

105TH CONGRESS  
2D SESSION

# H. R. 4778

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.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 9, 1998

Mr. PITTS (for himself, Mr. FAWELL, Mr. HOEKSTRA, Mr. SOUDER, Mr. PETRI, Mr. TALENT, Mr. NETHERCUTT, Mr. BARRETT of Nebraska, Mr. RAMSTAD, Mr. CUNNINGHAM, and Mr. MANZULLO) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## 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

1 other provision of the Fair Labor Standards Act of 1938  
2 (29 U.S.C. 201 et seq.).

3 **SEC. 2. DEFINITION OF HOUSEPARENT.**

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

6 “(y) ‘Houseparent’ means any person employed by a  
7 nonprofit institution, either as a member of a married cou-  
8 ple or as a single person, to reside in a family-like set-  
9 ting.”.

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)(A) any employee employed by a private  
17 nonprofit institution to serve as a houseparent for  
18 individuals who are—

19 “(i) abused, neglected, delinquent, or-  
20 phaned, homeless, drug dependent, emotionally  
21 impaired children, or children who suffer from  
22 family dysfunction;

23 “(ii) single, pregnant women ages 14 to  
24 35;

1           “(iii) single individuals ages 14 to 35 with  
2 children under the age of 5; or

3           “(iv) mentally handicapped or mentally ill;  
4 and

5           “(B) when—

6           “(i) the primary residence of the individ-  
7 uals described in subparagraph (A) is in the  
8 residential facilities of such institution,

9           “(ii) such houseparent resides with such  
10 individuals in the residential facilities of such  
11 institution for at least 72 hours a week, and

12           “(iii) such houseparent receives, without  
13 cost, board and lodging from such institution  
14 and is compensated, on a cash basis, at an an-  
15 nual rate of not less than \$8,000.”.

16 **SEC. 4. CONFORMING AMENDMENTS.**

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

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