118TH CONGRESS  
2D SESSION  

H. R. ______

To safeguard the rights of workers and protect children by responsibly increasing civil monetary penalties and other means.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To safeguard the rights of workers and protect children by responsibly increasing civil monetary penalties and other means.

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

2 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Labor Enforcement to Securely Protect Workers Act” or the “LET’S Protect Workers Act”.

5
SEC. 2. IMPROVED PROTECTION FOR WORKERS AND CHILDREN THROUGH MEANINGFUL CIVIL PENALTIES.

(a) CHILD LABOR.—Section 16(e)(1)(A) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)(1)(A)) is amended to read as follows:

“(A) Any person who violates the provisions of sections 12 or 13(c), relating to child labor, or any regulation issued pursuant to such sections, shall be subject to a civil penalty as follows:

“(i) Not more than $150,000, but not less than $1,500, for each employee who was the subject of such a violation.

“(ii) Not more than $700,000, but not less than $7,000, with regard to each such violation that causes the death or serious injury of any employee under the age of 18 years, which penalty may be doubled where the violation is a repeated or willful violation.”.

(b) WAGE AND HOUR PROTECTIONS.—Section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)), as amended by subsection (a), is further amended—

(1) in paragraph (2)—

(A) in the first sentence—
(i) by striking “repeatedly or willfully”; and

(ii) by striking “not to exceed $1,100 for each such violation” and inserting “not to exceed, for each such violation, $25,000 or, if such a violation is a repeated or willful violation, $50,000”;

(B) in the second sentence, by striking “not to exceed $1,100 for each such violation” and inserting “not to exceed, for each such violation, $25,000 or, if such a violation is a repeated or willful violation, $50,000”;

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(3) by inserting after paragraph (2), as so amended, the following new paragraph:

“(3) Any person who violates section 11(c) shall be subject to a civil penalty not to exceed $2,500 for each such violation.”.

(e) WORKERS’ HEALTH AND SAFETY.—Section 17 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 666) is amended—

(1) in subsection (a)—

(A) by striking “$70,000” and inserting “$800,000”; and
(B) by striking “$5,000” and inserting “$60,000”;

(2) in subsection (b), by striking “7,000” and inserting “$80,000”;

(3) in subsection (c), by striking “$7,000” and inserting “$40,000”;

(4) in subsection (d), by striking “$7,000” and inserting “$80,000”; and

(5) in subsection (i), by striking “$7,000” and inserting “$40,000”.

(d) Farmworker Protections.—Section 503(a)(1) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1853(a)(1)) is amended by striking “$1,000” and inserting “$30,000”.

(e) Mine Safety and Black Lung Benefits.—

(1) Increased civil penalties during pattern of violations status.—Section 110(b) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 820(b)) is amended by adding at the end the following:

“(3) Notwithstanding any other provision of this Act, in the case of an operator who has been given written notice of a pattern of violations in accordance with paragraph (1) of section 104(e), such operator, for any violation of any provision of this Act occurring during the pe-
period beginning on the date that such notice was issued and ending on the date such pattern of violation is deemed to be terminated in accordance with paragraph (3) of section 104(e), shall be assessed a civil penalty by the Secretary equal to the lesser of—

“(A) twice the amount that would, in the absence of this paragraph, be assessed by the Secretary for such violation; or

“(B) the maximum amount that may be assessed for such violation.”.

(2) Ensuring Payment of Penalties.—

(A) Amendments.—Section 110 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 820) is further amended—

(i) by redesignating subsection (l) as subsection (m); and

(ii) by inserting after subsection (k) the following:

“(l) Ensuring Payment of Penalties.—

“(1) Delinquent Payment Letter.—If the operator of a coal or other mine fails to pay any civil penalty assessment that has become a final order of the Commission or a court, not later than 45 days after such assessment becomes such a final order,
the Secretary shall send the operator a letter advising the operator—

“(A) of the consequences under this subsection of such failure to pay; and

“(B) of the opportunity to enter into or modify a payment plan with the Secretary based upon a demonstrated inability to pay, including—

“(i) the procedure for entering into such plan; and

“(ii) the consequences of not entering into or not complying with such plan.

“(2) WITHDRAWAL ORDERS FOLLOWING FAILURE TO PAY.—

“(A) IN GENERAL.—If an operator that receives a letter under paragraph (1) with respect to an assessment, has not, by the date that is 180 days after such assessment became a final order, paid the assessment or entered into a payment plan described in paragraph (1)(B), the Secretary shall issue a withdrawal order until the operator pays such assessment in full (including interest and administrative costs) or enters into such a payment plan.
“(B) Subsequent withdrawal order.—If such operator enters into a payment plan with the Secretary on or after the date on which the Secretary issues a withdrawal order and at any time fails to comply with the terms specified in such payment plan, the Secretary shall reissue such withdrawal order until the operator rectifies the noncompliance with the payment plan in the manner specified in such payment plan.

“(C) Withdrawal order defined.—In this paragraph, the term ‘withdrawal order’ means an order requiring an operator to cause all persons, except those referred to in section 104(c), to be withdrawn from, and to be prohibited from entering, the mine that is covered by the final order described in paragraph (1) with respect to such operator.”.

(B) Applicability of amendments.—

(i) In general.—The amendments made by subparagraph (A) shall apply to all unpaid civil penalty assessments under the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.) that become a final order of the Federal Mine Safety
and Health Review Commission or a court
on or after the date of enactment of this
Act.

(ii) PRIOR FINAL ORDERS.—In the
case of any unpaid civil penalty assessment
that became such a final order before the
date of enactment of this Act, the date on
which such assessment became a final
order shall be deemed to be the date of en-
actment of this Act.

(3) CIVIL PENALTY FOR RETALIATION.—Sec-
tion 110(a) of the Federal Mine Safety and Health
Act of 1977 (30 U.S.C. 820(a)) is further amend-
ed—

(A) by redesignating paragraph (4) as
paragraph (5); and

(B) by inserting after paragraph (3) the
following:

“(4) If any person violates section 105(c), the Sec-}
retary shall propose, and the Commission shall assess,
during any 3-year period, a civil penalty of not less than
$10,000 or more than $100,000 for the first occurrence
of such violation by such person, and not less than
$20,000 or more than $200,000 for any subsequent viola-
tion by such person.”.
(4) **BLACK LUNG BENEFITS PENALTIES.**—Section 423(d)(1) Federal Mine Safety and Health Act of 1977 (30 U.S.C. 933(d)(1)) is amended by striking “$1,000” and inserting “$50,000 but not less than $5,000”.

(f) **FAMILY AND MEDICAL LEAVE.**—

(1) **INTERFERENCE WITH RIGHTS AND PROCEEDINGS.**—Section 107(b) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2617(b)) is amended by adding at the end the following new paragraph:

“(4) CIVIL PENALTY.—In addition to any sums recovered by the Secretary pursuant to paragraph (2), any employer that violates section 105 may be assessed a civil money penalty not to exceed $25,000 for each separate offense.”.

(2) **NOTICE.**—Section 109(b) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2619(b)) is amended by striking “$100” and inserting “$2,500”.

(3) **RECORDKEEPING.**—Section 106(b) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2616(b)) is amended by adding “Any employer that violates this subsection may be assessed a civil mon-
etary penalty not to exceed $2,500 for each separate offense.” at the end.

SEC. 3. ENFORCEMENT OF CERTAIN REQUIREMENTS FOR EMPLOYEE HEALTH PLANS.

(a) Parity in Mental Health and Substance Use Disorders.—

(1) In General.—Section 502(c)(10)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(c)(10)(A)) is amended—

(A) by striking “any plan sponsor of a group health plan” and inserting “any plan sponsor or plan administrator of a group health plan, service provider,”; and

(B) by striking “for any failure” and all that follows and inserting “for any failure, or participation in such failure, by such sponsor, administrator, service provider, or issuer to meet, in connection with the plan, the requirements of—

“(i) subsection (a)(1)(F), (b)(3), (c), or (d) of section 702 or section 701 or 702(b)(1) with respect to genetic information; or
“(ii) subsection (a) of section 712
with respect to parity in mental health and
substance use disorder benefits.”.

(2) Conforming Amendment.—Section
502(c)(10) of the Employee Retirement Income Se-
curity Act of 1974 (29 U.S.C. 1132(c)(10)(A)) is
further amended by striking “USE OF GENETIC IN-
FORMATION” in the heading and inserting “USE OF
GENETIC INFORMATION AND PARITY IN MENTAL
HEALTH AND SUBSTANCE USE DISORDER BEN-
EFITS”.

(b) Exception to the General Prohibition on
Enforcement.—

(1) Civil Action.—Section 502(a)(6) of the
Employee Retirement Income Security Act of 1974
(29 U.S.C. 1132(a)(6)) is amended to read as fol-

“(6) by the Secretary to collect any civil penalty
that the Secretary has imposed or assessed pursuant
to authority under this title;”.

(2) Enforcement in relation to group
health plans.—Section 502(b)(3) of the Employee
1132(b)(3)) is amended by striking “Except” and all
that follows through “the Secretary” and inserting
“Except as provided in subsections (c)(9), (c)(10), and (a)(6) (with respect to collecting civil penalties under subsections (c)(9) and (c)(10)), and except with respect to enforcement by the Secretary of section 712, the Secretary”.

SEC. 4. IMPROVING WORKPLACE DEMOCRACY THROUGH CIVIL MONETARY PENALTIES.

Section 12 of the National Labor Relations Act (29 U.S.C. 162) is amended—

(1) by striking “Sec. 12. Any person” and inserting the following:

“SEC. 12. PENALTIES.

“(a) VIOLATIONS FOR INTERFERENCE WITH BOARD.—Any person”; and

(2) by adding at the end the following:

“(b) CIVIL PENALTIES FOR UNFAIR LABOR PRACTICES.—Any employer who commits an unfair labor practice within the meaning of section 8(a) shall be subject to a civil penalty in an amount not to exceed $50,000 for each such violation, except that, with respect to such an unfair labor practice within the meaning of paragraph (3) or (4) of section 8(a) or such a violation of section 8(a) that results in the discharge of an employee or other serious economic harm to an employee, the Board shall double the amount of such penalty, to an amount not to exceed
$100,000, in any case where the employer has within the preceding 5 years committed another such violation of such paragraph (3) or (4) or such violation of section 8(a) that results in such discharge or other serious economic harm. A civil penalty under this paragraph shall be in addition to any other remedy ordered by the Board. Sums collected as civil penalties pursuant to this section shall be deposited in the general fund of the Treasury.

“(e) CONSIDERATIONS.—In determining the amount of any civil penalty under this section, the Board shall consider—

“(1) the gravity of the actions of the employer resulting in the penalty, including the impact of such actions on the charging party or on other persons seeking to exercise rights guaranteed by this Act;

“(2) the size of the employer;

“(3) the history of any previous unfair labor practices or other actions by the employer resulting in a penalty; and

“(4) the public interest.

“(d) DIRECTOR AND OFFICER LIABILITY.—If the Board determines, based on the particular facts and circumstances presented, that a director or officer’s personal liability is warranted, a civil penalty for a unfair labor practice described in this section may also be assessed
against any director or officer of the employer who di-
rected or committed the unfair labor practice, had estab-
lished a policy that led to such an unfair labor practice,
or had actual or constructive knowledge of and the author-
ity to prevent the unfair labor practice and failed to pre-
vent the unfair labor practice.”.

SEC. 5. SECURING WORKERS’ RIGHTS THROUGH RESPONS-
SIBLE RECORDKEEPING AND NOTICE TO EMP-
LOYEES.

(a) WORKPLACE HEALTH AND SAFETY.—Section
9(c) of the Occupational Safety and Health Act of 1970
(29 U.S.C. 658(c)) is amended by adding at the end the
following: “In the case of a violation that relates to mak-
ing, keeping, or preserving a record, such violation con-
tinues to occur until the earlier of (1) the date on which
an employer complies with the requirement, rule, stand-
ard, order, or regulation that was violated with respect
to making, keeping, or preserving such record; or (2) the
date on which the requirement to keep and preserve such
record expires.”.

(b) WAGE, HOUR, AND FAMILY AND MEDICAL LEAVE
PROTECTIONS.—Section 11(c) of the Fair Labor Stan-
dards Act of 1938 (29 U.S.C. 211(c)) is amended by insert-
ing before the last sentence the following: “For purposes
of enforcement of this subsection under section 16(e)(3),

...
a violation of a requirement to make, keep, or preserve a record continues to occur until the earlier of (1) the date on which an employer has complied with the regulation or order that was violated with respect to such record, or (2) the date on which the requirement to keep and preserve such record expires.”

(e) RULEMAKING.—Not later than one year after the date of enactment of this Act, the Secretary of Labor shall promulgate or amend such regulations as are necessary to implement the amendments made by this section.

(d) AUTHORIZATION.—Subsection (e) shall be considered a specific authorization by Congress in accordance with section 801(b)(2) of title 5, United States Code, with respect to the issuance of a new recordkeeping rule pursuant to the Occupational Safety and Health Act of 1970.

SEC. 6. EFFECTIVE DATES; APPLICATION.

(a) SECTIONS 2, 3, AND 4.—Except as as provided in section 2(e)(2)(B), the amendments made by sections 2, 3, and 4 of this Act shall take effect on January 1, 2025, and shall apply with respect to violations that occur on or after January 1, 2025.

(b) SECTION 5.—The amendments made by section 5 of this Act shall take effect on the date of enactment of this Act, and shall apply with respect to violations that occur on or after the date of enactment of this Act.