

137TH CONGRESS
1ST SESSION

S. 4

To increase protections for agricultural workers by amending the Fair Labor Standards Act of 1938.

IN THE CONGRESS OF THE UNITED STATES

January 16, 2021

Mr. JOHNSON of Pennsylvania (for himself, Mr. LIGHTWOOD,
and Mr. SOMEONE) introduced the following bill;

A BILL

To increase protections for agricultural workers by amending the Fair Labor Standards Act of 1938.

Be it enacted by the House of Representatives in Congress Assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Agricultural Workers Protection Act of 2020”.

SEC. 2. CHANGES TO THE FAIR LABOR STANDARDS ACT OF 1938 REGARDING FARM WORKERS.

(a) Ending Discrimination With Respect To Overtime Hours Requirements.—Section 7 of the Fair Labor Standards Act of 1938 ([29 U.S.C. 207](#)) is amended—

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

“(3) (A) Except as provided in subparagraph (C), beginning on January 1, 2022, no employer shall employ any employee employed in agriculture (who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce) for a workweek that is longer than the hours specified under subparagraph (B), unless such employee receives compensation for employment in excess of the hours specified in such subparagraph at a rate not less than one and one-half times the regular rate at which the employee is employed, unless that employer employs fewer than 25 employees employed in agriculture, in which case requirements shall be further specified in subparagraph (C).”

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

“(i) Beginning on January 1, 2022, fifty hours in any workweek.”

“(ii) Beginning on January 1, 2023, forty-five hours in any workweek.”

“(iii) Beginning on January 1, 2024, forty hours in any workweek.”

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

“(i) the requirement under subparagraph (A) shall begin on January 1, 2023; and”

“(ii) the hours specified under subparagraph (B) shall apply as follows:”

“(I) The number of hours specified under subparagraph (B)(i) shall begin on January 1, 2024.”

“(II) The number of hours specified under subparagraph (B)(ii) shall begin on January 1, 2025.”

“(III) The number of hours specified under subparagraph (B)(iii) shall not apply.”

(2) by repealing subsection (m).

(b) Removing Certain Exemptions For Agricultural Work.—Section 13 of the Fair Labor Standards Act of 1938 ([29 U.S.C. 213](#)) is amended—

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

(2) in subsection (b), by repealing paragraphs (12) through (17)

(c) Effective Dates.—The amendments made by—

(1) subsections (a)(1), (a)(2), and (b)(1) shall take effect—

(a) with respect to an employer that employs more than 25 employees, on January 1, 2024; and

(b) with respect to an employer that employs 25 or fewer employees, on January 1, 2026; and

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

(a) with respect to an employer that employs more than 25 employees, on January 1, 2022; and

(b) with respect to an employer that employs 25 or fewer employees, on January 1, 2024.

(d) Amendment.—

(1) FAIR LABOR STANDARDS ACT OF 1938.—Section 13(c)(1)(A) of the Fair Labor Standards Act of 1938 ([29 U.S.C. 213\(c\)\(1\)\(A\)](#)) is amended by striking

“none of the employees” and all that follows in “section 6(a)(5)” and inserting “all of the employees of which are employed in agriculture and are employed by an employer who did not, during any calendar quarter during the preceding calendar year, use more than 500 man-days of agricultural labor (within the meaning of the exemption under subsection (a)(6)(A), as in effect on the day before the date of enactment of the Fairness for Farm Workers Act)”.
