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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R.

To protect children from oppressive child labor and unsafe workplaces, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SCOTT of Virginia introduced the following bill; which was referred to the
Committee on

A BILL

To protect children from oppressive child labor and unsafe
workplaces, 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 “Protecting Children
5 Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Effective date.

TITLE I—IMPROVING ENFORCEMENT

- Sec. 101. Adjusting civil monetary penalties.
 Sec. 102. Enhancing criminal penalties.
 Sec. 103. Expanding use of hot goods injunctions.
 Sec. 104. Enabling private enforcement.

TITLE II—STRENGTHENING CAPACITY TO PROTECT CHILDREN

- Sec. 201. Increasing expertise for protecting children from unsafe employment
 and oppressive child labor.
 Sec. 202. Supporting implementation and interagency collaboration.

TITLE III—UPDATING STANDARDS TO PROTECT CHILDREN

- Sec. 301. Improving process for updating standards on conditions of oppressive
 child labor.
 Sec. 302. Judicial review of rulemaking.

TITLE IV—INCREASING RESEARCH AND PUBLIC EDUCATION

- Sec. 401. Coordinating research on child labor.
 Sec. 402. Developing a comprehensive statistical program.
 Sec. 403. Enabling training and public engagement.

1 SEC. 3. EFFECTIVE DATE.

2 This Act, and the amendments made by this Act,
 3 shall take effect on the date that is 60 days after the date
 4 of enactment of this Act.

5 **TITLE I—IMPROVING**
 6 **ENFORCEMENT**

7 SEC. 101. ADJUSTING CIVIL MONETARY PENALTIES.

8 (a) OPPRESSIVE CHILD LABOR.—Section 16(e) of
 9 the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e))
 10 is amended—

11 (1) in paragraph (1)(A)—

12 (A) by striking “not to exceed—” and in-
 13 serting “as follows:”;

14 (B) by moving the margins for clauses (i)
 15 and (ii) 4 ems to the left;

1 (C) in clause (i)—

2 (i) by striking “\$11,000” and insert-
3 ing “Not more than \$150,000 but not less
4 than \$1,500”; and

5 (ii) by striking “violation; or” and in-
6 serting “violation, which penalty may be
7 doubled where the violation is a repeated
8 or willful violation.”; and

9 (D) in clause (ii), by striking “\$50,000”
10 and inserting “Not more than \$700,000 but not
11 less than \$7,000”; and

12 (2) in paragraph (3), by striking “charged and”
13 and inserting “charged, the economic benefit of non-
14 compliance, and”.

15 (b) UNSAFE WORKING CONDITIONS.—

16 (1) STRUCTURE AND HEADERS.—Section 17 of
17 the Occupational Safety and Health Act of 1970 (29
18 U.S.C. 666) is amended—

19 (A) in subsection (a), by striking “Any”
20 and inserting the following:

21 “ “CIVIL PENALTIES.—

22 “(1) BASE PENALTIES.—

23 “(A) Any”;

24 (B) by redesignating subsection (b) as sub-
25 section (a)(1)(B);

1 (C) by redesignating subsection (d) as sub-
2 section (a)(1)(C);

3 (D) by redesignating subsection (e) as sub-
4 section (a)(1)(D);

5 (E) by redesignating subsection (i) as sub-
6 section (a)(1)(E);

7 (F) in subsection (f), by striking “Any”
8 and inserting the following:

9 ““CRIMINAL PENALTIES.—

10 “(1) Any”;

11 (G) by redesignating subsection (f), as so
12 amended, as subsection (b);

13 (H) by redesignating subsections (g), (h),
14 and (e) as subsections (b)(2), (b)(3), and (b)(4)
15 respectively; and

16 (I) by redesignating subsections (j), (k),
17 and (l) as subsections (c), (d), and (e) respec-
18 tively.

19 (2) PENALTY AMOUNTS.—Section 17(a)(1) of
20 the Occupational Safety and Health Act of 1970, as
21 amended by paragraph (1), is further amended—

22 (A) in paragraph (1)—

23 (i) in subparagraph (A)—

24 (I) by striking “\$70,000” and in-
25 serting “\$700,000”;

1 (II) by striking “\$5,000” and in-
2 sserting “\$50,000”; and

3 (III) by striking the word “will-
4 ful”.

5 (ii) in subparagraph (B), by striking
6 “\$7,000” and inserting “\$70,000, but not
7 less than \$7,000,”;

8 (iii) in subparagraph (C), by striking
9 “\$7,000” and inserting “\$70,000, but not
10 less than \$7,000,”; and

11 (B) by adding at the end the following:

12 “(2) ENHANCEMENTS.—

13 “(A) YOUNG WORKERS.—If any significant
14 violation caused or contributed to serious phys-
15 ical harm to an employee under 18 years of
16 age, the minimum and maximum civil penalty
17 otherwise allowed by paragraph (1) shall be
18 doubled for each such violation.

19 “(B) FATALITIES.—If any significant vio-
20 lation caused or contributed to the death of an
21 employee—

22 “(i) the minimum and maximum civil
23 penalty otherwise allowed by paragraph (1)
24 shall be doubled for each such violation;
25 and

1 “(ii) in a case in which such employee
2 was under 18 years of age, such civil pen-
3 alty shall be trebled for each such viola-
4 tion.”.

5 (3) CONSIDERATIONS FOR PENALTY LEVELS.—
6 Section 17(c) of the Occupational Safety and Health
7 Act of 1970, as redesignated by paragraph (1), is
8 further amended—

9 (A) by striking the first word and inserting
10 “ASSESSMENT OF PENALTIES.—The”; and

11 (B) by striking “and the history” and in-
12 serting “the economic benefit of noncompliance,
13 and the history”.

14 (4) DEFINITION.—Section 17(d) of the Occupa-
15 tional Safety and Health Act of 1970, as redesi-
16 gnated by paragraph (1), is further amended—

17 (A) by striking “For purposes of this sec-
18 tion, the” and inserting the following:

19 “DEFINITIONS.—For purposes of this section—

20 “(1) SERIOUS.—The”; and

21 (B) by adding at the end the following:

22 “(2) SIGNIFICANT.—The term ‘significant viola-
23 tion’ means—

24 “(A) a serious, willful, or repeated viola-
25 tion;

1 “(B) a failure to correct, as described in
2 paragraph (1)(C), where the underlying viola-
3 tion was a serious, willful, or repeated viola-
4 tion.”.

5 **SEC. 102. ENHANCING CRIMINAL PENALTIES.**

6 (a) **OPPRESSIVE CHILD LABOR.**—Section 16(a) of
7 the Fair Labor Standards Act (29 U.S.C. 216(a)) is
8 amended—

9 (1) by striking the first word and inserting the
10 following:

11 “**CRIMINAL PENALTIES.**—

12 “(1) **IN GENERAL.**—Except as provided in para-
13 graph 2, any”;

14 (2) by striking the word “subsection” each
15 place it appears and inserting the word “para-
16 graph”; and

17 (3) by adding at the end the following:

18 “(2) **OPPRESSIVE CHILD LABOR.**—

19 “(A) **NEGLIGENCE WITH RESPECT TO A**
20 **CHILD.**—Any person who knowingly or willfully
21 violates section 15(a)(4) of this Act and thereby
22 negligently places an employee employed in vio-
23 lation of such section in imminent danger of
24 death or serious bodily injury shall be punished
25 by a fine under title 18, United States Code, or

1 by imprisonment for not more than 1 year, or
2 both. If a conviction of any person under this
3 subparagraph is for a violation committed after
4 a first conviction of such person under this
5 paragraph, the maximum punishment shall be
6 doubled with respect to both the fine and im-
7 prisonment.

8 “(B) KNOWING VIOLATION WITH RESPECT
9 TO A CHILD.—Any person who knowingly or
10 willfully violates section 15(a)(4) of this Act
11 and thereby knowingly places an employee em-
12 ployed in violation of such section in imminent
13 danger of death or serious bodily injury shall be
14 punished by a fine under title 18, United States
15 Code, or by imprisonment of not more than 15
16 years, or both. Any person, other than an indi-
17 vidual, committing such violation shall, upon
18 conviction under this subparagraph, be subject
19 to a fine of not more than \$5,000,000 for each
20 violation. If a conviction of any person under
21 this subparagraph is for a violation committed
22 after a first conviction of such person under
23 this paragraph, the maximum punishment shall
24 be doubled with respect to both the fine and im-
25 prisonment.

1 “(C) CAUSE OF DEATH TO A CHILD.—Any
2 person who knowingly or willfully violates sec-
3 tion 15(a)(4) of this Act and thereby knowingly
4 places an employee employed in violation of
5 such section in imminent danger of death or se-
6 rious bodily injury, and such violation results in
7 the death of a child, shall be punished by a fine
8 under title 18, United States Code, and impris-
9 onment for any term of years or for life. Any
10 person, other than an individual, committing
11 such violation shall, upon conviction under this
12 subparagraph, be subject to a fine of not more
13 than \$10,000,000 for each violation. If a con-
14 viction of any person under this subparagraph
15 is for a violation committed after a first convic-
16 tion of such person under this paragraph, the
17 maximum punishment shall be doubled with re-
18 spect to both the fine and imprisonment.”.

19 (b) UNSAFE WORKING CONDITIONS.—Section 17(b)
20 of the Occupational Safety and Health Act of 1970 (29
21 U.S.C. 666(b)), as so amended and redesignated by this
22 Act, is further amended—

23 (1) in paragraph (1), by striking “of not more”
24 and all that follows and inserting “under title 18,
25 imprisonment for not more than 5 years, or both. If

1 a conviction of any person under this paragraph is
2 for a violation committed after a first conviction of
3 such person under this paragraph, the maximum
4 punishment shall be doubled with respect to both the
5 fine and imprisonment.”;

6 (2) in paragraph (2), by striking “of not more”
7 and all that follows and inserting “under title 18,
8 imprisonment for not more than 5 years, or both. If
9 a conviction of any person under this paragraph is
10 for a violation committed after a first conviction of
11 such person under this paragraph, the maximum
12 punishment shall be doubled with respect to both the
13 fine and imprisonment.”; and

14 (3) by amending paragraph (4) to read as fol-
15 lows:

16 “(4) IMMINENT DANGER OR DEATH.—

17 “(A) Any employer who negligently violates
18 any standard, rule, or order promulgated pursu-
19 ant to section 6 of this Act, or of any regula-
20 tions prescribed pursuant to this Act, and
21 thereby negligently places an employee in immi-
22 nent danger of death or serious bodily injury,
23 shall be punished by a fine under title 18,
24 United States Code, imprisonment for not more
25 than one year, or both. If a conviction of any

1 person under this paragraph is for a violation
2 committed after a first conviction of such per-
3 son under this paragraph, the maximum pun-
4 ishment shall be doubled with respect to both
5 the fine and imprisonment.

6 “(B) Any employer who knowingly or will-
7 fully violates any standard, rule, or order pro-
8 mulgated pursuant to section 6 of this Act, or
9 of any regulations prescribed pursuant to this
10 Act, and in so doing places an employee in im-
11minent danger of death or serious bodily injury,
12 shall be punished by a fine under title 18,
13 United States Code, imprisonment for not more
14 than 15 years, or both. Any person, other than
15 an individual, committing such violation shall,
16 upon conviction under this paragraph, be sub-
17 ject to a fine of not more than \$5,000,000 for
18 each violation. If a conviction of any person
19 under this paragraph is for a violation com-
20 mitted after a first conviction of such person
21 under this paragraph, the maximum punish-
22 ment shall be doubled with respect to both the
23 fine and imprisonment.

24 “(C) Any employer who knowingly or will-
25 fully violates any standard, rule, or order pro-

1 mulgated pursuant to section 6 of this Act, or
2 of any regulations prescribed pursuant to this
3 Act, and such violation causes the death of an
4 employee, shall be punished by a fine under
5 title 18, United States Code, and imprisonment
6 for any term of years or for life. Any person,
7 other than an individual, committing such viola-
8 tion shall, upon conviction under this para-
9 graph, be subject to a fine of not more than
10 \$10,000,000 for each violation. If a conviction
11 of any person under this paragraph is for a vio-
12 lation committed after a first conviction of such
13 person under this paragraph, the maximum
14 punishment shall be doubled with respect to
15 both the fine and imprisonment.

16 “(5) ENDANGERMENT OF YOUNG WORKERS.—
17 The maximum punishment otherwise prescribed by
18 paragraph 4 shall be doubled with respect to both
19 the fine and imprisonment for each violation that
20 puts an employee under the age of 18 in imminent
21 danger of death or serious bodily injury or causes
22 the death of such employee, as the case may be.”.

23 **SEC. 103. EXPANDING USE OF HOT GOODS INJUNCTIONS.**

24 Section 12(a) of the Fair Labor Standards Act (29
25 U.S.C. 212(a)) is amended—

1 (1) by striking the first word and inserting the
2 following:

3 “SHIPMENT OF GOODS.—

4 “(1) IN GENERAL.—No”;

5 (2) by striking “thirty” and inserting “ninety”;

6 (3) by striking the colon after “employed” and
7 inserting a period;

8 (4) by striking “Provided, That any” and in-
9 serting the following:

10 “(2) GOOD FAITH.—Any”;

11 (5) by striking the colon after “prohibited by
12 this subsection” and inserting a period; and

13 (6) by striking “And provided further, That a”
14 and inserting the following:

15 “(3) PROSECUTION AND CONVICTION.—A”.

16 **SEC. 104. ENABLING PRIVATE ENFORCEMENT.**

17 Section 16(b) of the Fair Labor Standards Act of
18 1938 (29 U.S.C. 216(b)) is amended as follows:

19 (1) STRUCTURE AND HEADERS.—

20 (A) In the first sentence, by striking the
21 first word and inserting the following:

22 “PRIVATE ENFORCEMENT.—

23 “(1) REMEDIES.—

24 “(A) MINIMUM WAGES AND OVERTIME.—
25 Any”.

1 (B) In the second sentence, by striking the
2 first word and inserting the following:

3 “(B) FAIR EMPLOYMENT PRACTICES.—
4 Any”.

5 (C) In the third sentence, by striking the
6 first word and inserting the following:

7 “(C) TIPS.—Any”.

8 (D) In the fourth sentence, by striking the
9 first word and inserting the following:

10 “(2) RIGHT OF ACTION.—

11 “(A) IN GENERAL.—An”.

12 (E) In the fifth sentence, by striking the
13 first word and inserting the following:

14 “(B) COLLECTIVE ACTION.—No”.

15 (F) In the sixth sentence, by striking the
16 first word and inserting the following:

17 “(C) FEES AND COSTS.—The”.

18 (G) In the last sentence, by striking the
19 first word and inserting the following:

20 “(3) ACTIONS BY THE SECRETARY.—The”.

21 (2) NEW RIGHT OF ACTION.—In paragraph (1),
22 as amended by the previous paragraph, by adding at
23 the end the following:

24 “(D) CHILD LABOR.—Any employer who
25 violates section 12 shall, if any child is harmed

1 as a result of such violation, be liable to the
 2 child affected for compensatory and punitive
 3 damages.”.

4 **TITLE II—STRENGTHENING CA-**
 5 **PACITY TO PROTECT CHIL-**
 6 **DREN**

7 **SEC. 201. INCREASING EXPERTISE FOR PROTECTING CHIL-**
 8 **DREN FROM UNSAFE EMPLOYMENT AND OP-**
 9 **PRESSIVE CHILD LABOR.**

10 (a) ESTABLISHMENT OF ADVISORY COMMITTEE.—
 11 The Fair Labor Standards Act of 1938 (29 U.S.C. 204),
 12 as amended by title I of this Act, is further amended by
 13 inserting after section 4 the following new section:

14 **“SEC. 4A. ADMINISTRATION OF CHILD LABOR PROVISIONS.**

15 **“(a) NATIONAL ADVISORY COMMITTEE ON CHILD**
 16 **LABOR.—**

17 **“(1) ESTABLISHMENT.—**There is hereby estab-
 18 lished a National Advisory Committee on Child
 19 Labor, which shall advise, consult with, and make
 20 recommendations to the Secretary of Labor and the
 21 Secretary of Health and Human Services on matters
 22 relating to—

23 **“(A) oppressive child labor;**

1 “(B) preventing children, including vulner-
2 able children, from being exposed to oppressive
3 child labor; and

4 “(C) protecting children’s health, safety,
5 and welfare with regard to employment.

6 “(2) MEMBERS.—

7 “(A) APPOINTMENT.—The Advisory Com-
8 mittee shall consist of 15 members appointed by
9 the Secretary of Labor, five of whom are to be
10 designated in consultation with the Secretary of
11 Health and Human Services (acting through
12 the Director of the National Institute for Occu-
13 pational Safety and Health), without regard to
14 the provisions of title 5, United States Code,
15 governing appointments in the competitive serv-
16 ice.

17 “(B) QUALIFICATION.—The members shall
18 be selected upon the basis of their experience
19 and competence in the field of occupational
20 safety and health, child welfare, labor traf-
21 ficking, and child labor.

22 “(C) COMPOSITION.—The membership of
23 the Advisory Committee shall consist of quali-
24 fied persons from Federal agencies, the States,
25 and private life, including the following:

1 “(i) one or more representatives of
2 State agencies focused on occupational
3 safety and health established pursuant to
4 section 18 of the Occupational Safety and
5 Health Act of 1970 (29 U.S.C. 667);

6 “(ii) one or more persons qualified by
7 experience and affiliation to present the
8 viewpoint of the employers involved, and
9 one or more persons similarly qualified to
10 present the viewpoint of the workers in-
11 volved, provided that the number of per-
12 sons presenting employer viewpoints is
13 equal to the number of persons presenting
14 workers’ viewpoints; and

15 “(iii) such other persons as the Sec-
16 retary may appoint who are qualified by
17 knowledge and experience to make a useful
18 contribution to the work of the Advisory
19 Committee, provided that the number of
20 persons so appointed shall not exceed the
21 number appointed as representatives of
22 Federal and State agencies.

23 “(D) CONFLICTS OF INTEREST.—No mem-
24 ber of the Advisory Committee (other than rep-
25 resentatives of employers and employees) shall

1 have an economic interest in any proposed rule,
2 order, or recommendation for rule or order.

3 “(E) LEADERSHIP.—The Secretary shall
4 designate one of the public members as Chair-
5 person.

6 “(F) COMPENSATION.—Members of the
7 Advisory Committee appointed from private life
8 shall be compensated in the same manner as
9 consultants or experts under section 3109 of
10 title 5, United States Code. The Secretary shall
11 pay to any State which is the employer of a
12 member of the Advisory Committee who is a
13 representative of the occupational safety and
14 health or child welfare agency of that State, re-
15 imbursement sufficient to cover the actual cost
16 to the State resulting from such representa-
17 tive’s membership on the Advisory Committee.

18 “(G) CONTINUITY.—A member of the Ad-
19 visory Committee who is otherwise qualified
20 may continue to serve until a successor is ap-
21 pointed.

22 “(3) RESOURCES.—The Secretary shall furnish
23 to the Advisory Committee an executive secretary
24 and such secretarial, clerical, and other services as
25 are deemed necessary to the conduct of its business.

1 “(4) MEETINGS.—The Advisory Committee
2 shall hold no fewer than two meetings during each
3 calendar year. All meetings of the Advisory Com-
4 mittee shall be open to the public and a transcript
5 shall be kept and made available for public inspec-
6 tion.”.

7 (b) DEFINITION.—Section 3 of the Fair Labor
8 Standards Act of 1938 (29 U.S.C. 203) is amended by
9 adding at the end the following new paragraph:

10 “(z) ‘Advisory Committee’ means the National Advi-
11 sory Committee on Child Labor established under section
12 4A(a).”.

13 **SEC. 202. SUPPORTING IMPLEMENTATION AND INTER-**
14 **AGENCY COLLABORATION.**

15 (a) CHILD LABOR AND SAFETY AND HEALTH
16 FUND.—Section 4A of the Fair Labor Standards Act of
17 1938, as added by the previous section, is further amended
18 by adding at the end the following:

19 “(b) CHILD LABOR AND SAFETY AND HEALTH
20 FUND.—

21 “(1) IN GENERAL.—There is established in the
22 Treasury of the United States a fund, to be known
23 as the ‘Child Labor and Safety and Health Fund’
24 (referred to in this subsection as the ‘Fund’), from
25 which amounts may be obligated and expended with-

1 out subsequent appropriation to carry out the pro-
2 gram established under paragraph (3).

3 “(2) TRANSFERS TO FUND.—

4 “(A) AVAILABILITY.—Amounts deposited
5 into the Fund from the sources described in
6 subparagraph (B) shall be available without fis-
7 cal year limitation solely for the uses described
8 in paragraph (3).

9 “(B) SOURCES DESCRIBED.—The sources
10 described in this paragraph are as follows:

11 “(i) Civil penalties described in sec-
12 tion 16(e)(5).

13 “(ii) Civil penalties described in sec-
14 tion 17(e) of the Occupational Safety and
15 Health Act of 1970.

16 “(3) PROGRAM.—

17 “(A) IN GENERAL.—The Secretary of
18 Labor shall create and carry out a program to
19 conduct, or award grants or contracts to enti-
20 ties to conduct, activities related to oppressive
21 child labor and the occupational safety and
22 health of employees under the age of 18 in ac-
23 cordance with subparagraph (B).

24 “(B) USES OF FUNDS.—On request of the
25 Secretary of Labor, the Secretary of Treasury

1 shall transfer from the Fund to the Secretary
2 of Labor, such amounts as the Secretary of
3 Labor determines to be necessary to implement
4 the program established by subparagraph (A)
5 through the following activities:

6 “(i) Investigation, enforcement, imple-
7 mentation, and interagency collaboration.

8 “(ii) Training and education of chil-
9 dren, employers, and teachers and other
10 professionals who may reasonably be an-
11 ticipated to identify children working in
12 conditions of oppressive child labor, on op-
13 pressive child labor, occupational safety
14 and health, and young employees’ rights at
15 work.

16 “(iii) Research on oppressive child
17 labor in accordance with section 5 and the
18 occupational safety and health of young
19 employees in accordance with section 20 of
20 the Occupational Safety and Health Act of
21 1970, to be conducted directly or through
22 grant or contract by the Secretary of
23 Health and Human Services, acting
24 through the Director of the National Insti-
25 tute for Occupational Safety and Health.

1 “(4) RECORDS AND REPORTS.—The Secretary
2 shall keep adequate records regarding amounts so
3 deposited and used. Not later than March 1 of each
4 year, the Secretary shall submit a report to the
5 Committees on Appropriations, the Committee on
6 Education and the Workforce of the House of Rep-
7 resentatives, and the Committee on Health, Edu-
8 cation, Labor, and Pensions of the Senate consisting
9 of the following:

10 “(A) For the fiscal year preceding the year
11 in which a report is required to be submitted,
12 all funds received in the Fund, uses of such
13 funds, and data about such uses, including the
14 number of investigations and enforcement ac-
15 tions brought using such funds and the out-
16 comes of such investigations and enforcement
17 actions, trainings delivered, and research sup-
18 ported.

19 “(B) For the fiscal year in which a report
20 is required to be submitted, all funds received
21 and estimated to be received, all actual and es-
22 timated uses of such funds, and actual and esti-
23 mated data about such uses.”.

24 (b) RETENTION OF CHILD LABOR PENALTIES.—Sec-
25 tion 16(e)(5) of the Fair Labor Standards Act of 1938

1 (29 U.S.C. 216(e)(5)) is amended by striking the last sen-
2 tence and inserting “Civil penalties collected for violations
3 of section 12 shall be deposited in the fund established
4 by section 4A(b).”.

5 (c) RETENTION OF PENALTIES FOR YOUNG WORK-
6 ERS’ ILLNESS AND INJURY.—Section 17(e) of the Occupa-
7 tional Safety and Health Act of 1970 (29 U.S.C. 666(e)),
8 as redesignated by title I of this Act, is amended further—

9 (1) by striking the first word and inserting the
10 following:

11 “PROCEDURE FOR PAYMENT OF CIVIL PEN-
12 ALTIES.—

13 “(1) IN GENERAL.—Except as provided in para-
14 graph 2, civil”; and

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

16 “(2) PENALTIES INVOLVING YOUNG WORK-
17 ERS.—Civil penalties enhanced pursuant to sub-
18 section (a)(2)(A) or subsection (a)(2)(B)(ii) shall be
19 deposited in the fund established by section 4A(b) of
20 the Fair Labor Standards Act of 1938.”.

1 **TITLE III—UPDATING STAND-**
2 **ARDS TO PROTECT CHILDREN**

3 **SEC. 301. IMPROVING PROCESS FOR UPDATING STAND-**
4 **ARDS ON CONDITIONS OF OPPRESSIVE**
5 **CHILD LABOR.**

6 (a) RULEMAKING POLICIES.—

7 (1) PERMITTED WORK.—

8 (A) IN GENERAL.—Section 12 of the Fair
9 Labor Standards Act of 1938 (29 U.S.C. 212)
10 is amended by adding at the end the following:

11 “(e) CHILDREN’S WELFARE.—”.

12 (B) TRANSFER AMENDMENT.—The last
13 sentence of section 3(l) of the Fair Labor
14 Standards Act of 1938 (29 U.S.C. 203(l)) is—

15 (i) transferred to subsection (e) of
16 section 12 of such Act (29 U.S.C. 212);

17 and

18 (ii) inserted so as to appear after the
19 subsection heading of such section 12.

20 (2) HAZARDOUS OCCUPATIONS.—Section 12 of
21 the Fair Labor Standards Act of 1938 (29 U.S.C.
22 212) is further amended by adding at the end the
23 following:

24 “(f) HAZARDOUS OCCUPATIONS.—

1 “(1) PERIODIC REVIEW.—The Secretary shall
2 periodically review the hazardous occupation orders
3 promulgated by the Secretary to determine if, to
4 more adequately protect children from oppressive
5 child labor, a new hazardous occupation order should
6 be promulgated, or an update to an existing such
7 order should be promulgated.

8 “(2) CONSIDERATIONS.—In determining the
9 need for promulgating a new hazardous occupation
10 order or promulgating an update to an existing such
11 order, the Secretary shall—

12 “(A) place preeminent value on assuring
13 the safety, health, and well-being of children;

14 “(B) take into consideration the vulner-
15 able, formative, and malleable nature of child-
16 hood and adolescence, which requires a higher
17 standard of protection for children than that
18 accorded to adults;

19 “(C) adopt any reasonable precautionary
20 assumptions necessary to prevent children from
21 being exposed in the workplace to hazards that
22 may reasonably be anticipated to cause serious
23 illness or injury, disability, premature mortality,
24 or long-term health effects (including exposure
25 to any substance which is known or may rea-

1 sonably be anticipated to be carcinogenic, muta-
2 genic, teratogenic, neurotoxic, reprotoxic, or
3 asthmagenic); and

4 “(D) take into consideration any—

5 “(i) recommendations provided under
6 paragraph (3) of this section by the Advi-
7 sory Committee or the Secretary of Health
8 and Human Services provided under para-
9 graph (3) of this subsection; and

10 “(ii) any information provided under
11 subsection (g).

12 “(3) RECOMMENDATIONS FOR ORDERS.—

13 “(A) ADVISORY COMMITTEE.—

14 “(i) IN GENERAL.—In a case in which
15 the Secretary determines that expert ad-
16 vice is needed to aid the Secretary’s deci-
17 sion whether to promulgate a new haz-
18 ardous occupation order (or an update to
19 such an existing order), the Secretary—

20 “(I) may request the Advisory
21 Committee to submit its recommenda-
22 tions to the Secretary relating to the
23 proposed or existing order; and

24 “(II) in a case in which the Sec-
25 retary requests recommendations pur-

1 suant to subclause (I), shall provide
2 the Advisory Committee with—

3 “(aa) any proposals devel-
4 oped by the Secretary or by the
5 Secretary of Health and Human
6 Services relating to the proposed
7 or existing order with respect to
8 which the Secretary is requesting
9 recommendations; and

10 “(bb) all pertinent factual
11 information developed by the Sec-
12 retary or the Secretary of Health
13 and Human Services, including
14 any applicable information pro-
15 vided under subparagraph (B) or
16 otherwise available.

17 “(ii) SUBMISSION OF RECOMMENDA-
18 TIONS.—

19 “(I) IN GENERAL.—Subject to
20 subclause (II), the Advisory Com-
21 mittee shall submit to the Secretary
22 its recommendations relating to an ex-
23 isting or proposed order not later than
24 90 days after the date of the Commit-

1 tee’s receipt of such request from the
2 Secretary relating to such order.

3 “(II) EXCEPTIONS.—The Sec-
4 retary may prescribe a period for the
5 submission of recommendations by the
6 Advisory Committee under subclause
7 (I) relating to an existing or proposed
8 order that is longer or shorter than
9 the 90-day period referred to in sub-
10 clause (I), except that such period
11 may not exceed 180 days after the
12 date of the Committee’s receipt of the
13 request for recommendations relating
14 to such order.

15 “(iii) RECEIPT OF RECOMMENDA-
16 TIONS.—In the case in which the Advisory
17 Committee recommends the promulgation
18 of a new order (or an update to an existing
19 order), the Secretary shall, not later than
20 90 days after submission of such rec-
21 ommendation by the Advisory Committee
22 or the expiration of the period prescribed
23 by the Secretary for such submission—

24 “(I) promulgate pursuant to
25 paragraph (4) such order (or update)

1 in a manner consistent with such rec-
2 ommendations; or

3 “(II) publish such recommenda-
4 tions in the Federal Register along
5 with a detailed and substantive state-
6 ment of the Secretary’s reasons for
7 not promulgating the new order or
8 update.

9 “(B) NIOSH CRITERIA.—In a case in
10 which the Secretary of Health and Human
11 Services (acting through the Director of the
12 National Institute for Occupational Safety and
13 Health) recommends (accompanied by appro-
14 priate criteria) the promulgation of a new haz-
15 ardous occupation order (or an update to an ex-
16 isting such order) by the Secretary of Labor,
17 the Secretary of Labor shall, not later than 180
18 days after receiving such recommendation—

19 “(i) refer such recommendation to the
20 Advisory Committee pursuant to para-
21 graph (3) and carry out applicable require-
22 ments of such paragraph;

23 “(ii) promulgate pursuant to para-
24 graph (4) such order (or update) in a man-

1 ner consistent with the recommendation
2 provided under this subparagraph; or

3 “(iii) publish such recommendation in
4 the Federal Register along with a detailed
5 and substantive statement of the Sec-
6 retary’s reasons for not promulgating the
7 new order (or update).

8 “(4) PROCEDURES.—

9 “(A) IN GENERAL.—The Secretary shall,
10 when acting on the Secretary’s own initiative or
11 in response to a recommendation by the Advi-
12 sory Committee or Secretary of Health and
13 Human Services, promulgate any hazardous oc-
14 cupation order (including an update to an exist-
15 ing such order) in accordance with this para-
16 graph and in accordance with section 553 of
17 title 5, United States Code (without regard to
18 any reference in such section to sections 556
19 and 557 of such title).

20 “(B) COMMENT.—When publishing a pro-
21 posed order pursuant to this paragraph, the
22 Secretary shall afford interested persons a pe-
23 riod of 60 days after such publication to submit
24 written data or comments on the order. Such
25 comment period may be extended by the Sec-

1 retary for good cause but in any event shall last
2 no more than 120 days.

3 “(C) TRANSPARENCY.—For any rule-
4 making notice pursuant to this paragraph, the
5 Secretary shall place in the public record not
6 later than the date of such rulemaking notice
7 the following:

8 “(i) The drafts of such rulemakings
9 prepared before publication and submitted
10 by the Secretary to the Office of Manage-
11 ment and Budget for any interagency re-
12 view process prior to publication.

13 “(ii) A summary of the substance of
14 any changes between the text of the draft
15 rulemaking that the agency provided to the
16 Office of Management and Budget under
17 section 6(a)(3)(B)(i) of Executive Order
18 12,866 and the text published in the Fed-
19 eral Register, excluding any non-sub-
20 stantive changes such as spelling or gram-
21 matical corrections or re-ordering of text
22 that has no legal effect.

23 “(iii) A statement identifying any
24 party or entity at whose request any such
25 change was made.

1 “(5) EFFECT.—A hazardous occupation order
2 or any update to such an order shall become effec-
3 tive upon promulgation, except that the Secretary
4 may include a reasonable delay in the effective date.

5 “(g) AUTHORITATIVE EXPERTISE.—When promul-
6 gating any order pursuant to this section, the Secretary
7 may adopt, rely on, or presume to be the best available
8 evidence of children’s health, safety, and well-being or con-
9 ditions of work particularly hazardous to children, any rec-
10 ommendation, finding, assessment, or research by the Na-
11 tional Institute for Occupational Safety and Health, the
12 National Academies of Science, Engineering, and Medi-
13 cine, the National Toxicology Program, the Integrated
14 Risk Information System of the Environmental Protection
15 Agency, or the International Agency for Research on Can-
16 cer.

17 “(h) HAZARDOUS OCCUPATION ORDER DEFINED.—
18 In this section, the term ‘hazardous occupation order’
19 means any rule, regulation, or order promulgated pursu-
20 ant to subsection (f)(4) by the Secretary that deems one
21 or more occupations or working conditions as oppressive
22 child labor due to the determination by the Secretary that
23 such occupations or working conditions are particularly
24 hazardous for the employment of children of certain ages
25 or detrimental to the health and well-being of children.”.

1 (3) PREVENTING ROLLBACKS OF CHILD LABOR
2 STANDARDS.—Section 12 of the Fair Labor Stand-
3 ards Act of 1938 (29 U.S.C. 212) is further amend-
4 ed further by adding at the end the following:

5 “(i) MAINTAINING PROTECTION.—No order, rule, or
6 regulation promulgated pursuant to subsections (e) or (f)
7 shall reduce the protection afforded children by an existing
8 order, rule, or regulation promulgated under this Act.”.

9 **SEC. 302. JUDICIAL REVIEW OF RULEMAKING.**

10 Section 10 of the Fair Labor Standards Act of 1938
11 (29 U.S.C. 210) is amended to read as follows:

12 **“SEC. 10. JUDICIAL REVIEW.**

13 “(a) FILING OF PETITION.—Any person who may be
14 adversely affected by an order, rule, or regulation pursu-
15 ant to this Act may file a petition for review of such order,
16 rule, or regulation with the United States court of appeals
17 for the circuit where such person resides, where the prin-
18 cipal place of business of such person is located, or in the
19 United States Court of Appeals for the District of Colum-
20 bia. The filing of a petition for review of any order, rule,
21 or regulation under this section shall not operate as a stay
22 of such order, rule, or regulation.

23 “(b) TIMELY FILING.—Any petition for review under
24 this section shall be filed not later than sixty days after
25 the date on which there is notice of the rulemaking with

1 respect to such order, rule, or regulation in the Federal
2 Register.

3 “(c) NOT SUBJECT TO SUBSEQUENT REVIEW.—Ac-
4 tion of the Secretary with respect to which review could
5 have been obtained under this section shall not be subject
6 to judicial review in civil or criminal proceedings for en-
7 forcement.”.

8 **TITLE IV—INCREASING RE-**
9 **SEARCH AND PUBLIC EDU-**
10 **CATION**

11 **SEC. 401. COORDINATING RESEARCH ON CHILD LABOR.**

12 (a) RESEARCH AND RELATED ACTIVITIES.—

13 (1) IN GENERAL.—The Fair Labor Standards
14 Act of 1938 (29 U.S.C. 201 et seq.) is amended by
15 inserting after section 4 (29 U.S.C. 204) the fol-
16 lowing:

17 **“SEC. 5. RESEARCH AND RELATED ACTIVITIES.”;**

18 (2) SPECIAL EXEMPTIONS RELATING TO CHILD
19 LABOR.—Paragraph (2) of section 4(d) of such Act
20 is—

21 (A) transferred to section 5 of such Act;

22 (B) inserted so as to appear after the sec-
23 tion heading;

24 (C) redesignated as subsection (a) of such
25 section 5; and

1 (D) amended—

2 (i) by striking the first word and in-
3 sserting “PERIODIC REVIEW OF EXEMP-
4 TIONS.—The”; and

5 (ii) by striking “January 1, 1976”
6 and inserting “five years after the effective
7 date of the Protecting Children Act and
8 shall update such studies and such report
9 every ten years thereafter”; and

10 (3) STUDIES ON PREVENTING CURTAILMENT OF
11 EMPLOYMENT OPPORTUNITIES FOR MANPOWER
12 GROUPS.—Paragraph (3) of section 4(d) of such Act
13 is—

14 (A) transferred to section 5 of such Act;

15 (B) inserted so as to appear after sub-
16 section (a) of such section 5, as amended by
17 paragraph (2);

18 (C) redesignated as subsection (b) of such
19 section 5; and

20 (D) amended by striking the first word
21 and inserting “EMPLOYMENT OPPORTUNITY.—
22 The”.

23 (4) CONFORMING AMENDMENT.—Subsection (d)
24 of section 4 of such Act is further amended—

1 (A) by striking “(d)(1) The Secretary shall
2 submit” and inserting the following:

3 “(d) BIENNIAL REPORT.—The Secretary shall sub-
4 mit”.

5 (b) NATIONAL RESEARCH AGENDA ON CHILD
6 LABOR.—Section 5 of the Fair Labor Standards Act of
7 1938 is further amended by adding at the end the fol-
8 lowing:

9 “(c) NATIONAL RESEARCH AGENDA ON CHILD
10 LABOR.—

11 “(1) IN GENERAL.—The Secretary of Health
12 and Human Services (acting through the Director of
13 the National Institute for Occupational Safety and
14 Health), after consultation with the Secretary of
15 Labor and with other appropriate Federal depart-
16 ments or agencies, shall conduct (directly or by
17 grants or contracts) research, experiments, and dem-
18 onstrations relating to oppressive child labor, the oc-
19 cupational safety and health of young workers, and
20 the exposure or risk of such exposure of vulnerable
21 children to oppressive child labor, including innova-
22 tive methods, techniques, and approaches for pre-
23 venting oppressive child labor, research relevant to
24 strategic enforcement of the child labor provisions of
25 this Act, surveillance of occupational illnesses and

1 injuries for young workers, and identification of con-
2 ditions of work that are particularly hazardous to
3 children or harmful to their health and well-being.

4 “(2) TRACKING WORK-RELATED INJURY AND
5 ILLNESS.—The Secretary of Health and Human
6 Services shall, in coordination with the Secretary of
7 Labor, develop a comprehensive plan for monitoring
8 work-related illnesses and injuries sustained by em-
9 ployees under the age of 18 and for monitoring the
10 hazards to which such employees are exposed. Such
11 plan shall include the following:

12 “(A) EVALUATION.—Not later than two
13 years after the date of enactment of the Pro-
14 tecting Children Act and from time to time
15 thereafter, the Secretary of Health and Human
16 Services shall evaluate whether existing data
17 collections capture and generate sufficient rep-
18 resentative data on work-related illnesses and
19 injuries sustained by employees under the age
20 of 18.

21 “(B) LEADERSHIP.—The Secretary of
22 Health and Human Services shall coordinate
23 other Federal departments or agencies and, to
24 the extent feasible, State agencies with data col-
25 lection or research programs to enhance data

1 collection and research on work-related illnesses
2 and injuries sustained by employees under the
3 age of 18. The Secretary of Health and Human
4 Services shall advise the Secretary of Labor on
5 the effective design and implementation of rel-
6 evant elements of the statistical program of the
7 Secretary pursuant to this Act and section 24
8 of the Occupational Safety and Health Act of
9 1970 (29 U.S.C. 673).

10 “(C) SUPPLEMENTAL RESEARCH.—The
11 Secretary of Health and Human Services shall
12 identify and from time to time undertake such
13 additional research as the Secretary of Health
14 and Human Services determines is necessary to
15 supplement existing data collections, close
16 knowledge gaps, and improve information about
17 the work-related illnesses and injuries sustained
18 by employees under the age of 18.

19 “(3) HAZARDOUS OCCUPATIONS.—The Sec-
20 retary of Health and Human Services shall from
21 time to time consult with the Secretary of Labor in
22 order to develop specific plans for such research,
23 demonstrations, and experiments as are necessary to
24 produce criteria enabling the Secretary to meet the
25 Secretary’s responsibility for the formulation of haz-

1 ardous occupation orders under section 12. The Sec-
2 retary of Health and Human Services shall, on the
3 basis of such research, demonstrations, experiments,
4 and any other information available, develop and
5 publish at least annually such criteria as will effec-
6 tuate the purposes of this Act. The Secretary of
7 Health and Human Services shall submit to the Sec-
8 retary all pertinent criteria regarding any such occu-
9 pations or conditions or work as such criteria are de-
10 veloped.

11 “(4) PRECAUTIONARY GUIDANCE.—The Sec-
12 retary of Health and Human Services shall, on the
13 basis of research, demonstrations, and experiments,
14 and any other information available to the Secretary
15 of Health and Human Services, develop criteria or
16 models to aid the Secretary in identifying conditions
17 of oppressive child labor in the absence of substan-
18 tial data about occupational risks specific to chil-
19 dren.

20 “(5) IMPLEMENTATION SUPPORT.—The Sec-
21 retary of Health and Human Services shall, in con-
22 sultation with the Secretary of Labor, undertake re-
23 search relevant to developing evidence-based guid-
24 ance for the Secretary of Labor on the implementa-
25 tion of this Act, including topics such as strategic

1 enforcement, effective training of employees under
2 age 18, deterrence, and assessment of the economic
3 benefit of noncompliance.

4 “(6) RISK OF EXPOSURE TO OPPRESSIVE CHILD
5 LABOR.—The Secretary of Health and Human Serv-
6 ices shall from time to time, acting through the Di-
7 rector of the National Institute for Occupational
8 Safety and Health, consult with the leadership of
9 relevant Federal and State agencies and programs
10 responsible for the welfare, placement, or custody of
11 children, in order to develop specific plans for such
12 research, demonstrations, and experiments as are
13 necessary to produce precautionary and evidence-
14 based guidance enabling the Secretary of Health and
15 Human Services and such other leaders to prevent
16 children from suffering conditions of oppressive child
17 labor or being exposed to the risk of oppressive child
18 labor.

19 “(7) AUTHORITY.—In furtherance of the pur-
20 poses of this subsection, the Secretary of Health and
21 Human Services shall have the same authority as
22 available to the Secretary of Health and Human
23 Services pursuant to sections 20, 21, and 22 of the
24 Occupational Safety and Health Act of 1970 (29
25 U.S.C. 669–671).”.

1 (c) OSH ACT.—Section 20(a) of the Occupational
2 Safety and Health Act of 1970 (29 U.S.C. 669(a)) is
3 amended—

4 (1) in paragraph (3), by striking “his work ex-
5 perience” and inserting “such employee’s work expe-
6 rience and exposures of particular concern to the de-
7 velopment of employees under the age of 18”; and

8 (2) in paragraph (7)—

9 (A) by striking “aging adults” and insert-
10 ing “aging adults and employees under the age
11 of 18”; and

12 (B) by adding at the end the following:

13 “(8) MODEL.—

14 “(A) IN GENERAL.—Not later than the
15 date that is one year after the date enactment
16 of the Protecting Children Act, the Secretary of
17 Health and Human Services shall develop a
18 model for estimating the total incidence and
19 economic burden of fatal and nonfatal occupa-
20 tional injury and illness in the United States
21 that—

22 “(i) adjusts for known underreporting
23 of occupational injury and illness;

24 “(ii) estimates the incidence or preva-
25 lence of occupational injuries and illnesses

1 from public health data through attrib-
2 utable risk proportions or other standard
3 methodologies, and

4 “(iii) estimates both medical and indi-
5 rect costs, such as lost earnings, benefits,
6 and home production.

7 “(B) ANNUAL REPORT.—The Secretary of
8 Health and Human Services shall publish an
9 annual report using the model developed under
10 subparagraph (A) that includes—

11 “(i) estimates of the total incidence
12 and economic burden of occupational ill-
13 ness and injury;

14 “(ii) the proportion of the total eco-
15 nomic burden not absorbed by workers’
16 compensation insurance and shifted onto
17 Federal programs (such as the Medicare
18 program under title XVIII of the Social
19 Security Act, the Medicaid program under
20 title XIX of the Social Security Act (42
21 U.S.C. 1396 et seq.), and disability insur-
22 ance benefits under section 223 of the So-
23 cial Security Act (42 U.S.C. 423)); and

24 “(iii) the incidence of occupational ill-
25 ness and injury by employees under the

1 age of 18, disaggregated, to the extent fea-
2 sible, by the age groups, occupational cat-
3 egories, and school statuses that are rel-
4 evant to the administration, investigation,
5 or enforcement of the requirements relat-
6 ing to child labor under sections 12 or
7 13(c) of the Fair Labor Standards Act of
8 1938.”.

9 **SEC. 402. DEVELOPING A COMPREHENSIVE STATISTICAL**
10 **PROGRAM.**

11 (a) FLSA.—Section 5 of the Fair Labor Standards
12 Act of 1938 is further amended by adding at the end the
13 following:

14 “(d) STATISTICAL PROGRAMS.—

15 “(1) IN GENERAL.—In order to further the pur-
16 poses of this Act, the Secretary shall develop and
17 maintain an effective program of collection, compila-
18 tion, and analysis of statistics on employment prac-
19 tices with respect to wages, hours, child labor, and
20 other matters of concern for this Act, including such
21 employment practices that may constitute violations
22 of this Act. Such statistical program shall, to the ex-
23 tent feasible, include demographic information about
24 employees subject to violations under this Act and
25 facilitate comparisons of information in such statis-

1 tical program and in the statistical program estab-
2 lished pursuant to section 24 of the Occupational
3 Safety and Health Act of 1970 (29 U.S.C. 673).

4 “(2) AUTHORITY.—To carry out the Secretary’s
5 duties under this subsection, the Secretary may ex-
6 ercise the same authority available to the Secretary
7 under section 24 of the Occupational Safety and
8 Health Act of 1970 (29 U.S.C. 673).

9 “(3) CHILD LABOR.—

10 “(A) ANNUAL REPORT.—The Secretary
11 shall, not less frequently than annually, publish
12 a report of statistical data covering—

13 “(i) the employment of children under
14 the age of 18, including the numbers of
15 such children and the hours worked, the
16 demographics of such children, in total and
17 disaggregated by the age groups, school
18 statuses, and occupational categories that
19 are relevant to the administration, inves-
20 tigation, or enforcement of the require-
21 ments relating to child labor under sections
22 12 or 13(c) of the Fair Labor Standards
23 Act of 1938;

24 “(ii) the incidence and prevalence of
25 oppressive child labor, including the num-

1 ber and demographics of children affected,
2 the industries and occupations in which op-
3 pressive child labor occurred, and the types
4 of child labor violations, based on enforce-
5 ment data and, to the extent feasible and
6 in consultation with the Secretary of
7 Health and Human Services, such other
8 data as may be useful to account for
9 underreporting and limitations of enforce-
10 ment data in capturing the full incidence
11 and prevalence of oppressive child labor;
12 and

13 “(iii) to the extent feasible, estimates
14 of the data described in clauses (i) and (ii)
15 at the State level.

16 “(B) DATA COLLECTION.—The Secretary
17 shall periodically develop targeted surveys or
18 other data collections relevant to determining
19 the experience of oppressive child labor by par-
20 ticularly vulnerable populations, including mi-
21 grant children and children in poverty.

22 “(C) COORDINATION.—The Secretary shall
23 coordinate statistical programs across the Fed-
24 eral government that collect data related to
25 children to ensure that such programs, to the

1 extent practicable, shall collect and report data
2 on the employment of children, oppressive child
3 labor, and young workers' occupational illness
4 and injury in standardized and compatible
5 terms.”.

6 (b) OSH.—Section 24(a) of the Occupational Safety
7 and Health Act of 1970 (29 U.S.C. 673(a)) is amended
8 by adding at the end “The Secretary shall report such sta-
9 tistics on an annual basis. Such annual report shall in-
10 clude the analysis of occupational illnesses, injuries, and
11 fatalities disaggregated (1) by relevant demographics, and
12 (2) by the age groups that are relevant to the administra-
13 tion, investigation, or enforcement of the requirements re-
14 lating to child labor under sections 12 or 13(c) of the Fair
15 Labor Standards Act of 1938, across country of origin,
16 race, and ethnicity.”.

17 **SEC. 403. ENABLING TRAINING AND PUBLIC ENGAGEMENT.**

18 (a) FLSA.—The Fair Labor Standards Act of 1938
19 (29 U.S.C. 201 et seq.) is amended by inserting after sec-
20 tion 18D (29 U.S.C. 218d) the following:

21 **“SEC. 18E. PUBLIC INFORMATION INITIATIVES.**

22 “(a) TRAINING AND ENGAGEMENT.—The Secretary
23 shall, directly or by grants or contracts, provide for the
24 establishment and supervision of programs for—

1 “(1) the education and training of employers
2 and employees in the recognition, avoidance, and
3 prevention of violations of this Act;

4 “(2) the education and training of professionals
5 involved in the placement, education, or delivery of
6 other services to children on identifying and re-
7 sponding to oppressive child labor and incorporating
8 into their activities knowledge about risk factors for
9 exposing children to oppressive child labor; and

10 “(3) identification of potential violations of this
11 Act and support for victims of such violations.

12 “(b) CHILD LABOR REPORT.—The Secretary shall
13 publish an annual report on oppressive child labor and the
14 employment of children. Such report, which may at the
15 Secretary’s discretion be consolidated with any other re-
16 port about the activities of the Secretary related to chil-
17 dren and employment, shall include—

18 “(1) a report of the Secretary’s activities during
19 the preceding year implementing the provisions of
20 this Act related to child labor, including the number
21 of directed investigations;

22 “(2) trends or other relevant analysis of youth
23 employment, oppressive child labor, and the Sec-
24 retary’s enforcement activities; and

1 “(3) an evaluation and appraisal of the protec-
2 tions against oppressive child labor established by
3 this Act, together with the Secretary’s recommenda-
4 tions to the Congress.

5 “(c) ENFORCEMENT DISCLOSURE.—The Secretary
6 shall publish, not later than March 1 of each year, an an-
7 nual statement of the capacity available to the Secretary
8 to enforce this Act, which shall include—

9 “(1) the size of the inspectorate available in the
10 preceding fiscal year to investigate and conduct en-
11 forcement activities pursuant to this Act;

12 “(2) the number of establishments and employ-
13 ees subject to the jurisdiction of this Act;

14 “(3) the ratio of inspectors to establishments
15 and the ratio of inspectors to employees;

16 “(4) historical trends in such ratios, including
17 a comparison of the most recent fiscal year to the
18 years of the lowest such ratios; and

19 “(5) illustrative metrics of enforcement capac-
20 ity, including the number of years necessary for the
21 inspectorate (based on the size of the inspectorate
22 described in paragraph (1)) to inspect every work-
23 place in the Secretary’s jurisdiction under this Act
24 at least once.”.

25 (b) OSHA.—

1 (1) ANNUAL REPORTS.—Section 20(d) of the
2 Occupational Safety and Health Act (29 U.S.C.
3 669(d)) is amended—

4 (A) by striking the first word and inserting
5 the following:

6 “Public information initiatives.—

7 “(1) IN GENERAL.—Information”; and

8 (B) by adding at the end the following:

9 “(2) YOUNG WORKERS.—The Secretary shall
10 produce an annual report of occupational illness and
11 injury specific to employees under the age of 18.
12 Such report, which may at the Secretary’s discretion
13 be consolidated with any other report about the ac-
14 tivities of the Secretary related to children and em-
15 ployment, shall include—

16 “(A) complaints and enforcement activities
17 during the preceding year involving employees
18 under the age of 18;

19 “(B) statistics about occupational illness,
20 injury, and fatality suffered by such employees,
21 including the distribution by age group of such
22 illness, injury, and fatality across demographic
23 factors such as country of origin, race, and eth-
24 nicity;

1 “(C) reasonable estimates, informed by re-
2 search and in consultation with the Secretary of
3 Health and Human Services, of the incidence
4 and prevalence of occupational injury, illness,
5 and fatality for such employees, accounting for
6 such factors as underreporting and illness la-
7 tency, and including occupational illness likely
8 to manifest after childhood because of exposure
9 to a toxic substance or harmful physical agent
10 during childhood employment;

11 “(D) trends or other relevant analysis of
12 the matters described in the preceding subpara-
13 graphs; and

14 “(E) an evaluation and appraisal of the
15 protections against occupational illness, injury,
16 and fatality provided to such employees estab-
17 lished by this Act, together with the Secretary’s
18 recommendations to the Congress.

19 “(3) ENFORCEMENT DISCLOSURE.—The Sec-
20 retary shall publish, not later than March 1 of each
21 year, an annual statement of the capacity available
22 to the Secretary to enforce this Act, including the
23 following:

24 “(A) the size of the inspectorate available
25 in the preceding fiscal year to investigate and

1 conduct enforcement activities pursuant to this
2 Act;

3 “(B) the number of establishments and
4 employees subject to the jurisdiction of this Act;

5 “(C) the ratio of inspectors to establish-
6 ments and the ratio of inspectors to employees;

7 “(D) historical trends in such ratios, in-
8 cluding a comparison of the most recent fiscal
9 year to the years of the lowest such ratios;

10 “(E) to the extent feasible, such ratios for
11 the State plans; and

12 “(F) illustrative metrics of enforcement ca-
13 pacity, including the number of years necessary
14 for the inspectorate (based on the size of the
15 inspectorate described in paragraph (1)) to in-
16 spect every workplace in the Secretary’s juris-
17 diction under this Act at least once.”.

18 (2) TRAINING AND EMPLOYEE EDUCATION.—
19 Section 21 of the Occupational Safety and Health
20 Act of 1970 (29 U.S.C. 670) is amended by adding
21 at the end the following:

22 “(e) EFFECTIVE TRAINING PEDAGOGY.—The Sec-
23 retary of Health and Human Services shall, directly or by
24 grant or contract, periodically undertake research, dem-
25 onstrations, experiments, and surveys relevant to the ef-

- 1 fective design and delivery of safety and health training,
- 2 education, and information targeted to employees under
- 3 the age of 18 and employers of such employees.”.