

# Union Calendar No. 292

104<sup>TH</sup> CONGRESS  
2D SESSION

# H. R. 2531

[Report No. 104-592]

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

MAY 23, 1996

Additional sponsors: Mr. HASTERT, Mr. SAM JOHNSON of Texas, Mr. HORN, Mr. CRAPO, Mr. MARTINEZ, Mr. DORNAN, Mr. FOLEY, Mr. RIGGS, Mr. BEREUTER, Mr. MANZULLO, Mr. HOSTETTLER, Mr. WAMP, Mr. EHLERS, Mr. BURR, Mr. WELDON of Florida, Ms. PRYCE, Mr. CALVERT, Mr. COOLEY of Oregon, Mr. LARGENT, Mrs. MYRICK, Mr. COBURN, Mr. ENSIGN, Mr. HAYWORTH, Mr. THORNBERRY, Mr. CASTLE, Mr. GOODLATTE, Mr. BREWSTER, Mrs. LINCOLN, Mr. WELLER, Mr. SCHAEFER, Mr. WHITFIELD, Mr. BUNNING of Kentucky, Mr. GOSS, Mr. LEWIS of Kentucky, Mrs. CHENOWETH, Mr. MONTGOMERY, Mr. PARKER, Mr. STENHOLM, and Mr. TANNER

MAY 23, 1996

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill see copy of bill as introduced on October 25, 1995]

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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, the*  
6 *reference shall be considered made to a section or other pro-*  
7 *vision of the Fair Labor Standards Act of 1938 (29 U.S.C.*  
8 *201 et seq.).*

9 **SEC. 2. DEFINITION OF HOUSEPARENT.**

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

12       *“(y) ‘Houseparent’ means any person employed by a*  
13 *private nonprofit institution as a child-care worker, either*  
14 *as a member of a married couple or as a single person (1)*  
15 *to serve as a substitute parent for children who do not live*  
16 *with their own families, and (2) to reside in a family like*  
17 *setting with such children.”.*

1 **SEC. 3. MINIMUM WAGE AND MAXIMUM HOURS EXEMPTION**  
2 **FOR HOUSEPARENTS.**

3 *Section 13(a) (29 U.S.C. 213(a)) is amended by strik-*  
4 *ing the period at the end of paragraph (16) and inserting*  
5 *“; or” and by adding at the end thereof the following:*

6 *“(17) any employee employed by a private non-*  
7 *profit institution to serve as a houseparent for*  
8 *abused, neglected, delinquent, orphaned, homeless, or*  
9 *emotionally impaired children, when—*

10 *“(A) such children’s primary residence is in*  
11 *the residential facilities of such institution,*

12 *“(B) such houseparent resides with such*  
13 *children in the residential facilities of such insti-*  
14 *tution for at least 72 hours a week, and*

15 *“(C) such houseparent receives, without cost,*  
16 *board and lodging from such institution and is*  
17 *compensated, on a cash basis, at an annual rate*  
18 *of not less than \$8,000.”.*

19 **SEC. 4. CONFORMING AMENDMENT.**

20 *Subsection (b) of section 13 (29 U.S.C. 213) is amend-*  
21 *ed by striking out paragraph (24).*



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