

111TH CONGRESS
2D SESSION

H. R. 6268

To establish a wage theft prevention grant program in the Department of Labor to prevent wage and hour violations and expand and improve cooperative efforts between enforcement agencies and members of the community.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2010

Mr. HARE (for himself, Mr. GEORGE MILLER of California, and Ms. BERKLEY) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To establish a wage theft prevention grant program in the Department of Labor to prevent wage and hour violations and expand and improve cooperative efforts between enforcement agencies and members of the community.

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.**

4 This Act may be cited as the “Wage Theft Prevention
5 and Community Partnership Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Wage and hour violations are a serious and
2 growing problem for working Americans.

3 (2) According to a study by the Ford, Joyce,
4 Hayne, and Russell Sage Foundations, low-wage
5 workers are routinely denied proper overtime pay
6 and are paid less than the minimum wage, often re-
7 sulting up to a 15-percent loss in pay.

8 (3) Widespread wage and hour violations place
9 ethical businesses at a competitive disadvantage.

10 (4) Wage and hour violations hurt local econo-
11 mies. State and local governments lose vital tax rev-
12 enues and spending power when employers do not
13 pay legally required wages and workers receive less
14 than full pay.

15 (5) Women are far more likely to suffer min-
16 imum wage violations than men, while minority
17 women suffer such violations at a rate nearly triple
18 the rate that white women suffer such violations.

19 (6) Social service networks are further strained
20 and poverty increases when low-wage workers receive
21 lower wages than what is required by law.

22 (7) The Department of Labor and State depart-
23 ments of labor could more adequately address wage
24 and hour violations with a significant partnership
25 with stakeholders in the community.

1 (8) The Government Accountability Office rec-
2 ommended that the Department of Labor identify
3 ways to leverage its existing tools to better address
4 wage and hour violations by improving services pro-
5 vided through partnerships.

6 **SEC. 3. DEFINITIONS.**

7 In this Act the following definitions apply:

8 (1) The term “eligible partner” means any of
9 the following:

10 (A) A not-for-profit community organiza-
11 tion that, in whole or in part, is dedicated to
12 combating poverty and preventing abuse of
13 wage and hour laws.

14 (B) A labor organization as defined in sec-
15 tion 2(5) of the National Labor Relations Act
16 (29 U.S.C. 152(5)).

17 (C) A Joint Labor Management Coopera-
18 tive Committee established pursuant to section
19 205A of the Labor Management Relations Act,
20 1947 (29 U.S.C. 175a).

21 (2) The term “Secretary” means the Secretary
22 of Labor.

23 (3) The term “wage and hour violations” refers
24 to violations of the Fair Labor Standards Act or the
25 Migrant and Seasonal Agricultural Worker Protec-

1 tion Act, or any regulations issued under either such
2 Act, or violations of any other law enforced by the
3 Wage and Hour Division of the Department of
4 Labor, as the Secretary may determine.

5 **SEC. 4. AUTHORIZATION TO CREATE A WAGE THEFT PRE-**
6 **VENTION FUND.**

7 The Secretary shall establish a Wage Theft Preven-
8 tion Fund, which shall provide funding for the Wage Theft
9 Prevention and Community Partnership Grants described
10 in section 5. The Secretary may promulgate regulations
11 as necessary to carry out this Act.

12 **SEC. 5. WAGE THEFT GRANT PROGRAM.**

13 (a) ESTABLISHMENT OF WAGE THEFT PREVENTION
14 AND COMMUNITY PARTNERSHIP GRANTS.—The Secretary
15 is authorized to award grants, on a competitive basis, to
16 eligible partners to—

17 (1) prevent wage and hour violations by inform-
18 ing workers of their rights and the remedies avail-
19 able to them; and

20 (2) expand and improve cooperative efforts be-
21 tween agencies charged with enforcing wage and
22 hour requirements and employers and their employ-
23 ees.

24 (b) APPLICATIONS.—An eligible partner seeking a
25 grant under this section shall submit an application to the

1 Secretary at such time and in such manner as the Sec-
2 retary may require. An application shall include, at a min-
3 imum, the following:

4 (1) A description of the plan for preventing
5 wage and hour violations.

6 (2) A description of the plan for outreach, in-
7 cluding a plan for assisting the Department of
8 Labor in communicating with workers.

9 (3) A description of the eligible partner's prior
10 experience in raising awareness about and enforcing
11 wage and hour laws and ensuring that worker rights
12 are respected.

13 (4) Evidence of the community need for this
14 type of work, including prevalence of wage and hour
15 violations in the eligible partner's community or
16 State.

17 (5) A description of any larger working group
18 of organizations, including Federal, State, or local
19 government agencies, and faith-based, labor, commu-
20 nity, and business organizations—

21 (A) of which the eligible partner is a mem-
22 ber; or

23 (B) which the eligible partner is proposing
24 to work with in carrying out activities funded
25 by such grant.

1 (c) DURATION AND RENEWAL OF GRANTS.—

2 (1) INITIAL GRANT PERIOD.—A Wage Theft
3 Prevention and Community Partnerships Grant shall
4 be awarded for an initial grant period of 1 to 3
5 years.

6 (2) RENEWALS.—Such grant may be renewed
7 for 2 additional grant periods of the same duration
8 as the initial grant period, if—

9 (A) the Secretary determines that the
10 funds made available to the recipient were used
11 in a manner required under an approved appli-
12 cation; and

13 (B) the recipient can demonstrate signifi-
14 cant progress in achieving the objectives of the
15 initial application.

16 (3) ADDITIONAL GRANT.—A grant recipient
17 may apply for an additional grant under this section
18 once the recipient's grant renewals with respect to
19 the initial grant have been exhausted.

20 (d) INELIGIBILITY FOR GRANTS.—No grant may be
21 awarded under this section to—

22 (1) an entity that the Secretary determines in-
23 fringes upon upon the rights guaranteed by section
24 7 of the National Labor Relations Act (29 U.S.C.
25 157); or

1 (2) an entity prohibited by section 427 of Pub-
2 lic Law 111–88 from receiving funds appropriated
3 by that Act.

4 (e) PERFORMANCE EVALUATION.—Each program,
5 project, or activity funded under this section shall be sub-
6 ject to monitoring by the Secretary which shall include
7 systematic identification and collection of data about ac-
8 tivities, accomplishments, programs, and expenditures
9 throughout the life of the program, project, or activity.

10 (f) REPORTS TO CONGRESS.—For each year in which
11 funding is provided under this section, the Secretary shall
12 submit an annual report to the Congress on the activities
13 carried out by grantees under this section including, at
14 a minimum, information on the following:

15 (1) The activities undertaken by each grantee
16 and any other entity that partnered with the grantee
17 to prevent wage and hour violations by informing
18 workers of their rights and the remedies available to
19 them.

20 (2) The number of workers assisted by each
21 grantee disaggregated by State, age, income, gender,
22 and race.

23 (3) A summary of progress by each grantee in
24 implementing wage theft prevention outreach plans
25 approved by the Secretary.

1 (g) REVOCATION OR SUSPENSION OF FUNDING.—If
2 the Secretary determines, as a result of the reviews re-
3 quired by subsections (e) and (f), or otherwise, that a
4 grant recipient under this section is not in substantial
5 compliance with the terms and requirements of an ap-
6 proved grant application submitted under subsection (b),
7 the Secretary may revoke or suspend funding of that
8 grant, in whole or in part.

9 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

10 There are authorized to be appropriated to the Sec-
11 retary to carry out this Act, including administrative costs
12 associated with carrying out this Act, such sums as may
13 be necessary for fiscal years 2010 through 2014, to re-
14 main available until expended.

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