

118TH CONGRESS
1ST SESSION

S. 3139

To ensure that Federal contractors comply with child labor laws, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 26, 2023

Mr. BOOKER (for himself and Mr. HAWLEY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To ensure that Federal contractors comply with child labor laws, 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 “Preventing Child
5 Labor Exploitation Act”.

6 **SEC. 2. PROMOTION OF WORKPLACE ACCOUNTABILITY.**

7 (a) **REQUIRED DISCLOSURES.**—Not later than 180
8 days after the date of the enactment of this Act, the Fed-
9 eral Acquisition Regulatory Council shall amend the Fed-
10 eral Acquisition Regulation to require any entity that en-

1 ters into a contract with an executive agency to disclose
2 to the Secretary of Labor, on an annual basis and to the
3 best of the knowledge of the entity, whether, within the
4 preceding 3-year period, any administrative merits deter-
5 mination, arbitral award or decision, or civil judgment, as
6 defined in regulations issued by the Secretary of Labor,
7 has been issued against the entity, or any subcontractor
8 of the entity, for violations of section 12 of the Fair Labor
9 Standards Act of 1938 (29 U.S.C. 212).

10 (b) CONSULTATION.—The Secretary of Labor shall
11 be available, as appropriate, for consultation with an enti-
12 ty described in subsection (a) to assist the entity in evalu-
13 ating the information on compliance with section 12 of the
14 Fair Labor Standards Act of 1938 submitted to the entity
15 by a subcontractor pursuant to such subsection.

16 (c) CORRECTIVE MEASURES.—On an annual basis,
17 the Secretary of Labor—

18 (1) shall provide an entity that makes a dislo-
19 sure pursuant to subsection (a) an opportunity to re-
20 port any steps taken by the entity, or any subcon-
21 tractor of the entity, to correct violations of or im-
22 prove compliance with section 12 of the Fair Labor
23 Standards Act of 1938, including any agreements
24 entered into with an enforcement agency; and

1 (2) may negotiate with such entity corrective
2 measures that the entity or any subcontractor of the
3 entity may take in order to avoid having the entity
4 placed on the list under subsection (d).

5 (d) LIST OF INELIGIBLE ENTITIES.—

6 (1) IN GENERAL.—For each calendar year be-
7 ginning with the first calendar year that begins after
8 the date that is 2 years after the date of enactment
9 of this Act, the Secretary of Labor shall prepare,
10 and submit to all executive agencies, a list of each
11 entity that shall be ineligible for a contract with an
12 executive agency for that year based on—

13 (A) serious, repeated, or pervasive viola-
14 tions of section 12 of the Fair Labor Standards
15 Act of 1938 committed by the entity or any
16 subcontractor of the entity; or

17 (B) the failure of such entity, or any sub-
18 contractor of such entity, to complete any cor-
19 rective measure negotiated under subsection (c).

20 (2) INELIGIBILITY.—The head of an executive
21 agency shall not solicit a contract from any entity on
22 the list under paragraph (1) that is in effect for a
23 year for that year or any of the subsequent 4 years.

24 (e) CRIMINAL PENALTY FOR FAILURE TO RE-
25 PORT.—

1 (1) OFFENSE.—It shall be unlawful for an enti-
2 ty to knowingly fail to make a disclosure required
3 under subsection (a).

4 (2) PENALTY.—

5 (A) IN GENERAL.—A violation of para-
6 graph (1) shall be treated as a violation of sec-
7 tion 1031(a) of title 18, United States Code.

8 (B) GROSS LOSS TO GOVERNMENT; GROSS
9 GAIN TO DEFENDANT.—For purposes of apply-
10 ing section 1031 of title 18, United States
11 Code, to a violation of paragraph (1) of this
12 subsection, the amount that an executive agen-
13 cy pays an entity that violates such paragraph
14 (1) under a contract described in subsection (a)
15 of this section shall be treated as the gross loss
16 to the Government or the gross gain to the de-
17 fendant.

18 (f) ANNUAL REPORTS TO CONGRESS.—For each cal-
19 endar year beginning with the first calendar year that be-
20 gins after the date that is 2 years after the date of enact-
21 ment of this Act, each executive agency shall submit to
22 Congress, and make publicly available on the website of
23 the executive agency, a report that includes—

24 (1) the number of entities on the list under sub-
25 section (d) for the year of the report;

1 (2) the number of entities that agreed to take
2 corrective measures under subsection (c) for such
3 year;

4 (3) the amount of the applicable contracts for
5 the entities described in paragraph (1) or (2); and

6 (4) an assessment of the effectiveness of the
7 implementation of this Act for such year.

8 (g) DEFINITION OF EXECUTIVE AGENCY.—In this
9 section, the term “executive agency” has the meaning
10 given such term in section 133 of title 41, United States
11 Code.

12 **SEC. 3. GAO STUDY.**

13 Not later than 2 years after the date of the enact-
14 ment of this Act, the Comptroller General of the United
15 States shall conduct a study on the prevalence and nature
16 of child labor among Federal contractors and submit to
17 Congress a report with the findings of the study.

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