AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

119TH CONGRESS
2D SESSION

S. 3867

To amend the Fair Labor Standards Act of 1938 to require employers to compensate employees working on a legal public holiday for such work at a rate that is not less than one and one-half times the regular rate at which the employee is employed, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2026

Mr. GALLEGO introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

---

A BILL

To amend the Fair Labor Standards Act of 1938 to require employers to compensate employees working on a legal public holiday for such work at a rate that is not less than one and one-half times the regular rate at which the employee is employed, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Holiday Pay Act''.

SEC. 2. RATE OF COMPENSATION FOR WORK PERFORMED ON LEGAL PUBLIC HOLIDAYS.

(a) IN GENERAL.—The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended—

(1) in section 3 (29 U.S.C. 203), by adding at the end the following:

''(z) 'Legal public holiday' means any legal public holiday specified in section 6103(a) of title 5, United States Code.''; and

(2) by inserting after section 7 (29 U.S.C. 207) the following:

''SEC. 8. RATE OF COMPENSATION FOR WORK PERFORMED ON LEGAL PUBLIC HOLIDAYS.

''No employer shall employ an employee 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 work performed on a legal public holiday unless such employee receives compensation for such work at a rate not less than one and one-half times the regular rate (as determined under section 7(e)) at which the employee is employed.''.

(b) EXCLUSION FROM COMPENSATION CREDITABLE TOWARDS OVERTIME COMPENSATION.—Section 7(h)(2) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(h)(2)) is amended by inserting ''(other than for work

performed on a legal public holiday as required under section 8)'' after ''(6)''.

(c) EXEMPTIONS.—Section 13(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(f)) is amended by striking ''6, 7, 11, and 12'' and inserting ''6, 7, 8, 11, and 12''.

(d) PROHIBITED ACTS; ENFORCEMENT.—The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended—

(1) in section 15(a) (29 U.S.C. 215(a))—

(A) in paragraph (1), by striking ''section 6 or section 7,'' and inserting ''section 6, 7, or 8,''; and

(B) in paragraph (2), by striking ''section 6 or section 7,'' and inserting ''section 6, 7, or 8,'';

(2) in section 16 (29 U.S.C. 216)—

(A) in subsection (b)—

(i) by striking ''section 6 or section 7'' each place it appears and inserting ''section 6, 7, or 8'';

(ii) by striking ''their unpaid minimum wages, or the unpaid overtime compensation,'' and inserting ''their unpaid minimum wages, unpaid overtime com-

pensation, or unpaid legal public holiday compensation,''; and

(iii) by inserting ''or unpaid legal public holiday compensation'' after ''the amount of unpaid overtime compensation'';

(B) in subsection (c)—

(i) in the first sentence—

(I) by striking ''the unpaid minimum wages or the unpaid overtime compensation'' and inserting ''the unpaid minimum wages, unpaid overtime compensation, or unpaid legal public holiday compensation'';

(II) by striking ''section 6 or 7'' and inserting ''section 6, 7, or 8''; and

(III) by striking ''such unpaid minimum wages or unpaid overtime compensation'' and inserting ''such unpaid minimum wages, unpaid overtime compensation, or unpaid legal public holiday compensation'';

(ii) in the second sentence, by striking ''unpaid minimum wages or overtime compensation'' inserting ''unpaid minimum wages, unpaid overtime compensation, or

unpaid legal public holiday compensation''; and

(iii) in the third sentence, by striking ''unpaid minimum wages or unpaid overtime compensation under sections 6 and 7'' and inserting ''unpaid minimum wages, unpaid overtime compensation, or unpaid legal public holiday compensation under section 6, 7, or 8''; and

(C) in subsection (e)(2), by striking ''section 6 or 7'' and inserting ''section 6, 7, or 8''; and

(3) in section 17 (29 U.S.C. 217), by striking ''minimum wages or overtime compensation'' and inserting ''minimum wages, overtime compensation, or legal public holiday compensation''.

(e) RELATION TO OTHER LAWS.—Section 18 of the Fair Labor Standards Act of 1938 (29 U.S.C. 218) is amended by adding at the end the following:

''(c) No provision of this Act or of any order thereunder shall excuse noncompliance with any Federal or State law or municipal ordinance—

''(1) establishing a rate of compensation for work performed on a legal public holiday that is higher than the rate required under section 8; or

''(2) otherwise requiring compensation for work performed on any other holiday that is greater than the compensation required under this Act.''.

(f) ADDITIONAL CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended—

(A) in section 3(o) (29 U.S.C. 203(o)), by striking ''sections 6 and 7'' and inserting ''sections 6, 7, and 8'';

(B) in section 4(f), by striking ''unpaid minimum wages, or unpaid overtime compensation,'' and inserting ''unpaid minimum wages, unpaid overtime compensation, or unpaid legal public holiday compensation,''; and

(C) by repealing section 10 (29 U.S.C. 210).

(2) STATUTE OF LIMITATIONS.—Section 6 of the Portal-to-Portal Act of 1947 (29 U.S.C. 255) is amended by inserting ''unpaid legal public holiday compensation,'' after ''unpaid overtime compensation,''.

○