

117TH CONGRESS
1ST SESSION

H. R. 3194

To amend the Fair Labor Standards Act of 1938 to provide increased labor law protections for agricultural workers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2021

Mr. GRIJALVA (for himself, Mr. GALLEGO, Ms. BARRAGÁN, Ms. BASS, Mr. SCOTT of Virginia, Mr. ESPAILLAT, Mr. CICILLINE, Ms. LOFGREN, Mr. PANETTA, Mr. TAKANO, Mr. GARCÍA of Illinois, Mr. CASTRO of Texas, Ms. BROWNLEY, Ms. JAYAPAL, Mr. GOMEZ, Mr. SHERMAN, Mr. LOWENTHAL, Ms. NORTON, Ms. GARCIA of Texas, Mr. PALLONE, Mr. DESAULNIER, Mr. CARBAJAL, Ms. PRESSLEY, Mr. MCGOVERN, Mr. COHEN, Mr. VARGAS, Ms. WILSON of Florida, Mr. VEASEY, Ms. LEE of California, Ms. CHU, Mr. KHANNA, Mrs. HAYES, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Ms. SCHAKOWSKY, Mrs. TORRES of California, Mr. RASKIN, Mr. SWALWELL, Mr. BLUMENAUER, Ms. VELÁZQUEZ, Mr. CÁRDENAS, Mr. HUFFMAN, Mr. NEGUSE, Mr. SOTO, Mr. POCAN, Ms. SÁNCHEZ, Mr. SAN NICOLAS, Ms. ESHOO, Ms. JACKSON LEE, Mr. CORREA, Mr. JOHNSON of Georgia, Mr. LIEU, Ms. ESCOBAR, Ms. TLAIB, and Ms. OCASIO-CORTEZ) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Fair Labor Standards Act of 1938 to provide increased labor law protections for agricultural workers, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Fairness for Farm
3 Workers Act”.

4 **SEC. 2. REDRESSING DISCRIMINATION AGAINST AGRICUL-**
5 **TURAL WORKERS UNDER THE FAIR LABOR**
6 **STANDARDS ACT OF 1938.**

7 (a) **ENDING DISCRIMINATION WITH RESPECT TO**
8 **OVERTIME HOURS REQUIREMENTS.**—Section 7 of the
9 Fair Labor Standards Act of 1938 (29 U.S.C. 207) is
10 amended—

11 (1) in subsection (a), by adding at the end the
12 following:

13 “(3)(A) Except as provided in subparagraph
14 (C), beginning on January 1, 2022, no employer
15 shall employ any employee employed in agriculture
16 (who in any workweek is engaged in commerce or in
17 the production of goods for commerce, or is em-
18 ployed in an enterprise engaged in commerce or in
19 the production of goods for commerce) for a work-
20 week that is longer than the hours specified under
21 subparagraph (B), unless such employee receives
22 compensation for employment in excess of the hours
23 specified in such subparagraph at a rate not less
24 than one and one-half times the regular rate at
25 which the employee is employed.

1 “(B) The hours specified in this subparagraph
2 are, subject to subparagraph (C), as follows:

3 “(i) Beginning on January 1, 2022, fifty-
4 five hours in any workweek.

5 “(ii) Beginning on January 1, 2023, fifty
6 hours in any workweek.

7 “(iii) Beginning on January 1, 2024, forty-
8 five hours in any workweek.

9 “(iv) Beginning on January 1, 2025, forty
10 hours in any workweek.

11 “(C) With respect to any employer that employs
12 25 or fewer employees—

13 “(i) the requirement under subparagraph
14 (A) shall begin on January 1, 2025; and

15 “(ii) the hours specified under subpara-
16 graph (B) shall apply as follows:

17 “(I) The number of hours specified
18 under subparagraph (B)(i) shall begin on
19 January 1, 2025.

20 “(II) The number of hours specified
21 under subparagraph (B)(ii) shall begin on
22 January 1, 2026.

23 “(III) The number of hours specified
24 under subparagraph (B)(iii) shall begin on
25 January 1, 2027.

1 “(IV) The number of hours specified
2 under subparagraph (B)(iv) shall begin on
3 January 1, 2028.”; and

4 (2) by repealing subsection (m).

5 (b) REMOVING CERTAIN EXEMPTIONS FOR AGRICUL-
6 TURAL WORK.—Section 13 of the Fair Labor Standards
7 Act of 1938 (29 U.S.C. 213) is amended—

8 (1) in subsection (a)(6), by striking “(A)” and
9 all that follows through the semicolon and inserting
10 “if such employee is the parent, spouse, child, or
11 other member of the employer’s immediate family;”;

12 (2) in subsection (b), by repealing paragraphs
13 (12) through (16); and

14 (3) by striking subsections (h) through (j).

15 (c) EFFECTIVE DATES.—The amendments made
16 by—

17 (1) subsections (a)(2), (b)(1), (b)(3), and (d)
18 shall take effect—

19 (A) with respect to an employer that em-
20 ploys more than 25 employees, on January 1,
21 2025; and

22 (B) with respect to an employer that em-
23 ploys 25 or fewer employees, on January 1,
24 2028; and

25 (2) subsection (b)(2) shall take effect—

1 (A) with respect to an employer that em-
2 ploys more than 25 employees, on January 1,
3 2022; and

4 (B) with respect to an employer that em-
5 ploys 25 or fewer employees, on January 1,
6 2025.

7 (d) CONFORMING AMENDMENTS.—

8 (1) FAIR LABOR STANDARDS ACT OF 1938.—
9 Section 13(c)(1)(A) of the Fair Labor Standards
10 Act of 1938 (29 U.S.C. 213(c)(1)(A)) is amended by
11 striking “none of the employees” and all that follows
12 through “section 6(a)(5)” and inserting “all of the
13 employees of which are employed in agriculture and
14 are employed by an employer who did not, during
15 any calendar quarter during the preceding calendar
16 year, use more than 500 man-days of agricultural
17 labor (within the meaning of the exemption under
18 subsection (a)(6)(A), as in effect on the day before
19 the date of enactment of the Fairness for Farm
20 Workers Act)”.

21 (2) MIGRANT AND SEASONAL AGRICULTURAL
22 WORKER PROTECTION ACT.—Section 4(a)(2) of the
23 Migrant and Seasonal Agricultural Worker Protec-
24 tion Act (29 U.S.C. 1803(a)(2)) is amended by
25 striking “for whom the man-days exemption” and all

1 that follows through the period and inserting “who
2 did not, during any calendar quarter during the pre-
3 ceding calendar year, use more than 500 man-days
4 of agricultural labor (within the meaning of the ex-
5 emption under section 13(a)(6)(A) of the Fair Labor
6 Standards Act of 1938 (29 U.S.C. 213(a)(6)(A)), as
7 in effect on the day before the date of enactment of
8 the Fairness for Farm Workers Act).”.

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