

118TH CONGRESS
2D SESSION

H. R. 9337

To amend the Fair Labor Standards Act of 1938 to provide for increased criminal and civil penalties for wage theft.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 9, 2024

Mr. MAGAZINER (for himself, Ms. BALINT, Mr. BOWMAN, Mr. BOYLE of Pennsylvania, Mr. CARSON, Ms. CHU, Mrs. DINGELL, Mr. EVANS, Mr. GOLDMAN of New York, Mrs. HAYES, Mr. JACKSON of Illinois, Ms. NORTON, Ms. OCASIO-CORTEZ, Mr. POCAN, Ms. PORTER, Ms. SCHAKOWSKY, Mrs. SYKES, Ms. TLAIB, Ms. TOKUDA, Mr. TRONE, and Mrs. WATSON COLEMAN) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Fair Labor Standards Act of 1938 to provide for increased criminal and civil penalties for wage theft.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Don’t Stand for Tak-
5 ing Employed Americans’ Livings Act” or the “Don’t
6 STEAL Act”.

1 **SEC. 2. RIGHT TO FULL COMPENSATION.**

2 The Fair Labor Standards Act of 1938 is amended
3 by inserting after section 7 (29 U.S.C. 207) the following:

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

5 “(a) IN GENERAL.—In the case of an employment
6 contract or other employment agreement, including a col-
7 lective bargaining agreement, that specifies that an em-
8 ployer shall compensate an employee (who is described in
9 subsection (b)) at a rate that is higher than the rate other-
10 wise required under this Act, the employer shall com-
11 pensate such employee at the rate specified in such con-
12 tract or other employment agreement.

13 “(b) EMPLOYEE ENGAGED IN COMMERCE.—The re-
14 quirement under subsection (a) shall apply with respect
15 to any employee who in any workweek is engaged in com-
16 merce or in the production of goods for commerce, or is
17 employed in an enterprise engaged in commerce or in the
18 production of goods for commerce.”.

19 **SEC. 3. PENALTIES FOR WAGE THEFT.**

20 (a) CRIMINAL PENALTIES.—Subsection (a) of section
21 16 of the Fair Labor Standards Act of 1938 (29 U.S.C.
22 216) is amended—

23 (1) by striking “Any person” and inserting “(1)
24 Except as provided by paragraph (2), any person”;

25 (2) by striking “subsection” each place it ap-
26 pears and inserting “paragraph”; and

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

2 “(2)(A) Any person who willfully violates section
3 3(m)(2)(B), 6, 7, or 8 of this Act, relating to wages, shall
4 be—

5 “(i) in the case of a violation of section
6 3(m)(2)(B), 6, 7, or 8 relating to unpaid wages, or
7 unpaid overtime compensation, in an amount greater
8 than \$1,000, fined in accordance with title 18,
9 United States Code, imprisoned for not more than
10 5 years, or both; or

11 “(ii) in the case of a violation of section
12 3(m)(2)(B), 6, 7, or 8 relating to unpaid wages, or
13 unpaid overtime compensation, in an amount equal
14 to or less than \$1,000, fined in accordance with title
15 18, United States Code, imprisoned for not more
16 than 1 year, or both.

17 “(B) In determining the amount of a fine under sub-
18 paragraph (A), the following factors shall be considered:

19 “(i) The gravity of the violation, including the
20 number of employees affected and the value of the
21 unlawfully kept wages.

22 “(ii) Whether the person charged has previously
23 been convicted for a violation of section 3(m)(2)(B),
24 6, 7, or 8.

1 “(iii) The appropriateness of the penalty given
2 the size of the business of the person convicted.”.

3 (b) FUNDS FOR WAGE AND HOUR DIVISION.—Para-
4 graph (5) of section 16(e) of such Act is amended—

5 (1) by inserting “and fines collected under sub-
6 section (a)(2) of this section” after “12”; and

7 (2) by adding at the end the following: “Sums
8 collected as fines under subsection (a)(2) shall be
9 applied by the Wage and Hour Division of the De-
10 partment of Labor to the costs of enforcing sections
11 3(m)(2)(B), 6, 7, and 8.”.

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall apply with respect to violations of section
14 3(m)(2)(B), 6, or 7 of the Fair Labor Standards Act of
15 1938 occurring on or after the date that is 90 days after
16 the date of enactment of this Act.

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