

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4288

To provide for additional employees in the Wage and Hour Division of the Department of Labor and to provide for increased damages for recordkeeping violations under the Fair Labor Standards Act of 1938.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 1994

Mr. TORRES (for himself, Mr. BECERRA, Mr. BROWN of California, Mr. DEL-  
LUMS, Mr. BERMAN, Mr. PASTOR, Ms. ROYBAL-ALLARD, Mr. STARK, Mr.  
FARR, Ms. ESCHOO, Mr. JACOBS, Ms. SCHENK, Mr. TRAFICANT, and Mr.  
RICHARDSON) introduced the following bill; which was referred to the  
Committee on Education and Labor

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## A BILL

To provide for additional employees in the Wage and Hour  
Division of the Department of Labor and to provide  
for increased damages for recordkeeping violations under  
the Fair Labor Standards Act of 1938.

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 “Labor Law Enforce-  
5       ment Act of 1994”.

1 **SEC. 2. ADDITIONAL PERSONNEL.**

2 (a) ADDITIONAL POSITIONS.—Within the Wage and  
3 Hour Division of the Employment Standards Administra-  
4 tion of the Department of Labor, the number of full-time  
5 positions assigned to investigate violations of the Fair  
6 Labor Standards Act of 1938 shall be increased as follows:

7 (1) For fiscal year 1995, the number of such  
8 full-time positions shall be increased to a number  
9 which is 10 percent over the number of such posi-  
10 tions at the end of fiscal year 1993.

11 (2) For fiscal years after 1995, the number of  
12 such full-time positions shall be increased each fiscal  
13 year to a number which is 10 percent over the num-  
14 ber of such positions at the end of the previous fiscal  
15 year until the ratio of such number of full-time posi-  
16 tions to the number of employees covered by the  
17 Fair Labor Standards Act of 1938 is equal to the  
18 ratio in effect at the end of fiscal year 1982.

19 (b) DUTIES.—Individuals employed to fill the addi-  
20 tional positions described in subsection (a) shall be as-  
21 signed in accordance with section 4 of the Fair Labor  
22 Standards Act of 1938 and specifically in areas where the  
23 Secretary of Labor has determined that violation of such  
24 Act are most frequent.

1 **SEC. 3. RECORDKEEPING.**

2 (a) SERVICE CONTRACT ACT OF 1965.—Section 3 of  
3 the Service Contract Act of 1965 (41 U.S.C. 352) is  
4 amended by adding at the end the following:

5 “(d) Regulations of the Secretary of Labor under sec-  
6 tion 2 of the Act of June 13, 1934 (40 U.S.C.  
7 276c)(known as the Copeland Act) and the enforcement  
8 provisions of section 1001 of title 18, United States Code,  
9 shall apply with respect to a contract subject to section  
10 2(a).”.

11 (b) DAMAGES.—

12 (1) FAIR LABOR STANDARDS ACT OF 1938.—  
13 Section 16(b) of the Fair Labor Standards Act of  
14 1938 (29 U.S.C. 216(b)) is amended by—

15 (A) inserting after the second sentence the  
16 following: “Any employer who violates section  
17 15(a)(5) shall be liable for damages equal to  
18 the liquidated damages such employer is liable  
19 for under the first sentence.”,

20 (B) by striking out “in either of the” and  
21 inserting in lieu thereof “in the”, and

22 (C) by striking out “or (2)” and inserting  
23 in lieu thereof a comma, and

24 (D) by adding before the period at the end  
25 the following: “, or (3) damages are sought as

1 a result of an alleged violation of section  
2 15(a)(5)''.

3 (2) MIGRANT AND SEASONAL AGRICULTURAL  
4 WORKER PROTECTION ACT.—Section 504(c) of the  
5 Migrant and Seasonal Agricultural Worker Protec-  
6 tion Act (29 U.S.C. 1854(c)) is amended by—

7 (A) by striking out “and (B)” and insert-  
8 ing in lieu thereof “(B)”, and

9 (B) by inserting before the period at the  
10 end the following: “; and (C) if the violation in-  
11 volved section 201 or 301, the amount of dam-  
12 ages will be twice the amount such respondent  
13 is otherwise liable for under this subsection”.

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