

103^D CONGRESS
1ST SESSION

S. 1115

To amend the Fair Labor Standards Act of 1938 to ensure that minimum wage requirements do not apply to inmates with respect to work done for the incarcerating entity, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 16 (legislative day, JUNE 15), 1993

Mr. REID (for himself, Mr. BRYAN, and Mr. DORGAN) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Fair Labor Standards Act of 1938 to ensure that minimum wage requirements do not apply to inmates with respect to work done for the incarcerating entity, 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. APPLICATION OF FAIR LABOR STANDARDS ACT**
4 **OF 1938 TO INMATES.**

5 (a) DEFINITION.—Section 3(e) of the Fair Labor
6 Standards Act of 1938 (29 U.S.C. 203(e)) is amended—

7 (1) in paragraph (1), by striking “and (4)” and
8 inserting “(4), and (5)”; and

1 (2) by adding at the end thereof the following
2 new paragraph:

3 “(5) The term ‘employee’ does not include any
4 inmate of a penal or correctional institution of the
5 Federal Government, District of Columbia, or a
6 State or political subdivision of a State.”.

7 (b) EXEMPTIONS.—Section 13(a) of such Act (29
8 U.S.C. 213(a)) is amended—

9 (1) by striking the period at the end of para-
10 graph (15) and inserting “; and”; and

11 (2) by adding at the end thereof the following
12 new paragraph:

13 “(16) any inmate of a penal or correctional in-
14 stitution of the Federal Government, the District of
15 Columbia, or a State of political subdivision of a
16 State.”.

17 (c) APPLICATION.—The amendments made by this
18 section shall apply as if enacted on the date of enactment
19 of the Fair Labor Standards Act of 1938.

○