

118TH CONGRESS
1ST SESSION

S. 3163

To strengthen protections against child labor violations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 30, 2023

Mr. CASEY (for himself, Mrs. MURRAY, Ms. BALDWIN, Mr. BROWN, Ms. DUCKWORTH, Mr. FETTERMAN, Mr. MARKEY, Mr. MURPHY, Mr. PADILLA, Mr. REED, Mr. SANDERS, Ms. SMITH, Mr. WYDEN, Ms. WARREN, and Ms. BUTLER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To strengthen protections against child labor 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 “Children Harmed In
5 Life-threatening or Dangerous Labor Act” or the
6 “CHILD Labor Act”.

7 **SEC. 2. TABLE OF CONTENTS.**

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

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—STRENGTHENING PROTECTIONS AGAINST CHILD LABOR VIOLATIONS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

- Sec. 101. Definition of oppressive child labor; hazardous occupations.
- Sec. 102. Enhancing child labor protections.
- Sec. 103. Strengthening penalties for child labor violations.
- Sec. 104. Training and engagement with respect to child labor violations.

TITLE II—CHILD LABOR REQUIREMENTS FOR CERTAIN FEDERAL CONTRACTORS AND RECIPIENTS OF FEDERAL FINANCIAL ASSISTANCE

- Sec. 201. Amendments to the Walsh-Healey Public Contracts Act.
- Sec. 202. Child labor requirements for contracts and assistance covered by the Davis-Bacon Act or Related Acts or the Service Contract Act.

TITLE III—MISCELLANEOUS

- Sec. 301. Reports to Congress on work-related injuries, illnesses, and deaths.

1 **TITLE I—STRENGTHENING PRO-**
 2 **TECTIONS AGAINST CHILD**
 3 **LABOR VIOLATIONS UNDER**
 4 **THE FAIR LABOR STANDARDS**
 5 **ACT OF 1938**

6 **SEC. 101. DEFINITION OF OPPRESSIVE CHILD LABOR; HAZ-**
 7 **ARDOUS OCCUPATIONS.**

8 (a) OPPRESSIVE CHILD LABOR.—Subsection (l) of
 9 section 3 of the Fair Labor Standards Act of 1938 (29
 10 U.S.C. 203) is amended to read as follows:

11 “(l)(1) ‘Oppressive child labor’ means a condition of
 12 employment under which—

13 “(A) any employee under 18 years of age is em-
 14 ployed in—

15 “(i) manufacturing;

16 “(ii) mining;

1 “(iii) trenching or excavation;

2 “(iv) meat processing;

3 “(v) demolition; or

4 “(vi) explosives;

5 “(B) any employee under 18 years of age is em-
6 ployed by an employer in an occupation, or in or
7 around a place of work, that the Secretary shall find
8 and by order declare to pose a danger or risk of in-
9 jury or to be detrimental to the health, safety, or
10 well-being of children under 18 years of age;

11 “(C) any employee who is 14 or 15 years of age
12 is employed by an employer (other than a parent or
13 a person standing in place of a parent employing his
14 or her own child or a child in his or her custody)—

15 “(i) in an occupation, or in or around a
16 place of work, that the Secretary shall find and
17 by order declare to pose a danger or risk of in-
18 jury or to be detrimental to the health, safety,
19 or well-being of children who are such ages; or

20 “(ii) in such employment that is not con-
21 fined to periods that will not interfere with
22 their schooling and to conditions that will not
23 interfere with their health, safety, or well-being;

24 or

1 “(D) any employee is under 14 years of age em-
2 ployed by an employer (other than a parent or a per-
3 son standing in place of a parent employing his or
4 her own child or a child in his or her custody).

5 “(2) For purposes of paragraph (1)—

6 “(A) the term ‘occupation’ means work per-
7 formed by a person, including all jobs, duties, tasks,
8 and tools or equipment typically utilized in that
9 work; and

10 “(B) the term ‘place of work’ means the entire
11 worksite, including any facility, factory, plant,
12 grounds, campus, site, or physical location (whether
13 fixed or mobile) where the work is performed.”.

14 (b) HAZARDOUS OCCUPATIONS AND PLACES OF
15 WORK.—Section 12 of the Fair Labor Standards Act of
16 1938 (29 U.S.C. 212) is amended by adding at the end
17 the following:

18 “(e) HAZARDOUS OCCUPATIONS AND PLACES OF
19 WORK.—

20 “(1) IN GENERAL.—Not later than 180 days
21 after the date of enactment of the Children Harmed
22 In Life-threatening or Dangerous Labor Act, the
23 Secretary shall issue—

1 “(A) regulations with respect to occupa-
2 tions in the industries described in subpara-
3 graph (A) of section 3(l)(1);

4 “(B) regulations and orders with respect to
5 occupations and places of work covered under
6 subparagraph (B) of such section;

7 “(C) regulations and orders with respect to
8 occupations and places of work covered under
9 subparagraph (C)(i) of such section; and

10 “(D) regulations with respect to occupa-
11 tions covered under section 13(c)(2) as particu-
12 larly hazardous for the employment of children
13 below the age of 16.

14 “(2) UPDATES.—Not less than every 5 years,
15 the Secretary shall—

16 “(A) review all regulations and orders
17 issued under paragraph (1) to determine wheth-
18 er such regulations and orders need to be re-
19 vised, which revisions may include updating
20 such regulations or orders to include additional
21 occupations or places of work, as applicable;
22 and

23 “(B) revise any such regulations or orders
24 the Secretary so determines need to be re-
25 vised.”.

1 **SEC. 102. ENHANCING CHILD LABOR PROTECTIONS.**

2 (a) ACCEPTING RESPONSIBILITY FOR COMPANIES IN
3 SUPPLY CHAIN ENGAGING IN OPPRESSIVE CHILD
4 LABOR.—

5 (1) RECORDS RELATED TO PRIME CONTRAC-
6 TORS AND SUBCONTRACTORS.—Section 12(b) of the
7 Fair Labor Standards Act of 1938 (29 U.S.C.
8 212(b)) is amended by adding at the end the fol-
9 lowing: “In making investigations and inspections
10 under section 11(a) with respect to the employment
11 of minors, the Secretary may seek records related to
12 any contractor or subcontractor at any tier of any
13 person suspected of a violation of this section and
14 may request any annual profit or loss statement of
15 any such person or any contractor or subcontractor
16 of such person.”.

17 (2) SECONDARY OPPRESSIVE CHILD LABOR.—
18 Section 12(c) of the Fair Labor Standards Act of
19 1938 (29 U.S.C. 212) is amended—

20 (A) by striking “No employer” and insert-
21 ing “(1) No employer”; and

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

23 “(2)(A) No person shall produce, manufacture,
24 or otherwise offer into commerce a good or service
25 with respect to which an employer who is a con-
26 tractor or subcontractor (at any tier) of the person

1 employs oppressive child labor in the performance of
2 the contract or subcontract for producing, manufac-
3 turing, or otherwise offering into commerce such
4 good or service.

5 “(B) A person shall not be in violation of sub-
6 paragraph (A) if the person—

7 “(i) entered into a prime contract in a
8 good faith reliance on a written assurance from
9 the contractor that the contractor and any sub-
10 contractor at any tier of the contract would not
11 employ oppressive child labor in the perform-
12 ance of the contract or subcontract for pro-
13 ducing, manufacturing, or otherwise offering
14 into commerce the good or service;

15 “(ii) had no notice that the employer de-
16 scribed in subparagraph (A) would employ op-
17 pressive child labor in such performance; and

18 “(iii) has taken meaningful and affirmative
19 steps to ensure that all contractors and sub-
20 contractors of the person at any tier of the con-
21 tract for such performance would not employ
22 oppressive child labor in such performance.”.

23 (b) HOT GOODS.—Section 12(a) of the Fair Labor
24 Standards Act of 1938 (29 U.S.C. 212(a)) is amended—

1 (1) by striking “thirty” and inserting “180”;
2 and

3 (2) by striking “and who acquired such goods
4 for value without notice of any such violation,” and
5 inserting “, who acquired such goods for value with-
6 out notice of any such violation, and who has taken
7 meaningful and affirmative steps to ensure that all
8 producers, manufacturers, or dealers of the pur-
9 chaser are in compliance with this section,”.

10 (c) “UNLAWFULLY MANUFACTURED; CHILD LABOR”

11 TAGS.—Section 12 of the Fair Labor Standards Act of
12 1938 (29 U.S.C. 212), as amended by section 101(b), is
13 further amended by adding at the end the following:

14 “(f) ‘UNLAWFULLY MANUFACTURED; CHILD LABOR’

15 TAGS.—

16 “(1) IN GENERAL.—The Secretary shall have
17 the authority, in accordance with a process deter-
18 mined by the Secretary through regulations, to affix
19 to any goods produced by a person in violation of
20 subsection (c) a tag of not more than 6 inches in
21 length bearing the words ‘Unlawfully manufactured;
22 child labor’.

23 “(2) PROHIBITION.—No person (other than the
24 Secretary, an authorized representative of the Sec-
25 retary, or the consumer with respect to the goods)

1 shall remove, alter, deface, or otherwise interfere
2 with a tag affixed to goods under paragraph (1).”.

3 (d) SUCCESSORS IN INTEREST.—Section 12 of the
4 Fair Labor Standards Act of 1938 (29 U.S.C. 216), as
5 amended by subsection (c), is further amended by adding
6 at the end the following:

7 “(g) SUCCESSORS IN INTEREST.—

8 “(1) IN GENERAL.—Notwithstanding any other
9 provision in this Act, for purposes of this section
10 and any other provision in this Act administering or
11 enforcing this section, the terms ‘employer’ and ‘per-
12 son’ include a successor in interest of the employer
13 or person, respectively.

14 “(2) JOINT AND SEVERAL LIABILITY.—An em-
15 ployer or other person that is a successor in interest
16 of another employer, or other person, in violation of
17 this section shall be jointly and severally liable under
18 this Act with such other employer or person, respec-
19 tively, for such violation.

20 “(3) DEFINITION OF SUCCESSOR IN INTER-
21 EST.—In this subsection, the term ‘successor in in-
22 terest’, with respect to an employer or other person,
23 means any person who—

1 “(A) uses substantially the same facilities
2 or workers to offer substantially the same goods
3 or services as the employer or other person;

4 “(B) employs as a managing agent any in-
5 dividual who was responsible for wages, hours,
6 or working conditions as the employer or other
7 person; or

8 “(C)(i) has an owner, partner, officer, or
9 director who is an immediate family member of
10 an owner, partner, officer, or director of the
11 employer or other person; and

12 “(ii) is in the same industry as the em-
13 ployer or other person.”.

14 (e) AUTHORITY TO ISSUE STOP WORK ORDERS.—
15 Section 12(b) of the Fair Labor Standards Act of 1938
16 (29 U.S.C. 212(b)), as amended by subsection (a)(1), is
17 further amended—

18 (1) by striking “The Secretary of Labor” and
19 inserting “(1) The Secretary of Labor”; and

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

21 “(2)(A) In addition to the authority of the Sec-
22 retary to bring an action under section 17 as de-
23 scribed in paragraph (1), the Secretary may issue a
24 stop work order to any person that the Secretary
25 has found to be in violation of this section.

1 “(B) Such stop work order may apply to one or
2 more worksites of the person (without regard to
3 whether all such worksites involve a violation of this
4 section).

5 “(C) A stop work order issued under this para-
6 graph shall remain in effect until the person issued
7 the order provides the Secretary with adequate evi-
8 dence that the person is no longer in violation of this
9 section.

10 “(D)(i) A person shall compensate any indi-
11 vidual engaged to perform work for remuneration for
12 the person and who does not perform such work as
13 a result of a stop work order issued to the person
14 under this paragraph. Such compensation shall be at
15 the regular rate at which the individual is so en-
16 gaged for all hours the individual would have worked
17 but for the stop work order.

18 “(ii) For purposes of administration and en-
19 forcement of a violation of clause (i)—

20 “(I) a violation of such clause shall be
21 deemed a violation of section 6 and not a viola-
22 tion of this section;

23 “(II) any amounts owing to an individual
24 which have been withheld in violation of such
25 clause shall be deemed to be unpaid minimum

1 wages or unpaid overtime-time compensation
2 under this Act; and

3 “(III) any reference in section 16 to an
4 ‘employer’ or ‘employee’ shall be deemed a ref-
5 erence to a person or an individual, respectively,
6 without regard to whether the person or indi-
7 vidual is an employer or employee, respec-
8 tively.”.

9 **SEC. 103. STRENGTHENING PENALTIES FOR CHILD LABOR**
10 **VIOLATIONS.**

11 (a) IN GENERAL.—Section 16(e)(1) of the Fair
12 Labor Standards Act of 1938 (29 U.S.C. 216(e)(1)) is
13 amended—

14 (1) in subparagraph (A), by striking clauses (i)
15 and (ii) and inserting the following:

16 “(i) \$151,380 for each employee who was the
17 subject of such a violation, which penalty may be
18 doubled in the case of a violation described in sub-
19 paragraph (C); or

20 “(ii) \$690,000 with regard to each violation of
21 section 12 or 13(c), relating to child labor, or any
22 regulation issued pursuant to such a section, that
23 causes the death or serious injury of any employee
24 under the age of 18 years, which penalty may be

1 doubled in the case of a violation described in sub-
2 paragraph (C).”; and

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

4 “(C) For purposes of penalties that may be doubled
5 under clause (i) or (ii) of subparagraph (A), a violation
6 described in this subparagraph is a violation—

7 “(i) that is a repeated or willful violation;

8 “(ii) that involves an occupation or place of
9 work described in any of subparagraphs (A) through
10 (D) of section 12(e)(1);

11 “(iii) that has occurred within 10 years of the
12 final disposition of another violation of section 12 or
13 13(c), relating to child labor, or any regulation
14 issued pursuant to such a section; or

15 “(iv) for which the employer that committed the
16 violation is found, during the period in which the
17 person was investigated for such violation, to have
18 employed more than 10 children in such a viola-
19 tion.”.

20 (b) ANTI-RETALIATION VIOLATIONS.—Section
21 16(e)(2) of the Fair Labor Standards Act of 1938 (29
22 U.S.C. 216(e)(2)) is amended by adding at the end the
23 following: “Any person who violates section 15(a)(3) with
24 respect to any complaint or proceeding related to section
25 12 or 13(c), relating to child labor, or any regulation

1 issued pursuant to such a section, shall be subject to a
2 civil penalty not to exceed \$75,000, for each such viola-
3 tion, in addition to such legal or equitable relief as may
4 be appropriate to effectuate the purposes of such section
5 15(a)(3), as described in subsection (b).”.

6 (c) DAMAGES FOR VICTIMS.—

7 (1) IN GENERAL.—Section 16 of the Fair
8 Labor Standards Act of 1938 (29 U.S.C. 216) is
9 amended—

10 (A) in subsection (b)—

11 (i) by inserting after the third sen-
12 tence the following: “Any person who vio-
13 lates section 12(c) or section 13(c), relat-
14 ing to child labor, or any regulation issued
15 pursuant to such a section, shall be liable
16 to the employee or employees affected for
17 compensatory damages and, as appro-
18 priate, punitive damages or legal or equi-
19 table relief as described in subsection (f).”;

20 (ii) in the sentence beginning “An ac-
21 tion to recover”, by striking “employer”
22 and inserting “employer (or person as ap-
23 plicable in the case of a violation of section
24 12(c) or 13(c), relating to child labor, or

1 any regulation issued pursuant to such a
2 section)”; and

3 (iii) in the last sentence—

4 (I) by striking “or (2) legal” and
5 inserting “, (2) legal”; and

6 (II) by inserting before the pe-
7 riod at the end “, or (3) compensatory
8 damages and, as appropriate, punitive
9 damages or legal or equitable relief is
10 sought for a violation of section 12(c)
11 or section 13(c), relating to child
12 labor, or any regulation issued pursu-
13 ant to such a section”; and

14 (B) in subsection (c)—

15 (i) by inserting after the second sen-
16 tence, the following: “The Secretary is au-
17 thorized to supervise the payment of any
18 compensatory damages, punitive damages,
19 or legal or equitable relief owed to an em-
20 ployee or employees under subsection (b)
21 for a violation of section 12(c) or section
22 13(c), relating to child labor, or any regu-
23 lation issued pursuant to such a section,
24 and the Secretary may bring an action in

1 any court of competent jurisdiction to ob-
 2 tain such damages or relief.”; and

3 (ii) in the sentence beginning “The
 4 right provided by subsection (b)”—

5 (I) by striking “the first sentence
 6 of”;

7 (II) by inserting “or relief” after
 8 “other damages”; and

9 (III) by striking “an employer”
 10 and inserting “a person”;

11 (C) in subsection (d), by striking “em-
 12 ployer” and inserting “person”; and

13 (D) by adding at the end the following:

14 “(f) LEGAL AND EQUITABLE RELIEF FOR CHILD
 15 LABOR VIOLATIONS.—

16 “(1) IN GENERAL.—A person who violates sec-
 17 tion 12(c) or section 13(c), relating to child labor,
 18 or any regulation issued pursuant to such a sec-
 19 tion—

20 “(A) shall be liable to each employee af-
 21 fected by the violation—

22 “(i) except as provided in clause (ii),
 23 in an amount that is not less than \$75,000
 24 in compensatory damages, which penalty
 25 shall be doubled in the case of a violation

1 that involves an occupation or place of
2 work described in subparagraph any of
3 subparagraphs (A) through (D) of section
4 12(e)(1); or

5 “(ii) in the case of a violation of sec-
6 tion 12(c) or section 13(c), relating to
7 child labor, or any regulation issued pursu-
8 ant to such a section, that causes death or
9 serious injury, in an amount that is not
10 less than \$750,000 in compensatory dam-
11 ages, which penalty may be doubled in the
12 case of such a violation that is a repeated
13 or willful violation; and

14 “(B) may, as appropriate, be liable to each
15 employee affected by the violation—

16 “(i) in an amount that is not less
17 than \$1,000,000 in punitive damages in
18 the case of a violation that causes death or
19 serious injury; or

20 “(ii) for legal or equitable relief, in-
21 cluding injunctive relief or disgorgement of
22 profits.

23 “(2) RELATION TO OTHER LAWS.—Nothing in
24 this subsection shall preempt a State or municipal
25 law that provides greater penalties or remedies for

1 violations of child labor requirements than those pro-
2 vided under this subsection.

3 “(3) DEFINITION OF SERIOUS INJURY.—For
4 purposes of paragraph (1), the term ‘serious injury’
5 has the meaning given such term in subsection
6 (e)(1)(B)”.

7 (2) STATUTE OF LIMITATIONS.—Section 6 of
8 the Portal-to-Portal Act (29 U.S.C. 255) is amend-
9 ed—

10 (A) in the matter preceding subsection (a),
11 by inserting “(or any compensatory damages,
12 punitive damages, or legal or equitable relief for
13 a violation of section 12(c) or section 13(c), re-
14 lating to child labor, of such Act, or any regula-
15 tion issued pursuant to such a section)” after
16 “Fair Labor Standards Act of 1938”; and

17 (B) in subsection (a), by inserting “and ex-
18 cept that a cause of action for a violation of
19 section 12(c) or section 13(c), relating to child
20 labor, of the Fair Labor Standards Act of
21 1938, or any regulation issued pursuant to such
22 a section, may be commenced within 10 years
23 after the cause of action accrued” before the
24 semicolon.

1 (d) CRIMINAL PENALTIES.—Section 16(a) of the
2 Fair Labor Standards Act of 1938 (29 U.S.C. 216(a)) is
3 amended—

4 (1) by striking “Any” and inserting “(1) Any”;

5 (2) by inserting “(other than subsection (a)(4)
6 of such section)” after “section 15”;

7 (3) by striking “subsection” each place it ap-
8 pears and inserting “paragraph”; and

9 (4) by adding at the end the following:

10 “(2)(A) Except as provided in subparagraph (B), any
11 person who violates section 15(a)(4) shall upon conviction
12 thereof be subject to a fine of not more than \$750,000,
13 or to imprisonment for not more than 1 year, or both.

14 “(B) Any person who violates section 12(f)(2) shall
15 upon conviction thereof be subject to a fine of not more
16 than \$500,000, or to imprisonment of not more than 1
17 year, or both. No person shall be imprisoned under this
18 subparagraph except for an offense committed after the
19 conviction of such person for a prior offense under this
20 subparagraph.”.

21 **SEC. 104. TRAINING AND ENGAGEMENT WITH RESPECT TO**
22 **CHILD LABOR VIOLATIONS.**

23 The Fair Labor Standards Act of 1938 (29 U.S.C.
24 201 et seq.) is amended by inserting after section 18D
25 (42 U.S.C. 218d) the following:

1 **“SEC. 18E. TRAINING AND ENGAGEMENT WITH RESPECT TO**
 2 **CHILD LABOR VIOLATIONS.**

3 “The Secretary shall, directly or by grants or con-
 4 tracts, provide for the establishment and supervision of
 5 programs for—

6 “(1) education and training with respect to rec-
 7 ognition, avoidance, and prevention of violations of
 8 section 12;

9 “(2) education and training of professionals
 10 providing services to children on identifying and re-
 11 sponding to oppressive child labor and incorporating
 12 into their activities knowledge about risk factors for
 13 exposing children to oppressive child labor; and

14 “(3) identification of potential violations of sec-
 15 tion 12 and support for victims of such violations.”.

16 **TITLE II—CHILD LABOR RE-**
 17 **QUIREMENTS FOR CERTAIN**
 18 **FEDERAL CONTRACTORS AND**
 19 **RECIPIENTS OF FEDERAL FI-**
 20 **NANCIAL ASSISTANCE**

21 **SEC. 201. AMENDMENTS TO THE WALSH-HEALEY PUBLIC**
 22 **CONTRACTS ACT.**

23 Section 6502 of title 41, United States Code, is
 24 amended—

1 (1) by striking “A contract made by an agency”
2 and inserting “(a) IN GENERAL.—A contract made
3 by an agency”;

4 (2) in subsection (a)(3), by striking “No indi-
5 vidual under 16 years of age and no incarcerated in-
6 dividual” and inserting the following:

7 “(A) INCARCERATED INDIVIDUALS.—No
8 incarcerated individual”; and

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

10 “(B) CHILDREN.—No individual under 16
11 years of age will be employed by the contractor,
12 or any subcontractor or supplier of the con-
13 tractor, in any activity at any tier under the
14 contract, including any activity under a sub-
15 contract at any tier of the contract. No indi-
16 vidual 16 or 17 years of age will be employed
17 by the contractor, or any subcontractor or sup-
18 plier of the contractor, in oppressive child labor,
19 as defined under section 3(l) of the Fair Labor
20 Standards Act of 1938 (29 U.S.C. 203(l)), in
21 any activity at any tier under the contract, in-
22 cluding any activity under a subcontract at any
23 tier of the contract.”; and

24 (4) by adding at the end the following:

25 “(b) CHILDREN.—

1 “(1) GOOD FAITH DEFENSE FOR SECONDARY
2 LIABILITY.—A contractor shall not be in breach or
3 violation of a representation or stipulation required
4 under subsection (a)(3)(B) due to the actions of a
5 subcontractor or supplier at any tier of the contract
6 if the contractor—

7 “(A) entered into a contract with the
8 prime subcontractor or supplier in a good faith
9 reliance on a written assurance from the sub-
10 contractor or supplier that all subcontractors
11 and suppliers at any tier of the contract would
12 not, in any activity under the contract, includ-
13 ing any activity under a subcontract at any tier
14 of the contract, employ an individual under 16
15 years of age or employ an individual 16 or 17
16 years of age in oppressive child labor (as de-
17 fined under section 3(l) of the Fair Labor
18 Standards Act of 1938);

19 “(B) had no notice that a subcontractor or
20 supplier would so employ an individual; and

21 “(C) has taken meaningful and affirmative
22 steps to ensure that all subcontractors and sup-
23 pliers at any tier of the contract would not so
24 employ an individual.

25 “(2) SUCCESSORS IN INTEREST.—

1 “(A) IN GENERAL.—Notwithstanding any
2 other provision in this chapter, for purposes of
3 subsection (a)(3)(B) and any other provision in
4 this chapter administering or enforcing a stipu-
5 lation or representation required under such
6 subsection—

7 “(i) the term ‘contractor’ includes a
8 successor in interest of the contractor;

9 “(ii) the term ‘party responsible for a
10 breach or violation’, in the case of a con-
11 tractor, includes a successor in interest of
12 the contractor; and

13 “(iii) the term ‘person’, in the case of
14 a contractor, includes a successor in inter-
15 est of the contractor.

16 “(B) JOINT AND SEVERAL LIABILITY.—A
17 contractor that is a successor in interest of an-
18 other contractor in breach or violation of a rep-
19 resentation or stipulation required under sub-
20 section (a)(3)(B) shall be jointly and severally
21 liable under this chapter with such other con-
22 tractor for such breach or violation.

23 “(C) DEFINITION OF SUCCESSOR IN IN-
24 TEREST.—In this paragraph, the term ‘suc-

cessor in interest', with respect to a contractor,
means any person who—

“(i) uses substantially the same facilities or workers to offer substantially the same goods or services as the contractor;

“(ii) employs as a managing agent any individual who was responsible for wages, hours, or working conditions as the contractor; or

“(iii)(I) has an owner, partner, officer, or director who is an immediate family member of an owner, partner, officer, or director of the contractor; and

“(II) is in the same industry as the contractor.”.

**SEC. 202. CHILD LABOR REQUIREMENTS FOR CONTRACTS
AND ASSISTANCE COVERED BY THE DAVIS-
BACON ACT OR RELATED ACTS OR THE SERVICE CONTRACT ACT.**

(a) DEFINITIONS.—In this section:

(1) APPLICABLE CONTRACT OR ASSISTANCE.—

The term “applicable contract or assistance” means—

(A) a contract or subcontract entered into after the date of enactment of this Act to which

1 subchapter IV of chapter 31 of title 40, United
2 States Code (commonly known as the “Davis-
3 Bacon Act”), applies;

4 (B) any form of financial assistance (in-
5 cluding through a grant or loan) awarded by
6 the Federal Government—

7 (i) for which the terms of such assist-
8 ance were agreed to by the Federal Gov-
9 ernment and the recipient of such assist-
10 ance after the date of enactment of this
11 Act; and

12 (ii) that requires all laborers and me-
13 chanics employed by contractors and sub-
14 contractors in the performance of construc-
15 tion work financed in whole or in part by
16 such assistance to be paid wages at rates
17 not less than those prevailing on projects
18 of a similar character in the locality as de-
19 termined by the Secretary of Labor in ac-
20 cordance with subchapter IV of chapter 31
21 of title 40, United States Code; and

22 (C) a contract entered into after the date
23 of enactment of this Act to which chapter 67 of
24 title 41, United States Code (commonly known
25 as the “Service Contract Act”), applies.

1 (2) CONTRACTOR OR RECIPIENT OF AN APPLI-
2 CABLE CONTRACT OR ASSISTANCE.—

3 (A) IN GENERAL.—The term “contractor”
4 or “recipient of an applicable contract or assist-
5 ance” includes a successor in interest of the
6 contractor or recipient, respectively.

7 (B) JOINT AND SEVERAL LIABILITY.—A
8 contractor or recipient of an applicable contract
9 or assistance that is a successor in interest of
10 another contractor or recipient of an applicable
11 contract or assistance in violation of this sec-
12 tion shall be jointly and severally liable under
13 this section with such other contractor or re-
14 cipient for such violation.

15 (3) OPPRESSIVE CHILD LABOR.—The term “op-
16 pressive child labor” has the meaning given such
17 term in section 3(1) of the Fair Labor Standards Act
18 of 1938 (29 U.S.C. 203(1)).

19 (4) SUCCESSOR IN INTEREST.—The term “suc-
20 cessor in interest”, with respect to a contractor or
21 recipient of an applicable contract or assistance,
22 means any person who—

23 (A) uses substantially the same facilities or
24 workers to offer substantially the same goods or
25 services as the contractor or recipient;

1 (B) employs as a managing agent any indi-
2 vidual who was responsible for wages, hours, or
3 working conditions as the contractor or recipi-
4 ent; or

5 (C)(i) has an owner, partner, officer, or di-
6 rector who is an immediate family member of
7 an owner, partner, officer, or director of the
8 contractor or recipient; and

9 (ii) is in the same industry as the con-
10 tractor or recipient.

11 (b) CHILD LABOR PROVISIONS.—

12 (1) IN GENERAL.—The terms of any applicable
13 contract or assistance shall include the following rep-
14 resentations and stipulations:

15 (A) Oppressive child labor shall not be em-
16 ployed by the contractor or recipient of such ap-
17 plicable contract or assistance, or any subcon-
18 tractor or supplier of the contractor or recipient
19 at any tier of the applicable contract or assist-
20 ance, in the performance of or work funded by
21 the applicable contract or assistance.

22 (B) The contractor or recipient of the ap-
23 plicable contract or assistance shall provide to
24 any subcontractor or supplier under the appli-

1 cable contract or assistance training on the re-
2 quirement under subparagraph (A).

3 (C) The contractor or recipient of the ap-
4 plicable contract or assistance, and any subcon-
5 tractor or supplier under any tier of the appli-
6 cable contract or assistance, shall each establish
7 a labor-management committee to review the
8 policies with respect to child labor of the con-
9 tractor, recipient, subcontractor, or supplier, re-
10 spectively, and promote the reporting of any
11 violations of such policies.

12 (2) GOOD FAITH DEFENSE FOR SECONDARY LI-
13 ABILITY.—A contractor or recipient of an applicable
14 contract or assistance shall not be in breach or viola-
15 tion of a representation or stipulation under para-
16 graph (1)(A) due to the actions of a subcontractor
17 or supplier at any tier of the applicable contract or
18 assistance if the contractor or recipient—

19 (A) entered into a contract with the prime
20 subcontractor or supplier in a good faith reli-
21 ance on a written assurance from the subcon-
22 tractor or supplier that all subcontractors and
23 suppliers at any tier of the applicable contract
24 or assistance would not employ oppressive child

1 labor in the performance of or work funded by
2 the applicable contract or assistance;

3 (B) had no notice that a subcontractor or
4 supplier would employ oppressive child labor in
5 such performance or work; and

6 (C) has taken meaningful and affirmative
7 steps to ensure that all subcontractors and sup-
8 pliers at any tier of the applicable contract or
9 assistance would not employ oppressive child
10 labor in such performance or work.

11 (c) BREACH OR VIOLATION.—

12 (1) APPLICABLE BREACH OR VIOLATION.—This
13 subsection applies in the case of a breach or viola-
14 tion of a representation or stipulation required
15 under subsection (b)(1)(A) in an applicable contract
16 or assistance.

17 (2) LIQUIDATED DAMAGES.—In addition to
18 damages for any other breach of the applicable con-
19 tract or assistance, the party responsible for a
20 breach or violation described in paragraph (1) is lia-
21 ble to the Federal Government for liquidated dam-
22 ages in an amount equal to the sum of \$20 per day
23 for each individual employed in oppressive child
24 labor in the performance of or work funded by the
25 applicable contract or assistance.

1 (3) CANCELLATION AND ALTERNATIVE COM-
2 PLETION.—In addition to the Federal Government
3 being entitled to damages described in paragraph
4 (2), the Federal Government may cancel the con-
5 tract or assistance and make open-market purchases
6 or make other contracts or award other assistance
7 for the completion of the original contract or terms
8 of the original assistance, charging any additional
9 cost to the original contractor or recipient.

10 (4) RECOVERY OF AMOUNTS DUE.—An amount
11 due the Federal Government because of a breach or
12 violation described in paragraph (1) may be withheld
13 from any amounts owed the contractor or recipient
14 under the applicable contract or assistance or may
15 be recovered in a suit brought by the Attorney Gen-
16 eral.

17 (d) THREE-YEAR PROHIBITION ON NEW CONTRACTS
18 IN CASE OF BREACH OR VIOLATION.—

19 (1) DISTRIBUTION LIST.—The Comptroller
20 General of the United States shall distribute to each
21 agency of the Federal Government a list containing
22 the names of persons found by the Secretary to have
23 breached or violated a representation or stipulation
24 included in an applicable contract or assistance
25 under subsection (b)(1)(A).

1 (2) **THREE-YEAR PROHIBITION.**—Unless the
 2 Secretary recommends otherwise, the Federal Gov-
 3 ernment may not award any contract or other finan-
 4 cial assistance to a person named on the list under
 5 paragraph (1), or to a firm, corporation, partner-
 6 ship, or association in which the person has a con-
 7 trolling interest, until 3 years have elapsed from the
 8 date of the determination by the Secretary that a
 9 breach or violation occurred.

10 (e) **ENFORCEMENT AND ADMINISTRATION.**—Sections
 11 6506 and 6507 (other than subsection (a) of such section)
 12 of title 41, United States Code, govern the Secretary’s au-
 13 thority to enforce this section, including the Secretary’s
 14 authority to prescribe regulations, issue orders, hold hear-
 15 ings, make decisions based on findings of fact, and take
 16 other appropriate action under this section.

17 **TITLE III—MISCELLANEOUS**

18 **SEC. 301. REPORTS TO CONGRESS ON WORK-RELATED IN-**

19 **JURIES, ILLNESSES, AND DEATHS.**

20 (a) **ANALYSIS OF DATA.**—

21 (1) **IN GENERAL.**—The Secretary of Labor, in
 22 consultation as described in paragraph (2), shall col-
 23 lect and analyze data concerning overall trends for
 24 work-related injuries, illnesses, or deaths and trends

1 related to enforcement under Federal or State law
2 with respect to such injuries, illnesses, or deaths.

3 (2) CONSULTING ENTITIES.—In collecting and
4 analyzing data under paragraph (1), the Secretary
5 of Labor—

6 (A) shall consult with the Secretary of
7 Health and Human Services; and

8 (B) may consult with any relevant State
9 agencies.

10 (b) REPORTS.—Not later than 180 days after the
11 date of enactment of this Act, and annually thereafter,
12 the Secretary of Labor shall—

13 (1) submit a report to Congress that includes—

14 (A) a summary of the data collected and
15 analyzed by the Secretary under subsection (a)
16 for the previous year;

17 (B) an evaluation, based on such data,
18 that reflects the status of work-related injuries,
19 illnesses, and deaths; and

20 (C) any recommendations for the President
21 and Congress as a result of such evaluation;

22 (2) publish such report in the Federal Register;
23 and

- 1 (3) post such report on the website of the De-
- 2 partment of Labor.

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