

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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Mr. SCHATZ (for himself and Mr. YOUNG) introduced the following bill; which  
was read twice and referred to the Committee on \_\_\_\_\_

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## A BILL

To amend the Fair Labor Standards Act of 1938 to 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”.

5 **SEC. 2. AMENDMENTS TO THE FAIR LABOR STANDARDS**

6 **ACT OF 1938.**

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

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

7           (2) in the fourth sentence—

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

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

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

16           (4) by adding at the end the following: “The  
17           right provided by this subsection to bring an action  
18           by or on behalf of any child with respect to viola-  
19           tions of the provisions of section 12 or 13(c), relat-  
20           ing to child labor, and the right of any child to be-  
21           come a party plaintiff to any such action, shall ter-  
22           minate upon the filing of a complaint by the Sec-  
23           retary in an action under section 17 in which legal  
24           or equitable relief is sought as a result of alleged  
25           violations of such provisions.”.

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

4 (1) in subparagraph (A)—

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

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

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

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

15 “(C) The dollar amounts referred to in clauses  
16 (i) and (ii) of subparagraph (A) shall be increased  
17 annually, for fiscal year 2024 and every fiscal year  
18 thereafter, by the percent increase, if any, in the  
19 consumer price index for all urban consumers (all  
20 items; United States city average) for the most re-  
21 cent 12-month period for which applicable data is  
22 available.”.

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

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

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

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

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

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

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

15 **SEC. 3. GRANT PROGRAM FOR PREVENTION OF CHILD**  
16 **LABOR VIOLATIONS.**

17 (a) IN GENERAL.—The Secretary of Labor may  
18 award grants to eligible entities for purposes of education,  
19 training, and development of systems to help employers  
20 recognize, avoid, and prevent violations of section 12 or  
21 13(c) of the Fair Labor Standards Act of 1938 (29 U.S.C.  
22 212, 213(e)).

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

1 (1) a nonprofit organization described in section  
2 501(c)(3) of the Internal Revenue Code of 1986;

3 (2) a nonprofit trade industry or employer asso-  
4 ciation;

5 (3) a labor-management partnership; or

6 (4) a labor organization.

7 **SEC. 4. NATIONAL ADVISORY COMMITTEE ON CHILD**  
8 **LABOR.**

9 (a) **ESTABLISHMENT.**—There is established the Na-  
10 tional Advisory Committee on Child Labor (in this section  
11 referred to as the “Committee”).

12 (b) **MEMBERSHIP.**—

13 (1) **COMPOSITION.**—The Committee shall be  
14 composed of 12 members of whom—

15 (A) 3 shall be representatives of manage-  
16 ment who are appointed by the Secretary of  
17 Labor;

18 (B) 3 shall be representatives of labor or-  
19 ganizations who are appointed by the Secretary  
20 of Labor;

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

23 (D) 2 shall be members of the public who  
24 are appointed by the Secretary of Health and  
25 Human Services; and

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

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

7           (3) PERIOD OF APPOINTMENT; VACANCIES.—

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

10          (B) VACANCIES.—A vacancy in the Com-  
11          mittee—

12                 (i) shall not affect the powers of the  
13                 Committee; and

14                 (ii) shall be filled in the same manner  
15                 as the original appointment.

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

18          (5) CHAIRPERSON.—The Secretary of Labor  
19          shall designate the Chairperson of the Committee  
20          from among the members of the Committee ap-  
21          pointed under paragraph (1).

22          (c) DUTIES OF COMMITTEE.—The Committee shall  
23          advise, consult, and make recommendations to the Sec-  
24          retary of Labor and the Secretary of Health and Human  
25          Services on matters related to the recognition, avoidance,

1 prevention, and enforcement of violations of section 12 or  
2 13(c) of the Fair Labor Standards Act of 1938 (29 U.S.C.  
3 212, 213(c)).

4 (d) COMMITTEE PERSONNEL MATTERS.—

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

14 (2) TRAVEL EXPENSES.—A member of the  
15 Committee shall be allowed travel expenses, includ-  
16 ing per diem in lieu of subsistence, at rates author-  
17 ized for employees of agencies under subchapter I of  
18 chapter 57 of title 5, United States Code, while  
19 away from their homes or regular places of business  
20 in the performance of services for the Committee.

21 (3) STAFF.—

22 (A) IN GENERAL.—The Chairperson of the  
23 Committee may, without regard to the civil  
24 service laws (including regulations), appoint  
25 and terminate an executive director and such

1 other additional personnel as may be necessary  
2 to enable the Committee to perform its duties,  
3 except that the employment of an executive di-  
4 rector shall be subject to confirmation by the  
5 Committee.

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

17 (4) DETAIL OF GOVERNMENT EMPLOYEES.—A  
18 Federal Government employee may be detailed to  
19 the Committee without reimbursement, and such de-  
20 tail shall be without interruption or loss of civil serv-  
21 ice status or privilege.

22 (5) PROCUREMENT OF TEMPORARY AND INTER-  
23 MITTENT SERVICES.—The Chairperson of the Com-  
24 mittee may procure temporary and intermittent serv-  
25 ices under section 3109(b) of title 5, United States



1 Code, at rates for individuals that do not exceed the  
2 daily equivalent of the annual rate of basic pay pre-  
3 scribed for level V of the Executive Schedule under  
4 section 5316 of that title.

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

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