

than \$15,000, or imprisoned for not more than five years, or both; but if the value of the amount of money or thing of value involved in any violation of the provisions of this section does not exceed \$1,000, such person shall be guilty of a misdemeanor and be subject to a fine of not more than \$10,000, or imprisoned for not more than one year, or both.

(2) Except for violations involving transactions covered by subsection (d)(1) of this section, any person who willfully violates this section shall, upon conviction thereof, be guilty of a felony and be subject to a fine of not more than \$15,000, or imprisoned for not more than five years, or both; but if the value of the amount of money or thing of value involved in any violation of the provisions of this section does not exceed \$1,000, such person shall be guilty of a misdemeanor and be subject to a fine of not more than \$10,000, or imprisoned for not more than one year, or both.

(e) Jurisdiction of courts

The district courts of the United States and the United States courts of the Territories and possessions shall have jurisdiction, for cause shown, and subject to the provisions of section 381 of title 28 (relating to notice to opposite party) to restrain violations of this section, without regard to the provisions of section 17 of title 15 and section 52 of this title, and the provisions of chapter 6 of this title.

(f) Effective date of provisions

This section shall not apply to any contract in force on June 23, 1947, until the expiration of such contract, or until July 1, 1948, whichever first occurs.

(g) Contributions to trust funds

Compliance with the restrictions contained in subsection (c)(5)(B) of this section upon contributions to trust funds, otherwise lawful, shall not be applicable to contributions to such trust funds established by collective agreement prior to January 1, 1946, nor shall subsection (c)(5)(A) of this section be construed as prohibiting contributions to such trust funds if prior to January 1, 1947, such funds contained provisions for pooled vacation benefits.

(June 23, 1947, ch. 120, title III, § 302, 61 Stat. 157; Pub. L. 86-257, title V, § 505, Sept. 14, 1959, 73 Stat. 537; Pub. L. 91-86, Oct. 14, 1969, 83 Stat. 133; Pub. L. 93-95, Aug. 15, 1973, 87 Stat. 314; Pub. L. 95-524, § 6(d), Oct. 27, 1978, 92 Stat. 2021; Pub. L. 98-473, title II, § 801, Oct. 12, 1984, 98 Stat. 2131; Pub. L. 101-273, § 1, Apr. 18, 1990, 104 Stat. 138; Pub. L. 104-88, title III, § 337, Dec. 29, 1995, 109 Stat. 954.)

REFERENCES IN TEXT

The Labor-Management Reporting and Disclosure Act of 1959, referred to in subsec. (c)(8), is Pub. L. 86-257, Sept. 14, 1959, 73 Stat. 519, as amended, which is classified principally to chapter 11 (§ 401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 401 of this title and Tables.

Section 5(b) of the Labor Management Cooperation Act of 1978, referred to in subsec. (c)(9), probably means section 6(b) of Pub. L. 95-524, which is set out as a note under section 175a of this title.

Section 381 of title 28, referred to in subsec. (e), was omitted from the revision of Title 28, Judiciary and Ju-

dicial Procedure, by act June 25, 1948, ch. 646, 62 Stat. 869. See rule 65 of Federal Rules of Civil Procedure set out in the Appendix to Title 28.

Chapter 6 (§101 et seq.) of this title, referred to in subsec. (e), is a reference to act Mar. 23, 1932, ch. 90, 47 Stat. 70, popularly known as the Norris-LaGuardia Act.

AMENDMENTS

1995—Subsec. (b)(2). Pub. L. 104-88 substituted “(as defined in section 13102 of title 49)” for “(as defined in part II of the Interstate Commerce Act)”.

1990—Subsec. (c)(7)(C). Pub. L. 101-273 added subcl. (C).

1984—Subsec. (d). Pub. L. 98-473, in amending subsec. (d) generally, added par. (1), designated existing provisions as par. (2), inserted reference to par. (1), and inserted provisions relating to commission of a felony.

1978—Subsec. (c)(9). Pub. L. 95-524 added cl. (9).

1973—Subsec. (c)(8). Pub. L. 93-95 added cl. (8).

1969—Subsec. (c)(7). Pub. L. 91-86 added cl. (7).

1959—Subsec. (a). Pub. L. 86-257 amended subsec. (a) generally. Prior to amendment subsec. (a) read as follows: “It shall be unlawful for any employer to pay or deliver, or to agree to pay or deliver, any money or other thing of value to any representative of any of his employees who are employed in an industry affecting commerce.”

Subsec. (b). Pub. L. 86-257 amended subsec. (b) generally. Prior to amendment subsec. (b) read as follows: “It shall be unlawful for any representative of any employees who are employed in an industry affecting commerce to receive or accept, or to agree to receive or accept, from the employer of such employees any money or other thing of value.”

Subsec. (c). Pub. L. 86-257 substituted “in respect to any money or other thing of value payable by an employer to any of his employees whose established duties include acting openly for such employer in matters of labor relations or personnel administration or to any representative of his employees, or to any officer or employee of a labor organization, who is also an employee or former employee of such employer, as compensation for, or by reason of, his service as an employee of such employer” for “with respect to any money or other thing of value payable by an employer to any representative who is an employee or former employee of such employer, as compensation for, or by reason of, his services as an employee of such employer” in cl. (1), and added cl. (6).

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of Title 49, Transportation.

APPLICABILITY TO COLLECTIVE BARGAINING AGREEMENTS

Amendment by Pub. L. 95-524 not to affect terms and conditions of any collective bargaining agreement whether in effect prior to or entered into after Oct. 27, 1978, see section 6(e) of Pub. L. 95-524, set out as an Effective Date note under section 175a of this title.

§ 187. Unlawful activities or conduct; right to sue; jurisdiction; limitations; damages

(a) It shall be unlawful, for the purpose of this section only, in an industry or activity affecting commerce, for any labor organization to engage in any activity or conduct defined as an unfair labor practice in section 158(b)(4) of this title.

(b) Whoever shall be injured in his business or property by reason or¹ any violation of subsection (a) of this section may sue therefor in any district court of the United States subject to the limitations and provisions of section 185

¹ So in original. Probably should be “of”.

of this title without respect to the amount in controversy, or in any other court having jurisdiction of the parties, and shall recover the damages by him sustained and the cost of the suit.

(June 23, 1947, ch. 120, title III, §303, 61 Stat. 158; Pub. L. 86-257, title VII, §704(e), Sept. 14, 1959, 73 Stat. 545.)

AMENDMENTS

1959—Subsec. (a). Pub. L. 86-257 struck out provisions which specified particular practices that were unlawful, and inserted reference to practices defined in section 158(b)(4) of this title, which section defines the unfair labor practices formerly enumerated in this subsection.

§ 188. Repealed. Aug. 9, 1955, ch. 690, § 4(3), 69 Stat. 625

Section, act June 23, 1947, ch. 120, title III, §305, 61 Stat. 160, forbade striking by Government employees, required discharge of striking employee and forfeiture of his civil-service status, and made him ineligible for employment for three years. See sections 3333 and 7311 of Title 5, Government Organization and Employees, and section 1918 of Title 18, Crimes and Criminal Procedure.

SUBCHAPTER V—CONGRESSIONAL JOINT COMMITTEE ON LABOR-MANAGEMENT RELATIONS

§§ 191 to 197. Omitted

CODIFICATION

Section 191, act June 23, 1947, ch. 120, title IV, § 401, 61 Stat. 160, related to establishment and composition of Joint Committee on Labor-Management Relations.

Section 192, act June 23, 1947, ch. 120, title IV, § 402, 61 Stat. 160, related to a study by committee of the entire field of labor-management relations.

Section 193, acts June 23, 1947, ch. 120, title IV, § 403, 61 Stat. 160; Aug. 10, 1948, ch. 833, 62 Stat. 1286, related to a final report to Congress to be submitted no later than March 1, 1949.

Section 194, act June 23, 1947, ch. 120, title IV, § 404, 61 Stat. 161, related to employment and compensation of experts and other personnel.

Section 195, act June 23, 1947, ch. 120, title IV, § 405, 61 Stat. 161, related to hearings, calling of witnesses, production of evidence.

Section 196, act June 23, 1947, ch. 120, title IV, § 406, 61 Stat. 161, related to reimbursement of committee members for expenses.

Section 197, act June 23, 1947, ch. 120, title IV, § 407, 61 Stat. 161, related to appropriation of funds.

CHAPTER 8—FAIR LABOR STANDARDS

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216.	Penalties.
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218.	Relation to other laws.
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218c.	Protections for employees.
219.	Separability.

§ 201. Short title

This chapter may be cited as the "Fair Labor Standards Act of 1938".

(June 25, 1938, ch. 676, § 1, 52 Stat. 1060.)

SHORT TITLE OF 2007 AMENDMENT

Pub. L. 110-28, title VIII, §8101, May 25, 2007, 121 Stat. 188, provided that: "This subtitle [subtitle A (§§8101-8104) of title VIII of Pub. L. 110-28, amending section 206 of this title, repealing sections 205 and 208 of this title, and enacting provisions set out as notes under section 206 of this title] may be cited as the 'Fair Minimum Wage Act of 2007'."

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-202, § 1, May 18, 2000, 114 Stat. 308, provided that: "This Act [amending section 207 of this title and enacting provisions set out as notes under section 207 of this title] may be cited as the 'Worker Economic Opportunity Act'."

SHORT TITLE OF 1998 AMENDMENTS

Pub. L. 105-334, § 1, Oct. 31, 1998, 112 Stat. 3137, provided that: "This Act [amending section 213 of this title and enacting provisions set out as a note under section 213 of this title] may be cited as the 'Drive for Teen Employment Act'."

Pub. L. 105-221, § 1, Aug. 7, 1998, 112 Stat. 1248, provided that: "This Act [amending section 203 of this title] may be cited as the 'Amy Somers Volunteers at Food Banks Act'."

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-188, [title II], §2104(a), Aug. 20, 1996, 110 Stat. 1928, provided that: "This section [amending section 206 of this title] may be cited as the 'Minimum Wage Increase Act of 1996'."

SHORT TITLE OF 1995 AMENDMENT

Pub. L. 104-26, § 1, Sept. 6, 1995, 109 Stat. 264, provided that: "This Act [amending section 207 of this title and enacting provisions set out as a note under section 207 of this title] may be cited as the 'Court Reporter Fair Labor Amendments of 1995'."

SHORT TITLE OF 1989 AMENDMENT

Pub. L. 101-157, §1(a), Nov. 17, 1989, 103 Stat. 938, provided that: "This Act [enacting section 60k of Title 2, The Congress, amending sections 203, 205 to 208, 213, 214, and 216 of this title, and enacting provisions set out as notes under sections 203 and 206 of this title] may be cited as the 'Fair Labor Standards Amendments of 1989'."

SHORT TITLE OF 1985 AMENDMENT

Pub. L. 99-150, §1(a), Nov. 13, 1985, 99 Stat. 787, provided that: "This Act [amending sections 203, 207, and 211 of this title and enacting provisions set out as notes under sections 203, 207, 215, and 216 of this title] may be cited as the 'Fair Labor Standards Amendments of 1985'."

SHORT TITLE OF 1977 AMENDMENT

Pub. L. 95-151, §1(a), Nov. 1, 1977, 91 Stat. 1245, provided that: "This Act [amending sections 203, 206, 208,