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**SJ1 – Ratifying the Federal Child Labor Amendment**  
**Finance Committee**  
**January 22, 2025**

**FAVORABLE**

AFSCME Council 3 supports SJ1, a joint resolution concerning the ratification of the federal Child Labor Amendment (Amendment) to the U.S. Constitution. The Amendment would provide Congress with the power to regulate and prohibit child labor. In 1924, Congress submitted to the states the Amendment for ratification to the Constitution, however, to date the requisite number of states needed to ratify the Amendment has not been met. By 1937, only twenty-eight states had ratified the Amendment.<sup>1</sup>

Congress enacted reforms to address child labor practices, among other labor reforms, through the Fair Labor Standards Act, legislation that established certain prohibitions, conditions, and limitations on the use of child labor.<sup>2</sup> Previously, the Supreme Court had struck down Congress's prior attempts to regulate child labor under the Commerce Clause,<sup>3</sup> however, that precedent was overturned in a subsequent decision which upheld the constitutionality of the Fair Labor Standards Act.<sup>4</sup>

Today, certain states have taken action to roll back child labor protections through state legislation.<sup>5</sup> These states have rolled back child labor protections, despite the fact that child labor violations have surged in recent years.<sup>6</sup> In federal fiscal year 2024, the U.S. Department of Labor concluded over 700 cases with child labor violations involving more than 4,000 children nationwide, an 89% increase from the prior fiscal year.<sup>7</sup>

AFSCME Council 3 strongly supports the ratification of the federal Child Labor Amendment to strengthen Congress's authority to regulate and limit the use of child labor. **We urge the committee to issue a favorable report of SJ1.**

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<sup>1</sup> Betsy Wood, *The Forgotten History of the Child Labor Amendment*, Time (May 13, 2024), <https://time.com/6970389/child-labor-amendment-forgotten/>.

<sup>2</sup> See generally, Congressional Research Service, *Child Labor in America: History, Policy, and Legislative Issues*, 7 - 12 (Nov. 18, 2013), [https://www.everycrsreport.com/files/20131118\\_RL31501\\_008741c7351fd72ae2a262198ba9c0e44921a60a.pdf](https://www.everycrsreport.com/files/20131118_RL31501_008741c7351fd72ae2a262198ba9c0e44921a60a.pdf).

<sup>3</sup> *Hammer v. Dagenhart*, 247 U.S. 251 (1918).

<sup>4</sup> *United States v. Darby*, 312 U.S. 100 (1941).

<sup>5</sup> Nina Mast, *Child labor remains a key state legislative issue in 2024*, Economic Policy Institute (Feb. 7, 2024), <https://www.epi.org/blog/child-labor-remains-a-key-state-legislative-issue-in-2024-state-lawmakers-must-seize-opportunities-to-strengthen-standards-resist-ongoing-attacks-on-child-labor-laws/>.

<sup>6</sup> Laura Strickler, *Biden administration to crack down on child labor*, NBC News (Feb. 27, 2023), <https://www.nbcnews.com/politics/biden-administration-crack-child-labor-rcna72512>.

<sup>7</sup> U.S. Dep't of Labor, *U.S. Dep't of Labor reaches agreement with Perdue Farms, secures judgement against staffing agency to address child labor violations* (Jan. 15, 2025), <https://www.dol.gov/newsroom/releases/whd/whd20250115>.