

AMENDMENT TO H.R. 1773

OFFERED BY MS. CHU OF CALIFORNIA

Page 2, before line 1, insert the following (and re-designate provisions accordingly):

1 SEC. 2. EQUAL RIGHTS FOR FARMWORKERS.

2 (a) RIGHT TO ORGANIZE.—The Migrant and Sea-
3 sonal Agricultural Worker Protection Act, (29 U.S.C.
4 1801 et seq.) is amended by inserting after section 404
5 the following:

6 **“SEC. 405. FURTHER PROTECTIONS FOR MIGRANT AND**
7 **SEASONAL AGRICULTURAL WORKERS.**

8 “(a) IN GENERAL.—Migrant and seasonal farm-
9 workers shall have the right to self-organization, to form,
10 join, or assist labor organizations, to bargain collectively
11 through representatives of their own choosing, and to en-
12 gage in concerted activities for mutual aid or protections
13 except as provided in subsection (b).

14 “(b) EXCEPTION.—Subsection (a) does not apply in
15 any State which has enacted collective bargaining legisla-
16 tion for agricultural workers which provides workers with
17 protections equivalent to those available to non-agricul-
18 tural workers under the National Labor Relations Act as
19 certified by the Secretary of Labor.”.

1 (b) PROVIDING FARMWORKERS WITH EQUAL AC-
2 CESS TO UNEMPLOYMENT INSURANCE.—Section 3306(a)
3 of the Federal Unemployment Tax Act (26 U.S.C.
4 3301(a)) is amended—

5 (1) by striking paragraph (2); and

6 (2) by redesignating paragraphs (3) and (4) as
7 paragraphs (2) and (3), respectively.

8 (c) PROVIDING FARMWORKERS WITH RIGHT TO
9 OVERTIME PAY.—Section 13(b) of the Fair Labor Stand-
10 ards Act of 1938 (29 U.S.C. 213(b)) is amended—

11 (1) by striking paragraphs (12) through (16);

12 and

13 (2) redesignating paragraphs (17) through (30)
14 as paragraphs (12) through (25), respectively.

15 (d) ENSURING FARMWORKERS ARE ENTITLED TO
16 MINIMUM WAGE.—Section 13(a)(6) of the Fair Labor
17 Standards Act of 1938 (29 U.S.C. 213(a)(6)) is amended
18 by striking subparagraphs (A) through (E) and inserting
19 “if such employee is the parent, spouse, child, or other
20 member of his employer’s immediate family; or”.

21 (e) PROVIDING FARMWORKER CHILDREN WITH
22 EQUAL PROTECTIONS.—

23 (1) AMENDED DEFINITION.—Section 3(l) of the
24 Fair Labor Standards Act of 1938 (29 U.S.C.
25 203(l)) is amended to read as follows:

1 “(1) ‘Oppressive child labor’ means a condition of em-
2 ployment under which (1) any employee who is 16 or 17
3 years of age is employed by an employer in any occupation
4 found by the Secretary and by order declared to be par-
5 ticularly hazardous for the employment of children be-
6 tween such ages or detrimental to their health or well-
7 being, (2) any employee who is 14 or 15 years of age is
8 employed by an employer, unless the Secretary has deter-
9 mined that the employment is confined to periods which
10 will not interfere with the schooling of the employee, and
11 that the conditions of employment will not interfere with
12 the health and well-being of the employee, or (3) any em-
13 ployee who is under 14 years of age is employed by an
14 employer.”.

15 (f) REVISED AGE REQUIREMENT FOR CHILD AGRI-
16 CULTURAL EMPLOYMENT; REPEAL OF WAIVER PROVI-
17 SION FOR HAND HARVEST LABORERS.—Section 13(c) of
18 the Fair Labor Standards Act of 1938 (29 U.S.C. 213(c))
19 is amended—

20 (1) by striking paragraphs (1) and (2) and in-
21 serting the following:

22 “(1) The provisions of section 12 relating to
23 child labor shall not apply to any employee under 18
24 years of age who is employed in agriculture by his
25 or her parent, or by a person standing in the place

1 of the parent, on a farm owned by the parent or per-
2 son.”; and
3 (2) by redesignating paragraphs (3) through
4 (7) as paragraphs (2) through (6), respectively.

