

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

# H. R. 2531

To amend the Fair Labor Standards Act of 1938 to clarify the exemption for houseparents from the minimum wage and maximum hours requirements of that Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 25, 1995

Mr. HUTCHINSON (for himself, Mr. GOODLING, Mr. ARCHER, Mr. TALENT, Mr. FAWELL, Mr. CANADY of Florida, Mr. PETRI, Mr. GRAHAM, Mr. GREENWOOD, Mr. FUNDERBURK, Mr. HOEKSTRA, Mr. CUNNINGHAM, Mr. GUNDERSON, Mr. BARRETT of Nebraska, Mr. KNOLLENBERG, Mr. MCINTOSH, Mr. McKEON, Mr. SOUDER, Mr. NORWOOD, Mrs. MEYERS of Kansas, Mr. EWING, Mr. INGLIS of South Carolina, Mr. SMITH of Texas, Mr. EDWARDS, Mr. CHRISTENSEN, Mr. QUILLEN, Mr. CRANE, and Mr. LIPINSKI) introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities

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## A BILL

To amend the Fair Labor Standards Act of 1938 to clarify the exemption for houseparents from the minimum wage and maximum hours requirements of that Act, and for other purposes.

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. REFERENCE.**

4 Whenever in this Act an amendment is expressed in  
5 terms of an amendment to a section or other provision,

1 the reference shall be considered made to a section or  
2 other provision of the Fair Labor Standards Act of 1938  
3 (29 U.S.C. 201 et seq.).

4 **SEC. 2. DEFINITION OF HOUSEPARENT.**

5 Section 3 (29 U.S.C. 203) is amended by adding at  
6 the end thereof the following:

7 “(y) ‘Houseparent’ means any person employed by a  
8 nonprofit institution as a child-care worker, either as a  
9 member of a married couple or as a single person (1) to  
10 serve as a substitute parent for children who do not live  
11 with their own families, and (2) to reside in a family like  
12 setting with such children. The activities engaged in as  
13 a houseparent shall not be considered to be commerce or  
14 in the production of goods for commerce or a part of such  
15 an enterprise, even on an individual basis, for purposes  
16 of this section or section 6 or 7 (29 U.S.C. 203, 206, and  
17 207).”.

18 **SEC. 3. MINIMUM WAGE AND MAXIMUM HOURS EXEMPTION**  
19 **FOR HOUSEPARENTS.**

20 Section 13(a) (29 U.S.C. 213(a)) is amended by  
21 striking the period at the end of paragraph (16) and in-  
22 serting “; or” and by adding at the end thereof the follow-  
23 ing:

24 “(17) any employee who is employed by a non-  
25 profit institution to serve as a houseparent for

1 abused, neglected, delinquent, orphaned, homeless,  
2 or emotionally impaired children, when—

3 “(A) such children’s primary residence is  
4 in the residential facilities of such institution,

5 “(B) such houseparent resides with such  
6 children in the residential facilities of such in-  
7 stitution for at least 72 hours a week, and

8 “(C) such houseparent receives, without  
9 cost, board and lodging from such institution  
10 and is compensated, on a cash basis, at an an-  
11 nual rate of not less than \$8,000.”.

12 **SEC. 4. CONFORMING AMENDMENTS.**

13 (a) SECTION 3.—The first sentence of section 3(r)(1)  
14 (29 U.S.C. 203(r)(1)) is amended by inserting before the  
15 period the following: “or a houseparent”.

16 (b) SECTION 13.—Subsection (b) of section 13 (29  
17 U.S.C. 213) is amended by striking out paragraph (24).

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