

117TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. PADILLA introduced the following bill; which was read twice and referred to the Committee on _____

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fairness for Farm
5 Workers Act”.

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

9 (a) **ENDING DISCRIMINATION WITH RESPECT TO**
10 **OVERTIME HOURS REQUIREMENTS.**—Section 7 of the

1 Fair Labor Standards Act of 1938 (29 U.S.C. 207) is
2 amended—

3 (1) in subsection (a), by adding at the end the
4 following:

5 “(3)(A) Except as provided in subparagraph
6 (C), beginning on January 1, 2023, no employer
7 shall employ any employee employed in agriculture
8 (who in any workweek is engaged in commerce or in
9 the production of goods for commerce, or is em-
10 ployed in an enterprise engaged in commerce or in
11 the production of goods for commerce) for a work-
12 week that is longer than the hours specified under
13 subparagraph (B), unless such employee receives
14 compensation for employment in excess of the hours
15 specified in such subparagraph at a rate not less
16 than one and one-half times the regular rate at
17 which the employee is employed.

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

20 “(i) Beginning on January 1, 2023, fifty-
21 five hours in any workweek.

22 “(ii) Beginning on January 1, 2024, fifty
23 hours in any workweek.

24 “(iii) Beginning on January 1, 2025, forty-
25 five hours in any workweek.

1 “(iv) Beginning on January 1, 2026, forty
2 hours in any workweek.

3 “(C) With respect to any employer that employs
4 25 or fewer employees—

5 “(i) the requirement under subparagraph
6 (A) shall begin on January 1, 2026; and

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

9 “(I) The number of hours specified
10 under subparagraph (B)(i) shall begin on
11 January 1, 2026.

12 “(II) The number of hours specified
13 under subparagraph (B)(ii) shall begin on
14 January 1, 2027.

15 “(III) The number of hours specified
16 under subparagraph (B)(iii) shall begin on
17 January 1, 2028.

18 “(IV) The number of hours specified
19 under subparagraph (B)(iv) shall begin on
20 January 1, 2029.”; and

21 (2) by repealing subsection (m).

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

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

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

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

8 (c) EFFECTIVE DATES.—The amendments made
9 by—

10 (1) subsections (a)(2), (b)(1), (b)(3), and (d)
11 shall take effect—

12 (A) with respect to an employer that em-
13 ploys more than 25 employees, on January 1,
14 2026; and

15 (B) with respect to an employer that em-
16 ploys 25 or fewer employees, on January 1,
17 2029; and

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

19 (A) with respect to an employer that em-
20 ploys more than 25 employees, on January 1,
21 2023; and

22 (B) with respect to an employer that em-
23 ploys 25 or fewer employees, on January 1,
24 2026.

25 (d) CONFORMING AMENDMENTS.—

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

14 (2) MIGRANT AND SEASONAL AGRICULTURAL
15 WORKER PROTECTION ACT.—Section 4(a)(2) of the
16 Migrant and Seasonal Agricultural Worker Protec-
17 tion Act (29 U.S.C. 1803(a)(2)) is amended by
18 striking “for whom the man-days exemption” and all
19 that follows through the period and inserting “who
20 did not, during any calendar quarter during the pre-
21 ceding calendar year, use more than 500 man-days
22 of agricultural labor (within the meaning of the ex-
23 emption under section 13(a)(6)(A) of the Fair Labor
24 Standards Act of 1938 (29 U.S.C. 213(a)(6)(A)), as

1 in effect on the day before the date of enactment of
2 the Fairness for Farm Workers Act).”.