

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO.
H.R. 443
OFFERED BY MS. ADAMS OF NORTH CAROLINA**

Strike page 1, line 1, and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Protecting Children
3 Act”.

4 SEC. 2. TABLE OF CONTENTS.

5 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.

TITLE V—ENHANCING DETECTION OF HUMAN TRAFFICKING

Sec. 501. Short title.

Sec. 502. Definition of human trafficking.

Sec. 503. Training for department personnel to identify human trafficking.

Sec. 504. Reports to Congress.

1 **SEC. 3. EFFECTIVE DATE.**

2 This Act (other than title V), and the amendments
3 made by this Act, shall take effect on the date that is 60
4 days after the date 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;

16 (C) in clause (i)—

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

20 (ii) by striking “violation; or” and in-
21 serting “violation, which penalty may be
22 doubled where the violation is a repeated
23 or willful violation.”; and

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

4 (2) in paragraph (3), by striking “charged and”
5 and inserting “charged, the economic benefit of non-
6 compliance, and”.

7 (b) UNSAFE WORKING CONDITIONS.—

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

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

13 “CIVIL PENALTIES.—

14 “(1) BASE PENALTIES.—

15 “(A) Any”;

16 (B) by redesignating subsection (b) as sub-
17 section (a)(1)(B);

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

20 (D) by redesignating subsection (e) as sub-
21 section (a)(1)(D);

22 (E) by redesignating subsection (i) as sub-
23 section (a)(1)(E);

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

1 “CRIMINAL PENALTIES.—

2 “(1) Any”;

3 (G) by redesignating subsection (f), as so
4 amended, as subsection (b);

5 (H) by redesignating subsections (g), (h),
6 and (e) as subsections (b)(2), (b)(3), and (b)(4)
7 respectively; and

8 (I) by redesignating subsections (j), (k),
9 and (l) as subsections (c), (d), and (e) respec-
10 tively.

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

14 (A) in paragraph (1)—

15 (i) in subparagraph (A)—

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

18 (II) by striking “\$5,000” and in-
19 serting “\$50,000”; and

20 (III) by striking the word “will-
21 ful”;

22 (ii) in subparagraph (B), by striking
23 “\$7,000” and inserting “\$70,000, but not
24 less than \$7,000,”; and

1 (iii) in subparagraph (C), by striking
2 “\$7,000” and inserting “\$70,000, but not
3 less than \$7,000,”; and

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

5 “(2) ENHANCEMENTS.—

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

12 “(B) FATALITIES.—If any significant vio-
13 lation caused or contributed to the death of an
14 employee—

15 “(i) the minimum and maximum civil
16 penalty otherwise allowed by paragraph (1)
17 shall be doubled for each such violation;
18 and

19 “(ii) in a case in which such employee
20 was under 18 years of age, such civil pen-
21 alty shall be trebled for each such viola-
22 tion.”.

23 (3) CONSIDERATIONS FOR PENALTY LEVELS.—

24 Section 17(c) of the Occupational Safety and Health

1 Act of 1970, as redesignated by paragraph (1), is
2 further amended—

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

5 (B) by striking “and the history” and in-
6 serting “the economic benefit of noncompliance,
7 and the history”.

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

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

13 “DEFINITIONS.—For purposes of this section—

14 “(1) SERIOUS.—The”; and

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

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

18 “(A) a serious, willful, or repeated viola-
19 tion;

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

1 **SEC. 102. ENHANCING CRIMINAL PENALTIES.**

2 (a) OPPRESSIVE CHILD LABOR.—Section 16(a) of
3 the Fair Labor Standards Act (29 U.S.C. 216(a)) is
4 amended—

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

7 “CRIMINAL PENALTIES.—

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

10 (2) by striking the word “subsection” each
11 place it appears and inserting the word “para-
12 graph”; and

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

14 “(2) OPPRESSIVE CHILD LABOR.—

15 “(A) NEGLIGENCE WITH RESPECT TO A
16 CHILD.—Any person who knowingly or willfully
17 violates section 15(a)(4) of this Act and thereby
18 negligently places an employee employed in vio-
19 lation of such section in imminent danger of
20 death or serious bodily injury shall be punished
21 by a fine under title 18, United States Code, or
22 by imprisonment for not more than 1 year, or
23 both. If a conviction of any person under this
24 subparagraph is for a violation committed after
25 a first conviction of such person under this
26 paragraph, the maximum punishment shall be

1 doubled with respect to both the fine and im-
2 prisonment.

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

21 “(C) CAUSE OF DEATH TO A CHILD.—Any
22 person who knowingly or willfully violates sec-
23 tion 15(a)(4) of this Act and thereby knowingly
24 places an employee employed in violation of
25 such section in imminent danger of death or se-

1 rious bodily injury, and such violation results in
2 the death of a child, shall be punished by a fine
3 under title 18, United States Code, and impris-
4 onment for any term of years or for life. Any
5 person, other than an individual, committing
6 such violation shall, upon conviction under this
7 subparagraph, be subject to a fine of not more
8 than \$10,000,000 for each violation. If a con-
9 viction of any person under this subparagraph
10 is for a violation committed after a first convic-
11 tion of such person under this paragraph, the
12 maximum punishment shall be doubled with re-
13 spect to both the fine and imprisonment.”.

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

18 (1) in paragraph (1), by striking “of not more”
19 and all that follows and inserting “under title 18,
20 imprisonment for not more than 5 years, or both. If
21 a conviction of any person under this paragraph is
22 for a violation committed after a first conviction of
23 such person under this paragraph, the maximum
24 punishment shall be doubled with respect to both the
25 fine and imprisonment.”;

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

9 (3) by amending paragraph (4) to read as fol-
10 lows:

11 “(4) IMMINENT DANGER OR DEATH.—

12 “(A) Any employer who negligently violates
13 any standard, rule, or order promulgated pursu-
14 ant to section 6 of this Act, or of any regula-
15 tions prescribed pursuant to this Act, and
16 thereby negligently places an employee in immi-
17 nent danger of death or serious bodily injury,
18 shall be punished by a fine under title 18,
19 United States Code, imprisonment for not more
20 than one year, or both. If a conviction of any
21 person under this paragraph is for a violation
22 committed after a first conviction of such per-
23 son under this paragraph, the maximum pun-
24 ishment shall be doubled with respect to both
25 the fine and imprisonment.

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

19 “(C) Any employer who knowingly or will-
20 fully violates any standard, rule, or order pro-
21 mulgated pursuant to section 6 of this Act, or
22 of any regulations prescribed pursuant to this
23 Act, and such violation causes the death of an
24 employee, shall be punished by a fine under
25 title 18, United States Code, and imprisonment

1 for any term of years or for life. Any person,
2 other than an individual, committing such viola-
3 tion shall, upon conviction under this para-
4 graph, be subject to a fine of not more than
5 \$10,000,000 for each violation. If a conviction
6 of any person under this paragraph is for a vio-
7 lation committed after a first conviction of such
8 person under this paragraph, the maximum
9 punishment shall be doubled with respect to
10 both the fine and imprisonment.

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

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

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

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

23 “SHIPMENT OF GOODS.—

24 “(1) IN GENERAL.—No”;

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

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

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

5 “(2) GOOD FAITH.—Any”;

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

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

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

11 **SEC. 104. ENABLING PRIVATE ENFORCEMENT.**

12 Section 16(b) of the Fair Labor Standards Act of
13 1938 (29 U.S.C. 216(b)) is amended as follows:

14 (1) STRUCTURE AND HEADERS.—

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

17 “PRIVATE ENFORCEMENT.—

18 “(1) REMEDIES.—

19 “(A) MINIMUM WAGES AND OVERTIME.—
20 Any”.

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

23 “(B) FAIR EMPLOYMENT PRACTICES.—
24 Any”.

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

3 “(C) TIPS.—Any”.

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

6 “(2) RIGHT OF ACTION.—

7 “(A) IN GENERAL.—An”.

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

10 “(B) COLLECTIVE ACTION.—No”.

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

13 “(C) FEES AND COSTS.—The”.

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

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

17 (2) NEW RIGHT OF ACTION.—In paragraph (1),
18 as amended by the previous paragraph, by adding at
19 the end the following:

20 “(D) CHILD LABOR.—Any employer who
21 violates section 12 shall, if any child is harmed
22 as a result of such violation, be liable to the
23 child affected for compensatory and punitive
24 damages.”.

1 **TITLE II—STRENGTHENING CA-**
2 **PACITY TO PROTECT CHIL-**
3 **DREN**

4 **SEC. 201. INCREASING EXPERTISE FOR PROTECTING CHIL-**
5 **DREN FROM UNSAFE EMPLOYMENT AND OP-**
6 **PRESSIVE CHILD LABOR.**

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

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

12 “(a) NATIONAL ADVISORY COMMITTEE ON CHILD
13 LABOR.—

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

20 “(A) oppressive child labor;

21 “(B) preventing children, including vulner-
22 able children, from being exposed to oppressive
23 child labor; and

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

1 “(2) MEMBERS.—

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

12 “(B) QUALIFICATION.—The members shall
13 be selected upon the basis of their experience
14 and competence in the field of occupational
15 safety and health, child welfare, labor traf-
16 ficking, and child labor.

17 “(C) COMPOSITION.—The membership of
18 the Advisory Committee shall consist of quali-
19 fied persons from Federal agencies, the States,
20 and private life, including the following:

21 “(i) one or more representatives of
22 State agencies focused on occupational
23 safety and health established pursuant to
24 section 18 of the Occupational Safety and
25 Health Act of 1970 (29 U.S.C. 667);

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

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

18 “(D) CONFLICTS OF INTEREST.—No mem-
19 ber of the Advisory Committee (other than rep-
20 resentatives of employers and employees) shall
21 have an economic interest in any proposed rule,
22 order, or recommendation for rule or order.

23 “(E) LEADERSHIP.—The Secretary shall
24 designate one of the public members as Chair-
25 person.

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

13 “(G) CONTINUITY.—A member of the Ad-
14 visory Committee who is otherwise qualified
15 may continue to serve until a successor is ap-
16 pointed.

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

21 “(4) MEETINGS.—The Advisory Committee
22 shall hold no fewer than two meetings during each
23 calendar year. All meetings of the Advisory Com-
24 mittee shall be open to the public and a transcript

1 shall be kept and made available for public inspec-
2 tion.”.

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

6 “(z) ‘Advisory Committee’ means the National Advi-
7 sory Committee on Child Labor established under section
8 4A(a).”.

9 **SEC. 202. SUPPORTING IMPLEMENTATION AND INTER-**
10 **AGENCY COLLABORATION.**

11 (a) CHILD LABOR AND SAFETY AND HEALTH
12 FUND.—Section 4A of the Fair Labor Standards Act of
13 1938, as added by the previous section, is further amended
14 by adding at the end the following:

15 “(b) CHILD LABOR AND SAFETY AND HEALTH
16 FUND.—

17 “(1) IN GENERAL.—There is established in the
18 Treasury of the United States a fund, to be known
19 as the ‘Child Labor and Safety and Health Fund’
20 (referred to in this subsection as the ‘Fund’), from
21 which amounts may be obligated and expended with-
22 out subsequent appropriation to carry out the pro-
23 gram established under paragraph (3).

24 “(2) TRANSFERS TO FUND.—

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

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

8 “(i) Civil penalties described in sec-
9 tion 16(e)(5).

10 “(ii) Civil penalties described in sec-
11 tion 17(e) of the Occupational Safety and
12 Health Act of 1970.

13 “(3) PROGRAM.—

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

21 “(B) USES OF FUNDS.—On request of the
22 Secretary of Labor, the Secretary of Treasury
23 shall transfer from the Fund to the Secretary
24 of Labor, such amounts as the Secretary of
25 Labor determines to be necessary to implement

1 the program established by subparagraph (A)
2 through the following activities:

3 “(i) Investigation, enforcement, imple-
4 mentation, and interagency collaboration.

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

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

23 “(4) RECORDS AND REPORTS.—The Secretary
24 shall keep adequate records regarding amounts so
25 deposited and used. Not later than March 1 of each

1 year, the Secretary shall submit a report to the
2 Committees on Appropriations, the Committee on
3 Education and the Workforce of the House of Rep-
4 resentatives, and the Committee on Health, Edu-
5 cation, Labor, and Pensions of the Senate consisting
6 of the following:

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

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

21 (b) RETENTION OF CHILD LABOR PENALTIES.—Sec-
22 tion 16(e)(5) of the Fair Labor Standards Act of 1938
23 (29 U.S.C. 216(e)(5)) is amended by striking the last sen-
24 tence and inserting “Civil penalties collected for violations

1 of section 12 shall be deposited in the fund established
2 by section 4A(b).”.

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

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

9 “PROCEDURE FOR PAYMENT OF CIVIL PEN-
10 ALTIES.—

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

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

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

19 **TITLE III—UPDATING STAND-**
20 **ARDS TO PROTECT CHILDREN**

21 **SEC. 301. IMPROVING PROCESS FOR UPDATING STAND-**
22 **ARDS ON CONDITIONS OF OPPRESSIVE**
23 **CHILD LABOR.**

24 (a) RULEMAKING POLICIES.—

25 (1) PERMITTED WORK.—

1 (A) IN GENERAL.—Section 12 of the Fair
2 Labor Standards Act of 1938 (29 U.S.C. 212)
3 is amended by adding at the end the following:
4 “(e) CHILDREN’S WELFARE.—”.

5 (B) TRANSFER AMENDMENT.—The last
6 sentence of section 3(l) of the Fair Labor
7 Standards Act of 1938 (29 U.S.C. 203(l)) is—
8 (i) transferred to subsection (e) of
9 section 12 of such Act (29 U.S.C. 212);
10 and
11 (ii) inserted so as to appear after the
12 subsection heading of such section 12.

13 (2) HAZARDOUS OCCUPATIONS.—Section 12 of
14 the Fair Labor Standards Act of 1938 (29 U.S.C.
15 212) is further amended by adding at the end the
16 following:

17 “(f) HAZARDOUS OCCUPATIONS.—

18 “(1) PERIODIC REVIEW.—The Secretary shall
19 periodically review the hazardous occupation orders
20 promulgated by the Secretary to determine if, to
21 more adequately protect children from oppressive
22 child labor, a new hazardous occupation order should
23 be promulgated, or an update to an existing such
24 order should be promulgated.

1 “(2) CONSIDERATIONS.—In determining the
2 need for promulgating a new hazardous occupation
3 order or promulgating an update to an existing such
4 order, the Secretary shall—

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

7 “(B) take into consideration the vulner-
8 able, formative, and malleable nature of child-
9 hood and adolescence, which requires a higher
10 standard of protection for children than that
11 accorded to adults;

12 “(C) adopt any reasonable precautionary
13 assumptions necessary to prevent children from
14 being exposed in the workplace to hazards that
15 may reasonably be anticipated to cause serious
16 illness or injury, disability, premature mortality,
17 or long-term health effects (including exposure
18 to any substance which is known or may rea-
19 sonably be anticipated to be carcinogenic, muta-
20 genic, teratogenic, neurotoxic, reprotoxic, or
21 asthmagenic); and

22 “(D) take into consideration any—

23 “(i) recommendations provided under
24 paragraph (3) of this section by the Advi-
25 sory Committee or the Secretary of Health

1 and Human Services provided under para-
2 graph (3) of this subsection; and

3 “(ii) any information provided under
4 subsection (g).

5 “(3) RECOMMENDATIONS FOR ORDERS.—

6 “(A) ADVISORY COMMITTEE.—

7 “(i) IN GENERAL.—In a case in which
8 the Secretary determines that expert ad-
9 vice is needed to aid the Secretary’s deci-
10 sion whether to promulgate a new haz-
11 ardous occupation order (or an update to
12 such an existing order), the Secretary—

13 “(I) may request the Advisory
14 Committee to submit its recommenda-
15 tions to the Secretary relating to the
16 proposed or existing order; and

17 “(II) in a case in which the Sec-
18 retary requests recommendations pur-
19 suant to subclause (I), shall provide
20 the Advisory Committee with—

21 “(aa) any proposals devel-
22 oped by the Secretary or by the
23 Secretary of Health and Human
24 Services relating to the proposed
25 or existing order with respect to

1 which the Secretary is requesting
2 recommendations; and

3 “(bb) all pertinent factual
4 information developed by the Sec-
5 retary or the Secretary of Health
6 and Human Services, including
7 any applicable information pro-
8 vided under subparagraph (B) or
9 otherwise available.

10 “(ii) SUBMISSION OF RECOMMENDA-
11 TIONS.—

12 “(I) IN GENERAL.—Subject to
13 subclause (II), the Advisory Com-
14 mittee shall submit to the Secretary
15 its recommendations relating to an ex-
16 isting or proposed order not later than
17 90 days after the date of the Commit-
18 tee’s receipt of such request from the
19 Secretary relating to such order.

20 “(II) EXCEPTIONS.—The Sec-
21 retary may prescribe a period for the
22 submission of recommendations by the
23 Advisory Committee under subclause
24 (I) relating to an existing or proposed
25 order that is longer or shorter than

1 the 90-day period referred to in sub-
2 clause (I), except that such period
3 may not exceed 180 days after the
4 date of the Committee's receipt of the
5 request for recommendations relating
6 to such order.

7 “(iii) RECEIPT OF RECOMMENDA-
8 TIONS.—In the case in which the Advisory
9 Committee recommends the promulgation
10 of a new order (or an update to an existing
11 order), the Secretary shall, not later than
12 90 days after submission of such rec-
13 ommendation by the Advisory Committee
14 or the expiration of the period prescribed
15 by the Secretary for such submission—

16 “(I) promulgate pursuant to
17 paragraph (4) such order (or update)
18 in a manner consistent with such rec-
19 ommendations; or

20 “(II) publish such recommenda-
21 tions in the Federal Register along
22 with a detailed and substantive state-
23 ment of the Secretary's reasons for
24 not promulgating the new order or
25 update.

1 “(B) NIOSH CRITERIA.—In a case in
2 which the Secretary of Health and Human
3 Services (acting through the Director of the
4 National Institute for Occupational Safety and
5 Health) recommends (accompanied by appro-
6 priate criteria) the promulgation of a new haz-
7 ardous occupation order (or an update to an ex-
8 isting such order) by the Secretary of Labor,
9 the Secretary of Labor shall, not later than 180
10 days after receiving such recommendation—

11 “(i) refer such recommendation to the
12 Advisory Committee pursuant to para-
13 graph (3) and carry out applicable require-
14 ments of such paragraph;

15 “(ii) promulgate pursuant to para-
16 graph (4) such order (or update) in a man-
17 ner consistent with the recommendation
18 provided under this subparagraph; or

19 “(iii) publish such recommendation in
20 the Federal Register along with a detailed
21 and substantive statement of the Sec-
22 retary’s reasons for not promulgating the
23 new order (or update).

24 “(4) PROCEDURES.—

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

12 “(B) COMMENT.—When publishing a pro-
13 posed order pursuant to this paragraph, the
14 Secretary shall afford interested persons a pe-
15 riod of 60 days after such publication to submit
16 written data or comments on the order. Such
17 comment period may be extended by the Sec-
18 retary for good cause but in any event shall last
19 no more than 120 days.

20 “(C) TRANSPARENCY.—For any rule-
21 making notice pursuant to this paragraph, the
22 Secretary shall place in the public record not
23 later than the date of such rulemaking notice
24 the following:

1 “(i) The drafts of such rulemakings
2 prepared before publication and submitted
3 by the Secretary to the Office of Manage-
4 ment and Budget for any interagency re-
5 view process prior to publication.

6 “(ii) A summary of the substance of
7 any changes between the text of the draft
8 rulemaking that the agency provided to the
9 Office of Management and Budget under
10 section 6(a)(3)(B)(i) of Executive Order
11 12,866 and the text published in the Fed-
12 eral Register, excluding any non-sub-
13 stantive changes such as spelling or gram-
14 matical corrections or re-ordering of text
15 that has no legal effect.

16 “(iii) A statement identifying any
17 party or entity at whose request any such
18 change was made.

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

23 “(g) AUTHORITATIVE EXPERTISE.—When promul-
24 gating any order pursuant to this section, the Secretary
25 may adopt, rely on, or presume to be the best available

1 evidence of children’s health, safety, and well-being or con-
2 ditions of work particularly hazardous to children, any rec-
3 ommendation, finding, assessment, or research by the Na-
4 tional Institute for Occupational Safety and Health, the
5 National Academies of Science, Engineering, and Medi-
6 cine, the National Toxicology Program, the Integrated
7 Risk Information System of the Environmental Protection
8 Agency, or the International Agency for Research on Can-
9 cer.

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

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

23 “(i) MAINTAINING PROTECTION.—No order, rule, or
24 regulation promulgated pursuant to subsections (e) or (f)

1 shall reduce the protection afforded children by an existing
2 order, rule, or regulation promulgated under this Act.”.

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

4 Section 10 of the Fair Labor Standards Act of 1938
5 (29 U.S.C. 210) is amended to read as follows:

6 **“SEC. 10. JUDICIAL REVIEW.**

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

17 “(b) **TIMELY FILING.**—Any petition for review under
18 this section shall be filed not later than sixty days after
19 the date on which there is notice of the rulemaking with
20 respect to such order, rule, or regulation in the Federal
21 Register.

22 “(c) **NOT SUBJECT TO SUBSEQUENT REVIEW.**—Ac-
23 tion of the Secretary with respect to which review could
24 have been obtained under this section shall not be subject

1 to judicial review in civil or criminal proceedings for en-
2 forcement.”.

3 **TITLE IV—INCREASING RE-**
4 **SEARCH AND PUBLIC EDU-**
5 **CATION**

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

7 (a) RESEARCH AND RELATED ACTIVITIES.—

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

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

13 (2) SPECIAL EXEMPTIONS RELATING TO CHILD
14 LABOR.—Paragraph (2) of section 4(d) of such Act
15 is—

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

17 (B) inserted so as to appear after the sec-
18 tion heading;

19 (C) redesignated as subsection (a) of such
20 section 5; and

21 (D) amended—

22 (i) by striking the first word and in-
23 serting “PERIODIC REVIEW OF EXEMP-
24 TIONS.—The”; and

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

6 (3) STUDIES ON PREVENTING CURTAILMENT OF
7 EMPLOYMENT OPPORTUNITIES FOR MANPOWER
8 GROUPS.—Paragraph (3) of section 4(d) of such Act
9 is—

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

11 (B) inserted so as to appear after sub-
12 section (a) of such section 5, as amended by
13 paragraph (2);

14 (C) redesignated as subsection (b) of such
15 section 5; and

16 (D) amended by striking the first word
17 and inserting “EMPLOYMENT OPPORTUNITY.—
18 The”.

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

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

23 “(d) BIENNIAL REPORT.—The Secretary shall sub-
24 mit”.

1 (b) NATIONAL RESEARCH AGENDA ON CHILD
2 LABOR.—Section 5 of the Fair Labor Standards Act of
3 1938 is further amended by adding at the end the fol-
4 lowing:

5 “(c) NATIONAL RESEARCH AGENDA ON CHILD
6 LABOR.—

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

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

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

18 “(B) LEADERSHIP.—The Secretary of
19 Health and Human Services shall coordinate
20 other Federal departments or agencies and, to
21 the extent feasible, State agencies with data col-
22 lection or research programs to enhance data
23 collection and research on work-related illnesses
24 and injuries sustained by employees under the
25 age of 18. The Secretary of Health and Human

1 Services shall advise the Secretary of Labor on
2 the effective design and implementation of rel-
3 evant elements of the statistical program of the
4 Secretary pursuant to this Act and section 24
5 of the Occupational Safety and Health Act of
6 1970 (29 U.S.C. 673).

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

16 “(3) HAZARDOUS OCCUPATIONS.—The Sec-
17 retary of Health and Human Services shall from
18 time to time consult with the Secretary of Labor in
19 order to develop specific plans for such research,
20 demonstrations, and experiments as are necessary to
21 produce criteria enabling the Secretary to meet the
22 Secretary’s responsibility for the formulation of haz-
23 ardous occupation orders under section 12. The Sec-
24 retary of Health and Human Services shall, on the
25 basis of such research, demonstrations, experiments,

1 and any other information available, develop and
2 publish at least annually such criteria as will effec-
3 tuate the purposes of this Act. The Secretary of
4 Health and Human Services shall submit to the Sec-
5 retary all pertinent criteria regarding any such occu-
6 pations or conditions or work as such criteria are de-
7 veloped.

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

17 “(5) IMPLEMENTATION SUPPORT.—The Sec-
18 retary of Health and Human Services shall, in con-
19 sultation with the Secretary of Labor, undertake re-
20 search relevant to developing evidence-based guid-
21 ance for the Secretary of Labor on the implementa-
22 tion of this Act, including topics such as strategic
23 enforcement, effective training of employees under
24 age 18, deterrence, and assessment of the economic
25 benefit of noncompliance.

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

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

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

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

5 (2) in paragraph (7)—

6 (A) by striking “aging adults” and insert-
7 ing “aging adults and employees under the age
8 of 18”; and

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

10 “(8) MODEL.—

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

19 “(i) adjusts for known underreporting
20 of occupational injury and illness;

21 “(ii) estimates the incidence or preva-
22 lence of occupational injuries and illnesses
23 from public health data through attrib-
24 utable risk proportions or other standard
25 methodologies, and

1 “(iii) estimates both medical and indi-
2 rect costs, such as lost earnings, benefits,
3 and home production.

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

8 “(i) estimates of the total incidence
9 and economic burden of occupational ill-
10 ness and injury;

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

21 “(iii) the incidence of occupational ill-
22 ness and injury by employees under the
23 age of 18, disaggregated, to the extent fea-
24 sible, by the age groups, occupational cat-
25 egories, and school statuses that are rel-

1 evant to the administration, investigation,
2 or enforcement of the requirements relat-
3 ing to child labor under sections 12 or
4 13(c) of the Fair Labor Standards Act of
5 1938.”.

6 **SEC. 402. DEVELOPING A COMPREHENSIVE STATISTICAL**
7 **PROGRAM.**

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

11 “(d) STATISTICAL PROGRAMS.—

12 “(1) IN GENERAL.—In order to further the pur-
13 poses of this Act, the Secretary shall develop and
14 maintain an effective program of collection, compila-
15 tion, and analysis of statistics on employment prac-
16 tices with respect to wages, hours, child labor, and
17 other matters of concern for this Act, including such
18 employment practices that may constitute violations
19 of this Act. Such statistical program shall, to the ex-
20 tent feasible, include demographic information about
21 employees subject to violations under this Act and
22 facilitate comparisons of information in such statis-
23 tical program and in the statistical program estab-
24 lished pursuant to section 24 of the Occupational
25 Safety and Health Act of 1970 (29 U.S.C. 673).

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

6 “(3) CHILD LABOR.—

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

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

21 “(ii) the incidence and prevalence of
22 oppressive child labor, including the num-
23 ber and demographics of children affected,
24 the industries and occupations in which op-
25 pressive child labor occurred, and the types

1 of child labor violations, based on enforce-
2 ment data and, to the extent feasible and
3 in consultation with the Secretary of
4 Health and Human Services, such other
5 data as may be useful to account for
6 underreporting and limitations of enforce-
7 ment data in capturing the full incidence
8 and prevalence of oppressive child labor;
9 and

10 “(iii) to the extent feasible, estimates
11 of the data described in clauses (i) and (ii)
12 at the State level.

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

19 “(C) COORDINATION.—The Secretary shall
20 coordinate statistical programs across the Fed-
21 eral Government that collect data related to
22 children to ensure that such programs, to the
23 extent practicable, shall collect and report data
24 on the employment of children, oppressive child
25 labor, and young workers’ occupational illness

1 and injury in standardized and compatible
2 terms.”.

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

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

15 (a) FLSA.—The Fair Labor Standards Act of 1938
16 (29 U.S.C. 201 et seq.) is amended by inserting after sec-
17 tion 18D (29 U.S.C. 218d) the following:

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

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

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

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

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

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

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

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

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

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

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

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

10 “(3) the ratio of inspectors to establishments
11 and the ratio of inspectors to employees;

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

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

21 (b) OSHA.—

22 (1) ANNUAL REPORTS.—Section 20(d) of the
23 Occupational Safety and Health Act (29 U.S.C.
24 669(d)) is amended—

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

3 “PUBLIC INFORMATION INITIATIVES.—

4 “(1) IN GENERAL.—Information”; and

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

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

13 “(A) complaints and enforcement activities
14 during the preceding year involving employees
15 under the age of 18;

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

22 “(C) reasonable estimates, informed by re-
23 search and in consultation with the Secretary of
24 Health and Human Services, of the incidence
25 and prevalence of occupational injury, illness,

1 and fatality for such employees, accounting for
2 such factors as underreporting and illness la-
3 tency, and including occupational illness likely
4 to manifest after childhood because of exposure
5 to a toxic substance or harmful physical agent
6 during childhood employment;

7 “(D) trends or other relevant analysis of
8 the matters described in the preceding subpara-
9 graphs; and

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

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

20 “(A) the size of the inspectorate available
21 in the preceding fiscal year to investigate and
22 conduct enforcement activities pursuant to this
23 Act;

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

1 “(C) the ratio of inspectors to establish-
2 ments and the ratio of inspectors to employees;

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

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

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

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

18 “(e) EFFECTIVE TRAINING PEDAGOGY.—The Sec-
19 retary of Health and Human Services shall, directly or by
20 grant or contract, periodically undertake research, dem-
21 onstrations, experiments, and surveys relevant to the ef-
22 fective design and delivery of safety and health training,
23 education, and information targeted to employees under
24 the age of 18 and employers of such employees.”.

1 **TITLE V—ENHANCING DETEC-**
2 **TION OF HUMAN TRAF-**
3 **FICKING**

4 **SEC. 501. SHORT TITLE.**

Redesignate sections 2, 3, and 4 as sections 502, 503, and 504, respectively.

Page 1, line 2, strike “Act” and insert “title”.

Page 1, line 5, strike “Act” and insert “title”.

Page 1, line 12, strike “this Act” and insert “this title”.

Page 3, line 15, strike “section 3(a)” and insert “section 503(a)”.

