a fine spray, or using spray pressure greater
19 than 40 pounds per square inch, an individual
20 may not be in the treated area (or any area
21 that is 25 feet or less from the enclosed area)
22 until the application of the pesticide is complete
23 and all required re-entry intervals have been
24 maintained.

1 (E) OTHER.—In the case of a pesticide
2 that is not otherwise covered by subparagraph
3 (A), (B), (C), or (D), an individual may not be
4 in the treated area until the application of the
5 pesticide is complete and all required re-entry
6 intervals have been maintained.

7 (4) DEFINITIONS.—For purposes of paragraph
8 (1):

9 (A) AGRICULTURAL ESTABLISHMENT.—
10 The term “agricultural establishment” means
11 an establishment—

12 (i) that is an establishment described
13 in the definition of the term “agricultural
14 establishment” in section 170.3 of title 40,
15 Code of Federal Regulations (or any suc-
16 cessor regulations); and

17 (ii) to which subpart C of part 170 of
18 title 40, Code of Federal Regulations (or
19 any successor regulations) applies.

20 (B) CHILD WORKER.—The term “child
21 worker” has the meaning given the term “work-
22 er” in section 3 of the Fair Labor Standards
23 Act of 1938 (29 U.S.C. 203).

24 (C) PESTICIDE.—The term “pesticide” has
25 the meaning given that term in section 2 of the

1 Federal Insecticide, Fungicide, and Rodenticide
2 Act (7 U.S.C. 136).

3 (D) OTHER TERMS.—The terms “commer-
4 cial pesticide handling establishment”, “crop
5 advisor”, “farm”, “forest”, “fumigant”,
6 “greenhouse”, “nursery”, “restricted-entry in-
7 terval”, and “treated area” have the meanings
8 given such terms in section 170.3 of title 40,
9 Code of Federal Regulations (or any successor
10 regulations).

11 **TITLE II—PENALTIES AND**
12 **ENFORCEMENT**

13 **SEC. 201. INCREASED CIVIL PENALTIES FOR CHILD LABOR**
14 **VIOLATIONS.**

15 (a) IN GENERAL.—Section 16(e)(1) of the Fair
16 Labor Standards Act of 1938 (29 U.S.C. 216(e)(1)) is
17 amended—

18 (1) in subparagraph (A)—

19 (A) in the matter preceding clause (i), by
20 striking “not to exceed” and inserting “of an
21 amount (subject to subparagraph (D)) that is”;
22 and

23 (B) by striking clauses (i) and (ii) and in-
24 serting the following:

1 “(i) not less than \$1,000 and not more than
2 \$156,290 for each worker who was the subject of
3 such a violation, which penalty may be doubled in
4 the case of a violation described in subparagraph
5 (C); or

6 “(ii) not less than \$1,000 and not more than
7 \$710,310 with regard to each violation of section 12
8 or 13(c), relating to child labor, or any regulation
9 issued pursuant to such a section, that causes the
10 death or serious injury of any worker younger than
11 the age of 18 years, which penalty may be doubled
12 in the case of a violation described in subparagraph
13 (C).”; and

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

15 “(C) For purposes of penalties that may be doubled
16 under clause (i) or (ii) of subparagraph (A), a violation
17 described in this subparagraph is a violation—

18 “(i) that is a repeated or willful violation;

19 “(ii) that has occurred within 10 years of the
20 final disposition of another violation of section 12 or
21 13(c), relating to child labor, or any regulation
22 issued pursuant to such a section; or

23 “(iii) for which the employer that committed
24 the violation is found, during the period in which the
25 person was investigated for such violation, to have

1 engaged for work more than 10 children in such a
2 violation.”.

3 (b) ADJUSTMENT OF AMOUNTS FOR INFLATION.—

4 Section 16(e)(1) of the Fair Labor Standards Act of 1938
5 (29 U.S.C. 216(e)(1)), as amended by subsection (a), is
6 further amended by adding at the end the following:

7 “(D) The dollar amounts referred to in clauses
8 (i) and (ii) of subparagraph (A) shall be increased
9 annually, for fiscal year 2025 and every fiscal year
10 thereafter, by the percent increase, if any, in the
11 consumer price index for all urban consumers (all
12 items; United States city average) for the most re-
13 cent 12-month period for which applicable data is
14 available.”.

15 **SEC. 202. SPECIAL CRIMINAL PENALTIES FOR CERTAIN AG-**
16 **GRAVATED CHILD LABOR VIOLATIONS.**

17 Section 16(a) of the Fair Labor Standards Act of
18 1938 (29 U.S.C. 216(a)) is amended—

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

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

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

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

1 “(2)(A) Any person who violates section 15(a)(4)
 2 shall upon conviction thereof be subject to a fine of (sub-
 3 ject to subparagraph (B)) not more than \$750,000, or to
 4 imprisonment for not more than 5 years, or both.

5 “(B) The dollar amounts referred to in subparagraph
 6 (A) shall be increased annually, for fiscal year 2025 and
 7 every fiscal year thereafter, by the percent increase, if any,
 8 in the consumer price index for all urban consumers (all
 9 items; United States city average) for the most recent 12-
 10 month period for which applicable data is available.”.

11 **TITLE III—REPORTS AND MEMO-**
 12 **RANDUM OF UNDER-**
 13 **STANDING**

14 **SEC. 301. REPORT TO CONGRESS ON CHILD LABOR AND**
 15 **WORK-RELATED INJURIES TO CHILDREN AND**
 16 **RELATED MATTERS.**

17 The Fair Labor Standards Act of 1938 is amended
 18 by inserting after section 12 (29 U.S.C. 212) the following
 19 new section:

20 **“SEC. 12A. DATA ON CHILD LABOR AND WORK-RELATED IN-**
 21 **JURIES TO CHILDREN AND RELATED MAT-**
 22 **TERS.**

23 “(a) DATA ANALYSIS.—Using the sources specified
 24 in subsection (b), the Secretary shall analyze data con-
 25 cerning—

1 “(1) the number of children younger than 18
2 years of age who are engaged for work in agriculture
3 and non-agricultural sectors; and

4 “(2) any work-related serious injury (as such
5 term is defined in section 16(e)(1)(B) or death of
6 any such child.

7 “(b) SOURCES SPECIFIED.—The sources referred to
8 in subsection (a) are the following:

9 “(1) Sources within the Department of Labor,
10 including the Wage and Hour Division, the Bureau
11 of Labor Statistics, and the Occupational Safety and
12 Health Administration.

13 “(2) State employment security agencies and
14 other relevant State agencies.

15 “(3) The National Institute for Occupational
16 Safety and Health.

17 “(c) REPORT.—

18 “(1) IN GENERAL.—Not later than 1 year after
19 the date of enactment of the CARE Act of 2024,
20 and annually thereafter, the Secretary shall submit
21 a report to Congress which shall include—

22 “(A) a summary of the data collected by
23 the Secretary under—

24 “(i) this section; and

1 “(ii) section 8(c)(2) of the Occupation
2 Safety and Health Act of 1970 (29 U.S.C.
3 657(c)(2)) with respect to the death, seri-
4 ous injury or illness of a child younger
5 than 18 years of age;

6 “(B) an evaluation, based on such data,
7 that reflects the status of child labor in agricul-
8 tural and non-agricultural sectors and related
9 industry safety and health hazards; and

10 “(C) any information, based on such data,
11 that leads the Secretary to believe that children
12 younger than 18 years of age may have been
13 engaged for work in violation of section 12.

14 “(2) PUBLICATION.—The Secretary shall, on
15 the date that the Secretary submits each report
16 under paragraph (1) to Congress, publish each such
17 report in the Federal Register and on the website of
18 the Department of Labor.”.

19 **SEC. 302. EMPLOYER REPORTING REQUIREMENTS.**

20 Section 8(c)(2) of the Occupation Safety and Health
21 Act of 1970 (29 U.S.C. 657(c)(2)) is amended by insert-
22 ing “, including the age of the individual involved” before
23 the period at the end.

1 **SEC. 303. MEMORANDUM OF UNDERSTANDING.**

2 Not later than 90 days after the date of enactment
3 of this Act, the Assistant Secretary of Labor for Occupa-
4 tional Safety and Health and the Administrator of the
5 Wage and Hour Division of the Department of Labor shall
6 enter into a memorandum of understanding—

7 (1) to coordinate information sharing and facili-
8 tate enforcement activities between the Occupational
9 Safety and Health Administration and the Wage and
10 Hour Division, including with respect to—

11 (A) records and reports provided to the
12 Secretary of Labor pursuant to section 8(e) of
13 the Occupational Health and Safety Act of
14 1970 (29 U.S.C. 657(e)) or in accordance with
15 a State plan that has been approved by the Sec-
16 retary under section 18 of the Occupational
17 Safety and Health Act of 1970 (29 U.S.C.
18 667); and

19 (B) any other information available to the
20 Assistant Secretary of Labor for Occupational
21 Safety and Health regarding any injury, illness,
22 or fatality involving a worker who is a child
23 younger than 18 years of age;

24 (2) that provides that the Assistant Secretary
25 of Labor for Occupational Safety and Health shall
26 encourage each State agency that administers such

1 a State plan in a State to participate in information
 2 sharing activities under the memorandum of under-
 3 standing; and

4 (3) that is based on the agreement entitled
 5 “Memorandum of Understanding Between the U.S.
 6 Department of Labor, Occupational Safety and
 7 Health Administration and the U.S. Department of
 8 Labor, Wage and Hour Division” and made effective
 9 on May 4, 2023.

10 **TITLE IV—EFFECTIVE DATES**

11 **SEC. 401. EFFECTIVE DATE FOR APPLICATION OF CHILD** 12 **LABOR LAWS TO INDEPENDENT CONTRAC-** 13 **TORS.**

14 The amendments made by section 101 shall take ef-
 15 fect on the date that is 1 year after the date of enactment
 16 of this Act.

17 **SEC. 402. APPLICATION OF OTHER FAIR LABOR STAND-** 18 **ARDS AMENDMENTS.**

19 (a) RULEMAKING.—Not later than the date that is
 20 12 months after the date of enactment of this Act, the
 21 Secretary of Labor shall prescribe rules as necessary to
 22 implement the amendments made by sections 102 and 103
 23 and by title II and the revision required by section 104(b).
 24 Any such rules issued shall take effect not later than 30

1 days after the date on which the rules are published in
2 the Federal Register.

3 (b) VIOLATIONS.—The amendments made by sections
4 102 and 103 and by title II and the revision required by
5 section 104(b) shall apply to violations of the Fair Labor
6 Standards Act of 1938 (29 U.S.C. 201 et seq.) that occur
7 after the date on which the rules issued under subsection
8 (a) take effect.

9 (c) RULE OF CONSTRUCTION.—Nothing in the
10 amendments made by sections 102 and 103 and by title
11 II and the revision required by section 104(b) shall be con-
12 strued to preempt any State law that provides protections
13 or remedies for employees that are greater than the pro-
14 tections or remedies provided under such amendments or
15 such revision.

16 **SEC. 403. APPLICATION OF OCCUPATIONAL SAFETY AND**
17 **HEALTH ACT AMENDMENTS.**

18 (a) RULEMAKING.—Not later than the date that is
19 12 months after the date of enactment of this Act, the
20 Secretary of Labor shall prescribe rules as necessary to
21 implement the amendment made by section 302. Any such
22 rules issued shall take effect not later than 30 days after
23 the date on which the rules are published in the Federal
24 Register.

1 (b) VIOLATIONS.—The amendment made by section
2 302 shall apply to work-related deaths, injuries, and ill-
3 nesses that occur after the date on which the rules issued
4 under paragraph (1) take effect.

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