

119TH CONGRESS  
2D SESSION

# H. R. 7917

To amend the Fair Labor Standards Act of 1938 to ensure that certain caregiving employees are no longer exempted from overtime and minimum wage protections.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2026

Ms. OCASIO-CORTEZ (for herself, Ms. TLAIB, Mrs. WATSON COLEMAN, Mr. CLEAVER, Ms. WILSON of Florida, Mr. BELL, Mr. KRISHNAMOORTHY, Ms. NORTON, Mrs. McIVER, Ms. HOYLE of Oregon, Ms. SIMON, Ms. SCHAKOWSKY, Mr. TORRES of New York, Ms. LEE of Pennsylvania, Mr. CARSON, Mr. MOULTON, Ms. PETTERSEN, Ms. JAYAPAL, Ms. BUDZINSKI, Ms. JOHNSON of Texas, Ms. BONAMICI, Mrs. DINGELL, Ms. PINGREE, Ms. MCBRIDE, Mr. KENNEDY of New York, Mr. EVANS of Pennsylvania, Ms. LOIS FRANKEL of Florida, Mr. GOLDMAN of New York, Mr. THANEDAR, Ms. DELBENE, Ms. DEXTER, Mr. SWALWELL, Ms. SALINAS, Ms. CHU, Ms. BALINT, Mr. LATIMER, Ms. OMAR, Mr. LIEU, Mr. MANNION, Mr. LYNCH, Ms. BARRAGÁN, Ms. STRICKLAND, Mr. MCGOVERN, Mr. TONKO, Mr. POCAN, Mr. NORCROSS, Mr. NADLER, Ms. MCCLELLAN, Ms. PRESSLEY, Ms. ADAMS, Mrs. GRIJALVA, Ms. ANSARI, Mr. KHANNA, Mr. GOMEZ, Mrs. MCBATH, Mr. FROST, Mr. DAVIS of Illinois, Mr. GARCÍA of Illinois, and Mr. TAKANO) introduced the following bill; which was referred to the Committee on Education and Workforce

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## A BILL

To amend the Fair Labor Standards Act of 1938 to ensure that certain caregiving employees are no longer exempted from overtime and minimum wage protections.

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. SHORT TITLE.**

2       This Act may be cited as the “Fair Wages for Home  
3 Care Workers Act”.

4 **SEC. 2. MINIMUM WAGE AND OVERTIME FOR CERTAIN**  
5 **CAREGIVERS.**

6       (a) EXEMPTION AMENDMENTS.—Section 13 of the  
7 Fair Labor Standards Act of 1938 (29 U.S.C. 213) is  
8 amended—

9           (1) in subsection (a)(15), by striking “casual  
10 basis in domestic service employment” and all that  
11 follows through “of the Secretary)” and inserting  
12 the following: “casual basis to provide babysitting  
13 services”; and

14           (2) by repealing subsection (b)(21).

15       (b) DEFINITIONS.—Section 3 of the Fair Labor  
16 Standards Act of 1938 (29 U.S.C. 203) is amended by  
17 adding at the end the following:

18       “(z) ‘Babysitting services’—

19           “(1) means the custodial care and protection of  
20 infants or children in or about a private home in  
21 which the infants or children reside; and

22           “(2) does not include services relating to the  
23 care and protection of infants or children which are  
24 performed by trained personnel, such as registered,  
25 vocational, or practical nurses, and home care work-

1       ers, including home health aides and personal care  
2       aides.

3       “(aa) ‘Casual basis’, with respect to the provision of  
4       babysitting services—

5               “(1) means employment which is irregular or  
6       intermittent (as defined and delimited by the Sec-  
7       retary), and which is not performed by an individual  
8       whose vocation is babysitting; and

9               “(2) may include the performance of household  
10      work not related to the provision of babysitting serv-  
11      ices, so long as the time performing such work does  
12      not exceed 20 percent of the total hours worked  
13      while providing babysitting services.”.

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