

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE**

Section effective on Dec. 29, 2022, see section 103(a) of div. KK of Pub. L. 117-328, set out as an Effective Date of 2022 Amendment note under section 207 of this title.

DELAYED APPLICATION OF LAW TO EMPLOYEES OF RAIL CARRIERS

Pub. L. 117-328, div. KK, §103(d), Dec. 29, 2022, 136 Stat. 6096, provided that:

“(1) **IN GENERAL.**—Section 18D of the Fair Labor Standards Act of 1938 [29 U.S.C. 218d] (as added by section 102(a)) shall not apply to employees who are members of a train crew involved in the movement of a locomotive or rolling stock or who are employees who maintain the right of way of an employer that is a rail carrier until the date that is 3 years after the date of enactment of this Act [Dec. 29, 2022].

“(2) **DEFINITIONS.**—In this subsection:

“(A) **EMPLOYEE; EMPLOYER.**—The terms ‘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).

“(B) **EMPLOYEES [sic] WHO MAINTAINS THE RIGHT OF WAY; RAIL CARRIER; TRAIN CREW.**—The terms ‘employee who maintains the right of way’, ‘rail carrier’, and ‘train crew’ have the meanings given such terms in section 18D(e)(4) of the Fair Labor Standards Act of 1938 [29 U.S.C. 218d(e)(4)], as added by section 102(a).”

DELAYED APPLICATION OF LAW TO EMPLOYEES OF MOTORCOACH SERVICES OPERATORS

Pub. L. 117-328, div. KK, §103(e), Dec. 29, 2022, 136 Stat. 6097, provided that:

“(1) **IN GENERAL.**—Section 18D of the Fair Labor Standards Act of 1938 [29 U.S.C. 218d] (as added by section 102(a)) shall not apply to employees who are involved in the movement of a motorcoach of an employer that is a motorcoach services operator until the date that is 3 years after the date of enactment of this Act [Dec. 29, 2022].

“(2) **DEFINITIONS.**—In this subsection:

“(A) **EMPLOYEE; EMPLOYER.**—The terms ‘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).

“(B) **MOTORCOACH; MOTORCOACH SERVICES OPERATOR.**—The terms ‘motorcoach’ and ‘motorcoach services operator’ have the meanings given such terms in section 18D(f)(4) of the Fair Labor Standards Act of 1938 [29 U.S.C. 218d(f)(4)], as added by section 102(a).”

§ 219. Separability

If any provision of this chapter or the application of such provision to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

(June 25, 1938, ch. 676, §19, 52 Stat. 1069.)

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§ 251. Congressional findings and declaration of policy

(a) The Congress finds that the Fair Labor Standards Act of 1938, as amended [29 U.S.C. 201 et seq.], has been interpreted judicially in disregard of long-established customs, practices, and contracts between employers and employees, thereby creating wholly unexpected liabilities, immense in amount and retroactive in operation, upon employers with the results that, if said Act as so interpreted or claims arising under such interpretations were permitted to stand, (1) the payment of such liabilities would bring about financial ruin of many employers and seriously impair the capital resources of many others, thereby resulting in the reduction of industrial operations, halting of expansion and development, curtailing employment, and the earning power of employees; (2) the credit of many employers would be seriously impaired; (3) there would be created both an extended and continuous uncertainty on the part of industry, both employer and employee, as to the financial condition of productive establishments and a gross inequality of competitive conditions between employers and between industries; (4) employees would receive windfall payments, including liquidated damages, of sums for activities performed by them without any expectation of reward beyond that included in their agreed rates of pay; (5) there would occur the promotion of increasing demands for payment to employees for engaging in activities no compensation for which had been contemplated by either the employer or employee at the time they were engaged in; (6) voluntary collective bargaining would be interfered with and industrial disputes between employees and employers and between employees and employees would be created; (7) the courts of the country would be burdened with excessive and needless litigation and champertous practices would be encouraged; (8) the Public Treasury would be deprived of large sums of revenues and public finances would be seriously deranged by claims against the Public Treasury for refunds of taxes already paid; (9) the cost to the Government of goods and services heretofore and hereafter purchased by its various departments and agencies would be unreasonably increased and the Public Treasury would be seriously affected by consequent increased cost of war contracts; and (10) serious and adverse effects upon the revenues of Federal, State, and local governments would occur.

The Congress further finds that all of the foregoing constitutes a substantial burden on commerce and a substantial obstruction to the free flow of goods in commerce.