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

IN THE SENATE OF THE UNITED STATES

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

A BILL

To amend the Fair Labor Standards Act of 1938 to expand the prohibition related to child labor, 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 “Child Labor Accountability Act of 2023”.

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

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

118TH CONGRESS 1ST Session
SEC. 3. REPORT TO CONGRESS ON CHILD LABOR LAW VIOLATIONS.

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

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

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

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

“(i) the number of complaints of potential violations of such provisions received by the Secretary in such year;

“(ii) the number of—

“(I) investigations of potential violations of such provisions that are ongoing as of the date of submission of the report; and
“(II) investigations of potential violations of such provisions that have concluded in such year;
“(iii) with respect to violations of such provisions in such year—
“(I) the total number of such violations;
“(II) the number of such violations disaggregated by the industry in which such violation occurred;
“(III) the number of such violations disaggregated by the provision of law that was violated;
“(IV) the average and median number of child employees involved in such violations;
“(V) the total number of child employees involved in such violations, disaggregated by characteristics including—
“(aa) the age of such child employee; and
“(bb) the sex of such child employee; and
“(VI) the number of such violations that caused the death or serious injury of any child employee involved in such violation;

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

“(v) with respect to criminal penalties under section 16(a) for violations of section 15(a)(4)—

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

“(aa) the age of such individual;

“(bb) the sex of such individual; and

“(cc) the relationship of such individual to any child employee involved in the relevant violation of section 15(a)(4); and

“(II) the number of individuals convicted under such section for such
a violation in such year, disaggregated by characteristics including—

“(aa) the age of such individual;

“(bb) the sex of such individual; and

“(cc) the relationship of such individual to any child employee involved in the relevant violation of section 15(a)(4); and

“(vi) any other information determined relevant by the Secretary;

“(B) includes information on any activities in such year by the Secretary of Labor, in cooperation with State, Tribal, and local law enforcement, to identify, investigate, and prosecute violations of the provisions of section 12 or 13(c), relating to child labor;

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

“(D) includes recommendations to Congress for combating such violations.

“(2) DEFINITION OF CHILD EMPLOYEE.—For purposes of this subsection, the term ‘child em-
ployee’ means an employee who is younger than 18 years of age.”.