

112TH CONGRESS
2D SESSION

H. R. 5970

To prohibit the Secretary of Labor from finalizing a proposed rule relating to the application of the Fair Labor Standards Act of 1938 to domestic service employees.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2012

Mr. WALBERG (for himself, Mr. TERRY, Mr. GOODLATTE, Mr. ROKITA, Mr. GOWDY, and Mrs. SCHMIDT) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To prohibit the Secretary of Labor from finalizing a proposed rule relating to the application of the Fair Labor Standards Act of 1938 to domestic service employees.

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 “Protecting In-Home
5 Care from Government Intrusion Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The United States has a growing number of
2 the elderly and individuals with disabilities who de-
3 pend on companion care to live in their own homes.

4 (2) In 1974, Congress amended the Fair Labor
5 Standards Act of 1938 to ensure the elderly and in-
6 dividuals with disabilities have access to affordable
7 companion care by exempting such care from over-
8 time and minimum wage requirements.

9 (3) Regulations proposed by the Department of
10 Labor will adversely impact access to companion
11 care for the elderly and individuals with disabilities
12 by increasing the cost of care.

13 (4) With the increased cost of companion care
14 brought on by the proposed regulations, many of the
15 elderly and individuals with disabilities will not be
16 able to afford in-home care and instead may be
17 forced to enter institutional care settings.

18 (5) The proposed regulations will shift com-
19 panion care for the elderly and individuals with dis-
20 abilities to a labor market where caregivers receive
21 insufficient background screening, training, and su-
22 pervision.

23 (6) The proposed regulations will reduce and
24 limit the overall incomes of caregivers and restrict
25 their working hours as employers are forced to con-

1 trol additional costs that cannot be absorbed by the
2 vulnerable clients and taxpayer-funded programs fi-
3 nancing companion care.

4 (7) The proposed regulations will raise costs for
5 the small businesses that provide companion care by
6 increasing caregiver turnover rates and hiring, train-
7 ing, supervision, and compensation costs.

8 (8) In-home care is the mode of care preferred
9 by the elderly and individuals with disabilities in
10 terms of cost, quality of life, and service satisfaction,
11 all of which are jeopardized by the proposed regula-
12 tions.

13 **SEC. 3. RULE RELATING TO DOMESTIC SERVICE EMPLOY-**
14 **EES.**

15 The Secretary of Labor shall not finalize or enforce
16 the proposed rule entitled “Application of the Fair Labor
17 Standards Act to Domestic Service” and published in the
18 Federal Register on December 27, 2011 (76 Fed. Reg.
19 81190) or any substantially similar rule.

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