

108TH CONGRESS  
2D SESSION

# S. 2975

To amend the Fair Labor Standards Act of 1938 to clarify regulations relating to overtime compensation.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 10, 2004

Mr. HARKIN (for himself and Mr. KENNEDY) introduced the following bill;  
which was read twice, considered, read the third time, and passed

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## A BILL

To amend the Fair Labor Standards Act of 1938 to clarify regulations relating to 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. CLARIFICATION OF REGULATIONS RELATING**  
4       **TO OVERTIME COMPENSATION.**

5       Section 13 of the Fair Labor Standards Act of 1938  
6       (29 U.S.C. 213) is amended by adding at the end the fol-  
7       lowing:

8       “(k) Notwithstanding the provisions of subchapter II  
9       of chapter 5 and chapter 7 of title 5, United States Code  
10       (commonly referred to as the Administrative Procedures

1 Act) or any other provision of law, any portion of the final  
2 rule promulgated on April 23, 2004, revising part 541 of  
3 title 29, Code of Federal Regulations, that exempts from  
4 the overtime pay provisions of section 7 any employee who  
5 would not otherwise be exempt if the regulations in effect  
6 on March 31, 2003 remained in effect, shall have no force  
7 or effect and that portion of such regulations (as in effect  
8 on March 31, 2003) that would prevent such employee  
9 from being exempt shall remain in effect. Notwithstanding  
10 the preceding sentence, the increased salary requirements  
11 provided for in such final rule at section 541.600 of such  
12 title 29, shall remain in effect.”.

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