

Hon. Ryan Mackenzie
Testimony on HB 1714
House Labor and Industry Committee
November 14, 2023

Chairman Dawkins and Committee Members,

Thank you for the opportunity to discuss my legislation today. I introduced HB 1714 in the hopes that we can strengthen our Child Labor Act with regard to serious violations involving some of the most vulnerable children.

Child labor laws are a dual enforcement area – and can be enforced by either the states or the federal government. Unfortunately, both the US Department of Labor (USDOL) and PA Department of Labor and Industry (L&I) have reported significant increases in child labor violations. Federal officials have noted a 70% increase in child labor violations over the past five years, and state officials indicated in September that L&I has opened 276% more child labor cases since January than they did during the same period a year ago.

While there could be several reasons driving the overall numbers, I believe that a major driver in the rise in more *serious* violations is the exploitation of unaccompanied children who were placed across the United States by the federal government. These children are foreign nationals who crossed the border unaccompanied by any parent, guardian, or responsible adult. In 2021 and 2022, about 263,000 unaccompanied children were placed by the US Department of Health and Human Services (USHHS) with (relative or nonrelative) sponsors.

Media across the political spectrum, including the NY Times, Reuters, NBC, CBS, Breitbart and others, have reported some staggering statistics. About 34,000 of these children were placed with nonrelative sponsors or distant relatives. The NY Times reported that USHHS could not reach more than 85,000 children a month after placement, and overall, the agency lost contact with a third of migrant children.

Where do these kids end up when the federal government loses track of them? Caseworkers for child welfare agencies contracted with the federal government have estimated that about two-thirds of them are working full-time. Unaccompanied children, many younger than 14, have been found cleaning blades in food factories, deboning chickens, manufacturing sweat socks, working in slaughterhouses, producing snacks we find in our grocery stores, and manufacturing auto parts used in American cars.

When a child lacks proper parental supervision and is the subject of a major child labor violation, it becomes a child welfare issue. We can disagree about federal immigration policy, but these are children who were released into the United States and who were supposed to be under the supervision of a federal agency. We should be able to come up with a bipartisan

approach at the state level to respond to these issues. Senators Booker and Hawley have recently introduced federal legislation to crack down on federal contractors who are involved in child labor violations. My bill is an attempt to do that in our state Child Labor Act.

HB 1714 has three major components:

Enhanced criminal penalties for serious violations

Under current law, any criminal violation of the Child Labor Act is classified as a summary offense. While this may be appropriate for violations related to hours or lack of work permits, it falls short when an unscrupulous employer takes advantage of a vulnerable child. My bill would raise the penalty for child labor violations by two grades, to a misdemeanor of the second degree if two additional elements are met:

- The violation was willful; and
- The employer knew or should have known that the child was without proper parental control or supervision.

It is my hope that a more serious criminal charge for this type of violation will spur prosecutors to take a more aggressive stance than they might when they receive a referral for a summary offense. In the most egregious situations, other criminal charges could be sought by prosecutors under existing statutes such as endangering the welfare of a child or charges related to human trafficking depending on the facts of the case, and the child labor violation may serve as a way for law enforcement to become aware of more serious offense.

Cross-reporting to other agencies

Since this is also a child welfare matter, my bill will require a report to Childline if labor law investigators believe that the child is a “dependent child” under Title 42 or is the victim of “child abuse” under Title 23. To be clear, this would not make L&I’s staff mandated reporters (like teachers and childcare workers) subject to criminal penalties. It would simply require cross-reporting at the agency level when there is good reason to notify child welfare authorities.

The bill will also require a report to federal authorities if L&I suspects that the employer has violated federal law regarding unlawful employment of illegal aliens. By reporting these unscrupulous employers who may have violated multiple laws, it will help to ensure that the full range of enforcement is applied and it may help federal authorities uncover labor trafficking networks that are supplying unaccompanied children to bad-actor employers across the country. Finally, I will note that the report is based on a suspicion of a violation by the *employer*, not the child. Unaccompanied children are already known to federal authorities, who placed them in the United States, so this report will only serve to further protect the child and punish the people who took advantage of them.

Child Labor Act annual reports

In a September press release on child labor enforcement, Secretary Nancy Walker said, *"While we can only speculate on the reason for such a surge in child labor cases, this is a concerning trend involving Pennsylvania's most vulnerable workers."*

The Department of Labor and Industry should be able to do more than speculate on the reason for any surge in child labor cases. Along with USDOL, they are in the best position to understand the drivers of child labor violations. They know the location, industry, circumstances, and relative severity of the cases they investigate.

To remedy this lack of information, HB 1714 will include an annual report to the General Assembly on child labor enforcement in PA. This report will include a variety of information that will help policymakers analyze the trends in child labor violations and it will also include information on violations related to unaccompanied children, so that we can better respond to this issue.

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In closing, I will note that under the purview of the Labor and Industry Committee, we deal with only one facet of the issues related to unaccompanied minors. There are other committees, Childrencommittees, Children and Youth, Judiciary, Appropriations, etc., which may need to take action to respond to this issue as well.

I hope that the committee will be able consider my legislation in the near future. I am open to any suggestions that committee members have, in order to make this targeted legislation more effective and I want to work in a bipartisan manner to address any concerns raised about the specific language of the bill.