

United States Senate

WASHINGTON, DC 20510

October 23, 2023

The Honorable Julie A. Su
Acting Secretary
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Acting Secretary Su:

There have been multiple reports in recent months regarding the continued use of illegal child labor across the United States. We appreciate the efforts the Biden Administration and the Department of Labor (DOL) are taking to eliminate this scourge. However, these recent reports highlight the need to take further steps to protect children from dangerous employment that could result in injury and even death. We urge you to consider the steps outlined below to continue to reduce such exploitation and provide vulnerable children with safe and appropriate work opportunities.

We urge you to continue to ensure that companies that contract with violators of child labor laws and benefit from child labor exploitation are held responsible to the fullest extent possible under the law. After an investigation by DOL found more than 100 children cleaning meatpacking plants around the country, the cleaning company, Packers Sanitation Services Inc., was ordered to pay a \$1.5 million fine, but according to report at the time, none of the corporations that benefited from the children's work were investigated. While we agree that subcontractors who directly hire children for these dangerous jobs should be held accountable, we firmly believe that DOL also should investigate companies that choose to work with such subcontractors. We are pleased that the Department recently opened a federal investigation into whether corporations can be considered employers when children enter their factories through contractors. Are additional measures needed from Congress to better hold employers across all levels accountable for violations of child labor laws?

Child labor violations do not occur in a vacuum—often, these violations take place alongside multiple other types of labor violations. A recent federal investigation found that a 17-year-old worker who fell 24 feet from the roof of a home improvement store in October 2022 was not only doing work that violated child labor laws, but that the roofing contractor had also failed to pay 30 employees their full wages and exposed other workers to dangerous fall hazards.¹ Reports show that children are particularly vulnerable to these types of dangerous, low-paying jobs, as their adult counterparts often are able to find better pay elsewhere. Companies who have been found to exploit their workers—children or otherwise—must be monitored closely to ensure these types of egregious violations do not reoccur.

We also urge you to consider additional means by which to provide eligible vulnerable noncitizen youth—particularly recent arrivals who are unaccompanied—access to safe and appropriate work opportunities. The Department has received funding from Congress to support

¹ <https://www.dol.gov/newsroom/releases/whd/whd20230321>

programs that provide workforce development opportunities to ensure that youth have access to age-appropriate jobs and subsidized training. These programs offer opportunities for training and skills development to attain an on-ramp to quality career pathways. The *Workforce Innovation and Opportunity Act* (WIOA) authorizes several youth-targeted programs, which are the primary DOL-administered workforce development programs for youth.

Participants in programs authorized under Title I of WIOA must be authorized to work in the United States. Notably, unaccompanied children of working age are eligible to apply for a work permit six months after they apply for asylum,² or if the Department of Homeland Security has determined they are abused, abandoned, or neglected by a parent and therefore are eligible for Special Immigrant Juvenile Status (SIJS).³

However, it is often difficult for such vulnerable children to navigate our labor laws without assistance. Some may not understand laws related to applying for work permits, and may not be aware that certain jobs, such as cleaning positions in a meatpacking plant, are extremely dangerous and unlawful.⁴ We strongly encourage DOL to ensure that workforce development programs and opportunities are accessible in areas that need them most, including areas of the country where repeated child labor exploitation has occurred. To what extent does the Administration work to connect noncitizen children—particularly recently arrived unaccompanied children—to state or local workforce development resources or provide other resources to ensure these children understand U.S. labor laws and workforce training opportunities?

Thank you for your continued work to eradicate child labor exploitation. We strongly support such initiatives, and are committed to collaborating with you to protect our nation's young people from exploitation.

Sincerely,



Richard J. Durbin
United States Senator



Jack Reed
United States Senator


² 8 U.S.C. 1158

³ <https://www.uscis.gov/working-in-US/eb4/SIJ>

⁴ U.S. Department of Labor, Child Labor Provisions for Nonagricultural Occupations under the Fair Labor Standards Act, Child Labor Bulletin 101 (November 2016)
<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/childlabor101.pdf>



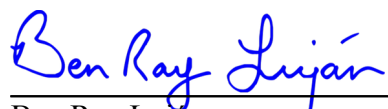
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