

(c) Rule of construction.—Nothing in sections 821 through 824 or the amendments made by such sections shall be construed—

(1) to amend section 274A of the Immigration and Nationality Act ([8 U.S.C. 1324a](#));

(2) to affect the jurisdictional standards of the National Labor Relations Board, including any standards that measure the size of a business with respect to revenues, that are used to determine whether an industry is affecting commerce for purposes of determining coverage under the National Labor Relations Act ([29 U.S.C. 151 et seq.](#));

(3) to affect the privacy of employees with respect to voter lists provided to labor organizations by employers pursuant to elections directed by the Board; or

(4) to affect the definitions of "employer" or "employee" under the laws of any State that govern the wages, work hours, workers' compensation, or unemployment insurance of employees.

Subtitle C—Workplace Standards and Worker Protections

SEC. 831. ABOLITION OF SUBMINIMUM WAGES.

(a) General rule.—Notwithstanding any other provision of law, no employer may pay any employee a wage less than the applicable minimum wage established under section 6 of the Fair Labor Standards Act of 1938 ([29 U.S.C. 206](#)).

(b) Elimination of tipped minimum wage.—Section 3(m)(2)(A) of the Fair Labor Standards Act of 1938 ([29 U.S.C. 203\(m\)\(2\)\(A\)](#)) is repealed.

(c) Repeal of disability subminimum wage.—Section 14(c) of the Fair Labor Standards Act of 1938 ([29 U.S.C. 214\(c\)](#)) is repealed.

(d) Repeal of youth subminimum wage.—Section 6(g) of the Fair Labor Standards Act of 1938 ([29 U.S.C. 206\(g\)](#)) is repealed.

(e) Repeal of student and learner subminimum wages.—Subsections (a), (b), and (d) of section 14 of the Fair Labor Standards Act of 1938 ([29 U.S.C. 214](#)) are repealed.

(f) Prohibition on certificates and waivers.—The Secretary of Labor may not issue or renew any certificate, waiver, exemption, or authorization permitting the payment of wages below the applicable minimum wage.

(g) Enforcement.—A violation of this section shall be treated as a violation of section 15 of the Fair Labor Standards Act of 1938 ([29 U.S.C. 215](#)) and shall be subject to the remedies, procedures, and penalties provided under section 16 of such Act ([29 U.S.C. 216](#)).

SEC. 832. WAGE THEFT PREVENTION AND WAGE RECOVERY.

(a) Definitions.—In this section:

(1) Community partner.—The term "community partner" means any stakeholder with a commitment to enforcing wage and hour laws and preventing abuses of such laws, including any—

(A) State department of labor;

(B) attorney general of a State, or other similar authorized official of a political subdivision thereof;

(C) law enforcement agency;

(D) consulate;

(E) employee or advocate of employees, including a labor organization, community-based organization, faith-based organization, business association, or nonprofit legal aid organization;

(F) academic institution that plans, coordinates, and implements programs and activities to prevent wage and hour violations and recover unpaid wages, damages, and penalties; or

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

(2) Community partnership.—The term "community partnership" means a partnership between—

(A) a working group consisting of community partners; and

(B) the Department of Labor.

(3) Eligible entity.—The term "eligible entity" means an entity that is any of the following:

(A) A nonprofit organization, including such an organization that is a community-based organization, faith-based organization, or labor organization, that provides services and support to employees, including assisting such employees in recovering unpaid wages.

(B) An employer.

(C) A business association.

(D) An institution of higher education, as defined by section 101(a) of the Higher Education Act of 1965 ([20 U.S.C. 1001\(a\)](#)).

(E) A partnership between any of the entities described in subparagraphs (A) through (D).

(4) Employ; employee; employer.—The terms "employ", "employee", and "employer" have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 ([29 U.S.C. 203](#)).

(5) Secretary.—The term "Secretary" means the Secretary of Labor.

(6) Wage and hour law.—The term "wage and hour law" means any Federal law enforced by the Wage and Hour Division of the Department of Labor, including any provision of this section enforced by such division.

(7) Wage and hour violation.—The term "wage and hour violation" refers to any violation of a Federal law enforced by the Wage and Hour Division of the Department of Labor, including any provision of this section enforced by such division.

(b) Wage theft prevention and wage recovery grant program.—

(1) In general.—The Secretary shall provide grants to eligible entities to assist employees and employers.

(2) Grants.—A grant provided under this subsection shall be designed to—

(A) support an eligible entity in establishing and supporting the activities described in paragraph (3)(A); and

(B) develop community partnerships to expand and improve cooperative efforts to—

(i) prevent and reduce wage and hour violations;

(ii) assist employees in recovering back pay for any such violations; and

(iii) assist employers in complying with wage and hour laws.

(3) Use of funds.—The grants described in this subsection shall assist eligible entities in establishing and supporting activities that include—

(A) disseminating information and conducting outreach and training to educate employees about their protections under wage and hour laws;

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

(C) providing assistance to employees in filing claims of wage and hour violations; and

(D) any other activities as the Secretary may reasonably prescribe through notice and comment rulemaking.

(4) Term of grants.—Each grant made under this subsection shall be available for expenditure for a period that is not to exceed 3 years.

(5) Applications.—

(A) In general.—An eligible entity seeking a grant under this subsection shall submit an application for such grant to the Secretary in accordance with this paragraph.

(B) Partnerships.—In the case of an eligible entity that is a partnership described in subsection (a)(3)(E), the eligible entity may submit a joint application that designates a single entity as the lead entity for purposes of receiving and disbursing funds.

(C) Contents.—An application under this paragraph shall include—

(i) a description of a plan for the program that the eligible entity proposes to carry out with a grant under this subsection, including a long-term strategy and detailed

implementation plan that reflects expected participation of, and partnership with, community partners;

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

(iii) information on any industry or geographic area targeted by the plan for such program;

(iv) information on the type of outreach and relationship building that will be conducted under such program;

(v) information on the training and education that will be provided to employees and employers under such program; and

(vi) any additional information the Secretary deems relevant.

(6) Selection.—

(A) Competitive basis.—In accordance with this paragraph, the Secretary shall, on a competitive basis, select grant recipients from among eligible entities that have submitted an application under paragraph (5).

(B) Priority.—In selecting grant recipients under subparagraph (A), the Secretary shall give priority to eligible entities that—

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

(ii) demonstrate past and ongoing work to prevent wage and hour violations or to recover unpaid wages.

(7) Memoranda of understanding.—

(A) In general.—Not later than 60 days after receiving notification of selection for a grant under this subsection, the grant recipient shall negotiate and finalize with the Secretary a memorandum of understanding that sets forth specific goals, objectives, strategies, and activities that will be carried out under the grant by such recipient through a community partnership.

(B) Signatures.—A representative of the grant recipient (or, in the case of a grant recipient that is an eligible entity described in subsection (a)(3)(E), a representative of each entity that composes the grant recipient) and the Secretary shall sign the memorandum of understanding under this paragraph.

(C) Revisions.—The memorandum of understanding under this paragraph shall be reviewed and revised by the grant recipient and the Secretary each year for the duration of the grant.

(8) Performance evaluations.—The Secretary shall develop guidelines for evaluating the activities of each program or project funded under this subsection.

(9) Revocation or suspension of funding.—If the Secretary determines that a recipient of a grant under this subsection is not in compliance with the terms and requirements of the memorandum of understanding under paragraph (7), the Secretary may revoke or suspend, in whole or in part, the funding of the grant.

(c) Requirements to provide certain disclosures, regular paystubs, final payments, and full compensation.—

(1) Requirements to provide certain disclosures, regular paystubs, and final payments.—The Fair Labor Standards Act of 1938 is amended by inserting after section 4 ([29 U.S.C. 204](#)) the following:

"SEC. 5. REQUIREMENTS TO PROVIDE CERTAIN DISCLOSURES, REGULAR PAYSTUBS, AND FINAL PAYMENTS.

"(a) Disclosures.—

"(1) Initial disclosures.—Not later than 15 days after the date on which an employer hires an employee who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, the employer of such employee shall provide such employee with an initial disclosure containing the information described in paragraph (3). Such initial disclosure shall be—

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

"(B) made available in the employee's primary language.

"(2) Modification disclosures.—Not later than the earlier of 5 days after the date on which any of the information described in paragraph (3) changes with respect to an employee described in paragraph (1) or the date of the next paystub following the date on which such information changes, the employer of such employee shall provide the employee with a modification disclosure containing all the information described in paragraph (3).

"(3) Information.—The information described in this paragraph shall include—

"(A) the rate of pay and whether the employee is paid by the hour, shift, day, week, or job, or by salary, piece rate, commission, or other form of compensation;

"(B) (i) an indication of whether the employee is being classified by the employer as an employee subject to the minimum wage requirements of section 6 or as an employee that is exempt from (or otherwise not subject to) such requirements as provided under section 3(m)(2), 6, 13, or 14, as well as the reason for the exemption; and

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

"(C) (i) an indication of whether the employee is being classified by the employer as an employee subject to the overtime compensation requirements of section 7 or as an employee exempt from such requirements as provided under section 7 or 13; and

"(ii) in the case that such employee is not classified as being an employee subject to such overtime compensation requirements, an identification of the section described in clause (i) providing for such classification;

"(D) the name of the employer and any other name used by the employer to conduct business; and

"(E) the physical address of and telephone number for the employer's main office or principal place of business, and a mailing address for such office or place of business if the mailing address is different than the physical address.

"(b) Paystubs.—

"(1) In general.—Every employer shall provide each employee of such employer who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, a paystub that corresponds to work performed by the employee during the applicable pay period and contains the information required under paragraph (3) in any form provided under paragraph (2).

"(2) Forms.—A paystub required under this subsection shall be a written statement and may be provided in any of the following forms:

"(A) As a separate document accompanying any payment to an employee for work performed during the applicable pay period.

"(B) In the case of an employee who receives paychecks from the employer, as a detachable statement accompanying each paycheck.

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

"(3) Contents.—Each paystub shall contain all of the following information:

"(A) The name of the employee.

"(B) Except in the case of an employee who is exclusively paid a salary and is exempt from the overtime requirements of section 7, the total number of hours worked by the employee, including the number of hours worked per workweek, during the applicable pay period.

"(C) The total gross and net wages paid, and, except in the case of an employee who is exclusively paid a salary and is exempt from the overtime requirements of section 7, the rate of pay for each hour worked during the applicable pay period.

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

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

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

"(G) The number of overtime hours per workweek worked by the employee during the applicable pay period and the compensation required under section 7 that is provided to the employee for such hours.

"(H) Any additional compensation provided to the employee during the applicable pay period, with an explanation of each type of compensation, including any allowances or reimbursements such as amounts related to meals, clothing, lodging, or any other item.

"(I) Itemized deductions from the gross income of the employee during the applicable pay period, and an explanation for each deduction.

"(J) The date that is the beginning of the applicable pay period and the date that is the end of such applicable pay period.

"(K) The name of the employer and any other name used by the employer to conduct business.

"(L) The name and phone number of a representative of the employer for contact purposes.

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

"(c) Model disclosures and pay stub.—The Secretary shall prescribe model disclosures and a model pay stub that may be used to satisfy the requirements of subsections (a) and (b), respectively. The Secretary shall make the model disclosures and the model pay stub publicly available to employers.

"(d) Final payments.—

"(1) In general.—Not later than 14 days after an individual described in paragraph (4) terminates employment with an employer (by action of the employer or the individual), or on the date on which such employer pays other employees for the pay period during which the individual so terminates such employment, whichever date is earlier, the employer shall provide the individual with a final payment, which includes all compensation due to such individual for all time worked and benefits incurred (including retirement, health, leave, fringe, and other benefits) by the individual as an employee for the employer.

"(2) Continuing wages.—An employer who violates the requirement under paragraph (1) shall, for each day, not to exceed 30 days, of such violation provide the individual described in paragraph (4) with compensation at a rate that is equal to the regular rate of compensation, as determined under this Act, to which such individual was entitled when such individual was an employee of such employer.

"(3) Limitation.—Notwithstanding paragraphs (1) and (2), an individual described in paragraph (4) shall not be entitled to the compensation described under paragraph (2) if the employer successfully demonstrates that—

"(A) the employer made a good-faith effort to provide the final payment described in paragraph (1); and

"(B) the individual refused or otherwise intentionally avoided receiving such final payment.

"(4) Individual.—An individual described in this paragraph is an individual who was employed by the employer, and through such employment, in any workweek, was engaged in commerce or in the production of goods for commerce, or was employed in an enterprise engaged in commerce or in the production of goods for commerce."

(2) Full compensation.—

(A) In general.—The Fair Labor Standards Act of 1938 is amended by inserting after section 7 ([29 U.S.C. 207](#)) the following:

"SEC. 8. FULL COMPENSATION.

"(a) In general.—In the case of an employment contract or other employment agreement, including a collective bargaining agreement, that specifies that an employer shall compensate an employee (who is described in subsection (b)) at a rate that is higher than the rate otherwise required under this Act, the employer shall compensate such employee at the rate specified in such contract or other employment agreement.

"(b) Employee engaged in commerce.—The requirement under subsection (a) shall apply with respect to any employee who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce."

(B) Conforming amendment.—The Fair Labor Standards Act of 1938 is amended by repealing section 10 ([29 U.S.C. 210](#)).

(d) Civil and criminal enforcement.—

(1) Prohibited acts.—Section 15(a) of the Fair Labor Standards Act of 1938 ([29 U.S.C. 215\(a\)](#)) is amended—

(A) in paragraph (1), by striking "section 6 or section 7" and inserting "section 6, 7, or 8"; and

(B) in paragraph (2), by striking "section 6 or section 7" and inserting "section 5, 6, 7, or 8".

(2) Damages.—The Fair Labor Standards Act of 1938 ([29 U.S.C. 201 et seq.](#)) is amended—

(A) in section 4(f) ([29 U.S.C. 204\(f\)](#)), in the third sentence, by striking "for unpaid minimum wages, or unpaid overtime compensation, and liquidated damages" and inserting

"for unpaid wages, or unpaid overtime compensation, as well as interest and liquidated damages,";

(B) in section 6(d)(3) ([29 U.S.C. 206\(d\)\(3\)](#)), by striking "minimum";

(C) in section 16 ([29 U.S.C. 216](#))—

(i) in subsection (b)—

(I) by striking "section 6 or section 7" each place it appears and inserting "section 6, 7, or 8";

(II) by striking "minimum" each place it appears;

(III) in the first sentence, by striking "and in an additional equal amount as liquidated damages" and inserting "the amount of any interest on such unpaid wages or unpaid overtime compensation accrued at the prevailing rate, and an additional amount as liquidated damages that is equal to (subject to the second sentence of this subsection) 2 times such amount of unpaid wages or unpaid overtime compensation";

(IV) in the second sentence, by striking "wages lost and an additional equal amount as liquidated damages" and inserting "wages lost, including any unpaid wages or any unpaid overtime compensation, the amount of any interest on such wages lost accrued at the prevailing rate, and an additional amount as liquidated damages that is equal to 3 times the amount of such wages lost";

(V) by striking the fifth sentence; and

(VI) by adding at the end the following: "Notwithstanding [chapter 1 of title 9](#), United States Code (commonly known as the 'Federal Arbitration Act'), or any other law, an employee's ability to bring an action, including a joint, class, or collective claim, in court under this section cannot be waived by an employee as a condition of employment or in a predispute arbitration agreement."; and

(ii) in subsection (c)—

(I) by striking "minimum" each place the term appears;

(II) in the first sentence—

(aa) by striking "section 6 or 7" and inserting "section 6, 7, or 8"; and

(bb) by striking "and an additional equal amount as liquidated damages" and inserting ", any interest on such unpaid wages or unpaid overtime compensation accrued at the prevailing rate, and an additional amount as liquidated damages that is equal to (subject to the third sentence of this subsection) 2 times such amount of unpaid wages or unpaid overtime compensation";

(III) in the second sentence, by striking "and an equal amount as liquidated damages." and inserting ", any interest on such unpaid wages or unpaid overtime compensation accrued at the prevailing rate, and an additional amount as liquidated

damages that is equal to (subject to the third sentence of this subsection) 2 times such amount of unpaid wages or unpaid overtime compensation. In the event that the employer violates section 15(a)(3), the Secretary may bring an action in any court of competent jurisdiction to recover the amount of any wages lost, including any unpaid wages or any unpaid overtime compensation, any interest on such wages lost accrued at the prevailing rate, an additional amount as liquidated damages that is equal to 3 times the amount of such wages lost, and any such legal or equitable relief as may be appropriate."; and

(IV) in the third sentence, by striking "sections 6 and 7" and inserting "section 6, 7, or 8"; and

(D) in section 17 ([29 U.S.C. 217](#)), by striking "minimum".

(3) Civil fines.—Section 16(e) of the Fair Labor Standards Act of 1938 ([29 U.S.C. 216\(e\)](#)) is amended—

(A) by striking paragraph (2) and inserting the following:

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

"(B) Any person who repeatedly or willfully violates section 6, 7, or 8, relating to wages, shall be subject to a civil fine that is not to exceed \$110,150 per each employee affected for each such violation.

"(C) Any person who violates section 3(m)(2)(B) shall be subject to a civil penalty not to exceed \$12,340 for each such violation, as the Secretary determines appropriate, in addition to being liable to the employee or employees affected for all tips unlawfully kept, any interest on wages lost accrued at the prevailing rate, and an additional amount as liquidated damages that is equal to 2 times the amount of wages lost, as described in subsection (b).";

(B) by redesignating paragraphs (3), (4), and (5) as paragraphs (5), (6), and (7), respectively; and

(C) by inserting after paragraph (2) the following:

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

"(A) for the initial violation of such subsection, be subject to a civil fine that is not to exceed \$50 per each employee affected; and

"(B) for each repeated or willful violation of such subsection, be subject to a civil fine that is not to exceed \$100 per each employee affected.

"(4) Any person who violates section 11(c) shall—

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

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

(4) Criminal penalties.—Section 16(a) of the Fair Labor Standards Act of 1938 ([29 U.S.C. 216\(a\)](#)) is amended—

(A) by striking "Any person" and inserting "(1) Any person";

(B) in the first sentence, by striking "\$10,000" and inserting "\$10,000 per each employee affected";

(C) in the second sentence, by striking "No person" and inserting "Subject to paragraph (2), no person"; and

(D) by adding at the end the following:

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

"(B) A covered offender described in this subparagraph is a person who willfully violates any of the following:

"(i) Section 11(c) by falsifying any records described in such section.

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

"(iii) Section 15(a)(3)."

(e) Recordkeeping.—

(1) In general.—Section 11(c) of the Fair Labor Standards Act of 1938 ([29 U.S.C. 211\(c\)](#)) is amended by adding at the end the following: "In the event that an employee requests an inspection of the records described in this subsection that pertain to such employee from the employer, orally or in writing, the employer shall provide the employee with a copy of the records for a period of up to 5 years prior to such request being made. Not later than 21 days after an employee requests such an inspection, the employer shall comply with the request."

(2) Rebuttable presumption.—Section 15 of the Fair Labor Standards Act of 1938 ([29 U.S.C. 215](#)) is amended by adding at the end the following:

"(c) In the event that an employer violates section 11(c) and any regulations issued pursuant to such section, resulting in a lack of a complete record of an employee's hours worked or wages owed, the employee's production of credible evidence and testimony regarding the amount or extent of the work for which the employee was not compensated in compliance with the requirements under this Act shall be sufficient to create a rebuttable presumption that the employee's records are accurate. Such presumption shall be rebutted only if the employer produces evidence of the precise amount or extent of work performed or evidence to show that the inference drawn from the employee's evidence is not reasonable."

(f) Increasing and tolling statute of limitations.—Section 6 of the Portal-to-Portal Act of 1947 ([29 U.S.C. 255](#)) is amended—

(1) in the matter preceding paragraph (a), by striking "minimum";

(2) in paragraph (a)—

(A) by striking "may be commenced within two years" and inserting "may be commenced within 4 years";

(B) by striking "unless commenced within two years" and inserting "unless commenced within 4 years"; and

(C) by striking "may be commenced within three years" and inserting "may be commenced within 5 years";

(3) in paragraph (d), by striking the period and inserting "; and"; and

(4) by adding at the end the following:

"(e) with respect to the running of any statutory period of limitation described in this section, the running of such statutory period shall be deemed suspended during the period beginning on the date on which the Secretary of Labor notifies an employer of an initiation of an investigation or enforcement action and ending on the date on which the Secretary notifies the employer that the matter has been officially resolved by the Secretary."

(g) Relation to other laws.—

(1) In general.—Section 18(a) of the Fair Labor Standards Act of 1938 ([29 U.S.C. 218\(a\)](#)) is amended by adding at the end the following: "The requirements of section 5 shall not preempt or supersede any requirement under State or local law that an employer disclose the rate, frequency, or classification of pay at any time during an individual's employ, or that an employer provide regular paystubs or earnings statements to employees, so long as such requirement is at least as comprehensive as the requirements described under such section."

(2) Assistance to employers.—The Secretary shall provide such assistance to employers operating in more than 1 State as may be necessary to ensure compliance with the amendments made by this section.

(h) Regulations.—Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to carry out this section and the amendments made by this section.

(i) Authorization of appropriations.—There is authorized to be appropriated \$50,000,000 for fiscal year 2027 and for each subsequent fiscal year through fiscal year 2030, to remain available until expended, to carry out the grant program under subsection (b).

(j) Effective date.—The amendments made by subsections (c), (d), (e), and (f) shall take effect on the date that is the earlier of—

(1) the date that is 6 months after the date on which the final regulations are promulgated by the Secretary under subsection (h); or

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

SEC. 833. PAYROLL AUDIT INDEPENDENT DETERMINATION PROGRAM.

(a) Definitions.—In this section:

(1) Affected employee.—The term "affected employee" means an employee affected by a violation of a minimum wage or overtime hours requirement of the Fair Labor Standards Act of 1938 ([29 U.S.C. 201 et seq.](#)), excluding any employee subject to prevailing wage requirements under the H-1B, H-2B, or H-2A visa programs, [subchapter IV of chapter 31 of title 40](#), United States Code (commonly referred to as the "Davis-Bacon Act"), or [chapter 67 of title 41](#), United States Code (commonly known as the "Service Contract Act").

(2) Administrator.—The term "Administrator" means the Administrator of the Wage and Hour Division of the Department of Labor.

(3) Employee.—The term "employee"—

(A) has the meaning given such term in section 3 of the Fair Labor Standards Act of 1938 ([29 U.S.C. 203](#)); and

(B) with respect to an employer, includes a former employee of such employer.

(4) Employer.—The term "employer" has the meaning given such term in section 3 of such Act.

(5) Good faith.—The term "good faith" means, with respect to an employer applying for participation in the Payroll Audit Independent Determination program established under subsection (b), that such employer is not, at the time such employer submits an application for such program—

(A) under investigation by the Secretary for an alleged violation of a minimum wage or overtime hours requirement of the Fair Labor Standards Act of 1938 ([29 U.S.C. 201 et seq.](#)); or

(B) subject to a lawsuit related to an alleged violation of such a requirement.

(6) Secretary.—The term "Secretary" means the Secretary of Labor.

(7) Self-audit.—The term "self-audit" means an audit conducted by an employer to resolve inaccuracies by the employer in the computation of wages and overtime compensation required under the Fair Labor Standards Act of 1938 within the statute of limitations described in section 6(a) of the Portal-to-Portal Act of 1947 ([29 U.S.C. 255\(a\)](#)).

(b) Payroll Audit Independent Determination program.—

(1) Program establishment.—The Administrator shall establish a Payroll Audit Independent Determination program (referred to in this section as the "program") to foster collaboration with employers that inadvertently violate the Fair Labor Standards Act of 1938 ([29 U.S.C. 201 et seq.](#)) to voluntarily remedy, within the statute of limitations described in section 6(a) of the Portal-to-Portal Act of 1947 ([29 U.S.C. 255\(a\)](#)), unpaid minimum wages or overtime compensation, and any interest accrued at the prevailing rate, owed to any affected employee under the Fair Labor Standards Act of 1938.

(2) Application requirements.—

(A) Resources for compliance assistance.—Not later than 30 days after the date of enactment of this Act, the Administrator shall make available to employers resources for assistance in complying with the Fair Labor Standards Act of 1938, including content regarding wage and hour requirements, which shall be offered online, through printed materials, and through other outreach activities.

(B) Application.—An employer seeking to participate in the program shall submit an application to the Administrator that includes—

(i) materials related to and the results of a self-audit, including—

(I) an identification of any practice of such employer identified in a self-audit that may violate a minimum wage or overtime compensation requirement of the Fair Labor Standards Act of 1938; and

(II) a list of each employee who may be an affected employee with respect to such violation, including—

(aa) the period of time such employee would have been affected by such violation;

(bb) payroll records related to such employee for such period with information on the hours of work performed by such employee;

(cc) calculations of unpaid minimum wages or overtime compensation owed to such employee under the Fair Labor Standards Act of 1938, and any interest accrued at the prevailing rate, with a description of the methodology of such calculation and supporting evidence; and

(dd) contact information for such employee;

(ii) an explanation of the scope of potential violations of a minimum wage or overtime compensation requirement of such Act for inclusion in a release of claims under subsection (c);

(iii) an assurance that any practice of such employer that violates a minimum wage or overtime compensation requirement of the Fair Labor Standards Act of 1938 that is identified in the self-audit has been corrected to comply with such Act;

(iv) an assurance that such employer has, prior to submitting such application, reviewed the compliance assistance resources made available under subparagraph (A) and all program information, terms, and requirements;

(v) an assurance that, on the date of submission of such application, such employer—

(I) is not involved in any litigation, arbitration, or administrative proceeding regarding any practice of such employer that is identified in the self-audit; and

(II) has not received any written communication from an employee or a representative of an employee that asserts unpaid minimum wages or overtime compensation and seeks payment, settlement, litigation, arbitration, or administrative enforcement related to any such practice; and

(vi) an assurance that no employee listed in clause (i)(II) is subject to a prevailing wage requirement under the H-1B, H-2B, or H-2A visa programs, [subchapter IV of chapter 31 of title 40](#), United States Code (commonly referred to as the "Davis-Bacon Act"), or [chapter 67 of title 41](#), United States Code (commonly known as the "Service Contract Act").

(3) Application review and approval.—

(A) Review and amendment.—The Administrator shall review each application submitted by an employer under paragraph (2)(B). As part of such review, the Administrator shall—

(i) as necessary, consult with such employer regarding—

(I) the self-audit and supporting materials submitted in the application; and

(II) the process for approval of such application and settlement of unpaid minimum wages or overtime compensation, and any interest accrued at the prevailing rate, owed to any affected employee under the Fair Labor Standards Act of 1938 ([29 U.S.C. 201 et seq.](#));

(ii) inform such employer in a timely manner and prior to a determination on the approval of the application if additional information is needed to assess the unpaid minimum wages or overtime compensation, and any interest accrued at the prevailing rate, owed to any affected employee for the violations of such Act identified in the application through the self-audit; and

(iii) provide such employer an opportunity to amend such application to revise the scope of the practices of such employer that violate a minimum wage or overtime compensation requirement of the Fair Labor Standards Act of 1938 that are identified in the application through self-audit, to update the list of affected employees with respect to the practices at issue in the self-audit, and to update the calculations of unpaid minimum wages or overtime compensation, and any interest accrued at the prevailing rate, owed to any affected employee as a result of such violations.

(B) Approval.—

(i) In general.—If the conditions under clause (ii) are satisfied with respect to an application submitted under paragraph (2)(B), the Administrator shall—

(I) approve the application—

(aa) in the case the application has not been amended under subparagraph (A)(iii), not later than 30 days after such submission; or

(bb) in the case the application has been amended under subparagraph (A)(iii), not later than 30 days after the date of submission of such amended application; and

(II) supervise the settlement under subsection (c), including the payment of any unpaid minimum wages or overtime compensation, and any interest accrued at the prevailing rate, under the Fair Labor Standards Act of 1938 ([29 U.S.C. 201 et seq.](#)) required through such settlement.

(ii) Conditions for approval.—An application submitted under paragraph (2)(B) shall be approved under clause (i) if—

(I) within the scope of the violations identified by the employer through the application or an amendment to the application under subparagraph (A)(iii), the Administrator verifies that the self-audit and calculation of unpaid minimum wages or overtime compensation, and any interest accrued at the prevailing rate, owed to any affected employee under the Fair Labor Standards Act of 1938 submitted in such application or amendment are accurate; and

(II) the employer submitting the application—

(aa) is determined to be acting in good faith regarding violations of the Fair Labor Standards Act of 1938 identified in such application or amendment;

(bb) has not been found by the Administrator or any court of law to have violated a minimum wage or overtime compensation requirement of such Act during the 5 years immediately preceding submission of such application; and

(cc) has not been approved for participation in the program prior to the submission of such application, unless—

(AA) such participation was for a distinct violation of the Fair Labor Standards Act of 1938 than the practice identified in the self-audit under paragraph (2)(B); and

(BB) such employer has submitted the necessary materials for the Administrator to verify that such employer is not engaging in the practice addressed by the previous participation of the employer in the program.

(c) Settlement.—

(1) In general.—For each employer that submits an application under subsection (b)(2)(B) that is approved under subsection (b)(3)(B), the Administrator shall—

(A) provide to the employer a description of the scope of the potential release of claims for violations of minimum wage or overtime compensation requirements of the Fair Labor Standards Act of 1938 ([29 U.S.C. 201 et seq.](#)) and a summary of any unpaid minimum wages or overtime compensation, and any interest accrued at the prevailing rate, owed to each affected employee under such Act for such violations; and

(B) issue a release form to each affected employee of such employer that describes the settlement terms, which shall include a written explanation of—

(i) the waiver under paragraph (2)(B); and

(ii) the ability of the affected employee receiving the offer for settlement to decline the offer for settlement and preserve the employee's ability to bring a civil action to recover any unpaid minimum wages or overtime compensation, and any interest accrued at the prevailing rate, owed to the employee under the Fair Labor Standards Act of 1938 as a result of such violations.

(2) Acceptance of settlement.—

(A) In general.—An affected employee offered a settlement through a release form under paragraph (1)(B) may accept or decline the offer.

(B) Waiver of civil action.—The acceptance by an affected employee of an offer of settlement under subparagraph (A) shall, upon payment in full of any amounts owed to the employee under the settlement, constitute a waiver by such employee of any civil action the employee may bring under section 16 of the Fair Labor Standards Act of 1938 ([29 U.S.C. 216](#)) to recover unpaid minimum wages or overtime compensation, any interest accrued at the prevailing rate, including any liquidated damages, for the violations addressed by the settlement.

(3) Payment of settlement.—For each affected employee that accepts a settlement through a release form under paragraph (1)(B), the employer shall—

(A) pay such employee the full amount of unpaid minimum wages or overtime compensation owed to such employee under the Fair Labor Standards Act of 1938 ([29 U.S.C. 201 et seq.](#)) for the violations addressed in the settlement, and any interest accrued at the prevailing rate; and

(B) submit proof of payment of such full amount, including any interest accrued at the prevailing rate, to the Administrator.

(d) Additional requirements.—

(1) Denials.—In the case of an application submitted by an employer under subsection (b)(2)(B) and not approved under subsection (b)(3)(B), the Administrator may not—

(A) use information submitted in the application in an investigation against the employer;

(B) use the fact such employer applied to the program as a basis for any future investigation, except in a case in which the Administrator has reason to believe that the health and safety of an employee is at risk due to an alleged violation related to a requirement enforced by the Secretary involving child labor, agricultural worker protections, or housing or transportation requirements under the H-2A or H-2B visa programs; or

(C) communicate to any affected employee of such employer in response to receipt of such application to notify such employee of the employee's ability to bring a civil action to

resolve potential violations of the Fair Labor Standards Act of 1938 ([29 U.S.C. 201 et seq.](#)), particularly with respect to the wage practices at issue in the self-audit.

(2) Expansion of scope.—The Administrator may not expand the scope of the violations to be investigated or settled through an employer's participation in the program beyond the violations identified by the employer in the application submitted by the employer under subsection (b)(2)(B) or the amended application submitted by the employer under subsection (b)(3)(A)(iii).

(3) No payments required.—The Administrator may not require any form of payment by an employer to apply, qualify, or participate in the program.

(4) Exemption from discovery.—Any application submitted to the program under subsection (b)(2)(B), or an amendment to such application under subsection (b)(3)(A)(iii), may not be subject to discovery in a Federal or State court proceeding without the consent of the employer that submitted the application.

(5) Materially false or incomplete submissions.—Paragraphs (1) and (4) shall not apply if the Administrator determines that the employer submitted materially false, misleading, or incomplete information in an application under subsection (b)(2)(B) or an amendment under subsection (b)(3)(A)(iii), including information that materially omits an affected employee, covered time period, practice identified in a self-audit, or payroll record.

(6) Preservation of enforcement authority.—Nothing in this subsection shall limit the authority of the Administrator or the Secretary to investigate or enforce any requirement under the Fair Labor Standards Act of 1938 ([29 U.S.C. 201 et seq.](#)) based on information obtained independently of an application or amendment, or with respect to any alleged retaliation, failure to make a settlement payment, failure to correct a practice identified in a self-audit, violation occurring after the settlement, or violation outside the scope of the settlement.

(e) Retaliation.—Section 15(a)(3) of the Fair Labor Standards Act of 1938 ([29 U.S.C. 215\(a\)\(3\)](#)) is amended by inserting before the semicolon the following: ", or has accepted or declined to accept an offer for settlement under section 833(c) of the POPULIST Act".

SEC. 834. HEAT ILLNESS, INJURY, AND FATALITY PREVENTION.

(a) Definitions.—In this section:

(1) Commission.—The term "Commission" means the Occupational Safety and Health Review Commission.

(2) Employee.—The term "employee" has the meaning given such term in section 3 of the Occupational Safety and Health Act of 1970 ([29 U.S.C. 652](#)).

(3) Employer.—The term "employer" has the meaning given such term in section 3 of the Occupational Safety and Health Act of 1970 ([29 U.S.C. 652](#)).

(4) Heat-related illness.—The term "heat-related illness" means a material impairment of health that occurs due to heat stress.

(5) Heat-related injury.—The term "heat-related injury" means an injury caused by exposure to heat or sources of heat or occurring as a result of heat stress.

(6) Heat stress.—The term "heat stress" means the load of heat that a person experiences due to—

(A) sources of heat or heat retention, including the combined contributions of metabolic heat, environmental factors, and clothing or personal protective equipment; or

(B) the presence of heat in a work setting.

(7) Institute.—The term "Institute" means the National Institute for Occupational Safety and Health.

(8) Secretary.—The term "Secretary" means the Secretary of Labor.

(9) Worker heat protection standard.—The term "worker heat protection standard" means a standard that regulates employee exposure to heat stress and prevents heat-related illness and injury by requiring conditions or the adoption or use of one or more practices, means, methods, operations, or processes reasonably necessary or appropriate to provide employment and places of employment that are safe or healthful.

(b) Employer duties.—Each employer shall—

(1) furnish employment and a place of employment free from conditions that may reasonably be anticipated to cause death or serious physical harm from heat stress; and

(2) comply with standards, regulations, rules, and orders promulgated under this section.

(c) Worker heat protection standards.—

(1) In general.—The Secretary shall promulgate a worker heat protection standard that, in accordance with the best available evidence, establishes the maximum protective program of measures an employer shall implement to regulate employees' exposure to heat stress and prevent heat-related illness and injury that attains the highest degree of health and safety protection to the extent feasible.

(2) Considerations.—

(A) Demonstrably achievable measures.—The Secretary may presume that any requirement substantially equivalent to a requirement adopted by a State plan approved by the Occupational Safety and Health Administration pursuant to section 18(c) of the Occupational Safety and Health Act of 1970 ([29 U.S.C. 667\(c\)](#)) and that has been in effect for at least 1 year is feasible.

(B) Prioritizing worker protection.—In weighing any considerations during rulemaking, the Secretary shall place preeminent value on assuring employees a safe and healthful working environment.

(C) Available expertise.—If the Secretary adopts any finding or recommendation by the Institute, the American Conference of Governmental Industrial Hygienists, or the National Academies of Sciences, Engineering, and Medicine relevant to heat stress in a rulemaking

pursuant to this section, such finding or recommendation shall be considered the best available evidence.

(D) Employer categories.—The Secretary may, in any rulemaking analysis or design of standards, cluster relevant employers in categories such as standard industry or occupational classifications or any common or related features of heat sources, conditions of employment, employer practices, employee characteristics, or nature of place of employment that, in the Secretary's reasonable determination, are useful for designing an effective and practicable program of standards, regulations, and enforcement that maximizes the health and safety of employees.

(3) Protective programs.—

(A) In general.—In addition to measures specified by this section, the Secretary may develop a worker heat protection standard with such additional requirements that, in the Secretary's reasonable judgment, are necessary or appropriate to achieve the purposes of this section. Such measures may include the following:

(i) Engineering controls.—Requirements to eliminate hazardous levels of heat stress through engineering controls, such as isolation or shielding of employees from sources of heat, exhaust ventilation, insulation of hot surfaces, or climate-control technologies, as well as technology-based standards that encourage the development of such controls.

(ii) Administrative controls.—Requirements to limit exposure to hazardous levels of heat stress by adjustment of work procedures, work schedules, or other work practices.

(iii) Personal protective equipment.—Requirements to provide, at the employer's expense, personal protective equipment such as water-cooled garments, air-cooled garments, heat-reflective clothing, and cooling vests.

(iv) Health-related protocols.—Requirements to conduct medical symptom monitoring, emergency response protocols, medical removal protection, or training of employees and supervisors in recognition of symptoms of heat-related illness and appropriate responses.

(v) Training requirements.—Requirements to train employees and supervisors in topics reasonable or necessary to achieve the implementation of the requirements of a standard or the purposes of this section, including—

(I) training of employees in signs and symptoms of heat-related illness, emergency response procedures, and protections under this section; and

(II) training of supervisors in monitoring heat conditions and environmental forecasts, recognizing signs of heat-related illness, and protocols for responding to likely heat-related illness.

(vi) Planning requirements.—Requirements for a heat illness and injury prevention plan that—

(I) is of sufficient quality to effectuate the purposes of this section and to effectuate the requirements of the standard that apply to the employer;

(II) is developed, updated, and implemented with the meaningful participation of the employer's employees and, where applicable, such employees' representatives, for all aspects of the plan;

(III) is produced and maintained in writing and updated in light of changing conditions or practices; and

(IV) is made available, upon request, to any employee, the employee's representative, and the Secretary.

(vii) Standard health and safety measures.—Any measures described in section 6(b)(7) of the Occupational Safety and Health Act of 1970 ([29 U.S.C. 655\(b\)\(7\)](#)).

(B) Innovative solutions.—As the relevant scientific evidence develops, technological solutions improve, and environmental conditions or new work practices aggravate the risk of heat-related illness or injury, the Secretary may modify, supplement, or revise a worker heat protection standard by rule in order to improve such standard in light of such changes, even if it departs from long-standing past practice, provided that the resulting standard is consistent with this section.

(C) Core practices.—The Secretary shall establish criteria under which an employer who exposes or may reasonably be anticipated to expose an employee to heat or heat stress that is not reduced below hazardous levels by engineering controls or personal protective equipment shall implement a reasonable program that includes—

(i) suitably cool potable water or appropriate hydration, provided at employer expense;

(ii) periodic paid rest breaks scheduled to reduce heat stress below hazardous levels;

(iii) access to shade or suitable cool-down spaces;

(iv) acclimatization policies; and

(v) such measures that are necessary or appropriate to ensure effective implementation of the requirements of this subparagraph.

(4) Other specifications.—

(A) Protection of pay.—The Secretary shall require that, for any required duration such as rest breaks, medical removal protection, and training, an employee shall receive compensation at the regular rate at which such employee is employed.

(B) Language access.—Any required training, poster, label, hazard alert, or written plan shall be provided in English and a language understood by the employees, if such language is not English, and prepared appropriately for the vocabulary, educational level, and literacy of the employees.

(C) Temporary labor camps.—The Secretary shall revise the Secretary's standard for temporary labor camps to the extent necessary to achieve the purposes of this section.

(5) Maintaining protection.—No worker heat protection standard promulgated under this section may reduce the protection afforded employees by an existing worker heat protection standard.

(d) Initial standards.—

(1) Rapid rulemaking.—Not later than April 30, 2027, the Secretary shall promulgate an interim final rule establishing a worker heat protection standard and related recordkeeping and reporting requirements. Such rule shall be issued without regard to the requirements of—

(A) chapters [5](#) and [6](#) of title 5, United States Code;

(B) [subchapter I of chapter 35 of title 44](#), United States Code, commonly known as the Paperwork Reduction Act; or

(C) the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)).

(2) Effect of rule.—Such rule—

(A) shall take effect upon issuance, except that the Secretary may delay the effective date of a requirement only to the extent necessary to allow orderly implementation;

(B) shall have the legal effect of an occupational safety and health standard as defined by section 3(8) of the Occupational Safety and Health Act of 1970 ([29 U.S.C. 652\(8\)](#)); and

(C) shall remain in effect until superseded by a final rule promulgated pursuant to this section.

(3) Final rule.—Not later than 2 years after the date on which the interim final rule is promulgated under paragraph (1), the Secretary shall promulgate a final worker heat protection standard and related recordkeeping and reporting requirements in accordance with subsection (e).

(e) Rulemaking procedures.—For any rulemaking pursuant to this section after publication of the interim final rule under subsection (d), the following procedures shall apply:

(1) In general.—The Secretary shall, upon a showing by a petitioner pursuant to paragraph (2) or the Secretary's own determination that a worker heat protection standard is necessary or appropriate to regulate employees' exposure to conditions known to cause or that may reasonably be anticipated to cause heat-related illness or injury, promulgate any worker heat protection standard in accordance with the policies set forth in this section and in accordance with [section 553 of title 5](#), United States Code, without regard to any reference in such section to sections 556 and 557 of such title.

(2) Petitions for rulemaking.—Any person may petition the Secretary to promulgate or modify a worker heat protection standard. Not later than 18 months after receipt of a petition, the Secretary shall either grant or deny the petition by publishing a written explanation of the reasons for the Secretary's decision; provided the Secretary may consolidate substantially similar petitions and may deny a petition by a brief written explanation if the Secretary

determines that the petition is frivolous, duplicative, immaterial, unsupported by substantial information, or inconsistent with the purposes of this section. The Secretary may not deny a petition solely on the basis of inadequate resources or insufficient time for review.

(3) Timelines.—Except as otherwise provided in subsection (d), the Secretary shall observe the following schedule for rulemaking:

(A) Proposed standards.—Not later than 1 year after granting a petition for rulemaking under paragraph (2), the Secretary shall publish a proposed worker heat protection standard consistent with this section.

(B) Final standards.—The Secretary shall promulgate, not later than 1 year after such publication, such standards with such modifications as the Secretary determines appropriate.

(C) Effect.—Standards or revisions thereof shall become effective upon promulgation, except that the Secretary may include a reasonable delay in the effective date.

(4) Transparency in rulemaking.—For any rulemaking notice pursuant to this section, the Secretary shall place in the public record not later than the date of such rulemaking notice the following:

(A) The drafts of such rulemakings prepared before publication and submitted by the Secretary to the Office of Management and Budget for any interagency review process prior to publication, all documents accompanying such drafts, all written comments thereon by other agencies, and all written responses to such written comments by the Secretary.

(B) A summary of the substance of any changes between the text of the draft rulemaking that the agency provided to the Office of Management and Budget under section 6(a)(3)(B)(i) of Executive Order 12866 ([58 Fed. Reg. 51735](#); relating to regulatory planning and review) and the text published in the Federal Register, excluding any non-substantive changes such as spelling or grammatical corrections or re-ordering of text that has no legal effect.

(C) A statement identifying any party or entity at whose request any such change was made.

(5) Judicial review.—

(A) Filing of petition.—A petition for review in accordance with [section 702 of title 5](#), United States Code, of action of the Secretary in promulgating any worker heat protection standard or any other nationally applicable regulation or final action taken by the Secretary pursuant to this section may be filed only in the United States Court of Appeals for the District of Columbia. The filing of a petition for review shall not postpone the effectiveness of such rule or action.

(B) Timely filing.—Any petition for review under this paragraph shall be filed not later than 60 days after the date notice of such promulgation, approval, or action appears in the Federal Register.

(C) Not subject to review.—Action of the Secretary with respect to which review could have been obtained under this paragraph shall not be subject to judicial review in civil or criminal proceedings for enforcement. Failure to promulgate any standard pursuant to the schedule established by this section shall be subject to review.

(f) Implementation and enforcement.—

(1) In general.—Except as otherwise provided by this section—

(A) a worker heat protection standard shall have the same legal effect as an occupational safety and health standard as defined by section 3(8) of the Occupational Safety and Health Act of 1970 ([29 U.S.C. 652\(8\)](#)); and

(B) any rule, regulation, or order promulgated pursuant to this section shall have the same legal effect as a rule, regulation, or order promulgated pursuant to the Occupational Safety and Health Act of 1970 ([29 U.S.C. 651 et seq.](#)).

(2) Statute of limitations for citation.—No citation for any violation of subsection (b) or any standard, rule, regulation, or order pursuant to this section may be issued later than 4 years after the occurrence of any violation.

(3) Review.—The Commission shall grant substantial deference to any reasonable interpretation by the Secretary of this section or any standard, regulation, or order pursuant to this section.

(g) Recordkeeping and reporting.—

(1) In general.—With regard to recordkeeping and reporting, the Secretary and the Secretary of Health and Human Services shall have the same authority to prescribe regulations related to this section as under section 8 of the Occupational Safety and Health Act of 1970 ([29 U.S.C. 657](#)).

(2) Consolidating requirements.—The Secretary may incorporate recordkeeping and reporting requirements under this subsection into existing recordkeeping and reporting requirements promulgated pursuant to section 8 of the Occupational Safety and Health Act of 1970 ([29 U.S.C. 657](#)), provided that a violation of such a requirement with regard to implementation of this section shall be enforced as a distinct violation separate and apart from any other simultaneous violation of a requirement pursuant to the Occupational Safety and Health Act of 1970 ([29 U.S.C. 651 et seq.](#)).

(h) Whistleblower protections.—

(1) Complaint.—Any employee who believes that such employee has been discharged or otherwise discriminated against by any person in violation of section 11(c)(1) of the Occupational Safety and Health Act of 1970 ([29 U.S.C. 660\(c\)\(1\)](#)) with regard to any matter under or related to this section may, not later than 180 days after such violation occurs, file a complaint with the Secretary following the procedures in section 11(c)(2) of the Occupational Safety and Health Act of 1970 ([29 U.S.C. 660\(c\)\(2\)](#)) alleging such discrimination.

(2) Action.—Such employee may bring an action in any appropriate United States district court against such person for all appropriate relief in accordance with section 11(c)(2) of the

Occupational Safety and Health Act of 1970 ([29 U.S.C. 660\(c\)\(2\)](#)) as well as reasonable attorney's fees and costs, if the Secretary—

(A) fails to notify the complainant of the Secretary's determination on the complaint within 90 days after receipt of such complaint pursuant to section 11(c)(3) of the Occupational Safety and Health Act of 1970 ([29 U.S.C. 660\(c\)\(3\)](#)); or

(B) determines not to bring an action pursuant to section 11(c)(2) of the Occupational Safety and Health Act of 1970 ([29 U.S.C. 660\(c\)\(2\)](#)).

(i) Agenda for further review and action.—

(1) National Agricultural Workers Survey.—Not later than July 1, 2027, the Secretary shall update the National Agricultural Workers Survey with such questions that, in the Secretary's judgment, are useful to identify the incidence and prevalence of heat-related illness and injury and assess the impact of standards and enforcement pursuant to this section.

(2) Report.—Not later than September 30, 2027, the Secretary shall submit to the Committee on Education and Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the Secretary's implementation of this subsection.

(j) Appropriations.—

(1) Initial implementation.—There is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, \$100,000,000 for fiscal year 2027, to remain available through September 30, 2029, to carry out this section.

(2) Continuing authorization.—There are authorized to be appropriated to the Secretary \$75,000,000 for each of fiscal years 2028 through 2031 to carry out this section.

(3) Transfers.—The Secretary may transfer not more than 15 percent of amounts made available under this subsection to the Secretary of Health and Human Services, acting through the National Institute for Occupational Safety and Health, or to the Occupational Safety and Health Review Commission, to carry out responsibilities related to this section.

SEC. 835. NON-COMPETE CLAUSE PROHIBITION.

(a) Incorporation of specified regulations.—The provisions of the final rule promulgated by the Federal Trade Commission entitled "Non-Compete Clause Rule," as published in the Federal Register on May 7, 2024 ([89 Fed. Reg. 38342](#)), are incorporated into this Act and shall have the force and effect of law as though set forth fully in this section.

(b) Effect of incorporation.—The provisions incorporated under subsection (a) may be altered only by Act of Congress. To the extent that any provision incorporated under subsection (a) does not conform with any statutory provision of law enacted before the date of enactment of this Act, the provisions of this section shall govern.

(c) Scope of coverage.—The prohibition incorporated under subsection (a) shall apply to any person engaged in or affecting commerce, without regard to whether such person is otherwise subject to the jurisdiction of the Federal Trade Commission.

(d) Training repayment agreement provisions.—

(1) In general.—For purposes of this section, a training repayment agreement provision that prohibits, penalizes, or functions to prevent a worker from seeking or accepting work in the United States with a different person, or operating a business in the United States, after the conclusion of the employment that includes the provision, shall be treated as a non-compete clause.

(2) Definition.—In this subsection, the term "training repayment agreement provision" means a term or condition of employment that requires a worker to pay or reimburse a person for training, education, credentialing, or similar costs if the worker leaves employment, is separated from employment, or does not remain employed for a specified period.

(e) Enforcement by State attorneys general.—

(1) In general.—If the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by a violation of this section, the attorney general of the State may bring a civil action on behalf of the residents of that State in an appropriate district court of the United States to—

(A) enjoin such violation;

(B) enforce compliance with this section;

(C) obtain damages, restitution, or other compensation on behalf of residents of the State; or

(D) obtain such other legal or equitable relief as the court may consider appropriate.

(2) Notice to Commission.—Before filing an action under paragraph (1), the attorney general of the State shall provide written notice to the Federal Trade Commission and a copy of the complaint for such action, except that if it is not feasible to provide such notice before filing the action, the attorney general shall provide such notice immediately upon filing the action.

(3) Intervention.—The Federal Trade Commission may intervene in an action brought under paragraph (1), and upon intervening may—

(A) be heard on all matters arising in the action; and

(B) file petitions for appeal.

(4) Preservation of State authority.—Nothing in this subsection shall prevent the attorney general of a State from exercising any authority under the laws of such State.

(f) Definition of regulation.—In this section, the term "regulation" means any rule, regulation, guideline, interpretation, order, or requirement of general applicability prescribed by any officer or employee of the executive branch.

SEC. 836. PROHIBITION ON SURVEILLANCE-BASED WAGE SETTING.

(a) Definitions.—In this section:

(1) Automated decision system.—The term "automated decision system"—

(A) means a system, software, or process that uses computation, the result of which is used to assist, inform, or perform decision making functions; and

(B) includes a system, software, or process derived from machine learning, statistics, or other data processing or artificial intelligence techniques.

(2) Commerce; person.—The terms "commerce" and "person" have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 ([29 U.S.C. 203](#)).

(3) Personal information.—The term "personal information" means any quality, feature, attribute, or trait of an individual, including any immutable characteristic (such as race and eye color), mutable characteristic (such as address, weight, citizenship, family, or parenthood status), and any other information that could reasonably be linked, directly or indirectly, with a particular person or household.

(4) Surveillance-based wage setting.—The term "surveillance-based wage setting" means—

(A) using an automated decision system that considers personal information or surveillance data to set or inform the compensation of an individual performing services for a person;

(B) but such term does not include use of an automated decision system which only uses data regarding the cost of living in the city or State in which the services are to be performed in setting or informing the compensation of such individual.

(5) Surveillance data.—The term "surveillance data"—

(A) means data obtained through observation, inference, or surveillance of an individual that is related to personal information, genetic information, behavior, or biometrics of the individual or a group, band, class, or tier in which the individual belongs; and

(B) includes information gathered, purchased, or otherwise acquired.

(6) Wage.—The term "wage" means the material terms offered to an individual performing services for a person, including the amount paid for such services, whether in the form of an hourly rate, piece rate, salary, bonus, commission and incentives, scheduling, task assignment, or other similar material terms that have a direct impact on the earnings of such individual.

(b) Surveillance-based wage setting prohibited.—It shall be unlawful for a person engaged in commerce to engage in surveillance-based wage setting.

(c) Requirement to publish procedures.—Not less than 90 days prior to the date on which a person engaged in commerce intends to use an automated decision system to inform the wages of individuals performing services for such person, that person shall make publicly available, in a conspicuous and accessible format, reasonable procedures that include the following:

(1) A process for ensuring the accuracy of all data considered by the automated decision system.

(2) A process to disclose to all individuals performing services for such person which data is considered and how the automated decision system considers the data when setting wages.

(3) A procedure for individuals performing services for such person to correct or challenge the accuracy of any data considered by the automated decision system.

(4) A process to provide clear and conspicuous notice to any individual performing services for such person, or applying to perform such services, that an automated decision system will be used and that the individual may correct or challenge the accuracy of data considered by the system.

A person using an automated decision system to inform wages on the date of enactment of this Act shall comply with this subsection not later than 90 days after that date.

(d) Enforcement by Equal Employment Opportunity Commission.—In any case in which the Equal Employment Opportunity Commission has reason to believe that a violation of this section or any regulations promulgated under this section has adversely affected any individual or group of individuals, the Equal Employment Opportunity Commission may bring a civil action on behalf of that individual or group in an appropriate district court of the United States to—

(1) enjoin such act or practice;

(2) enforce compliance with this section or such regulation; and

(3) obtain damages, restitution, penalties, or other compensation on behalf of individuals or groups or such other legal and equitable relief as the court may consider appropriate.

(e) Enforcement by Federal Trade Commission.—

(1) Unfair, deceptive, or abusive acts or practices; unfair methods of competition.—A violation of this section or a regulation promulgated under this section shall be treated as a violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act ([15 U.S.C. 57a\(a\)\(1\)\(B\)](#)) regarding unfair, deceptive, or abusive acts or practices and as a violation of the Federal Trade Commission Act ([15 U.S.C. 45\(a\)](#)) regarding unfair methods of competition.

(2) Powers of Commission.—The Federal Trade Commission shall enforce this section and any regulations promulgated under this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act ([15 U.S.C. 41 et seq.](#)) were incorporated into and made a part of this section. Any person who violates this section or a regulation promulgated under this section shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act.

(3) Persons outside ordinary Commission jurisdiction.—Notwithstanding any jurisdictional limitation under the Federal Trade Commission Act ([15 U.S.C. 41 et seq.](#)), including section 4, 5(a)(2), or 6 of such Act ([15 U.S.C. 44](#); [45\(a\)\(2\)](#); [46](#)), the Federal Trade Commission shall also enforce this section and any regulations promulgated under this section, in the same manner provided in paragraphs (1) and (2), with respect to any person engaged in commerce.

(4) Rulemaking.—The Federal Trade Commission may promulgate in accordance with [section 553 of title 5](#), United States Code, such rules as may be necessary to carry out this section.

(5) Authority preserved.—Nothing in this section may be construed to limit the authority of the Federal Trade Commission under any other provision of law.

(f) Actions by States.—In any case in which the attorney general of a State, or an official or agency of a State, has reason to believe that an interest of the residents of such State has been or is threatened or adversely affected by an act or practice in violation of this section or a regulation promulgated under this section, the State may bring a civil action on behalf of the residents of the State in an appropriate State court or district court of the United States of appropriate jurisdiction to—

(1) enjoin such act or practice;

(2) enforce compliance with this section or such regulation;

(3) obtain, per violation, the greater of—

(A) the actual monetary damages incurred from the violation; or

(B) \$3,000; or

(4) obtain any restitution, penalties, and any other legal or equitable relief on behalf of residents as the court may deem just and proper.

(g) Civil action.—

(1) In general.—A person injured by a violation of this section, or a regulation promulgated under this section, may bring in an appropriate State court or a district court of the United States of appropriate jurisdiction an action to—

(A) enjoin the violation;

(B) obtain, for each violation, the greater of—

(i) the actual monetary damages incurred from the violation; or

(ii) \$3,000; or

(C) obtain, for each violation, any other restitution, penalties, and other legal or equitable relief as the court may deem just and proper.

(2) Willful violations.—If the court finds that the defendant acted willfully in committing a violation described in paragraph (1), the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under paragraph (1)(B).

(3) Costs and attorney's fees.—The court shall award to a prevailing plaintiff in an action under this subsection the costs of such action and reasonable attorney's fees, as determined by the court.

(4) Limitation.—An action may be commenced under this subsection not later than 5 years after the date on which the person first discovered or had a reasonable opportunity to discover the violation.

(5) Nonexclusive remedy.—The remedy provided by this subsection shall be in addition to any other remedies available to the person.

SEC. 837. PROHIBITION ON INVOLUNTARY LAYOFFS BY EMPLOYERS RECEIVING PUBLIC FINANCIAL ASSISTANCE.

(a) Definitions.—In this section:

(1) Governmental entity.—The term "governmental entity" means—

(A) the Federal Government;

(B) a State government;

(C) a unit of local government; or

(D) an agency, instrumentality, public authority, public corporation, or other entity acting on behalf of an entity described in subparagraph (A), (B), or (C).

(2) Involuntary layoff.—

(A) In general.—The term "involuntary layoff" means a separation from employment, furlough, reduction in force, position elimination, facility closure, or other employer-initiated termination of employment for reasons unrelated to the individual conduct or performance of the employee.

(B) Exclusions.—The term "involuntary layoff" does not include—

(i) a voluntary separation, including a voluntary buyout, early retirement, or other financial incentive-based departure;

(ii) a resignation;

(iii) a termination for just cause, including misconduct, poor performance, violation of workplace rules, or another legitimate, nondiscriminatory reason unrelated to workforce reduction;

(iv) the expiration of bona fide temporary, seasonal, term-limited, or project-based employment, if the temporary, seasonal, term-limited, or project-based nature of the employment was disclosed to the employee at the time of hire and is not used to evade this section; or

(v) another category of separation determined by the Secretary by rule to be consistent with the purposes of this section.

(3) Public financial assistance.—

(A) In general.—The term "public financial assistance" means a contract, grant, loan, loan guarantee, subsidy, tax abatement, tax credit, or other financial support provided directly or indirectly by a governmental entity.

(B) Included tax benefits.—Notwithstanding subparagraph (C), a tax credit, tax abatement, or other tax benefit shall be treated as public financial assistance under this section if the tax credit, tax abatement, or other tax benefit is—

(i) awarded, allocated, certified, negotiated, approved, or conditioned by a governmental entity for a specific employer, facility, project, location, investment, job-creation commitment, job-retention commitment, or other specific undertaking;

(ii) allocated from a capped, limited, competitive, discretionary, or otherwise finite pool of benefits; or

(iii) otherwise provided on terms that are not generally available as of right under generally applicable law.

(C) Exclusions.—Except as provided in subparagraph (B), the term "public financial assistance" does not include—

(i) a tax deduction; or

(ii) a generally available tax credit, tax abatement, or other tax benefit claimed as of right under generally applicable law.

(D) Nondiscretionary verification.—Nondiscretionary verification by a governmental entity that an employer satisfies generally applicable eligibility criteria for a tax credit, tax abatement, or other tax benefit described in subparagraph (C)(ii) shall not cause the tax credit, tax abatement, or other tax benefit to be treated as public financial assistance.

(4) Recipient employer.—The term "recipient employer" means any corporation or other business entity that, during any 12-month period beginning after December 31, 2026—

(A) employs 50 or more employees worldwide on any day; and

(B) receives, or is awarded, allocated, approved for, or otherwise provided, public financial assistance with an aggregate value of not less than \$100,000.

(5) Restriction period.—The term "restriction period" means the 2-year period beginning on the most recent date on which a recipient employer receives, claims, uses, or becomes legally entitled to public financial assistance.

(6) Secretary.—The term "Secretary" means the Secretary of Labor.

(b) Prohibition on involuntary layoffs.—It shall be unlawful for a recipient employer to conduct an involuntary layoff during the restriction period.

(c) Condition of public financial assistance.—

(1) In general.—Compliance with this section shall be an express condition of receipt of public financial assistance by a recipient employer.

(2) Affirmation of compliance.—Any agreement, application, certification, award, allocation, approval, renewal, extension, amendment, or material modification associated with public financial assistance shall include an affirmation of compliance with this section.

(3) Failure to include condition.—The failure of an agreement, application, certification, award, allocation, approval, renewal, extension, amendment, or material modification to include the condition required under paragraph (1) or the affirmation required under paragraph (2) shall not affect the applicability or enforceability of this section.

(d) Voluntary workforce reductions permitted.—Nothing in this section shall prohibit a recipient employer from reducing its workforce through voluntary separation programs, including voluntary early retirement, voluntary buyouts, or other financial incentive-based departures, provided that—

(1) no employee is required, coerced, or compelled to separate from employment; and

(2) refusal to participate in such a program does not result in adverse employment action.

(e) Termination for cause.—Nothing in this section shall be construed to prohibit the termination of employment of an employee for just cause, including misconduct, poor performance, violation of workplace rules, or another legitimate, nondiscriminatory reason unrelated to workforce reduction.

(f) Temporary, seasonal, term-limited, and project-based employment.—Nothing in this section shall be construed to prohibit the expiration of bona fide temporary, seasonal, term-limited, or project-based employment, if the temporary, seasonal, term-limited, or project-based nature of the employment was disclosed to the employee at the time of hire and is not used to evade this section.

(g) Enforcement.—

(1) Federal enforcement.—The Secretary shall enforce this section with respect to public financial assistance provided by the Federal Government.

(2) State enforcement.—The attorney general of any State may bring a civil action in any court of competent jurisdiction to enforce this section with respect to layoffs of employees domiciled in that State or public financial assistance provided by that State or a unit of local government in that State.

(3) Remedies.—In any action under this subsection, a court may—

(A) order injunctive relief;

(B) order reinstatement, back pay, front pay, lost benefits, liquidated damages, or other make-whole relief for affected employees;

(C) require repayment of public financial assistance received during the period of noncompliance;

(D) prohibit the recipient employer from receiving public financial assistance for a period determined by the court; and

(E) order any other relief the court determines appropriate.

(h) Regulations.—The Secretary may promulgate such regulations as are necessary to carry out this section, including regulations relating to valuation of public financial assistance, aggregation of public financial assistance, treatment of affiliates and entities under common control, prevention of evasion, and enforcement.

(i) Anti-evasion.—It shall be unlawful for any person to structure, divide, transfer, assign, or route public financial assistance, employment relationships, layoffs, or business operations for the purpose of evading this section.

(j) Rule of construction.—Nothing in this section shall be construed to require an employer to accept public financial assistance.

(k) Application.—This section shall apply to public financial assistance awarded, allocated, approved, executed, renewed, extended, amended, materially modified, received, or otherwise provided after December 31, 2026, including any tax credit, tax abatement, or other tax benefit for a taxable year beginning after December 31, 2026.

SEC. 838. ANTI-CABOTAGE ENFORCEMENT.

(a) Unlawful cabotage coercion and retaliation.—[Chapter 149 of title 49](#), United States Code, is amended by adding at the end the following:

"Sec. 14917. Cabotage arrangements, coercion, and retaliation unlawful.

"(a) Definitions.—In this section:

"(1) Covered entity.—The term 'covered entity' means a motor carrier, foreign motor carrier, foreign motor private carrier, broker, or freight forwarder, as such terms are defined in section 13102.

"(2) Secretary.—The term 'Secretary' means the Secretary of Transportation.

"(b) Unlawful cabotage arrangements.—It shall be unlawful for a covered entity to knowingly authorize, direct, dispatch, arrange, broker, or otherwise facilitate transportation in violation of—

"(1) [section 123.14\(c\) of title 19](#), Code of Federal Regulations, or any successor regulation;

"(2) [section 365.501\(b\) of title 49](#), Code of Federal Regulations, or any successor regulation; or

"(3) any order enforcing paragraph (1) or (2), or any regulation or order issued under this section.

"(c) Coercion and retaliation prohibited.—It shall be unlawful for a covered entity to discharge, discipline, threaten, blacklist, refuse to pay, penalize, discriminate against, coerce, intimidate, or retaliate against a driver or other individual because such driver or individual—

"(1) refuses to engage in transportation that the driver or individual reasonably believes would violate subsection (b);

"(2) reports a violation or suspected violation of subsection (b); or

"(3) cooperates with a Federal or State investigation of transportation described in subsection (b).

"(d) Civil penalties and private right of action.—

"(1) Civil penalties.—Any person who knowingly authorizes, directs, consents to, permits, or facilitates a violation of this section shall be liable to the United States Government for a civil penalty in an amount not to exceed \$25,000 for each violation.

"(2) Civil action.—A driver, individual, or other person injured by a violation of this section may bring a civil action in an appropriate United States district court against any person liable under paragraph (1).

"(3) Relief.—In a civil action brought under paragraph (2), the court may award—

"(A) actual damages, including lost wages, lost compensation, benefits, out-of-pocket losses, consequential damages, and any other economic injury;

"(B) reinstatement, restoration of work, or other make-whole relief;

"(C) temporary, preliminary, or permanent injunctive relief;

"(D) declaratory relief;

"(E) reasonable attorney's fees and costs; and

"(F) such other legal or equitable relief as the court determines appropriate.

"(4) Liability of covered entities.—The acts and omissions of any officer, employee, agent, representative, contractor, subcontractor, or other person acting within the scope of actual or apparent authority on behalf of a covered entity shall be deemed the acts and omissions of such covered entity.

"(5) Joint and several liability.—Liability under this subsection shall apply jointly and severally to—

"(A) the covered entity;

"(B) any person that knowingly authorized, directed, controlled, participated in, or ratified the violation; and

"(C) any officer, director, principal, employee, agent, or representative of a covered entity who knowingly authorized, directed, controlled, ratified, or knowingly failed to prevent the violation within the scope of such person's authority.

"(e) Regulations.—The Secretary may issue regulations to carry out this section."

(b) Coordinated cabotage enforcement.—[Section 13902\(c\) of title 49](#), United States Code, is amended by adding at the end the following:

"(9) Coordinated enforcement against unlawful domestic transportation.—The Secretary shall, in consultation with the Secretary of Homeland Security, acting through U.S. Customs and Border Protection, and in coordination with appropriate State agencies, establish by regulation procedures for detecting, referring, investigating, and taking enforcement action with respect to unlawful domestic point-to-point transportation within the United States by foreign motor carriers or foreign motor private carriers, including procedures for data-sharing, review of

manifests and other shipment records, referral of suspected violations, and joint enforcement operations targeted to repeat violators."

(c) Registration consequences for repeated cabotage violations.—[Section 13905\(d\)\(2\) of title 49](#), United States Code, is amended—

(1) in subparagraph (C), by striking "or" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(E) withhold, suspend, amend, or revoke any part of the registration of a motor carrier, foreign motor carrier, foreign motor private carrier, broker, or freight forwarder if the Secretary finds that such person knowingly or repeatedly violated section 14917, a condition of registration under section 13902 relating to domestic point-to-point transportation, or a regulation or order issued under such provisions."

(d) Rulemaking.—Not later than July 1, 2027, the Secretary of Transportation shall issue regulations implementing this section, provided that the amendments made by this section shall be effective regardless of the implementation of such regulations.

(e) No preemption.—Nothing in this section shall be construed to preempt any State requirement that affords equal or greater protection with respect to commercial motor vehicle safety, labor standards, worker protection, cabotage, or unlawful domestic transportation, except to the extent of a direct conflict with Federal law.

(f) Clerical amendment.—The table of sections for [chapter 149 of title 49](#), United States Code, is amended by adding at the end the following:

"14917. Cabotage arrangements, coercion, and retaliation unlawful."

SEC. 839. COMMERCIAL DRIVER'S LICENSE STANDARDS.

(a) Repeal of non-domiciled commercial driver's license rule; prohibition on substantially similar rules.—

(1) Repeal.—The final rule of the Federal Motor Carrier Safety Administration entitled "Restoring Integrity to the Issuance of Non-Domiciled Commercial Drivers Licenses (CDL)", published at [91 Fed. Reg. 7044](#) (February 13, 2026), shall have no force or effect.

(2) Substantially similar rules prohibited.—The Secretary of Transportation may not issue, implement, administer, or enforce any regulation, guidance, order, policy, or other administrative requirement that is substantially similar to the rule described in paragraph (1), or that limits eligibility for a commercial learner's permit or commercial driver's license to specified categories of lawful immigration status, unless such regulation, guidance, order, policy, or requirement is expressly authorized by an Act of Congress enacted after the date of enactment of this Act.

(3) Rule of construction.—Nothing in this subsection shall be construed to prohibit a generally applicable requirement that an applicant for a commercial learner's permit or commercial driver's license demonstrate identity, lawful presence, domicile or non-domicile

status, or employment authorization, to the extent otherwise required by Federal law, if such requirement does not limit eligibility to specified categories of lawful immigration status.

(b) Commercial driver's license knowledge tests.—

(1) English-language administration required.—[Section 31305\(a\) of title 49](#), United States Code, is amended—

(A) in paragraph (7), by striking "and" at the end;

(B) in paragraph (8), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(9) shall require that any written, verbal, or automated knowledge test administered for the issuance, renewal, transfer, or upgrade of a commercial learner's permit or commercial driver's license be administered—

"(A) only in the English language;

"(B) without the use of an interpreter or interpreting device; and

"(C) with any disability accommodation required by Federal law, provided that such accommodation may not translate the test from English or interpret the English-language content of the test."

(2) Conforming regulation.—Not later than April 30, 2027, the Secretary of Transportation shall revise [section 383.133\(b\)\(3\) of title 49](#), Code of Federal Regulations, and any related regulation, guidance, or testing standard, to conform to the amendment made by this subsection.

(c) Motor carrier responsibility for English-language qualification compliance.—[Section 31135 of title 49](#), United States Code, is amended by adding at the end the following:

"(e) English-language qualification compliance.—It shall be unlawful for an employer, motor carrier, or other person to require, permit, or dispatch a driver to operate a commercial motor vehicle in commerce unless such driver satisfies the English-language proficiency requirements of [section 391.11\(b\)\(2\) of title 49](#), Code of Federal Regulations, or any successor regulation."

(d) Out-of-service orders for failure to satisfy English-language qualification requirements.—[Section 31310\(i\) of title 49](#), United States Code, is amended—

(1) in paragraph (1), by amending subparagraph (A) to read as follows:

"(A) (i) To enforce [section 392.5 of title 49](#), Code of Federal Regulations, the Secretary shall prescribe regulations establishing and enforcing an out-of-service period of 24 hours for an individual who violates section 392.5.

"(ii) To enforce [section 391.11\(b\)\(2\) of title 49](#), Code of Federal Regulations, or any successor regulation, the Secretary shall prescribe regulations establishing and enforcing out-of-service orders for an individual who violates section 391.11(b)(2).

"(iii) An individual may not violate an out-of-service order issued under regulations prescribed under clause (i) or (ii)."; and

(2) in paragraph (2)(C), by striking "\$25,000" and inserting "\$200,000".

Subtitle D—Industrial Policy

SEC. 841. FINDINGS.

Congress finds the following:

(1) The United States has allowed essential industrial capacity, supply chains, production infrastructure, and skilled workforce pipelines to weaken through offshoring, consolidation, underinvestment, financial extraction, and dependence on fragile private markets.

(2) Concentrated control over strategic industrial sectors has reduced domestic resilience, weakened regional production capacity, limited new entry, increased dependence on foreign and domestic chokepoints, and reduced the ability of the United States to respond to emergencies, shortages, and national needs.

(3) A durable industrial policy requires public investment, long-term demand signals, workforce development, domestic production commitments, anti-offshoring safeguards, industrial deconcentration, public ownership where appropriate, and public interest conditions on the use of public money.

(4) Public money used to rebuild industrial capacity should support high-wage employment, registered apprenticeship, credential attainment, worker retention, cooperative and public ownership, small and medium-sized producers, regional industrial capacity, and long-term productive use of domestic facilities.

(5) Maritime industrial capacity is a critical example of the broader industrial reconstruction challenge. Decades of neglect have weakened the shipbuilding capacity, maritime workforce, commercial fleet, and maritime logistics position of the United States.

(6) The People's Republic of China has made shipbuilding and maritime logistics a strategic priority, while the United States has become dependent on too few oceangoing vessels of the United States, too few domestic shipbuilders, and too little domestic capacity to build, repair, crew, and operate vessels needed for commerce, emergencies, and national security.

(7) Demand signals, including cargo preference requirements, domestic use commitments, reserve purchasing, forward purchase commitments, public procurement, and strategic fleet requirements, can help rebuild domestic production capacity by creating predictable markets for goods and services produced in the United States.

(8) Industrial reconstruction should rebuild domestic capacity in shipbuilding, maritime logistics, ports, rail equipment, machine tools, steel, critical minerals processing, semiconductors, telecommunications equipment, grid equipment, transformers, energy storage, pharmaceuticals, active pharmaceutical ingredients, medical countermeasures, modular housing, construction materials, agricultural processing, food system infrastructure, and other strategic industrial sectors.