

S. 1 8 6 4  
In the Senate of the United States  
April 30, 1965

To amend the Fair Labor Standards Act, 1938, as amended, to provide for minimum wages for certain persons employed in agriculture, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 3 (e) of the Fair Labor Standards Act of 1938, as amended, defining the term "employee," is amended to read as follows:

"(e) 'Employee' includes any individual employed by an employer, except that such term shall not, for the purposes of section 6 (a) (4), include any individual employed by an employer engaged in agriculture if such individual is (1) a member of the employer's immediate family, or (2) a sharecropper, or a member of the sharecropper's immediate family, working on or in connection with the sharecropper's tract of land."

Sec. 2. Section 3 of such Act is further amended by adding at the end thereof the following new paragraphs:

"(t) 'Man-day' means any day during any portion of which an employee performs any agricultural work;

"(u) 'Hired farm labor' means the labor of any employee employed in agriculture;

"(v) 'Sharecropper' means any individual who works in whole or in part a particular tract of land from planting through harvesting under general supervision and is entitled to receive as the primary return for his labor on the tract a share of the crop or crops produced thereon or of the proceeds realized therefrom."

Sec. 3. Subsection (a) of section 6 of such Act is amended by striking out the period at the end of paragraph (3), inserting a semicolon, and by adding the following new paragraph:

"(4) if such employee performs hired farm labor for an employer who during any one of the four preceding calendar quarters used more than three hundred man-days of hired farm labor, such employee shall be paid by his employer (i) not less than \$1.15 an hour during the first year following the effective date of this paragraph, (ii) not less than \$1.20 an hour during the second year following such effective date, (iii) not less than \$1.25 an hour during the third year following such effective date, and (iv) thereafter, not less than the rate prescribed in paragraph (1) of this subsection. If such employee performs hired farm labor for such an employer on a daily, weekly, monthly or annual basis, such employee shall be paid at a rate which will, for the period covered by the wage payment, provide him wages at least equal to compensation he would have been entitled to receive had he been employed at the minimum hourly rate prescribed in this paragraph.

In any case in which employees (covered by the provisions of this paragraph) of any employer are paid on a piecework basis, the actual wage paid such employees shall not be less than the wage prescribed in the foregoing provisions of this paragraph. Notwithstanding any other provisions of this Act, this paragraph shall apply only with respect to an employee whose services during the work week are performed within a State of the United States or the District of Columbia.

Sec. 4. (a) Subsection (a) of section 13 of such Act is amended by striking out the clause (6) thereof "in agriculture or."

(b) Subsection (b) of such section is amended by striking out the period at the end thereof, inserting a semicolon and the word "or" and by adding the following new paragraph:

"(12) any employee employed in agriculture."

Sec. 5. This Act shall take effect on the first day of the fourth month following the month in which it is enacted.

By Mr. Williams of N.J., Mr. Bartlett, Mr. Clark, Mr. Douglas, Mr. Gruening, Mr. Inouye, Mr. Javits, Mr. Kennedy of N.Y., Mr. Kennedy of Mass., Mr. McCarthy, Mrs. Neuberger, and Mr. Young of Ohio.

Note: On September 23, 1966 President Lyndon B. Johnson signed a minimum wage law which insured over 390,000 farm workers a minimum wage of \$1 an hour by February 1, 1967 with further and gradual increases to \$1.60 by 1971.

S. 1 8 6 5

In the Senate of the United States

April 30, 1965

To amend the Fair Labor Standards Act of 1938 to extend the child labor provisions thereof to certain children employed in agriculture, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 13 (c) of the Fair Labor Standards Act of 1938 is amended to read as follows:

"(c) (1) The provisions of section 12 relating to child labor shall not apply to any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed, if such employee is –

"(A) employed by his parent, or by a person standing in the place of his parent, on a farm owned or operated by such parent of person, or

“(B) is 14 years of age or over, or

“(C) is 12 years of age or over and is employed on a farm to which he commutes daily within twenty-five miles of his permanent residence, and (i) such employment is within the written consent of his parent or person standing in place of his parent, or (ii) his parent or person standing in place of his parent is also employed on the same farm.

“(2) No employee below the age of 18 may be employed in agriculture in an occupation that the Secretary of Labor finds and declares to be particularly hazardous for the employment of children below age 18, except where such employee is employed by his parent or by a person standing in the place of his parent on a farm owned or operated by such parent or person.

“(3) The provisions of section 12 relating to child labor shall not apply to any child employed as an actor or performer in motion pictures or theatrical productions, or in radio or television productions.”

By Mr. Williams of New Jersey, Mr. Bartlett, Mr. Clark, Mr. Douglas, Mr. Gruening, Mr. Hart, Mr. Inouye, Mr. Javits, Mr. Kennedy of Massachusetts, Mr. Kennedy of New York, Mr. Long of Missouri, Mr. McCarthy, Mr. Nelson, and Mr. Young of Ohio.

S. 1 8 6 6

In the Senate of the United States

April 30, 1965

To amend the National Labor Relations Act, as amended, so as to make its provisions applicable to agriculture.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 2 (3) of the National Labor Relations Act, as amended, is amended by striking out the following phrase: “as an agricultural laborer, or”.

Sec. 2. Section 8 (f) of the National Labor Relations Act, as amended, is amended to read as follows:

“(f) It shall not be an unfair labor practice under subsections (a) and (b) of this section for an employer engaged primarily in the building and construction industry, or an employer engaged in agriculture, to make an agreement covering employees engaged (or who, upon their employment, will be engaged) in the building and construction industry, or as agriculture laborers, with a labor organization of which such employees are members (not established, maintained, or assisted by any action defined in section 8 (a) of this Act as an unfair labor practice because (1) the majority status of such labor organizations has not been established under the provisions of Section 9 of this Act prior to the making of such

an agreement, or (2) such agreement requires as a condition of employment, membership in such labor organization after the seventh day following the beginning of such employment of the effective date of the agreement, whichever is later, or (3) such agreement requires the employer to notify such labor organization of opportunities for employment with such employer, or gives such labor organization an opportunity to refer qualified applicants for such employment, or (4) such agreement specifies minimum training or experience qualifications for employment or provides for priority in opportunities for employment based upon length of service with such employer, in the industry or in the particular geographical area: Provided, That nothing in this subsection shall set aside the final proviso to section 8 (a) (3) of this Act: Provided further, That any agreement which would be invalid, but for clause (1) of this subsection, shall not be a bar to a petition filed pursuant to section 9 (c) or 9 (e).”

Sec. 3. Notwithstanding the provisions of any other law, the amendments made by this Act shall take effect sixty days after the date of enactment.

By Mr. Williams of New Jersey, Mr. Bartlett, Mr. Clark, Mr. Douglas, Mr. Gruening, Mr. Inouye, Mr. Kennedy of Massachusetts, Mr. Kennedy of New York, Mr. McCarthy, Mrs. Neuberger, and Mr. Young of Ohio.