

# Congress of the United States

Washington, DC 20510

April 5, 2023

Dear Mr. Powell, Ms. Burgess-Taylor, Mr. Seeberger, Ms. Nicosia, Ms. Wadle, Mr. McMillon, Mr. Cornell, Mr. McCarthy, Mr. Buechel, Mr. Farley, Ms. Barra, Mr. Williams, Mr. Laguarda, Mr. DeTamble, Mr. Munoz, Mr. Yoon, Mr. Bessetti, Mr. Noguiera, Mr. George and Mr. George, Mr. King, Mr. Reinholt, Mr. Sikes, Mr. Goff, Mr. Zdatny, Mr. Hodge, Mr. Davis, Mr. Taft,

We write to express our deep concern regarding recent public reporting of labor exploitation of child migrants. Many unaccompanied children reported to be working in unsafe conditions have already endured horrific trauma in making the perilous journey to the United States, and we ask that you closely examine your own child labor practices and ensure you are compliant with federal labor laws to avoid putting more children in harm's way.

According to the Department of Labor, *NBC News*, and the *New York Times*, migrant children have been working at your facilities in hazardous conditions, engaged in work that is not suitable for their age group, and working hours well beyond what is permitted by law. The law is clear that children under the age of 18 cannot be subject to "oppressive child labor", which means employment in an occupation that is "particularly hazardous or detrimental to their health or well-being" as defined by the U.S. Department of Labor.<sup>1</sup> In addition, children can only work 3 hours a day on school days and 18 hours total each week between the hours of 7:00 a.m. to 7:00 p.m.<sup>2</sup> The recent reporting suggests that many of the children at your facilities worked much later into the night and many more hours per day while in school.

We ask that you carefully examine your hiring procedures, workplace safety, and compliance with wage and hour laws as they apply to minors. Your staff must be trained, and retrained if necessary, on federal and state child labor laws to ensure that children are not being placed in harm's way, and employees must have the opportunity to report unfair labor practices without risk or fear of retaliation.

As Chairs of the Senate Health Education Labor and Pensions Subcommittee on Employment and Workplace Safety and Senate Judiciary Subcommittee on Immigration, Citizenship, and Border Safety, we respectfully ask for your responses to the following questions by April 26, 2023.

1. Please detail the actions your company has taken to ensure compliance with child labor laws at your workplace(s) and educate your workforce on child labor laws.
2. What processes has your company adopted to vet prospective and current workers with respect to confirming their official age and other verifying information?
3. If your company uses third-party contractors for any of your labor functions, which auditing processes have you implemented to ensure the contractors' compliance with federal labor laws?

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<sup>1</sup> 29 USC § 203(l)

<sup>2</sup> 29 CFR 570.35(a)

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- a. If in process, when do you anticipate the auditing processes to be fully implemented?
4. With respect to the employment of minors, how has your company worked to educate your workforce, local educational agencies, and the broader community about the dangers of unlawful child labor and your company's compliance with federal labor laws?
5. How are you ensuring that migrants are aware of their rights in the workplace?
6. Are you working with school districts where your plants are located to coordinate that minors are only working longer hours when there are school breaks?

Thank you for your attention to this matter, and we look forward to your prompt response.

Sincerely,



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Alex Padilla  
Chair, Subcommittee Immigration, Citizenship,  
and Border Safety  
U.S. Senate Judiciary Committee



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John Hickenlooper  
Chair, Subcommittee on Employment and  
Workplace Safety  
U.S. Senate Health, Education, Labor and  
Pensions Committee