

119TH CONGRESS  
1ST SESSION

# H. R. 4199

To clarify the Department of State’s exclusive regulatory authority over the au pair cultural exchange program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2025

Mr. RESCIENTHALER (for himself, Ms. SALAZAR, and Mr. ISSA) introduced the following bill; which was referred to the Committee on Foreign Affairs

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## A BILL

To clarify the Department of State’s exclusive regulatory authority over the au pair cultural exchange program, 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. SHORT TITLE.**

4       This Act may be cited as the “Modernize the Au Pair  
5       Program Act of 2025”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

8               (1) Congress authorized in the Mutual Edu-  
9       cational and Cultural Exchange Act of 1961, (22  
10       U.S.C. 2451 et. seq. (known as the “Fulbright-Hays

1 Act’’) the creation of international educational and  
2 cultural exchange programs pursued through pri-  
3 vate-public partnerships between the Federal agency  
4 responsible for foreign affairs (initially the United  
5 States Information Agency or “USIA”) and des-  
6 ignated sponsoring organizations.

7 (2) In 1986, the USIA launched a pilot pro-  
8 gram referred to as the Federal “au pair exchange  
9 program”, whereby young foreign students would  
10 travel to the United States to live with and provide  
11 childcare to an American family, immerse themselves  
12 in American culture, and pursue academic credits at  
13 an accredited institution.

14 (3) In 1994, Congress amended the Eisenhower  
15 Exchange Fellowship Act of 1990 (Public Law 103–  
16 415, 108 Stat. 4299 (1994)) to clarify that the  
17 USIA should continue to administer the Federal au  
18 pair program consistent with foreign affairs pur-  
19 poses of the Fulbright-Hays Act.

20 (4) The USIA exercised its regulatory authority  
21 over the program to promulgate comprehensive regu-  
22 lations that set requirements for the educational  
23 component of the program, specified the eligibility  
24 criteria for au pairs, and crafted a nationally uni-  
25 form weekly stipend formula for host families to pro-

1       vide to their au pairs that was based on an assumed  
2       number of weekly hours of childcare, indexed on the  
3       Federal minimum wage, and reflected a 40 percent  
4       credit for the provided room and board.

5           (5) In 1997, Congress authorized the Federal  
6       au pair program on a permanent basis (Public Law  
7       105–48, 111 Stat. 1165 (1997)).

8           (6) In 1999, the USIA disbanded and Congress  
9       transferred regulatory authority for the au pair pro-  
10      gram to the Department of State.

11          (7) The au pair program is an important public  
12      diplomacy tool that furthers foreign policy objectives  
13      of the United States.

14          (8) The au pair program provides a critical  
15      source of affordable childcare for tens of thousands  
16      of American families at a time when the lack of ac-  
17      cess to such care costs the economy of the United  
18      States an estimated \$122,000,000,000 annually in  
19      lost earnings, productivity, and revenue.

20          (9) Studies have shown that over 10 percent of  
21      au pair host families are active duty military per-  
22      sonnel, and additionally the au pair program has be-  
23      come an essential source of childcare for families of  
24      first responders, single parents, and shift workers  
25      and others with non-traditional work schedules.

1           (10) Any and all Federal regulations pertaining  
2           to the au pair program must retain the national uni-  
3           formity and affordability integral to allowing Amer-  
4           ican working families to continue their participation  
5           in the program.

6           (11) American families participating in the au  
7           pair program must have clarity and confidence in  
8           what laws and regulations are applicable to the pro-  
9           gram.

10          (12) It is clear that, consistent with congres-  
11          sional intent, the au pair program must be exclu-  
12          sively regulated by Federal law to successfully serve  
13          a foreign affairs purpose.

14 **SEC. 3. CLARIFICATION OF EXCLUSIVE FEDERAL REGU-**  
15 **LATORY AUTHORITY.**

16          A State or political subdivision of a State may not  
17          enact or enforce a law, regulation, or other provision hav-  
18          ing the force or effect of law related to the au pair pro-  
19          gram administered by the Department of State.

20 **SEC. 4. REVISED PROPOSED RULE ON AU PAIR PROGRAM.**

21          Not later than 90 days after the date of enactment  
22          of this Act, the Secretary of State shall submit to the Di-  
23          rector of the Office of Management and Budget a pro-  
24          posed rule that shall—

1           (1) provide a uniform national modification to  
2           the stipend and the educational stipend provided by  
3           a host family to an au pair, in a manner that does  
4           not make the program prohibitively expensive for  
5           and reflects the room, board, and other pro-  
6           grammatic costs borne by a host family;

7           (2) enhance flexibility in the au pair program,  
8           to accommodate unique work and family scheduling  
9           needs of military families, first responders, single  
10          parents, shift workers, and other host families with  
11          non-traditional work schedules; and

12          (3) promote the immersion of an au pair into  
13          the family life of their host family, consistent with  
14          the cultural exchange purposes of the au pair pro-  
15          gram.

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