

118TH CONGRESS
1ST SESSION

H. R. 3271

To amend the Fair Labor Standards Act of 1938 to exclude child and dependent care services and payments from the rate used to compute overtime compensation.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2023

Ms. STEFANIK (for herself, Mr. HARDER of California, and Mrs. HINSON) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Fair Labor Standards Act of 1938 to exclude child and dependent care services and payments from the rate used to compute overtime compensation.

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 “Empowering Employer
5 Child and Elder Care Solutions Act”.

6 **SEC. 2. EXCLUSION OF CHILD CARE IN COMPUTING OVER-**
7 **TIME COMPENSATION.**

8 (a) IN GENERAL.—Section 7(e) of the Fair Labor
9 Standards Act of 1938 (29 U.S.C. 207(e)) is amended—

1 (1) in paragraph (2), by inserting “payments or
2 reimbursements for child or dependent care serv-
3 ices;” after “by the employer;”;

4 (2) in paragraph (7), by striking “or” at the
5 end;

6 (3) in paragraph (8)(D)(ii), by striking the pe-
7 riod at the end and inserting “; or”; and

8 (4) by adding at the end the following:

9 “(9) the value of any child or dependent care
10 services provided by an employer.”.

11 (b) EFFECTIVE DATE.—The amendment made by
12 subsection (a) shall apply with respect to overtime com-
13 pensation required to be paid for workweeks beginning on
14 or after the date of enactment of this Act.

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