



(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To increase the capacity of the Department of Labor and labor enforcement agencies of States to address labor violations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MCGARVEY introduced the following bill; which was referred to the Committee on _____

A BILL

To increase the capacity of the Department of Labor and labor enforcement agencies of States to address labor violations, 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; FINDINGS; DEFINITIONS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Workers Protecting Our Wage Earners Rights Act” or
6 the “Workers POWER Act”.

7 (b) **FINDINGS.**—Congress finds the following:

1 (1) The Department of Labor’s Wage and Hour
2 Division and Occupational Safety and Health Ad-
3 ministration require robustly increased appropria-
4 tions to adequately address the size and scope of
5 oversight of the United States’ workforce.

6 (2) The continued presence of child labor viola-
7 tions, wage and hour violations, and occupational
8 safety and health violations are a scourge on the na-
9 tional conscience and must be rebuked with the full
10 resources, funding, and strengthened laws necessary
11 to address these violations.

12 (3) This necessary increased funding for the
13 Department must be leveraged to invest in a
14 strengthened workforce through increased full-time
15 employees, incentive structures, compensation, and
16 other mechanisms to support the dedicated public
17 servants of the Department in enforcing federal
18 labor law.

19 (c) DEFINITIONS.—In this Act—

20 (1) the term “Administration” means the Occu-
21 pational Safety and Health Administration;

22 (2) the term “Department” means the Depart-
23 ment of Labor;

24 (3) the term “Division” means the Wage and
25 Hour Division of the Department; and

1 (4) the term “Secretary” means the Secretary
2 of Labor.

3 **SEC. 2. EXPANSION OF DEPARTMENT OF LABOR POST-SEC-**
4 **ONDARY STUDENT PROGRAM, RECENT GRAD-**
5 **UATES, AND PMF PROGRAMS.**

6 (a) POST-SECONDARY STUDENT PROGRAM.—

7 (1) NEW POSITIONS.—

8 (A) IN GENERAL.—Not later than two
9 years after the date of the enactment of this
10 Act, the Secretary of Labor shall establish at
11 least five paid post-secondary student program
12 positions within the Wage and Hour Division of
13 the Department of Labor. Such positions shall
14 be—

15 (i) located at the office of the Division
16 located in Washington, D.C.;

17 (ii) part of the post-secondary student
18 program under the Pathways Programs at
19 the Department; and

20 (iii) shall be in addition to any post-
21 secondary student program positions at the
22 Department as of the date of the enact-
23 ment of this Act.

24 (B) OTHER POSITIONS.—In addition to the
25 positions established under subparagraph (A),

1 not later than two years after the date of the
2 enactment of this Act, the Secretary shall es-
3 tablish at least two additional internship posi-
4 tions in each Division regional office.

5 (2) COMPENSATION; STATUS.—Any intern par-
6 ticipating in the Department post-secondary student
7 program—

8 (A) shall be entitled to an hourly rate of
9 pay that is not less than the annual rate of
10 basic pay for step 1 of GS-7 level (computed on
11 an hourly basis under section 5504 of title 5,
12 United States Code); and

13 (B) shall not be considered a Federal em-
14 ployee for any purpose other than for purposes
15 of chapter 81 of title 5, United States Code,
16 (relating to compensation for injury) and sec-
17 tions 2671 through 2680 of title 28, United
18 States Code (relating to tort claims).

19 (b) RECENT GRADUATES PROGRAM.—Not later than
20 two years after the date of the enactment of this Act, the
21 Secretary shall increase the number of positions under the
22 Recent Graduates program at the Department by 100 per-
23 cent.

24 (c) PMF.—Not later than two years after the date
25 of the enactment of this Act, the Office of Personnel Man-

1 agement, in consultation with the Secretary, shall estab-
2 lish one additional Presidential Management Fellowship
3 Program position at each of the Division and the Adminis-
4 tration.

5 **SEC. 3. CHILD LABOR FELLOW POSITION.**

6 (a) IN GENERAL.—Not later than two years after the
7 date of the enactment of this Act, the Secretary shall es-
8 tablish within each of the Division and the Administration
9 at least five additional fellowship positions. Each such po-
10 sition shall—

11 (1) work with investigatory teams to enforce
12 labor rights violations regarding children;

13 (2) serve as additional investigators or provide
14 other functions, as determined by the Secretary; and

15 (3) be a time-limited appointment of one-year,
16 except that the Secretary may modify the time-pe-
17 riod of such appointment as the Secretary deems
18 necessary.

19 (b) APPOINTMENT.—Fellows in the positions under
20 subsection (a) shall be competitively selected, in such form
21 and manner as the Secretary may prescribe, from State
22 and local labor enforcement agencies, labor organizations,
23 institutions of higher education, research organizations,
24 advocacy organizations, non-profits, and other community
25 organizations.

1 (c) CONVERSION.—The Secretary may convert any
2 fellow appointed under this section to a career appoint-
3 ment in the competitive service.

4 **SEC. 4. EXPAND THE DOL HONORS ATTORNEYS PROGRAM.**

5 Not later than two years after the date of the enact-
6 ment of this Act, the Secretary shall increase the number
7 of positions in the Department's Office of the Solicitor's
8 Honors Program for Attorneys to a minimum of twenty
9 positions with a focus on creating a pipeline of attorneys
10 into the Division and Administration.

11 **SEC. 5. PERFORMANCE, RECRUITMENT AND RELOCATION,**
12 **AND RETENTION BONUS PROGRAMS.**

13 (a) BONUS PROGRAM.—Not later than two years
14 after the date of the enactment of this Act, the Secretary
15 shall establish and carry out a bonus and incentive pro-
16 gram for any covered employee. Such program shall award
17 bonuses based on performance, with an emphasis on per-
18 formance of investigatory and enforcement efforts.

19 (b) RECRUITMENT AND RELOCATION BONUSES.—
20 Not later than two years after the date of the enactment
21 of this Act, the Secretary may pay a recruitment or reloca-
22 tion bonus under section 5753(e) of title 5, United States
23 Code, to a covered employee without regard to any re-
24 quirements for certification or approval under that sec-
25 tion.

1 (c) RETENTION BONUSES.—Not later than two years
2 after the date of the enactment of this Act—

3 (1) the Secretary may pay a retention bonus
4 under section 5754(f) of title 5, United States Code,
5 to a covered employee without regard to any require-
6 ment for certification or approval under that sub-
7 section; and

8 (2) the Secretary may pay a retention bonus as
9 specified in subsection (e)(2) of section 5754 of such
10 title 5 to a covered employee and may pay the bonus
11 as a single lump-sum payment at the beginning of
12 the full period of service required by an agreement
13 under subsection (d) of such section.

14 (d) MERIT AWARDS.—Not later than two years after
15 the date of the enactment of this Act, the Secretary may
16 grant a cash award under section 4502(b) of title 5,
17 United States Code, to a covered employee without regard
18 to any requirement for certification or approval under that
19 section.

20 (e) INCENTIVES FOR CRITICAL SKILLS.—(1) Not
21 later than two years after the date of the enactment of
22 this Act, the Secretary may provide a critical skill incen-
23 tive to a covered employee if the Secretary determines—

24 (A) the employee possesses a high-demand
25 skill or skill that is at a shortage;

1 (B) such skill is directly related to the du-
2 ties and responsibilities of the employee's posi-
3 tion; and

4 (C) employment of an individual with such
5 skill in such position serves a critical mission-
6 related need of the Department.

7 (2) An incentive provided to an employee under
8 paragraph (1) may not to exceed 25 percent of the
9 basic pay of the employee.

10 (3) Provision of an incentive under paragraph
11 (1) shall be contingent on the employee entering into
12 a written agreement to complete a period of employ-
13 ment with the Department.

14 (4) An incentive provided under paragraph (1)
15 shall not be considered basic pay for any purpose.

16 (5) The Secretary may prescribe conditions, in-
17 cluding with respect to eligibility, and limitations on
18 provision of incentive under paragraph (1).

19 (f) COVERED EMPLOYEE DEFINED.—In this section,
20 the term “covered employee” means—

21 (1) an employee of the Division or the Adminis-
22 tration; or

23 (2) any other employee of the Department that
24 supports enforcement efforts of the Division or the
25 Administration, as determined by the Secretary.

1 **SEC. 6. INCREASE IN STUDENT LOAN REPAYMENT FOR DE-**
2 **PARTMENT EMPLOYEES.**

3 (a) IN GENERAL.—Consistent with subsection (b),
4 with respect to any covered employee who is otherwise eli-
5 gible for student loan repayments under section 5379 of
6 title 5, United States Code—

7 (1) subsection (b)(2)(A) of such section shall be
8 applied by substituting “\$30,000” for “\$10,000”;
9 and

10 (2) subsection (b)(2)(B) of such section shall be
11 applied by substituting “\$180,000” for “\$60,000”.

12 (b) AGREEMENT.—A covered employee described in
13 subsection (e)(2) or (3) may not receive increased student
14 loan payment under this section until on or after the date
15 the employee enters into a written service agreement, in
16 such form and manner as the Secretary may prescribe,
17 to complete a period of employment with the Department
18 of at least 5 years.

19 (c) APPLICATION.—The increased loan repayment
20 provided under subsection (a) shall cease to apply after
21 an individual leaves employment with the Department.

22 (d) COVERED EMPLOYEE DEFINED.—In this section,
23 the term “covered employee” means any employee of the
24 Department—

25 (1) who has been such an employee for a period
26 of at least five consecutive years;

1 (2) who, on the date of enactment of this Act,
2 has less than five years of continuous service with
3 the Department; or

4 (3) initially appointed to a position in the De-
5 partment after the date of enactment of this Act.

6 **SECTION 7. REPORTS.**

7 (a) IN GENERAL.—Not later than two years after the
8 date of the enactment of this Act, the Secretary, in col-
9 laboration with the Comptroller General of the United
10 States, shall submit to Congress and make publicly avail-
11 able a report that identifies necessary and recommended
12 changes to increase the ability of the Department to en-
13 force Federal labor laws, including—

14 (1) how to address the need for increased ca-
15 pacity at the Department, including the need for
16 more personnel, funding, and other resources as de-
17 termined by the Secretary;

18 (2) identifying any limitations on the Secretary
19 with respect to enforcing Federal labor laws due
20 to—

21 (A) the number of employees of the De-
22 partment; and

23 (B) the organizational structure of the De-
24 partment;

1 (3) identifying any opportunities for, and limi-
2 tations on the ability of, the Secretary to work with
3 labor organizations or community-based organiza-
4 tions to enforce Federal labor laws;

5 (4) how to develop a recruitment strategy in-
6 tended to increase outreach to, and the employment
7 of, underrepresented populations, including through
8 outreach and partnerships at historically Black col-
9 leges or universities, Hispanic-serving institutions,
10 Tribal colleges or universities, and other minority-
11 serving institutions; and

12 (5) how to best utilize incentives such as bo-
13 nuses, loan repayment, and other benefits to in-
14 crease recruitment and retention.

15 (b) DISCRETIONARY GRANT AND REPORT.—The Sec-
16 retary may award a one-time grant, on a competitive
17 basis, to an institution of higher education to—

18 (1) carry out a study that identifies necessary
19 and recommended changes to increase the ability of
20 the Department to enforce Federal labor laws; and

21 (2) submit to Congress and the Secretary a re-
22 port that includes the findings from the study under
23 paragraph (1).

24 (c) DEFINITIONS.—In this section:

1 (1) HISPANIC-SERVING INSTITUTION.—The
2 term “Hispanic-serving institution” has the meaning
3 given such term in section 502 of the Higher Edu-
4 cation Act of 1965 (20 U.S.C. 1101a).

5 (2) HISTORICALLY BLACK COLLEGE OR UNI-
6 VERSITY.—The term “Historically Black College or
7 University” has the meaning given the term “part B
8 institution” in section 322 of the Higher Education
9 Act of 1965 (20 U.S.C. 1061).

10 (3) INSTITUTION OF HIGHER EDUCATION.—The
11 term “institution of higher education” has the
12 meaning given such term in section 101 of the High-
13 er Education Act of 1965 (20 U.S.C. 1001).

14 (4) LABOR ORGANIZATION.—The term “labor
15 organization” has the meaning given such term in
16 section 2 of the National Labor Relations Act (29
17 U.S.C. 152).

18 (5) MINORITY-SERVING INSTITUTION.—The
19 term “minority-serving institution” means an insti-
20 tution listed in section 371(a) of the Higher Edu-
21 cation Act of 1965 (20 U.S.C. 1067q(a)).

22 (6) TRIBAL COLLEGE OR UNIVERSITY.—The
23 term “Tribal college or university” has the meaning
24 given such term in section 316 of the Higher Edu-
25 cation Act of 1965 (20 U.S.C. 1059c).

1 (7) UNDERREPRESENTED POPULATION.—The
2 term “underrepresented population” means a popu-
3 lation of individuals (based on race, color, religion,
4 sex (including pregnancy, sexual orientation, or gen-
5 der identity), national origin, age (40 or older), dis-
6 ability status, and genetic information (including
7 family medical history)) who have been historically
8 less represented, as defined by the Secretary, in the
9 workforce of the Department of Labor.

10 **SEC. 8. GRANT PROGRAM.**

11 (a) GRANT AUTHORITY.—From the amounts appro-
12 priated under subsection (i), the Secretary may award
13 grants, on a competitive basis, to States to increase the
14 capacity of State and local departments of labor to enforce
15 labor laws.

16 (b) APPLICATION.—To be eligible to receive a grant
17 under this section, a State shall submit to the Secretary
18 an application at such a time, in such a manner, and con-
19 taining such information as the Secretary may require,
20 which shall include—

21 (1) a description of the intended uses of grant
22 funds; and

23 (2) a description of the needs of the State, or
24 a unit of general local government, with respect en-
25 forcing labor laws, including—

1 (A) insufficient capacity of a department
2 of labor or other similar agency due to insuffi-
3 cient personnel, funding, or other resources;
4 and

5 (B) whether there are case backlogs or
6 personnel working overtime at such department,
7 and any other relevant information; and

8 (3) an assurance that the State will—

9 (A) enter into a data sharing agreement as
10 required under subsection (d); and

11 (B) comply with subsection (f).

12 (c) PRIORITY.—In awarding grants under this sec-
13 tion, the Secretary shall prioritize States that demonstrate
14 the greatest need for assistance in enforcing labor laws,
15 as compared to the other States submitting applications
16 under subsection (b).

17 (d) DATA SHARING AGREEMENT.—Not later than
18 two years after the receipt of a grant under this section,
19 a State that receives such grant shall enter into a data
20 sharing agreement with the Secretary to—

21 (1) share investigation data related to potential
22 and confirmed labor law violations, including—

23 (A) the locations of such violations;

24 (B) an identification of—

1 (i) entities that routinely commit
2 labor law violations; and

3 (ii) the most common labor law viola-
4 tions; and

5 (C) any other relevant information as de-
6 termined by the Secretary; and

7 (2) promote communication and enforcement
8 efforts between the Secretary and State and local
9 departments of labor, or any agency that enforces
10 labor laws.

11 (e) REQUIRED USES.—A State receiving a grant
12 under this section shall use grant funds to increase the
13 capacity of the relevant labor enforcement department or
14 similar agency of the State, or one or more similar agen-
15 cies of a unit of general local government, to enforce labor
16 laws, by—

17 (1) recruiting and retaining employees in de-
18 partments of labor or similar agencies;

19 (2) carrying out any activity the Secretary de-
20 termines necessary to increase the capacity of the
21 State, or a unit of general local government in the
22 State, to enforce such laws; or

23 (3) distributing grant funds to a unit of general
24 local government in the State for such unit to use

1 the funds for a purpose described in paragraph (1)
2 or (2).

3 (f) SUPPLEMENT, NOT SUPPLANT.—A State receiv-
4 ing a grant under this section shall use such grant to sup-
5 plement, and not supplant, State and local funding for
6 labor enforcement departments or similar agencies of such
7 State or unit of general local government.

8 (g) MONITORING.—The Secretary shall establish a
9 mechanism or process to regularly monitor and audit the
10 uses of grant funds by a State, or a unit of local govern-
11 ment of such State, to ensure that the funds are used in
12 accordance with this section.

13 (h) DEFINITIONS.—In this section:

14 (1) LABOR LAWS.—The term “labor laws” in-
15 cludes Federal, State, and local labor laws, including
16 child labor law, wage and hour law, occupational
17 safety and health law, and any other relevant labor
18 law as determined by the Secretary, State, or unit
19 of general local government.

20 (2) STATE.—The term “State” means—

21 (A) any of the 50 States;

22 (B) the District of Columbia; and

23 (C) the Commonwealth of Puerto Rico.

24 (3) UNIT OF GENERAL LOCAL GOVERNMENT.—

25 The term “unit of general local government” has the

1 meaning given such term in section 3 of the Work-
2 force Innovation and Improvement Act (29 U.S.C.
3 3102).

4 (i) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated \$250,000,000 to carry
6 out this section for each fiscal year.