

118TH CONGRESS  
1ST SESSION

# S. 3142

To amend the Fair Labor Standards Act of 1938 to expand the prohibition related to child labor, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 26, 2023

Mr. RUBIO (for himself, Mr. PADILLA, Mr. HICKENLOOPER, and Mr. MARSHALL) 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 amend the Fair Labor Standards Act of 1938 to expand the prohibition related 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 “Child Labor Account-  
5 ability Act of 2023”.

6 **SEC. 2. AMENDMENT TO THE FAIR LABOR STANDARDS ACT**

7 **OF 1938.**

8 Section 12(a) of the Fair Labor Standards Act of  
9 1938 (29 U.S.C. 212(a)) is amended by striking “thirty”  
10 and inserting “90”.

1 **SEC. 3. REPORT TO CONGRESS ON CHILD LABOR LAW VI-**  
2 **LATIONS.**

3 Section 4 of the Fair Labor Standards Act of 1938  
4 (29 U.S.C. 204) is amended by adding at the end the fol-  
5 lowing:

6 “(g) REPORT TO CONGRESS ON CHILD LABOR LAW  
7 VIOLATIONS.—

8 “(1) IN GENERAL.—Not later than one year  
9 after the date of enactment of the Child Labor Ac-  
10 countability Act of 2023, and annually thereafter,  
11 the Secretary, in consultation with the Attorney  
12 General and the head of any other relevant Federal  
13 agency, shall submit a report to Congress that—

14 “(A) contains summary data on violations  
15 of the provisions of section 12 or 13(e), relating  
16 to child labor, in the year preceding the date of  
17 submission of the report, including—

18 “(i) the number of complaints of po-  
19 tential violations of such provisions re-  
20 ceived by the Secretary in such year;

21 “(ii) the number of—

22 “(I) investigations of potential  
23 violations of such provisions that are  
24 ongoing as of the date of submission  
25 of the report; and

1 “(II) investigations of potential  
2 violations of such provisions that have  
3 concluded in such year;

4 “(iii) with respect to violations of such  
5 provisions in such year—

6 “(I) the total number of such vio-  
7 lations;

8 “(II) the number of such viola-  
9 tions disaggregated by the industry in  
10 which such violation occurred;

11 “(III) the number of such viola-  
12 tions disaggregated by the provision  
13 of law that was violated;

14 “(IV) the average and median  
15 number of child employees involved in  
16 such violations;

17 “(V) the total number of child  
18 employees involved in such violations,  
19 disaggregated by characteristics in-  
20 cluding—

21 “(aa) the age of such child  
22 employee; and

23 “(bb) the sex of such child  
24 employee; and

1                   “(VI) the number of such viola-  
2                   tions that caused the death or serious  
3                   injury of any child employee involved  
4                   in such violation;

5                   “(iv) the total, average, and median  
6                   amount of penalties assessed under section  
7                   16(e)(1)(A) in such year;

8                   “(v) with respect to criminal penalties  
9                   under section 16(a) for violations of sec-  
10                  tion 15(a)(4)—

11                  “(I) the number of individuals  
12                  charged under such section for such a  
13                  violation in such year, disaggregated  
14                  by characteristics including—

15                         “(aa) the age of such indi-  
16                         vidual;

17                         “(bb) the sex of such indi-  
18                         vidual; and

19                         “(cc) the relationship of  
20                         such individual to any child em-  
21                         ployee involved in the relevant  
22                         violation of section 15(a)(4); and

23                         “(II) the number of individuals  
24                         convicted under such section for such

1 a violation in such year, disaggregated  
2 by characteristics including—

3 “(aa) the age of such indi-  
4 vidual;

5 “(bb) the sex of such indi-  
6 vidual; and

7 “(cc) the relationship of  
8 such individual to any child em-  
9 ployee involved in the relevant  
10 violation of section 15(a)(4); and

11 “(vi) any other information deter-  
12 mined relevant by the Secretary;

13 “(B) includes information on any activities  
14 in such year by the Secretary of Labor, in co-  
15 operation with State, Tribal, and local law en-  
16 forcement, to identify, investigate, and pros-  
17 ecute violations of the provisions of section 12  
18 or 13(e), relating to child labor;

19 “(C) describes trends with respect to such  
20 violations in such year; and

21 “(D) includes recommendations to Con-  
22 gress for combating such violations.

23 “(2) DEFINITION OF CHILD EMPLOYEE.—For  
24 purposes of this subsection, the term ‘child em-

- 1 ployee' means an employee who is younger than 18
- 2 years of age.”.

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