

117TH CONGRESS  
2D SESSION

# H. R. 8388

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.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2022

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

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## 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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