

119TH CONGRESS
2D SESSION

S. _____

To amend the Fair Labor Standards Act of 1938 to enhance penalties for child labor law violations, to assist employers in avoiding such violations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To amend the Fair Labor Standards Act of 1938 to enhance penalties for child labor law violations, to assist employers in avoiding such 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(b)) is
9 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 the employee or employees affected for com-
5 pensatory damages and punitive damages in an
6 amount that is not more than \$250,000 for each
7 such employee.”; and

8 (2) by adding at the end the following: “The
9 right provided by this subsection to bring an action
10 by or on behalf of any employee with respect to vio-
11 lations of the provisions of section 12 or 13(c), relat-
12 ing to child labor, and the right of any employee to
13 become a party plaintiff to any such action, shall
14 terminate upon the filing of a complaint by the Sec-
15 retary in an action under section 17 in which legal
16 or equitable relief is sought as a result of alleged
17 violations of such provisions.”.

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

21 (1) in subparagraph (A)—

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

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

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

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

8 “(C) The dollar amounts referred to in clauses
9 (i) and (ii) of subparagraph (A) shall be increased
10 annually, for fiscal year 2027 and every fiscal year
11 thereafter, by the percent increase, if any, in the
12 consumer price index for all urban consumers (all
13 items; United States city average) for the most re-
14 cent 12-month period for which applicable data is
15 available.”.

16 (c) CRIMINAL PENALTIES.—Section 16(a) of the Fair
17 Labor Standards Act of 1938 (29 U.S.C. 216(a)) is
18 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) Any person who repeatedly or willfully violates
2 section 15(a)(4) shall upon conviction thereof be subject
3 to a fine of not more than \$50,000, or to imprisonment
4 for not more than 1 year, or both.”.

5 (d) **EFFECTIVE DATE.**—The amendments made by
6 subsections (a), (b), and (c) shall apply with respect to
7 violations alleged to have occurred on or after the date
8 of the enactment of this Act.

9 **SEC. 3. GRANT PROGRAM FOR PREVENTION OF CHILD**
10 **LABOR VIOLATIONS.**

11 (a) **IN GENERAL.**—The Secretary of Labor may
12 award grants to eligible entities for purposes of education,
13 training, and development of systems to help employers
14 recognize, avoid, and prevent violations of section 12 or
15 13(c) of the Fair Labor Standards Act of 1938 (29 U.S.C.
16 212, 213(c)).

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

19 (1) a nonprofit organization described in section
20 501(c)(3) of the Internal Revenue Code of 1986;

21 (2) a nonprofit trade industry or employer asso-
22 ciation;

23 (3) a labor-management partnership; or

24 (4) a labor organization.

1 **SEC. 4. NATIONAL ADVISORY COMMITTEE ON CHILD**
2 **LABOR.**

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

6 (b) MEMBERSHIP.—

7 (1) COMPOSITION.—The Committee shall be
8 composed of 12 members of whom—

9 (A) 3 shall be representatives of manage-
10 ment who are appointed by the Secretary of
11 Labor;

12 (B) 3 shall be representatives of labor or-
13 ganizations who are appointed by the Secretary
14 of Labor;

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

17 (D) 2 shall be members of the public who
18 are appointed by the Secretary of Health and
19 Human Services; and

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

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

26 (3) PERIOD OF APPOINTMENT; VACANCIES.—

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

3 (B) VACANCIES.—A vacancy in the Com-
4 mittee—

5 (i) shall not affect the powers of the
6 Committee; and

7 (ii) shall be filled in the same manner
8 as the original appointment.

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

11 (5) CHAIRPERSON.—The Secretary of Labor
12 shall designate the Chairperson of the Committee
13 from among the members of the Committee ap-
14 pointed under paragraph (1).

15 (c) DUTIES OF COMMITTEE.—The Committee shall
16 advise, consult, and make recommendations to the Sec-
17 retary of Labor and the Secretary of Health and Human
18 Services on matters related to the recognition, avoidance,
19 prevention, and enforcement of violations of section 12 or
20 13(c) of the Fair Labor Standards Act of 1938 (29 U.S.C.
21 212, 213(c)).

22 (d) COMMITTEE PERSONNEL MATTERS.—

23 (1) COMPENSATION OF MEMBERS.—A member
24 of the Committee who is not an officer or employee
25 of the Federal Government shall be compensated at

1 a rate equal to the daily equivalent of the annual
2 rate of basic pay prescribed for level IV of the Exec-
3 utive Schedule under section 5315 of title 5, United
4 States Code, for each day (including travel time)
5 during which the member is engaged in the perform-
6 ance of the duties of the Committee.

7 (2) TRAVEL EXPENSES.—A member of the
8 Committee shall be allowed travel expenses, includ-
9 ing per diem in lieu of subsistence, at rates author-
10 ized for employees of agencies under subchapter I of
11 chapter 57 of title 5, United States Code, while
12 away from their homes or regular places of business
13 in the performance of services for the Committee.

14 (3) STAFF.—

15 (A) IN GENERAL.—The Chairperson of the
16 Committee may, without regard to the civil
17 service laws (including regulations), appoint
18 and terminate an executive director and such
19 other additional personnel as may be necessary
20 to enable the Committee to perform its duties,
21 except that the employment of an executive di-
22 rector shall be subject to confirmation by the
23 Committee.

24 (B) COMPENSATION.—The Chairperson of
25 the Committee may fix the compensation of the

1 executive director and other personnel without
2 regard to chapter 51 and subchapter III of
3 chapter 53 of title 5, United States Code, relat-
4 ing to classification of positions and General
5 Schedule pay rates, except that the rate of pay
6 for the executive director and other personnel
7 may not exceed the rate payable for level V of
8 the Executive Schedule under section 5316 of
9 that title.

10 (4) DETAIL OF GOVERNMENT EMPLOYEES.—A
11 Federal Government employee may be detailed to
12 the Committee without reimbursement, and such de-
13 tail shall be without interruption or loss of civil serv-
14 ice status or privilege.

15 (5) PROCUREMENT OF TEMPORARY AND INTER-
16 MITTENT SERVICES.—The Chairperson of the Com-
17 mittee may procure temporary and intermittent serv-
18 ices under section 3109(b) of title 5, United States
19 Code, at rates for individuals that do not exceed the
20 daily equivalent of the annual rate of basic pay pre-
21 scribed for level V of the Executive Schedule under
22 section 5316 of that title.

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

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Committee to carry
3 out this section \$3,000,000 for fiscal year 2027.