

119TH CONGRESS  
1ST SESSION

# H. R. 5048

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

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 26, 2025

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

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## 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 (a) IN GENERAL.—The Fair Labor Standards Act of  
3 1938 is amended by inserting after section 7 (29 U.S.C.  
4 207) the following:

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

6 “(a) COMPENSATION.—

7 “(1) IN GENERAL.—Subject to section 7, an  
8 employer shall compensate an employee (who is de-  
9 scribed in subsection (b)) at a rate that is not less  
10 than the greater of—

11 “(A) the rate required by any contract, col-  
12 lective bargaining agreement, or other employ-  
13 ment agreement (as such term is defined by the  
14 Secretary) that specifies how much such em-  
15 ployer shall compensate such employee; or

16 “(B) the wage rate required under applica-  
17 ble Federal or State law.

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

24 (b) CONFORMING AMENDMENT.—Section 10 of the  
25 Fair Labor Standards Act of 1938 (29 U.S.C. 210) is re-  
26 pealed.

1 (c) PROHIBITED ACTS.—Section 15(a)(2) of the Fair  
2 Labor Standards Act of 1938 (29 U.S.C. 215(a)(2)) is  
3 amended by striking “or section 7” and inserting “, 7,  
4 or 8”.

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

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

9 (1) by striking “Any person” and inserting “(1)  
10 Except as provided by paragraph (2), any person”;  
11 (2) by striking “subsection” each place it ap-  
12 pears and inserting “paragraph”; and

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

14 “(2)(A) Any person who willfully violates section  
15 3(m)(2)(B), 6, 7, or 8 of this Act, relating to wages, shall  
16 be—

17 “(i) in the case of a violation of section  
18 3(m)(2)(B), 6, 7, or 8 relating to unpaid wages, or  
19 unpaid overtime compensation, in an amount greater  
20 than \$1,000, fined in accordance with title 18,  
21 United States Code, imprisoned for not more than  
22 5 years, or both; or

23 “(ii) in the case of a violation of section  
24 3(m)(2)(B), 6, 7, or 8 relating to unpaid wages, or  
25 unpaid overtime compensation, in an amount equal

1 to or less than \$1,000, fined in accordance with title  
2 18, United States Code, imprisoned for not more  
3 than 1 year, or both.

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

6 “(i) The gravity of the violation, including the  
7 number of employees affected and the value of the  
8 unlawfully kept wages.

9 “(ii) Whether the person charged has previously  
10 been convicted for a violation of section 3(m)(2)(B),  
11 6, 7, or 8.

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

14 (b) CIVIL PENALTIES.—Section 16 of such Act is fur-  
15 ther amended—

16 (1) in subsection (b), by striking “or section 7”  
17 each place it appears and inserting “, 7, or 8”;

18 (2) in subsection (c)—

19 (A) by striking “or 7” and inserting “, 7,  
20 or 8”; and

21 (B) by striking “and 7” and inserting “, 7,  
22 and 8”; and

23 (3) in subsection (e), by striking “or 7” and in-  
24 serting “, 7, or 8”

1 (c) FUNDS FOR WAGE AND HOUR DIVISION.—Para-  
2 graph (5) of section 16(e) of such Act is amended—

3 (1) by striking “12,” and inserting “12 and  
4 fines collected under subsection (a)(2) of this sec-  
5 tion,”; and

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

11 (d) EFFECTIVE DATE.—The amendments made by  
12 this section shall apply with respect to violations of section  
13 3(m)(2)(B), 6, 7, or 8 of the Fair Labor Standards Act  
14 of 1938 occurring on or after the date that is 90 days  
15 after the date of enactment of this Act.

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