

110TH CONGRESS
1ST SESSION

H. R. 3875

To permit the Secretary of Labor to make an administrative determination of the amount of unpaid wages owed for certain violations of the Fair Labor Standards Act in the New Orleans region after Hurricane Katrina.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 17, 2007

Mr. KUCINICH (for himself and Mr. ISSA) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To permit the Secretary of Labor to make an administrative determination of the amount of unpaid wages owed for certain violations of the Fair Labor Standards Act in the New Orleans region after Hurricane Katrina.

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. DETERMINATION OF UNPAID WAGES RELATED**
4 **TO CERTAIN VIOLATIONS IN THE NEW ORLE-**
5 **ANS REGION AFTER HURRICANE KATRINA.**

6 (a) DETERMINATION BY SECRETARY OF LABOR.—
7 Notwithstanding any other provision of law, for any viola-
8 tion described in subsection (b), the Secretary of Labor

1 may make an administrative determination of the amount
2 of unpaid minimum wages or unpaid overtime compensa-
3 tion, as the case may be, and an additional equal amount
4 as liquidated damages owed to employees by an employer
5 on account of such violations. Such determination shall be
6 final unless, within 15 days after receipt of notice thereof
7 by certified mail the person charged with the violation
8 takes exception to the determination that the violations
9 for which the amount of unpaid minimum wages or unpaid
10 overtime compensation, as the case may be, occurred, in
11 which event final determination of the violation and the
12 amount of unpaid minimum wages or unpaid overtime
13 compensation, as the case may be, and an additional equal
14 amount as liquidated damages owed to employees shall be
15 made in an administrative proceeding after opportunity
16 for hearing in accordance with section 554 of title 5,
17 United States Code, and regulations promulgated by the
18 Secretary.

19 (b) APPLICABILITY.—The violations for which the ad-
20 ministrative determination in subsection (a) applies are
21 violations of section 6 or 7 of the Fair Labor Standards
22 Act of 1938 (29 U.S.C. 206, 207)—

23 (1) that occurred in the geographical jurisdic-
24 tion of the New Orleans District office of the Wage
25 and Hours Division of the Department of Labor;

1 (2) that occurred after August 29, 2005; and

2 (3) for which an action under section 16(b) of
3 the Fair Labor Standards Act of 1938 (29 U.S.C.
4 216(b)) may not be commenced on account of sec-
5 tion 6 of the Act of May 14, 1947 (61 Stat. 87).

6 (c) PAYMENT AND ENFORCEMENT.—The Secretary
7 of Labor is authorized to supervise the payment of the
8 unpaid minimum wages or the unpaid overtime compensa-
9 tion and an additional equal amount as liquidated dam-
10 ages owing to any employee or employees based on a deter-
11 mination made under subsection (a). The Secretary may
12 bring an action in any court of competent jurisdiction to
13 recover the amount of unpaid minimum wages or overtime
14 compensation and an equal amount as liquidated damages.

15 (d) SUNSET.—The authority provided under this sec-
16 tion shall cease to be in effect on December 31, 2012.

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