

118TH CONGRESS  
1ST SESSION

# H. R. 6634

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

DECEMBER 6, 2023

Mr. MCGARVEY (for himself, Mr. SCOTT of Virginia, Mr. NORCROSS, Mr. CASAR, Ms. BARRAGÁN, Ms. BUDZINSKI, Mr. CASTRO of Texas, Mr. CLEAVER, Mr. DELUZIO, Mr. DESAULNIER, Mrs. DINGELL, Mr. FROST, Mr. ROBERT GARCIA of California, Mr. GOMEZ, Mr. GREEN of Texas, Mr. KRISHNAMOORTHY, Mr. LYNCH, Mr. MAGAZINER, Ms. MANNING, Mrs. MCBATH, Ms. MCCOLLUM, Mr. MULLIN, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Ms. OCASIO-CORTEZ, Mr. POCAN, Ms. PORTER, Ms. ROSS, Ms. SCHAKOWSKY, Mr. SCHIFF, Mrs. SYKES, Mr. THANEDAR, Ms. TITUS, Ms. TOKUDA, Ms. WILLIAMS of Georgia, and Ms. HOYLE of Oregon) introduced the following bill; which was referred to the Committee on Education and the Workforce

---

## 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,*

1 **SECTION 1. SHORT TITLE; FINDINGS; DEFINITIONS.**

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

5 (b) FINDINGS.—Congress finds the following:

6 (1) The Department of Labor’s Wage and Hour  
7 Division and Occupational Safety and Health Ad-  
8 ministration require robustly increased appropria-  
9 tions to adequately address the size and scope of  
10 oversight of the United States workforce.

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

17 (3) This necessary increased funding for the  
18 Department must be leveraged to invest in a  
19 strengthened workforce through increased full-time  
20 employees, incentive structures, compensation, and  
21 other mechanisms to support the dedicated public  
22 servants of the Department in enforcing Federal  
23 labor law.

24 (c) DEFINITIONS.—In this Act—

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

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

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

5           (4) the term “Secretary” means the Secretary  
6           of Labor.

7 **SEC. 2. EXPANSION OF DEPARTMENT OF LABOR POST-SEC-**  
8 **ONDARY STUDENT PROGRAM, RECENT GRAD-**  
9 **UATES, AND PMF PROGRAMS.**

10           (a) POST-SECONDARY STUDENT PROGRAM.—

11           (1) NEW POSITIONS.—

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

19           (i) located at the office of the Division  
20           located in Washington, DC;

21           (ii) part of the post-secondary student  
22           program under the Pathways Programs at  
23           the Department; and

24           (iii) shall be in addition to any post-  
25           secondary student program positions at the

1 Department as of the date of the enact-  
2 ment of this Act.

3 (B) OTHER POSITIONS.—In addition to the  
4 positions established under subparagraph (A),  
5 not later than two years after the date of the  
6 enactment of this Act, the Secretary shall es-  
7 tablish at least two additional internship posi-  
8 tions in each Division regional office.

9 (2) COMPENSATION; STATUS.—Any intern par-  
10 ticipating in the Department post-secondary student  
11 program—

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

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

23 (b) RECENT GRADUATES PROGRAM.—Not later than  
24 two years after the date of the enactment of this Act, the  
25 Secretary shall increase the number of positions under the

1 Recent Graduates program at the Department by 100 per-  
2 cent.

3 (c) PMF.—Not later than two years after the date  
4 of the enactment of this Act, the Office of Personnel Man-  
5 agement, in consultation with the Secretary, shall estab-  
6 lish one additional Presidential Management Fellowship  
7 Program position at each of the Division and the Adminis-  
8 tration.

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

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

15 (1) work with investigatory teams to enforce  
16 labor rights violations regarding children;

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

19 (3) be a time-limited appointment of one-year,  
20 except that the Secretary may modify the time-pe-  
21 riod of such appointment as the Secretary deems  
22 necessary.

23 (b) APPOINTMENT.—Fellows in the positions under  
24 subsection (a) shall be competitively selected, in such form  
25 and manner as the Secretary may prescribe, from State

1 and local labor enforcement agencies, labor organizations,  
2 institutions of higher education, research organizations,  
3 advocacy organizations, non-profits, and other community  
4 organizations.

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

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

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

15 **SEC. 5. PERFORMANCE, RECRUITMENT AND RELOCATION,**  
16 **AND RETENTION BONUS PROGRAMS.**

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

23 (b) RECRUITMENT AND RELOCATION BONUSES.—  
24 Not later than two years after the date of the enactment  
25 of this Act, the Secretary may pay a recruitment or reloca-

1 tion bonus under section 5753(e) of title 5, United States  
2 Code, to a covered employee without regard to any re-  
3 quirements for certification or approval under that sec-  
4 tion.

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

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

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

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

24 (e) INCENTIVES FOR CRITICAL SKILLS.—(1) Not  
25 later than two years after the date of the enactment of

1 this Act, the Secretary may provide a critical skill incen-  
2 tive to a covered employee if the Secretary determines—

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

5 (B) such skill is directly related to the du-  
6 ties and responsibilities of the employee’s posi-  
7 tion; and

8 (C) employment of an individual with such  
9 skill in such position serves a critical mission-  
10 related need of the Department.

11 (2) An incentive provided to an employee under  
12 paragraph (1) may not to exceed 25 percent of the  
13 basic pay of the employee.

14 (3) Provision of an incentive under paragraph  
15 (1) shall be contingent on the employee entering into  
16 a written agreement to complete a period of employ-  
17 ment with the Department.

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

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

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



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

3 (2) any other employee of the Department that  
4 supports enforcement efforts of the Division or the  
5 Administration, as determined by the Secretary.

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

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

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

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

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

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

4 (d) COVERED EMPLOYEE DEFINED.—In this section,  
5 the term “covered employee” means any employee of the  
6 Department—

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

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

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

14 **SEC. 7. REPORTS.**

15 (a) IN GENERAL.—Not later than two years after the  
16 date of the enactment of this Act, the Secretary, in col-  
17 laboration with the Comptroller General of the United  
18 States, shall submit to Congress and make publicly avail-  
19 able a report that identifies necessary and recommended  
20 changes to increase the ability of the Department to en-  
21 force Federal labor laws, including—

22 (1) how to address the need for increased ca-  
23 pacity at the Department, including the need for  
24 more personnel, funding, and other resources as de-  
25 termined by the Secretary;

1           (2) identifying any limitations on the Secretary  
2 with respect to enforcing Federal labor laws due  
3 to—

4                   (A) the number of employees of the De-  
5 partment; and

6                   (B) the organizational structure of the De-  
7 partment;

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

12           (4) how to develop a recruitment strategy in-  
13 tended to increase outreach to, and the employment  
14 of, underrepresented populations, including through  
15 outreach and partnerships at historically Black col-  
16 leges or universities, Hispanic-serving institutions,  
17 Tribal colleges or universities, and other minority-  
18 serving institutions; and

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

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

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

4           (2) submit to Congress and the Secretary a re-  
5           port that includes the findings from the study under  
6           paragraph (1).

7           (c) DEFINITIONS.—In this section:

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

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

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

21           (4) LABOR ORGANIZATION.—The term “labor  
22           organization” has the meaning given such term in  
23           section 2 of the National Labor Relations Act (29  
24           U.S.C. 152).

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

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

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

18 **SEC. 8. GRANT PROGRAM.**

19           (a) GRANT AUTHORITY.—From the amounts appro-  
20 priated under subsection (i), the Secretary may award  
21 grants, on a competitive basis, to States to increase the  
22 capacity of State and local departments of labor to enforce  
23 labor laws.

24           (b) APPLICATION.—To be eligible to receive a grant  
25 under this section, a State shall submit to the Secretary

1 an application at such a time, in such a manner, and con-  
2 taining such information as the Secretary may require,  
3 which shall include—

4 (1) a description of the intended uses of grant  
5 funds; and

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

9 (A) insufficient capacity of a department  
10 of labor or other similar agency due to insuffi-  
11 cient personnel, funding, or other resources;  
12 and

13 (B) whether there are case backlogs or  
14 personnel working overtime at such department,  
15 and any other relevant information; and

16 (3) an assurance that the State will—

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

19 (B) comply with subsection (f).

20 (c) PRIORITY.—In awarding grants under this sec-  
21 tion, the Secretary shall prioritize States that demonstrate  
22 the greatest need for assistance in enforcing labor laws,  
23 as compared to the other States submitting applications  
24 under subsection (b).

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

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

7 (A) the locations of such violations;

8 (B) an identification of—

9 (i) entities that routinely commit  
10 labor law violations; and

11 (ii) the most common labor law viola-  
12 tions; and

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

15 (2) promote communication and enforcement  
16 efforts between the Secretary and State and local  
17 departments of labor, or any agency that enforces  
18 labor laws.

19 (e) REQUIRED USES.—A State receiving a grant  
20 under this section shall use grant funds to increase the  
21 capacity of the relevant labor enforcement department or  
22 similar agency of the State, or one or more similar agen-  
23 cies of a unit of general local government, to enforce labor  
24 laws, by—

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

3           (2) carrying out any activity the Secretary de-  
4           termines necessary to increase the capacity of the  
5           State, or a unit of general local government in the  
6           State, to enforce such laws; or

7           (3) distributing grant funds to a unit of general  
8           local government in the State for such unit to use  
9           the funds for a purpose described in paragraph (1)  
10          or (2).

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

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

21          (h) DEFINITIONS.—In this section:

22                  (1) LABOR LAWS.—The term “labor laws” in-  
23                  cludes Federal, State, and local labor laws, including  
24                  child labor law, wage and hour law, occupational  
25                  safety and health law, and any other relevant labor



1 law as determined by the Secretary, State, or unit  
2 of general local government.

3 (2) STATE.—The term “State” means—

4 (A) any of the 50 States;

5 (B) the District of Columbia; and

6 (C) the Commonwealth of Puerto Rico.

7 (3) UNIT OF GENERAL LOCAL GOVERNMENT.—

8 The term “unit of general local government” has the  
9 meaning given such term in section 3 of the Work-  
10 force Innovation and Improvement Act (29 U.S.C.  
11 3102).

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

○