



The Daily Dish

This Is No Help Whatsoever

DOUGLAS HOLTZ-EAKIN | DECEMBER 15, 2023

The Biden regulatory behemoth just can't get out of its own way. Supposedly, the Biden Administration cares deeply about child care. Supposedly, the Biden Administration cares about projecting American values around the globe. Supposedly, the Biden Administration recognizes and supports the value of immigration. Why, then, is the Biden Administration blowing up the *au pair* program, a source of immigrant-supplied child care that exposes those around the globe to U.S. culture?

As background, the State Department runs an *au pair* program that is facilitated by private-sector agencies. Specifically, *au pairs* enter the United States on a J-1 visa, live with their host family for up to two years, and care for their children. The *au pairs* receive lodging, meals, wages (the federal minimum wage minus 40 percent to compensate the aforementioned lodging and meals), cultural activities, classes (paid for by the hosts), and the hosts' household activities. The private-sector middlemen help hosts identify an *au pair* and run the bureaucratic gauntlet for all parties.

According to Cato's [Alex Nowrasteh](#): "In 2022, 21,449 *au pairs* on J-1 visas entered the United States. Although *au pairs* can be in the program for up to two years, many only participate for one year before returning. The number of *au pairs* is between 2–4 percent of all [childcare workers](#) in the US, a small fraction. *Au pairs* are also heavily concentrated in households where both parents are skilled workers with high incomes. Furthermore, they are geographically concentrated in richer cities and suburbs in wealthy states. About a third of *au pairs* went to California, Washington DC, New York, and Illinois in 2022."

A [firestorm](#) has erupted, however, over a proposed [new rulemaking](#) by the State Department that would:

- Cut the *au pairs*' weekly hours from 45 to 40 unless they are paid time and one-half for the extra 5 hours (overtime rules show up everywhere with this administration).
- The weekly wages would now be based on the cost of living and minimum wage requirements in the host family's state (not the federal minimum). This would reportedly triple the cost in some states.
- Hosts would have to track (and value) the meals provided and deduct this cost from their wages.
- Families would lose needed flexibility and instead have to run a bureaucratic gauntlet and get agency sign-off for any variations in the weekly schedule and duties.

Ok, let's acknowledge this isn't a life-or-death issue. It's also likely that case that the current rules could stand a modest upgrade. But in a classic case of overreach the proposed rule threatens the vitality of the program itself. At its core, the rule changes the cultural program into another cookie-cutter labor program. The *Washington Post* reports that when Massachusetts granted *au pairs* the same protections as domestic workers in 2019, the influx of *au pairs* fell by nearly 70 percent. The concern is that the same fate would befall the program as a whole.