

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7701
OFFERED BY MS. ADAMS OF NORTH CAROLINA**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Wage Theft Prevention
3 and Wage Recovery Act of 2022”.

4 **TITLE I—AMENDMENTS TO THE**
5 **FAIR LABOR STANDARDS ACT**
6 **OF 1938**

7 **SEC. 101. REQUIREMENTS TO PROVIDE CERTAIN DISCLO-**
8 **SURES, REGULAR PAYSTUBS, AND FINAL PAY-**
9 **MENTS.**

10 The Fair Labor Standards Act of 1938 is amended
11 by inserting after section 4 (29 U.S.C. 204) the following:

12 **“SEC. 5. REQUIREMENTS TO PROVIDE CERTAIN DISCLO-**
13 **SURES, REGULAR PAYSTUBS, AND FINAL PAY-**
14 **MENTS.**

15 “(a) DISCLOSURES.—

16 “(1) INITIAL DISCLOSURES.—Not later than 15
17 days after the date on which an employer hires an
18 employee who in any workweek is engaged in com-

1 merce or in the production of goods for commerce,
2 or is employed in an enterprise engaged in commerce
3 or in the production of goods for commerce, the em-
4 ployer of such employee shall provide such employee
5 with an initial disclosure containing the information
6 described in paragraph (3). Such initial disclosure
7 shall be—

8 “(A) provided as a written statement or, if
9 the employee so chooses, as a digital document
10 provided through electronic communication; and

11 “(B) made available in the employee’s pri-
12 mary language.

13 “(2) MODIFICATION DISCLOSURES.—Not later
14 than the earlier of 5 days after the date on which
15 any of the information described in paragraph (3)
16 changes with respect to an employee described in
17 paragraph (1) or the date of the next paystub fol-
18 lowing the date on which such information changes,
19 the employer of such employee shall provide the em-
20 ployee with a modification disclosure containing all
21 the information described in paragraph (3).

22 “(3) INFORMATION.—The information de-
23 scribed in this paragraph shall include—

24 “(A) the rate of pay and whether the em-
25 ployee is paid by the hour, shift, day, week, or

1 job, or by salary, piece rate, commission, or
2 other form of compensation;

3 “(B)(i) an indication of whether the em-
4 ployee is being classified by the employer as an
5 employee subject to the minimum wage require-
6 ments of section 6 or as an employee that is ex-
7 empt from (or otherwise not subject to) such
8 requirements as provided under section
9 3(m)(2), 6, 13, or 14, as well as the reason for
10 the exemption; and

11 “(ii) in the case that such employee is not
12 classified as being an employee subject to such
13 minimum wage requirements, an identification
14 of the section described in clause (i) providing
15 for such classification;

16 “(C)(i) an indication of whether the em-
17 ployee is being classified by the employer as an
18 employee subject to the overtime compensation
19 requirements of section 7 or as an employee ex-
20 empt from such requirements as provided under
21 section 7 or 13; and

22 “(ii) in the case that such employee is not
23 classified as being an employee subject to such
24 overtime compensation requirements, an identi-

1 fication of the section described in clause (i)
2 providing for such classification;

3 “(D) the name of the employer and any
4 other name used by the employer to conduct
5 business; and

6 “(E) the physical address of and telephone
7 number for the employer’s main office or prin-
8 cipal place of business, and a mailing address
9 for such office or place of business if the mail-
10 ing address is different than the physical ad-
11 dress.

12 “(b) PAYSTUBS.—

13 “(1) IN GENERAL.—Every employer shall pro-
14 vide each employee of such employer who in any
15 workweek is engaged in commerce or in the produc-
16 tion of goods for commerce, or is employed in an en-
17 terprise engaged in commerce or in the production
18 of goods for commerce, a paystub that corresponds
19 to work performed by the employee during the appli-
20 cable pay period and contains the information re-
21 quired under paragraph (3) in any form provided
22 under paragraph (2).

23 “(2) FORMS.—A paystub required under this
24 subsection shall be a written statement and may be
25 provided in any of the following forms:

1 “(A) As a separate document accom-
2 panying any payment to an employee for work
3 performed during the applicable pay period.

4 “(B) In the case of an employee who re-
5 ceives paychecks from the employer, as a de-
6 tachable statement accompanying each pay-
7 check.

8 “(C) As a digital document provided
9 through electronic communication, subject to
10 the employee affirmatively consenting to receive
11 the paystubs in this form.

12 “(3) CONTENTS.—Each paystub shall contain
13 all of the following information:

14 “(A) The name of the employee.

15 “(B) Except in the case of an employee
16 who is exclusively paid a salary and is exempt
17 from the overtime requirements of section 7,
18 the total number of hours worked by the em-
19 ployee, including the number of hours worked
20 per workweek, during the applicable pay period.

21 “(C) The total gross and net wages paid,
22 and, except in the case of an employee who is
23 exclusively paid a salary and is exempt from the
24 overtime requirements of section 7, the rate of

1 pay for each hour worked during the applicable
2 pay period.

3 “(D) In the case of an employee who is
4 paid any salary, the amount of any salary paid
5 during the applicable pay period.

6 “(E) In the case of an employee employed
7 at piece rates, the number of piece rate units
8 earned, the applicable piece rates, and the total
9 amount paid to the employee per workweek for
10 the applicable pay period in accordance with
11 such piece rates.

12 “(F) The rate of pay per workweek of the
13 employee during the applicable pay period and
14 an explanation of the basis for such rate.

15 “(G) The number of overtime hours per
16 workweek worked by the employee during the
17 applicable pay period and the compensation re-
18 quired under section 7 that is provided to the
19 employee for such hours.

20 “(H) Any additional compensation pro-
21 vided to the employee during the applicable pay
22 period, with an explanation of each type of com-
23 pensation, including any allowances or reim-
24 bursements such as amounts related to meals,
25 clothing, lodging, or any other item.

1 “(I) Itemized deductions from the gross in-
2 come of the employee during the applicable pay
3 period, and an explanation for each deduction.

4 “(J) The date that is the beginning of the
5 applicable pay period and the date that is the
6 end of such applicable pay period.

7 “(K) The name of the employer and any
8 other name used by the employer to conduct
9 business.

10 “(L) The name and phone number of a
11 representative of the employer for contact pur-
12 poses.

13 “(M) Any additional information that the
14 Secretary reasonably requires to be included
15 through notice and comment rulemaking.

16 “(c) MODEL DISCLOSURES AND PAY STUB.—The
17 Secretary shall prescribe model disclosures and a model
18 pay stub that may be used to satisfy the requirements of
19 subsections (a) and (b), respectively. The Secretary shall
20 make the model disclosures and the model pay stub pub-
21 licly available to employers.

22 “(d) FINAL PAYMENTS.—

23 “(1) IN GENERAL.—Not later than 14 days
24 after an individual described in paragraph (4) termi-
25 nates employment with an employer (by action of

1 the employer or the individual), or on the date on
2 which such employer pays other employees for the
3 pay period during which the individual so terminates
4 such employment, whichever date is earlier, the em-
5 ployer shall provide the individual with a final pay-
6 ment, which includes all compensation due to such
7 individual for all time worked and benefits incurred
8 (including retirement, health, leave, fringe, and
9 other benefits) by the individual as an employee for
10 the employer.

11 “(2) CONTINUING WAGES.—An employer who
12 violates the requirement under paragraph (1) shall,
13 for each day, not to exceed 30 days, of such violation
14 provide the individual described in paragraph (4)
15 with compensation at a rate that is equal to the reg-
16 ular rate of compensation, as determined under this
17 Act, to which such individual was entitled when such
18 individual was an employee of such employer.

19 “(3) LIMITATION.—Notwithstanding para-
20 graphs (1) and (2), an individual described in para-
21 graph (4) shall not be entitled to the compensation
22 described under paragraph (2) if the employer suc-
23 cessfully demonstrates that—

1 “(A) the employer made a good-faith effort
2 to provide the final payment described in para-
3 graph (1); and

4 “(B) the individual refused or otherwise in-
5 tentionally avoided receiving such final pay-
6 ment.

7 “(4) INDIVIDUAL.—An individual described in
8 this paragraph is an individual who was employed by
9 the employer, and through such employment, in any
10 workweek, was engaged in commerce or in the pro-
11 duction of goods for commerce, or was employed in
12 an enterprise engaged in commerce or in the produc-
13 tion of goods for commerce.”.

14 **SEC. 102. RIGHT TO FULL COMPENSATION.**

15 (a) IN GENERAL.—The Fair Labor Standards Act of
16 1938 is amended by inserting after section 7 (29 U.S.C.
17 207) the following:

18 **“SEC. 8. RIGHT TO FULL COMPENSATION.**

19 “(a) IN GENERAL.—In the case of an employment
20 contract or other employment agreement, including a col-
21 lective bargaining agreement, that specifies that an em-
22 ployer shall compensate an employee (who is described in
23 subsection (b)) at a rate that is higher than the rate other-
24 wise required under this Act, the employer shall com-

1 pensate such employee at the rate specified in such con-
2 tract or other employment agreement.

3 “(b) EMPLOYEE ENGAGED IN COMMERCE.—The re-
4 quirement under subsection (a) shall apply with respect
5 to any employee who in any workweek is engaged in com-
6 merce or in the production of goods for commerce, or is
7 employed in an enterprise engaged in commerce or in the
8 production of goods for commerce.”.

9 (b) CONFORMING AMENDMENT.—The Fair Labor
10 Standards Act of 1938 is amended by repealing section
11 10 (29 U.S.C. 210).

12 **SEC. 103. CIVIL AND CRIMINAL ENFORCEMENT.**

13 (a) PROHIBITED ACTS.—Section 15(a) of the Fair
14 Labor Standards Act of 1938 (29 U.S.C. 215(a)) is
15 amended—

16 (1) in paragraph (1), by striking “section 6 or
17 section 7” and inserting “section 6, 7, or 8”; and

18 (2) in paragraph (2), by striking “section 6 or
19 section 7” and inserting “section 5, 6, 7, or 8”.

20 (b) DAMAGES.—The Fair Labor Standards Act of
21 1938 (29 U.S.C. 201 et seq.) is amended—

22 (1) in section 4(f) (29 U.S.C. 204(f)), in the
23 third sentence, by striking “for unpaid minimum
24 wages, or unpaid overtime compensation, and liq-
25 uidated damages” and inserting “for unpaid wages,

1 or unpaid overtime compensation, as well as interest
2 and liquidated damages,”;

3 (2) in section 6(d)(3) (29 U.S.C. 206(d)(3)), by
4 striking “minimum”;

5 (3) in section 16 (29 U.S.C. 216)—

6 (A) in subsection (b)—

7 (i) by striking “section 6 or section 7”
8 each place it appears and inserting “sec-
9 tion 6, 7, or 8”;

10 (ii) by striking “minimum” each place
11 it appears;

12 (iii) in the first sentence, by striking
13 “and in an additional equal amount as liq-
14 uidated damages” and inserting “, the
15 amount of any interest on such unpaid
16 wages or unpaid overtime compensation ac-
17 crued at the prevailing rate, and an addi-
18 tional amount as liquidated damages that
19 is equal to (subject to the second sentence
20 of this subsection) 2 times such amount of
21 unpaid wages or unpaid overtime com-
22 pensation”;

23 (iv) in the second sentence, by strik-
24 ing “wages lost and an additional equal
25 amount as liquidated damages” and insert-

1 ing “wages lost, including any unpaid
2 wages or any unpaid overtime compensa-
3 tion, the amount of any interest on such
4 wages lost accrued at the prevailing rate,
5 and an additional amount as liquidated
6 damages that is equal to 3 times the
7 amount of such wages lost”;

8 (v) by striking the fifth sentence; and

9 (vi) by adding at the end the fol-
10 lowing: “Notwithstanding chapter 1 of title
11 9, United States Code (commonly known
12 as the ‘Federal Arbitration Act’), or any
13 other law, the right to bring an action, in-
14 cluding a joint, class, or collective claim, in
15 court under this section cannot be waived
16 by an employee as a condition of employ-
17 ment or in a pre-dispute arbitration agree-
18 ment.”; and

19 (B) in subsection (c)—

20 (i) by striking “minimum” each place
21 the term appears;

22 (ii) in the first sentence—

23 (I) by striking “section 6 or 7”
24 and inserting “section 6, 7, or 8”; and

1 (II) by striking “and an addi-
2 tional equal amount as liquidated
3 damages” and inserting “, any inter-
4 est on such unpaid wages or unpaid
5 overtime compensation accrued at the
6 prevailing rate, and an additional
7 amount as liquidated damages that is
8 equal to (subject to the third sentence
9 of this subsection) 2 times such
10 amount of unpaid wages or unpaid
11 overtime compensation”;

12 (iii) in the second sentence, by strik-
13 ing “and an equal amount as liquidated
14 damages.” and inserting “, any interest on
15 such unpaid wages or unpaid overtime
16 compensation accrued at the prevailing
17 rate, and an additional amount as liq-
18 uidated damages that is equal to (subject
19 to the third sentence of this subsection) 2
20 times such amount of unpaid wages or un-
21 paid overtime compensation. In the event
22 that the employer violates section 15(a)(3),
23 the Secretary may bring an action in any
24 court of competent jurisdiction to recover
25 the amount of any wages lost, including

1 any unpaid wages or any unpaid overtime
2 compensation, any interest on such wages
3 lost accrued at the prevailing rate, an addi-
4 tional amount as liquidated damages that
5 is equal to 3 times the amount of such
6 wages lost, and any such legal or equitable
7 relief as may be appropriate.”; and

8 (iv) in the fourth sentence, by striking
9 “sections 6 and 7” and inserting “section
10 6, 7, or 8”; and

11 (4) in section 17 (29 U.S.C. 217), by striking
12 “minimum”.

13 (c) CIVIL FINES.—Section 16(e) of the Fair Labor
14 Standards Act of 1938 (29 U.S.C. 216(e)) is amended—

15 (1) by striking paragraph (2) and inserting the
16 following:

17 “(2)(A) Subject to subparagraph (B), any per-
18 son who violates section 6, 7, or 8, relating to wages,
19 shall be subject to a civil fine that is not to exceed
20 \$22,030 per each employee affected for each initial
21 violation of such section.

22 “(B) Any person who repeatedly or willfully vio-
23 lates section 6, 7, or 8, relating to wages, shall be
24 subject to a civil fine that is not to exceed \$110,150
25 per each employee affected for each such violation.

1 “(C) Any person who violates section
2 3(m)(2)(B) shall be subject to a civil penalty not to
3 exceed \$12,340 for each such violation, as the Sec-
4 retary determines appropriate, in addition to being
5 liable to the employee or employees affected for all
6 tips unlawfully kept, any interest on wages lost ac-
7 crued at the prevailing rate, and an additional
8 amount as liquidated damages that is equal to 2
9 times the amount of wages lost, as described in sub-
10 section (b).”;

11 (2) by redesignating paragraphs (3), (4), and
12 (5) as paragraphs (5), (6), and (7), respectively; and

13 (3) by inserting after paragraph (2) the fol-
14 lowing:

15 “(3) Any person who violates subsection (a) or
16 (b) of section 5 shall—

17 “(A) for the initial violation of such sub-
18 section, be subject to a civil fine that is not to
19 exceed \$50 per each employee affected; and

20 “(B) for each repeated or willful violation
21 of such subsection, be subject to a civil fine that
22 is not to exceed \$100 per each employee af-
23 fected.

24 “(4) Any person who violates section 11(c)
25 shall—

1 “(A) for the initial violation, be subject to
2 a civil fine that is not to exceed \$1,000 per
3 each employee affected; and

4 “(B) for each repeated or willful violation,
5 be subject to a civil fine that is not to exceed
6 \$5,000 per each employee affected.”.

7 (d) CRIMINAL PENALTIES.—Section 16(a) of the
8 Fair Labor Standards Act of 1938 (29 U.S.C. 216(a)) is
9 amended—

10 (1) by striking “Any person” and inserting “(1)
11 Any person”;

12 (2) in the first sentence, by striking “\$10,000”
13 and inserting “\$10,000 per each employee affected”;

14 (3) in the second sentence, by striking “No per-
15 son” and inserting “Subject to paragraph (2), no
16 person”; and

17 (4) by adding at the end the following:

18 “(2)(A) Notwithstanding any other provision of this
19 Act, the Secretary shall refer any case involving a covered
20 offender described in subparagraph (B) to the Department
21 of Justice for prosecution.

22 “(B) A covered offender described in this subpara-
23 graph is a person who willfully violates any of the fol-
24 lowing:

1 “(i) Section 11(c) by falsifying any records de-
2 scribed in such section.

3 “(ii) Section 6, 7, or 8, relating to wages.

4 “(iii) Section 15(a)(3).”.

5 **SEC. 104. RECORDKEEPING.**

6 (a) **IN GENERAL.**—Section 11(c) of the Fair Labor
7 Standards Act of 1938 (29 U.S.C. 211(c)) is amended by
8 adding at the end the following: “In the event that an em-
9 ployee requests an inspection of the records described in
10 this subsection that pertain to such employee from the em-
11 ployer, orally or in writing, the employer shall provide the
12 employee with a copy of the records for a period of up
13 to 5 years prior to such request being made. Not later
14 than 21 days after an employee requests such an inspec-
15 tion, the employer shall comply with the request.

16 (b) **REBUTTABLE PRESUMPTION.**—Section 15 of the
17 Fair Labor Standards Act of 1938 (29 U.S.C. 215) is
18 amended by adding at the end the following:

19 “(c) In the event that an employer violates section
20 11(c) and any regulations issued pursuant to such section,
21 resulting in a lack of a complete record of an employee’s
22 hours worked or wages owed, the employee’s production
23 of credible evidence and testimony regarding the amount
24 or extent of the work for which the employee was not com-
25 pensated in compliance with the requirements under this

1 Act shall be sufficient to create a rebuttable presumption
2 that the employee’s records are accurate. Such presump-
3 tion shall be rebutted only if the employer produces evi-
4 dence of the precise amount or extent of work performed
5 or evidence to show that the inference drawn from the em-
6 ployee’s evidence is not reasonable.”.

7 **TITLE II—AMENDMENTS TO THE**
8 **PORTAL-TO-PORTAL ACT OF 1947**

9 **SEC. 201. INCREASING AND TOLLING STATUTE OF LIMITA-**
10 **TIONS.**

11 Section 6 of the Portal-to-Portal Act of 1947 (29
12 U.S.C. 255) is amended—

13 (1) in the matter preceding subsection (a), by
14 striking “minimum”;

15 (2) in subsection (a)—

16 (A) by striking “may be commenced within
17 two years” and inserting “may be commenced
18 within 4 years”;

19 (B) by striking “unless commenced within
20 two years” and inserting “unless commenced
21 within 4 years”; and

22 (C) by striking “may be commenced within
23 three years” and inserting “may be commenced
24 within 5 years”;

1 (3) in subsection (d), by striking the period and
2 inserting “; and”; and

3 (4) by adding at the end the following:

4 “(e) with respect to the running of any statutory pe-
5 riod of limitation described in this section, the running
6 of such statutory period shall be deemed suspended during
7 the period beginning on the date on which the Secretary
8 of Labor notifies an employer of an initiation of an inves-
9 tigation or enforcement action and ending on the date on
10 which the Secretary notifies the employer that the matter
11 has been officially resolved by the Secretary.”.

12 **TITLE III—WAGE THEFT PRE-**
13 **VENTION AND WAGE RECOV-**
14 **ERY GRANT PROGRAM**

15 **SEC. 301. DEFINITIONS.**

16 In this title:

17 (1) **COMMUNITY PARTNER.**—The term “com-
18 munity partner” means any stakeholder with a com-
19 mitment to enforcing wage and hour laws and pre-
20 venting abuses of such laws, including any—

21 (A) State department of labor;

22 (B) attorney general of a State, or other
23 similar authorized official of a political subdivi-
24 sion thereof;

25 (C) law enforcement agency;

1 (D) consulate;

2 (E) employee or advocate of employees, in-
3 cluding a labor organization, community-based
4 organization, faith-based organization, business
5 association, or nonprofit legal aid organization;

6 (F) academic institution that plans, coordi-
7 nates, and implements programs and activities
8 to prevent wage and hour violations and recover
9 unpaid wages, damages, and penalties; or

10 (G) any municipal agency responsible for
11 the enforcement of local wage and hour laws.

12 (2) COMMUNITY PARTNERSHIP.—The term
13 “community partnership” means a partnership be-
14 tween—

15 (A) a working group consisting of commu-
16 nity partners; and

17 (B) the Department of Labor.

18 (3) ELIGIBLE ENTITY.—The term “eligible enti-
19 ty” means an entity that is any of the following:

20 (A) A nonprofit organization, including
21 such an organization that is a community-based
22 organization, faith-based organization, or labor
23 organization, that provides services and support
24 to employees, including assisting such employ-
25 ees in recovering unpaid wages.

1 (B) An employer.

2 (C) A business association.

3 (D) An institution of higher education, as
4 defined by section 101(a) of the Higher Edu-
5 cation Act of 1965 (20 U.S.C. 1001(a)).

6 (E) A partnership between any of the enti-
7 ties described in subparagraphs (A) through
8 (D).

9 (4) EMPLOY; EMPLOYEE; EMPLOYER.—The
10 terms “employ”, “employee”, and “employer” have
11 the meanings given such terms in section 3 of the
12 Fair Labor Standards Act of 1938 (29 U.S.C. 203).

13 (5) SECRETARY.—The term “Secretary” means
14 the Secretary of Labor.

15 (6) WAGE AND HOUR LAW.—The term “wage
16 and hour law” means any Federal law enforced by
17 the Wage and Hour Division of the Department of
18 Labor, including any provision of this Act enforced
19 by such division.

20 (7) WAGE AND HOUR VIOLATION.—The term
21 “wage and hour violation” refers to any violation of
22 a Federal law enforced by the Wage and Hour Divi-
23 sion of the Department of Labor, including any pro-
24 vision of this Act enforced by such division.

1 **SEC. 302. WAGE THEFT PREVENTION AND WAGE RECOVERY**

2 **GRANT PROGRAM.**

3 (a) IN GENERAL.—The Secretary shall provide
4 grants to eligible entities to assist employees and employ-
5 ers.

6 (b) GRANTS.—A grant provided under this section
7 shall be designed to—

8 (1) support an eligible entity in establishing
9 and supporting the activities described in subsection

10 (c)(1); and

11 (2) develop community partnerships to expand
12 and improve cooperative efforts to—

13 (A) prevent and reduce wage and hour vio-
14 lations;

15 (B) assist employees in recovering back
16 pay for any such violations; and

17 (C) assist employers in complying with
18 wage and hour laws.

19 (c) USE OF FUNDS.—The grants described in this
20 section shall assist eligible entities in establishing and sup-
21 porting activities that include—

22 (1) disseminating information and conducting
23 outreach and training to educate employees about
24 their rights under wage and hour laws;

1 (2) conducting educational and compliance
2 training for employers about their obligations under
3 wage and hour laws;

4 (3) providing assistance to employees in filing
5 claims of wage and hour violations; and

6 (4) any other activities as the Secretary may
7 reasonably prescribe through notice and comment
8 rulemaking.

9 (d) TERM OF GRANTS.—Each grant made under this
10 section shall be available for expenditure for a period that
11 is not to exceed 3 years.

12 (e) APPLICATIONS.—

13 (1) IN GENERAL.—An eligible entity seeking a
14 grant under this section shall submit an application
15 for such grant to the Secretary in accordance with
16 this subsection.

17 (2) PARTNERSHIPS.—In the case of an eligible
18 entity that is a partnership described in section
19 301(4)(E), the eligible entity may submit a joint ap-
20 plication that designates a single entity as the lead
21 entity for purposes of receiving and disbursing
22 funds.

23 (3) CONTENTS.—An application under this sub-
24 section shall include—

1 (A) a description of a plan for the program
2 that the eligible entity proposes to carry out
3 with a grant under this section, including a
4 long-term strategy and detailed implementation
5 plan that reflects expected participation of, and
6 partnership with, community partners;

7 (B) information on the prevalence of wage
8 and hour violations in each community or State
9 the eligible entity proposes to serve;

10 (C) information on any industry or geo-
11 graphic area targeted by the plan for such pro-
12 gram;

13 (D) information on the type of outreach
14 and relationship building that will be conducted
15 under such program;

16 (E) information on the training and edu-
17 cation that will be provided to employees and
18 employers under such program; and

19 (F) any additional information the Sec-
20 retary deems relevant.

21 (f) SELECTION.—

22 (1) COMPETITIVE BASIS.—In accordance with
23 this subsection, the Secretary shall, on a competitive
24 basis, select grant recipients from among eligible en-

1 tities that have submitted an application under sub-
2 section (e).

3 (2) PRIORITY.—In selecting grant recipients
4 under paragraph (1), the Secretary shall give pri-
5 ority to eligible entities that—

6 (A) serve employees or employers in any
7 industry or geographic area that is most highly
8 at risk for noncompliance with wage and hour
9 violations, as identified by the Secretary; and

10 (B) demonstrate past and ongoing work to
11 prevent wage and hour violations or to recover
12 unpaid wages.

13 (g) MEMORANDA OF UNDERSTANDING.—

14 (1) IN GENERAL.—Not later than 60 days after
15 receiving notification of selection for a grant under
16 this section, the grant recipient shall negotiate and
17 finalize with the Secretary a memorandum of under-
18 standing that sets forth specific goals, objectives,
19 strategies, and activities that will be carried out
20 under the grant by such recipient through a commu-
21 nity partnership.

22 (2) SIGNATURES.—A representative of the
23 grant recipient (or, in the case of a grant recipient
24 that is an eligible entity described in section
25 301(4)(E), a representative of each entity that

1 composes the grant recipient) and the Secretary
2 shall sign the memorandum of understanding under
3 this subsection.

4 (3) REVISIONS.—The memorandum of under-
5 standing under this subsection shall be reviewed and
6 revised by the grant recipient and the Secretary each
7 year for the duration of the grant.

8 (h) PERFORMANCE EVALUATIONS.—The Secretary
9 shall develop guidelines for evaluating the activities of
10 each program or project funded under this section.

11 (i) REVOCATION OR SUSPENSION OF FUNDING.—If
12 the Secretary determines that a recipient of a grant under
13 this section is not in compliance with the terms and re-
14 quirements of the memorandum of understanding under
15 subsection (g), the Secretary may revoke or suspend (in
16 whole or in part) the funding of the grant.

17 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

18 There is authorized to be appropriated \$50,000,000
19 for fiscal year 2023 and for each subsequent fiscal year
20 through fiscal year 2026, to remain available until ex-
21 pended, to carry out the grant program under section 302.

1 **TITLE IV—RELATION TO OTHER**
2 **LAWS, REGULATIONS, AND**
3 **EFFECTIVE DATE**

4 **SEC. 401. RELATION TO OTHER LAWS.**

5 (a) IN GENERAL.—Section 18(a) of the Fair Labor
6 Standards Act (29 U.S.C. 218(a)) is amended by adding
7 at the end the following: “The requirements of section 5
8 shall not preempt or supercede any requirement under
9 State or local law that an employer disclose the rate, fre-
10 quency, or classification of pay at any time during an indi-
11 vidual’s employ, or that an employer provide regular
12 paystubs or earnings statements to employees, so long as
13 such requirement is at least as comprehensive as the re-
14 quirements described under such section.”.

15 (b) ASSISTANCE TO EMPLOYERS.—The Secretary of
16 Labor shall provide such assistance to employers operating
17 in more than one State as may be necessary to ensure
18 compliance with the amendments made by this Act.

19 **SEC. 402. REGULATIONS.**

20 Not later than 18 months after the date of enactment
21 of this Act, the Secretary of Labor shall promulgate such
22 regulations as are necessary to carry out this Act and the
23 amendments made by this Act.

1 **SEC. 403. EFFECTIVE DATE.**

2 The amendments made by titles I and II shall take
3 effect on the date that is the earlier of—

4 (1) the date that is 6 months after the date on
5 which the final regulations are promulgated by the
6 Secretary of Labor under section 401; or

7 (2) the date that is 18 months after the date
8 of enactment of this Act.

