

108TH CONGRESS
2D SESSION

S. 2975

AN ACT

To amend the Fair Labor Standards Act of 1938 to clarify regulations relating to overtime compensation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. CLARIFICATION OF REGULATIONS RELATING**
2 **TO OVERTIME COMPENSATION.**

3 Section 13 of the Fair Labor Standards Act of 1938
4 (29 U.S.C. 213) is amended by adding at the end the fol-
5 lowing:

6 “(k) Notwithstanding the provisions of subchapter II
7 of chapter 5 and chapter 7 of title 5, United States Code
8 (commonly referred to as the Administrative Procedures
9 Act) or any other provision of law, any portion of the final
10 rule promulgated on April 23, 2004, revising part 541 of
11 title 29, Code of Federal Regulations, that exempts from
12 the overtime pay provisions of section 7 any employee who
13 would not otherwise be exempt if the regulations in effect
14 on March 31, 2003 remained in effect, shall have no force
15 or effect and that portion of such regulations (as in effect
16 on March 31, 2003) that would prevent such employee
17 from being exempt shall remain in effect. Notwithstanding
18 the preceding sentence, the increased salary requirements
19 provided for in such final rule at section 541.600 of such
20 title 29, shall remain in effect.”.

Passed the Senate October 10, 2004.

Attest:

Secretary.

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