

104TH CONGRESS
2D SESSION

S. 1554

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.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 1996

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

1 **SEC. 2. DEFINITION OF HOUSEPARENT.**

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

4 “(y) ‘Houseparent’ means any person employed by a
5 nonprofit institution as a child-care worker, either as a
6 member of a married couple or as a single person (1) to
7 serve as a substitute parent for children who do not live
8 with their own families, and (2) to reside in a family like
9 setting with such children.”.

10 **SEC. 3. MINIMUM WAGE AND MAXIMUM HOURS EXEMPTION**
11 **FOR HOUSEPARENTS.**

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

16 “(17) any employee who is employed by a non-
17 profit institution to serve as a houseparent for
18 abused, neglected, delinquent, orphaned, homeless,
19 or emotionally impaired children, when—

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

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

25 “(C) such houseparent receives, without
26 cost, board and lodging from such institution

1 and is compensated, on a cash basis, at an an-
2 nual rate of not less than \$8,000.”.

3 **SEC. 4. CONFORMING AMENDMENTS.**

4 Subsection (b) of section 13 (29 U.S.C. 213) is
5 amended by striking out paragraph (24).

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