

119TH CONGRESS
2D SESSION

S. _____

To amend the Fair Labor Standards Act of 1938 to strengthen the provisions relating to child labor, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. LUJÁN introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Fair Labor Standards Act of 1938 to strengthen the provisions relating to child labor, 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’s Act for Re-
5 sponsible Employment and Farm Safety Act of 2026” or
6 the “CARE Act of 2026”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) Across the United States, there are hun-
10 dreds of thousands of children younger than 18

1 years old who are working in the agricultural indus-
2 try. It is difficult to know exactly how many children
3 are performing the grueling work that is required to
4 plant, pick, process, and pack the food that people
5 eat every day.

6 (2) For farmworkers, many of whom are immi-
7 grants, all of whom are poor, and some of whom are
8 undocumented, it is challenging to capture accurate
9 data that reflects both the percentage of children
10 working in one of the Nation's most dangerous occu-
11 pations, as well as the scope of the work that they
12 are engaged in. One thing that is notable is that un-
13 like virtually every other job in the labor market,
14 Congress has made exceptions to allow children to
15 lawfully work in this industry.

16 (3) Historically, children have been permitted to
17 work in agriculture at younger ages, for longer
18 hours, and under more hazardous conditions than
19 other working children. Like most other agricultural
20 workers, they remain excluded from basic protec-
21 tions provided to workers in other industries under
22 Federal employment laws. Even where protections
23 exist under Federal law, they are seldom ever en-
24 forced.

1 (4) Allowing children to engage in agricultural
2 work from a young age can result in long-term nega-
3 tive consequences, especially when the child worker
4 is not employed on a family farm where family mem-
5 bers take precautions for their children and family
6 members. Working in agriculture as a child can re-
7 sult in an early end to childhood, and long hours
8 worked at unfair and unlawful wages can pose risks
9 to their overall health and lives.

10 (5) Child farmworkers suffer work-related fa-
11 talities at over four times the rate of other young
12 workers, often because exceptions are made that
13 allow farmworker children to operate heavy, dan-
14 gerous equipment and to be exposed to other haz-
15 ards. Yet, great efforts have been taken to strictly
16 limit the possibility of children in other industries
17 from engaging in dangerous work activities or jobs.
18 The demands imposed by doing agricultural work,
19 coupled with the low pay and poor working condi-
20 tions, result in shocking drop-out rates from school.
21 Aside from these risks, farmworker girls are excep-
22 tionally vulnerable to sexual abuse and harassment
23 by supervisors, company owners, crew leaders, co-
24 workers, and others.

1 (6) While the focus of this Act is on improving
2 the health and safety for all children engaged in ag-
3 ricultural labor, primarily through strengthened gen-
4 eral wage and hour protections, the high rates of
5 workplace sexual violence against farmworker women
6 and girls should not be ignored, particularly given
7 that they are susceptible to this violence due to the
8 overall lack of workplace protections available to
9 them.

10 **SEC. 3. AMENDED DEFINITIONS.**

11 Section 3(l) of the Fair Labor Standards Act of 1938
12 (29 U.S.C. 203(l)) is amended to read as follows:

13 “(l) ‘Oppressive child labor’ means a condition of em-
14 ployment under which—

15 “(1) any employee who is 16 or 17 years of age
16 is employed by an employer in any occupation found
17 by the Secretary and by order declared to be par-
18 ticularly hazardous for the employment of children
19 between such ages or detrimental to their health or
20 well-being;

21 “(2) any employee who is 14 or 15 years of age
22 is employed by an employer, unless the Secretary
23 has determined that the employment is confined to
24 periods which will not interfere with the schooling of
25 the employee, and that the conditions of employment

1 will not interfere with the health and well-being of
2 the employee; or

3 “(3) any employee who is under 14 years of age
4 is employed by an employer.”.

5 **SEC. 4. REVISED AGE REQUIREMENT FOR CHILD AGRICUL-**
6 **TURAL EMPLOYMENT; REPEAL OF WAIVER**
7 **PROVISION FOR HAND HARVEST LABORERS.**

8 (a) REVISED AGE REQUIREMENT.—Section 13(c) of
9 the Fair Labor Standards Act of 1938 (29 U.S.C. 213(c))
10 is amended by striking paragraphs (1) and (2) and insert-
11 ing the following:

12 “(1) The provisions of section 12 relating to
13 child labor shall not apply to any employee under 18
14 years of age who is employed in agriculture outside
15 of school hours for the school district where such
16 employee is living by his or her parent, or by a per-
17 son standing in the place of the parent, on a farm
18 owned by the parent or person.

19 “(2) The provisions of section 12 relating to
20 child labor shall not apply to any employee under 16
21 years of age who is employed by his or her parent,
22 or by a person standing in the place of the parent,
23 in employment other than manufacturing, mining, or
24 any other employment the Secretary finds to be par-
25 ticularly hazardous for the employment of a child 16

1 or 17 years of age or detrimental to their health or
2 well-being.”.

3 (b) REPEAL OF WAIVER PROVISION.—Section 13(c)
4 of such Act (29 U.S.C. 213(c)) is further amended by
5 striking paragraph (4) and redesignating paragraphs (5)
6 through (7) as paragraphs (4) through (6), respectively.

7 **SEC. 5. INCREASED CIVIL PENALTIES FOR CHILD LABOR**
8 **VIOLATIONS.**

9 Paragraph (1) of section 16(e) of the Fair Labor
10 Standards Act of 1938 (29 U.S.C. 216(e)(1)) is amend-
11 ed—

12 (1) by striking “person” each place it appears
13 and inserting “employer”;

14 (2) in subparagraph (A)—

15 (A) by striking “not to exceed” and insert-
16 ing “of”; and

17 (B) by amending clauses (i) and (ii) to
18 read as follows:

19 “(i) not less than \$500 and not more than
20 \$15,000 for each employee who was the subject of
21 such a violation; or

22 “(ii) not less than \$15,000 and not more than
23 \$60,115 with regard to each such violation that
24 causes the serious injury, serious illness, or death of
25 any employee under the age of 18 years at the time

1 of such violation, which penalty may be doubled
2 where the violation is a repeated or willful viola-
3 tion.”; and

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

5 “(C) For purposes of subparagraph (A), the term ‘se-
6 rious illness’ means any abnormal condition or disorder
7 resulting from an event or exposure in the work environ-
8 ment. Illnesses which result from events or exposures on
9 the employer’s premises are presumed to be work re-
10 lated.”.

11 **SEC. 6. SPECIAL CRIMINAL PENALTIES FOR CERTAIN AG-**
12 **GRAVATED CHILD LABOR VIOLATIONS.**

13 Section 16 of the Fair Labor Standards Act of 1938
14 (29 U.S.C. 216) is amended—

15 (1) in subsection (a), by striking “Any person”
16 and inserting “Except as provided in subsection (f),
17 any person”; and

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

19 “(f) Any person who repeatedly or willfully violates
20 any of the provisions of section 12, if violations result in
21 or cause the death or serious injury or serious illness of
22 an employee under 18 years of age at the time of such
23 violation, shall be subject to imprisonment for not more
24 than 5 years or a fine under title 18, United States Code,
25 or both.”.

1 **SEC. 7. REPORT TO CONGRESS ON WORK-RELATED INJU-**
2 **RIES TO CHILDREN AND RELATED MATTERS.**

3 The Fair Labor Standards Act of 1938 is amended
4 by inserting after section 12 (29 U.S.C. 212) the following
5 new section:

6 **“SEC. 12A. DATA ON WORK-RELATED INJURIES TO CHIL-**
7 **DREN AND RELATED MATTERS.**

8 “(a) DATA ANALYSIS.—Using the sources specified
9 in subsection (b), the Secretary shall analyze data con-
10 cerning children under the age of 18 who are employed
11 in agriculture and each work-related injury, illness, or
12 death of any such child.

13 “(b) SOURCES SPECIFIED.—The sources referred to
14 in subsection (a) are the following:

15 “(1) Sources within the Department of Labor,
16 including the Wage and Hour Division, the Bureau
17 of Labor Statistics, and the Occupational Safety and
18 Health Administration.

19 “(2) State employment security agencies and
20 other relevant State agencies.

21 “(3) The National Institute for Occupational
22 Safety and Health.

23 “(c) REPORT.—

24 “(1) IN GENERAL.—The Secretary shall annu-
25 ally submit a report to Congress which shall in-
26 clude—

1 “(A) a summary of the data collected by
2 the Secretary under this section and section
3 12B;

4 “(B) an evaluation, based on such data,
5 that reflects the status of child labor and re-
6 lated safety and health hazards; and

7 “(C) any information, based on such data,
8 that leads the Secretary to believe that children
9 under 18 years of age may have been employed
10 in violation of section 12.

11 “(2) PUBLICATION.—The Secretary shall, on
12 the date that the Secretary submits each report
13 under paragraph (1) to Congress, publish each such
14 report in the Federal Register and ensure that such
15 reports are posted on the Department of Labor
16 website.”.

17 **SEC. 8. EMPLOYER REPORTING REQUIREMENTS.**

18 The Fair Labor Standards Act of 1938 (29 U.S.C.
19 201 et seq.) is amended by inserting after section 12A,
20 added by section 7, the following:

21 **“SEC. 12B. EMPLOYER REPORTING REQUIREMENTS.**

22 “(a) REPORT.—Not later than 5 days after an event
23 specified under subsection (b), the employer involved in
24 the event shall submit a report to the Secretary in accord-
25 ance with subsection (c).

1 “(b) EVENTS SPECIFIED.—An event referred to in
2 subsection (a) is—

3 “(1) a work-related serious injury to an em-
4 ployee under 18 years of age employed in agri-
5 culture;

6 “(2) the discovery of a work-related serious ill-
7 ness of an employee under 18 years of age employed
8 in agriculture; or

9 “(3) the work-related death of an employee
10 under 18 years of age employed in agriculture.

11 “(c) CONTENTS.—The report required by subsection
12 (a) shall include—

13 “(1) the name and address of the employer;

14 “(2) the name, address, and age of the em-
15 ployee;

16 “(3) details relevant to the incident, including
17 environmental hazards, such as chemical or pesticide
18 exposure, use of machinery or tools at the time of
19 the incident, work tasks performed at the time of
20 the incident, and other details relating to the inci-
21 dent; and

22 “(4) such other information as the Secretary
23 may by regulation prescribe.

24 “(d) FAILURE TO REPORT.—The Secretary may as-
25 sess a civil penalty on any employer who fails to file a

1 report as required by this section in an amount not less
2 than \$500 and not more than \$7,000 per violation.

3 “(e) DEFINITIONS.—In this section, the terms ‘seri-
4 ous injury’ and ‘serious illness’ have the meanings given
5 such terms in subparagraphs (B) and (C) of section
6 16(e)(1), respectively.

7 “(f) EFFECTIVE DATE.—The requirements under
8 this section shall take effect on the date that is the earlier
9 of—

10 “(1) the date on which the Secretary issues a
11 rule under section 10(a) of the CARE Act of 2026;
12 or

13 “(2) the date that is 6 months after the date
14 of the enactment of such Act.”.

15 **SEC. 9. PESTICIDE-RELATED WORKER PROTECTION STAND-**
16 **ARD.**

17 (a) CONGRESSIONAL FINDING.—Congress finds and
18 declares that the employment of children under the age
19 of 18 in the occupation of a pesticide handler, as such
20 occupation is defined in the worker protection standard
21 for workers exposed to pesticides in part 170 of title 40,
22 Code of Federal Regulations, is particularly hazardous for,
23 and detrimental to the health and well-being of, such chil-
24 dren.

1 (b) REQUIREMENT FOR SECRETARY OF LABOR.—

2 Not later than the date that is 30 days after the date of
3 enactment of this Act, the Secretary of Labor shall revise
4 part 570 of title 29, Code of Federal Regulations, to pro-
5 hibit the employment of a child under the age of 18 to
6 perform any of the tasks or duties described in the defini-
7 tion of the term “handler” in section 170.3 of title 40,
8 Code of Federal Regulations (as in effect on the date of
9 enactment of this Act).

10 **SEC. 10. APPLICATION OF FAIR LABOR STANDARDS**
11 **AMENDMENTS.**

12 (a) RULEMAKING.—Not later than the date that is
13 6 months after the date of the enactment of this Act, the
14 Secretary of Labor may prescribe rules as necessary to
15 implement the amendments made by sections 3 through
16 8 and the revision required by section 9. Any such rules
17 issued shall take effect not later than 30 days after the
18 date on which the rules are published in the Federal Reg-
19 ister.

20 (b) VIOLATIONS.—The amendments made by sections
21 3 through 6 and the revision required by section 9 shall
22 apply to violations of the Fair Labor Standards Act of
23 1938 (29 U.S.C. 201 et seq.) that occur after the date
24 on which the rules issued under subsection (a) take effect.

1 (c) RULE OF CONSTRUCTION.—Nothing in the
2 amendments made by section 4, 5, or 6 or in the revision
3 required by section 9 shall be construed to preempt any
4 State law that provides protections or remedies for em-
5 ployees that are greater than the protections or remedies
6 provided under such amendments or such revision.