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 increase penalties for child labor law violations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

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

(a) PRIVATE ENFORCEMENT.—Section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)(1)) is amended—
(1) by inserting after the third sentence the following: “Any employer who violates the provisions of section 12 or 13(c), relating to child labor, shall be liable to any child harmed as a result of such violation for compensatory damages and punitive damages in an amount not more than $250,000.”;

(2) in the fourth sentence—

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

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

(3) in the fifth sentence, by inserting “or children, as the case may be,” after “employees”; and

(4) by adding at the end the following: “The right provided by this subsection to bring an action by or on behalf of any child with respect to violations of the provisions of section 12 or 13(c), relating to child labor, and the right of any child to become a party plaintiff to any such action, shall terminate upon the filing of a complaint by the Secretary in an action under section 17 in which legal or equitable relief is sought as a result of alleged violations of such provisions.”.
(b) **Civil Penalties.**—Section 16(e)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)(1)) is amended—

(1) in subparagraph (A)—

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

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

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

(2) by adding at the end the following:

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

(c) **Criminal Penalties.**—Section 16(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(a)) is amended—
(1) by striking “Any” and inserting “(1) Any’’;
(2) by inserting “(other than subsection (a)(4) of such section)” after “section 15”;
(3) by striking “subsection” each place it appears and inserting “paragraph”; and
(4) by adding at the end the following:
“(2) Any person who repeatedly or willfully violates section 15(a)(4) shall upon conviction thereof be subject to a fine of not more than $50,000, or to imprisonment for not more than 1 year, or both.”.
(d) Effective Date.—The amendments made by subsections (a), (b), and (c) shall apply with respect to violations alleged to have occurred on or after the date of the enactment of this Act.

SEC. 3. GRANT PROGRAM FOR PREVENTION OF CHILD LABOR VIOLATIONS.

(a) In General.—The Secretary of Labor may award grants to eligible entities for purposes of education, training, and development of systems to help employers recognize, avoid, and prevent violations of section 12 or 13(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 212, 213(c)).
(b) Eligible Entity.—For purposes of this section, the term “eligible entity” means—
(1) a nonprofit organization described in section 501(e)(3) of the Internal Revenue Code of 1986;
(2) a nonprofit trade industry or employer association;
(3) a labor-management partnership; or
(4) a labor organization.

SEC. 4. NATIONAL ADVISORY COMMITTEE ON CHILD LABOR.

(a) Establishment.—There is established the National Advisory Committee on Child Labor (in this section referred to as the “Committee”).

(b) Membership.—

(1) Composition.—The Committee shall be composed of 12 members of whom—

(A) 3 shall be representatives of management who are appointed by the Secretary of Labor;

(B) 3 shall be representatives of labor organizations who are appointed by the Secretary of Labor;

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

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

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

(3) PERIOD OF APPOINTMENT; VACANCIES.—

(A) IN GENERAL.—A member of the Committee shall be appointed for a term of 2 years.

(B) VACANCIES.—A vacancy in the Committee—

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

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

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

(5) CHAIRPERSON.—The Secretary of Labor shall designate the Chairperson of the Committee from among the members of the Committee appointed under paragraph (1).

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

(d) COMMITTEE PERSONNEL MATTERS.—

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

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

(3) STAFF.—

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

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

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

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

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

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