

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 636

To amend section 207(m) of the Fair Labor Standards Act of 1938 to eliminate the partial overtime exemption for employees that perform services necessary and incidental to the sale and processing of green and cigar leaf tobacco.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 1995

Mr. KILDEE introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities

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## A BILL

To amend section 207(m) of the Fair Labor Standards Act of 1938 to eliminate the partial overtime exemption for employees that perform services necessary and incidental to the sale and processing of green and cigar leaf tobacco.

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.—This Act may be cited as “the Tobacco  
4 Workers Equity Act”.

5        SEC. 2.—The Congress finds that there are no rea-  
6        sons why employees engaged in the handling and process-  
7        ing of green leaf and cigar leaf tobacco should be excluded

1 from the full protections of the overtime provisions of the  
2 Fair Labor Standards Act of 1938. Specifically, the Con-  
3 gress finds that the special retention of the partial over-  
4 time exemption for employees that perform services nec-  
5 essary and incidental to the sale and processing of green  
6 and cigar leaf tobacco in section 9(a) of the Fair Labor  
7 Standards Amendments of 1974, Public Law No. 93-259,  
8 can no longer be justified by reasons of public policy or  
9 any other consideration. Accordingly, this Act repeals sec-  
10 tion 9(a) of the Fair Labor Standards Amendments of  
11 1974, thereby granting tobacco workers the same protec-  
12 tions as apply generally to employees in industries related  
13 to the handling and processing of agricultural commod-  
14 ities.

15 SEC. 3.—Section 207(m) of the Fair Labor Stand-  
16 ards Act is hereby repealed.

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