Strike all after the resolved clause and insert:

That immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1595) to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 2. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in the first section of this resolution.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. SESSIONS. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1350

WORKING FAMILIES FLEXIBILITY ACT OF 2013

GENERAL LEAVE

Mr. KLINE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1406.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KLINE. Mr. Speaker, pursuant to House Resolution 198, I call up the bill (H.R. 1406) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 198, the amendment recommended by the Committee on Education and the Workforce printed in the bill is adopted. The bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 1406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Working Families Flexibility Act of 2013''.

SEC. 2. COMPENSATORY TIME.

Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

''(s) COMPENSATORY TIME OFF FOR PRIVATE EMPLOYEES.—

''(1) GENERAL RULE.—An employee may receive, in accordance with this subsection and in lieu of monetary overtime compensation, compensatory time off at a rate not less than one and one-half hours for each hour of employment for which overtime compensation is required by this section.

''(2) CONDITIONS.—An employer may provide compensatory time to employees under paragraph (1)(A) only if such time is provided in accordance with—

''(A) applicable provisions of a collective bargaining agreement between the employer and the labor organization that has been certified or recognized as the representative of the employees under applicable law; or

''(B) in the case of employees who are not represented by a labor organization that has been certified or recognized as the representative of such employees under applicable law, an agreement arrived at between the employer and employee before the performance of the work and affirmed by a written or otherwise verifiable record maintained in accordance with section 11(c)—

''(i) in which the employer has offered and the employee has chosen to receive compensatory time in lieu of monetary overtime compensation; and

''(ii) entered into knowingly and voluntarily by such employees and not as a condition of employment.

No employee may receive or agree to receive compensatory time off under this subsection unless the employee has worked at least 1,000 hours for the employee's employer during a period of continuous employment with the employer in the 12-month period before the date of agreement or receipt of compensatory time off.

''(3) HOUR LIMIT.—

''(A) MAXIMUM HOURS.—An employee may accrue not more than 160 hours of compensatory time.

''(B) COMPENSATION DATE.—Not later than January 31 of each calendar year, the employee's employer shall provide monetary compensation for any unused compensatory time off accrued during the preceding calendar year that was not used prior to December 31 of the preceding year at the rate prescribed by paragraph (6). An employer may designate and communicate to the employer's employees a 12-month period other than the calendar year, in which case such compensation shall be provided not later than 31 days after the end of such 12-month period.

''(C) EXCESS OF 80 HOURS.—The employer may provide monetary compensation for an employee's unused compensatory time in excess of 80 hours at any time after giving the employee at least 30 days notice. Such compensation shall be provided at the rate prescribed by paragraph (6).

''(D) POLICY.—Except where a collective bargaining agreement provides otherwise, an employer that has adopted a policy offering compensatory time to employees may discontinue such policy upon giving employees 30 days notice.

''(E) WRITTEN REQUEST.—An employee may withdraw an agreement described in paragraph (2)(B) at any time. An employee may also request in writing that monetary compensation be provided, at any time, for all compensatory time

accrued that has not yet been used. Within 30 days of receiving the written request, the employer shall provide the employee the monetary compensation due in accordance with paragraph (6).

''(4) PRIVATE EMPLOYER ACTIONS.—An employer that provides compensatory time under paragraph (1) to employees shall not directly or indirectly intimidate, threaten, or coerce or attempt to intimidate, threaten, or coerce any employee for the purpose of—

''(A) interfering with such employee's rights under this subsection to request or not request compensatory time off in lieu of payment of monetary overtime compensation for overtime hours; or

''(B) requiring any employee to use such compensatory time.

''(5) TERMINATION OF EMPLOYMENT.—An employee who has accrued compensatory time off authorized to be provided under paragraph (1) shall, upon the voluntary or involuntary termination of employment, be paid for the unused compensatory time in accordance with paragraph (6).

''(6) RATE OF COMPENSATION.—

''(A) GENERAL RULE.—If compensation is to be paid to an employee for accrued compensatory time off, such compensation shall be paid at a rate of compensation not less than—

''(i) the regular rate received by such employee when the compensatory time was earned; or

''(ii) the final regular rate received by such employee,

whichever is higher.

''(B) CONSIDERATION OF PAYMENT.—Any payment owed to an employee under this subsection for unused compensatory time shall be considered unpaid overtime compensation.

''(7) USE OF TIME.—An employee—

''(A) who has accrued compensatory time off authorized to be provided under paragraph (1); and

''(B) who has requested the use of such compensatory time,

shall be permitted by the employee's employer to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the employer.

''(8) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'employee' does not include an employee of a public agency; and

''(B) the terms 'overtime compensation' and 'compensatory time' shall have the meanings given such terms by subsection (o)(7).''.

SEC. 3. REMEDIES.

Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended—

(1) in subsection (b), by striking ''(b) Any employer'' and inserting ''(b) Except as provided in subsection (f), any employer''; and

(2) by adding at the end the following:

''(f) An employer that violates section 7(s)(4) shall be liable to the employee affected in the amount of the rate of compensation (determined in accordance with section 7(s)(6)(A)) for each hour of compensatory time accrued by the employee and in an additional equal amount as liquidated damages reduced by the amount of such rate of compensation for each hour of compensatory time used by such employee.''.

SEC. 4. NOTICE TO EMPLOYEES.

Not later than 30 days after the date of enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations published in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 to employees so that such notice reflects the amendments made to such Act by this Act.

SEC. 5. SUNSET.

This Act and the amendments made by this Act shall expire 5 years after the date of enactment of this Act.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in House Report 113–51, if offered by the gentleman from New York (Mr. GIBSON) or his designee, which shall be considered read and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from Minnesota (Mr. KLINE) and the gentleman from Connecticut (Mr. COURTNEY) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. KLINE. Mr. Speaker, I rise today in strong support of H.R. 1406, the Working Families Flexibility Act of 2013, and yield myself such time as I may consume.

Today we have an opportunity to make life a little easier for working families across the country. This legislation doesn't create a new government program or bureaucracy. It doesn't spend taxpayer dollars or add to the national debt. The Working Families Flexibility Act simply removes an outdated Federal policy that denies private sector workers the flexibility they need to better balance family and work.

For 75 years, the Fair Labor Standards Act has provided covered workers with basic wage and hour protections. Those covered by the law receive time-and-a-half in paid compensation for each overtime hour worked. The law plays a significant role in millions of workplaces; yet it does not reflect the realities of the modern workforce.

For example, in 2011, 59 percent of families with children had two working parents, compared to 37 percent 40 years ago. Meanwhile, 8.5 million workers today are single parents, and one in three undergraduate students also works full-time.

Behind each statistic, Mr. Speaker, are men and women trying to juggle family and work; a single, working mom that needs extra time to attend a parent-teacher conference, a dad hoping to leave work early to catch his son's Little League game, a married couple working two jobs while raising a family and caring for an aging relative.

Supporting a family is about more than providing an income; it's about being there for one another. We know there are a lot of workers who would seize the opportunity to earn a few extra dollars, but others may welcome additional paid time off to spend with loved ones.

Shouldn't workers choose what's best for their families? Shouldn't workers choose?

Unfortunately, Federal law denies many private sector workers this fundamental choice. The law assumes everyone would choose more money in the bank over more time with family. To add insult to injury, public sector employees have enjoyed this benefit for decades; yet we continue to treat those in the private sector differently.

That's not fair, Mr. Speaker. It's not fair to millions of hardworking Americans. The Working Families Flexibility Act will remove this unnecessary barrier and allow private sector employers to offer employees the choice to accrue paid time off, or comp time, for working overtime. The bill does not change the 40-hour work week, and comp time would accrue at the same time-and-a-half rate as cash wages.

The legislation includes numerous protections to ensure the use of comp time is strictly, strictly, Mr. Speaker, voluntary, such as requiring a written agreement between the employer and employee, allowing workers to cash out their accrued comp time whenever they choose, retaining all enforcement remedies available under current law, and adding new protections to prevent coercion and intimidation.

At the heart of the legislation is worker choice. Workers choose whether to accept comp time. Workers choose when to cash out their accrued comp time, and workers choose when to use their paid time off, so long as they follow the same standard public sector employees do. Same standard, Mr. Speaker.

Americans sacrifice a lot to provide for their families. Let's get the Federal Government out of the way and give workers the flexibility they need to thrive at home and at work.

I urge my colleagues to support the Working Families Flexibility Act of 2013, and I reserve the balance of my time.

Mr. COURTNEY. Mr. Speaker, I yield myself such time as I may consume.

I rise in opposition to this legislation, which, again, is no stranger, sadly, to this Congress. This is the fifth time that the majority party has introduced it, going back to 1997; and each time, the huge flaws in this legislation have resulted in its complete collapse in terms of getting anything close to real support through both Chambers and through the executive branch. And once again, it doesn't deserve that support in this case.

Despite the representations made in its title, that it promotes workers' flexibility, that it gives workers choice, the fact of the matter is, a closer examination of the bill shows the opposite is true.

The better way to describe this bill is the More Work, Pay Less bill because what it does is take the 1938 Fair Labor Standards Act, which created a bright line to protect people's right to a 40-hour work week, and make sure that that next hour after 40 hours is paid for with the time-and-a-half of wages. And, again, that created the weekend in America. That created the time off that families have taken for granted as middle class Americans for decades.

What this bill does is it blurs that line; it creates total chaos in terms of trying to come up with a system to set up ground rules with a case-by-case contract, written contract, that's mandated by the language of the bill, and

then leaves it to the enforcement of State Labor Departments Wage and Hours Divisions, which are totally incapable of going into the tens of thousands of workplaces all across America and trying to figure out whether or not, in fact, the rules have been followed.

A closer examination of the bill shows, on page 8 of the bill, in lines 7–10, that, in fact, all these representations that the worker gets to choose are, in fact, not correct. At the end of the day, the employer has the right to veto any comp time that this bill has allowed to accrue over any period of time. So the notion that somehow a person has that choice to accumulate comp time and then be able to use it for a family vacation, or a family emergency, in fact, does not meet the actual plain language of the bill that is before us today.

And that is why organizations that represent working families, organizations that represent women, organizations that have been part of employment law for years and years and years in this country have resoundingly come out in opposition to this legislation. Over 160 various organizations of every stripe representing religious groups, women's groups, labor groups, groups that, again, deal with employment law have basically looked at this legislation for the fifth time and given it thumbs down.

□ 1400

The fact is we should do that. There's no question, however, that workers do, in fact, need more help in terms of making sure that the wages that have stagnated over the last three decades get more support. And families, again, are strained by the fact that those stagnating wages have required second jobs and multiple spouses in the workforce.

But the fact is that there are much better solutions than this legislation, the More Work Pay Less Act. In fact, what we should do is set up a standard for paid sick leave in this country so that a single parent waking up with a child whose temperature is over 100 degrees doesn't feel that they have no choice in terms of how to deal with that situation, that they have some guaranteed opportunity without losing the pay that they need to put food on the table or put gas in the tank, that they, in fact, have that choice which so many of us here as Members of Congress and our staffs certainly take for granted. We should apply the same standards in terms of sick pay that we enjoy to the working people of this country.

This bill doesn't do it. This bill does not meet that test. Again, it sets up a system that is completely unworkable and unenforceable. It butchers the Fair Labor Standards Act's bright line that has protected the American weekend for decades and decades in this country, and in the name of workplace flexibility, in fact, tips the scales of power within the American workforce, once again against the worker, against the employee, who basically for far too long has suffered in this economy.

We need better solutions. This is not the bill.

I reserve the balance of my time.

Mr. KLINE. Mr. Speaker, I'm very, very pleased right now to yield 3 minutes to the author of this terrific piece of legislation, a member of the committee, the gentlewoman from Alabama (Mrs. ROBY).

Mrs. ROBY. Mr. Speaker, I rise today in support of the Working Families Flexibility Act of 2013. I thank the gentleman from Minnesota, my chairman, for all of the hard work on this bill and the committee, as well.

Mr. Speaker, I am proud to sponsor this bill. And I can tell you, as a working mom, my husband, Riley, and I certainly relate to and understand the pulls on families that are juggling so much between their work life and their home life. If you talk to any working mom or dad, you'll hear them say things like, wouldn't it be nice to have flexibility to attend my son's soccer game, coach a tee ball team, take care of my aging parent, or be there to support my children at a time when one of the spouses is being deployed by our military.

These are all things that working moms and dads want to be a part of. Those that have elderly parents want to be there for their parents in their time of need. We can't legislate another hour in the workday, but we sure can give moms and dads a little bit of relief when it comes to flexibility in their workplace.

Under this bill, no worker could ever be forced—despite the claims of my colleagues on the other side—no worker could ever be forced to take time off, paid time off, just like no business would ever be forced to offer it. For some people, having paid time off is far more valuable than money.

The problem is, Mr. Speaker, that under the current law, the private sector doesn't enjoy the same privilege to offer this benefit to their workers as the public sector does. And as my colleague was just talking about sick time, sick leave, and the benefits that we may enjoy in the Federal Government, I think that the private sector should enjoy the benefit that Federal employees have now, and that's compensatory time and the right to choose what to do with their time.

Our message to Americans, Mr. Speaker, is very clear. We must get Washington out of the way of how they use their time. It is your time to choose.

All existing enforcement remedies under the current law are retained; but this legislation goes above and beyond to incorporate additional protections that will prevent coercion and ensure utilizing comp time is truly voluntary, including a requirement of a written agreement, a voluntary written agreement between the employer and the employee, a cash-out provision entitling the employee to ask for their paid overtime at any time, and a provision requiring employers to be found in violation of coercion to pay double damages.

I want to read—I have lots of quotes from constituents, but there is one in particular that sums all of this up. I got a note from a young lady who lives a long way from Alabama's Second Congressional District, in California; and she writes:

> As a kid growing up with both parents who worked, I missed a lot of time with them. I am also an only child so I didn't really spend time with my actual family. I was either in daycare or a friend's house during the 5-day workweek. And if my mom took time off, she wouldn't get paid over that time period——

The SPEAKER pro tempore (Mr. YODER). The time of the gentlewoman has expired.

Mr. KLINE. I yield the gentlewoman 1 additional minute.

Mrs. ROBY.

> I didn't really spend time with my actual family. I was either in daycare or a friend's house during the 5-day workweek. And if my mom took time off, she wouldn't get paid over that time period, even though she would work overtime. So when I read about this bill, I was touched and compelled to tell you that if this bill passes it really would change people's lives and help families around America. Thank you for recognizing how valuable time is to people, and for giving us an option of how to use our time.

I thought that was compelling. Mr. Speaker, I think that sums up this bill in its entirety. This doesn't solve our Nation's debt problems or our deficit, but this provides some relief to working families in America, to those working moms and dads.

I urge my colleagues to support this bill.

Mr. COURTNEY. Mr. Speaker, it is my privilege now to yield 2 minutes to the minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

Mrs. ROBY and I are friends, but we have a very substantial disagreement about this bill.

I call it the Pay Working Families Less bill because what it will result in is a cut in pay for almost everybody. Yes, there will be those who will volunteer who can afford to do comp time. Others will not be. And so they will not be able to earn overtime because the employer will invariably—not because they're bad people—but will invariably go to the person that will, in fact, do it for free.

I understand it's comp time, but they won't get paid. Most workers at this level need the pay. They need to pay their mortgage, they need to pay their car payment, and they need to send their kids to school. It would, of course, be cheaper to run a business if we didn't pay people at all. But it wouldn't be America.

Mr. Speaker, today in the House it's deja vu all over again. This bill has been here before. In 2003 it was pulled

from the floor. Why? Because at that point in time, there were a significant number of Republicans who thought this was a lousy idea and thought it would undermine the Fair Labor Standards Act and the pay of working people. Unfortunately, there aren't that number of Republicans left in this House.

It's deja vu all over again not only because this bill would send American workers back to the days before the 40-hour workweek, but we've also seen this same bill introduced and then, as I said, withdrawn. That's because it would eliminate the 40-hour workweek as we know it.

Now, I know my friends on the Republican side disagree with that premise. I've been an employer. I've seen employers. They're not bad people, but they're trying to maximize profits, and they wouldn't be paying minimum wage if they didn't have to; and very frankly, the minimum wage is way below what it ought to be.

This bill says that we would provide the workers with comp time, but permission as to when a worker could take accrued comp time would be entirely in his or her boss' hands.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COURTNEY. I yield the gentleman 1 additional minute.

Mr. HOYER. So that that letter, while a very nice letter, doesn't take that into consideration. The result would be longer hours for workers with no overtime pay and only the hope that their bosses will let them take their earned time off when asked. How we have skewed the rules and play against the middle working class of America. You ought to read the book ''Who Stole the American Dream?'' by Hedrick Smith.

Workers wishing to collect their overtime pay would be forced to wait until the end of the year, essentially granting employers an interest-free loan.

Mr. Speaker, this isn't fair, it isn't right, and it isn't going to become law; and everybody on this floor knows that—everybody. All 434 of us that are here today know that this bill is not going to become law. But we're wasting our time on it. Instead of wasting time on a partisan measure that would never make it through the Senate, we ought to be working on creating jobs and restoring fiscal discipline, not a partisan rollback of workers' rights, but a bipartisan compromise to help put more Americans to work.

Again, I say, if those Republicans who were Members of this House in 2003 were still here, this bill would not be on the floor.

Mr. KLINE. Mr. Speaker, I'm always interested to listen to the characterizations of a bill that simply aren't true.

It's my pleasure right now to yield 3 minutes to the gentlewoman from Washington, the chair of the Republican Conference, Mrs. MCMORRIS RODGERS.

□ 1410

Mrs. MCMORRIS RODGERS. I want to recognize and express appreciation to the chairman of the committee and the author of the legislation, Mrs. ROBY, for their tremendous leadership on this important issue.

I'm proud to rise in support of the Working Families Flexibility Act because it is time for our labor laws to enter the 21st century, just like our workforce has.

I support this legislation because it is time for those in the private sector to have the same freedom and flexibility that those in the public sector have had for years. As a mom, a working mom, I have two young kids—Cole is six and Grace is two. I understand firsthand how important it is to have the flexibility to meet the demands of your job and still the obligation of your family. And I am so grateful, like millions of working moms in this country, that I do have flexibility. It's not easy, that's for sure, but the current law makes it way too hard for many hardworking moms and dads in this country.

The workplace today is not the workplace of the 1930s, when many of these laws and regulations were first written. In fact, the most significant economic and sociological change in our society in the last half century has been the entry of women into the workforce.

Today, 75 percent of women between the ages of 25 and 55 are in the workforce, and we've seen a significant growth in the number of working moms. In fact, today, 60 percent of moms with children under 6 are in the labor force. The workforce has changed, and it's time for the laws to change with it.

Most of our labor laws and regulations were drafted in the 1930s, at a time when most households had a single income. For too long, Federal laws and regulations have lagged behind, and it's time we bring them into the 21st century. This legislation does just that. It amends the Fair Labor Standards Act to allow the private sector to provide time off instead of overtime compensation if that's what the employee prefers.

Labor laws—written years ago—require that full-time hourly workers be paid time and a half if they work longer than 40 hours a week. For the most part, hourly employees who want to take occasional time away from their jobs either must take annual leave or leave without pay. These rules are particularly outdated given that we live in a world where people no longer need to be chained to their desk for precisely 8 hours a day, especially in light of cell phones and Internet connections, mobile offices and part-time work.

Current law doesn't provide any workplace flexibility for those in the private sector. This legislation changes that. It gives private sector employees the same choice as those in the public sector, while getting the Federal Government out of the way and putting decisions in the hands of people rather than Washington bureaucrats. That's why we must pass this law. It promotes freedom and choice, and it makes life easier for Americans all across this country.

Mr. COURTNEY. Mr. Speaker, as somebody who was a private sector small employer for over 25 years, I just have to say that today, under existing law, employers already have the flexibility to give workers paid time off. The only new flexibility this bill gives is flexibility for employers to not pay people overtime. The fact is employers have that choice to give their workers paid time off.

With that, I would now like to yield 3 minutes to the esteemed chairman of our committee, who has led the fight for working families for over 30 years in this Congress, the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, this legislation is a shell game. It's a trick. It's a Trojan horse. If an employer wants to give you time off, as the gentleman from Connecticut said, the employer can give you time off. He can give you comp time to go to your parent-teacher conferences, to take care of an ill member of your family, take care of yourself. But they don't do that. So they're going to dangle overtime here.

If you're willing to work overtime, sometime in the future they might give you that comp time. But it's not your comp time; it's the comp time that the employer will choose when and where you can take it. So if you work overtime this week and your child is very sick next week and you ask for the time and he says, no, we're busy, I can't give you the time off, you lose.

Your employer can bank up to 160 hours of your comp time before there's any obligation. That's almost 4 weeks of overtime. For many people, that overtime is really important. But this bill says your employer can go to you and say you can have the overtime—which may be very important to your family budget. It was when I was young and married and had children. I worked every hour of overtime I could get when I was in the Merchant Marines working on oil tankers. I worked every hour I could get in the canneries. I worked every hour I could get in the refineries because I needed that for my family budget. I didn't need comp time, I needed income.

But now the employer says you can have overtime, but I'm going to pay you back in comp time. If you say no, you have no protections. Your employer might say, okay, I'll find somebody else. Or your employer may offer it to you again and you say I can't do it, I need the overtime, and then you could be fired.

They want to keep saying you're protected and you have the same rights as people in the Federal employment system. You don't. There's nothing in the law that prevents your employer from

firing you because you can't work the schedules your employer wants. They can say it all day along, but it's not in this legislation.

If your employer goes broke before the time that they have to give you your comp time, you're out. And if you don't like the way your employer treated you and fires you because you couldn't possibly do the comp time or you couldn't do the overtime, you can go sue in court. How many middle class families can go sue their employer in court, have that kind of money?

This is what it has always been since 1997, when this bill was introduced—1997. Yes, the workplace has changed. States and cities and employers are giving people paid time off so they can take care of their families when they need to take care of their families. But that's not what this bill is. It's an assault on the 40-hour workweek. It's an assault on overtime. An employer can get the work and never really have to pay the overtime.

If you're in seasonal employment, if you're in an up-and-down business, you work like crazy and he says okay, things are slower in this part of the season, take that time off. You don't get to say, well, I don't really need that time off; I wanted to save that time for a parent-teacher conference. I'm sorry, we're going to be busy when that parent-teacher conference is.

You get what's going on here? This isn't women friendly. This isn't mom friendly. This isn't family friendly. This is friendly to people who want to get rid of overtime and break down the 40-hour week that protects families so they're not working overtime.

Mr. KLINE. Mr. Speaker, I now am pleased to yield 2 minutes to a member of the committee, the gentleman from Indiana (Mr. MESSER).

Mr. MESSER. Thank you, Mr. Chairman.

I rise today in this Chamber as the son of a working, single-parent mother who still works at the Delta Faucet factory in Greensburg.

I rise today in this Chamber as the son of a family who would have benefited from the flexibility and the time that is presented in the opportunity of the Working Families Flexibility Act.

I want to commend my committee chairman, Representative KLINE from Minnesota, and I want to commend my committee colleague from Alabama (Mrs. ROBY) for bringing forward this commonsense, family friendly legislation.

This bill is about freedom, the freedom to choose whether working overtime means more money in your pocket or more time to spend with your family.

This bill is about equality, the equality of giving private sector employees the same opportunities that their public sector counterparts have had for years. Despite the rhetoric on the other side of the aisle, this act provides private sector employees the same kinds of opportunities that public sector employees have had for years and used successfully.

This bill is also about time, the extra time workers will have to spend doing what they want to do or need to do if they decide that's more important to them than having a few extra dollars.

Mr. Chairman, this bill will make life a little easier for the working men and women of this great country by giving them the freedom to choose how they spend their time. That's something we all should support.

□ 1420

Mr. COURTNEY. Mr. Speaker, I now yield 1½ minutes to the Representative from Oregon, a colleague on the House Education and the Workforce Committee, Ms. BONAMICI.

Ms. BONAMICI. Mr. Speaker, today, I rise in opposition to H.R. 1406, the so-called Working Families Flexibility Act, which would deal yet another devastating blow to working families who are already scraping by in these tough economic times. Let's look at the facts:

Approximately two-thirds of Americans are living paycheck to paycheck.

Since 2000, hourly wages have flatlined, but productivity has risen 23 percent.

Employee compensation as a share of national income is at its lowest in 50 years, but corporate profits are stronger than ever.

American families are putting in longer hours for less pay; and, colleagues, this bill makes things worse.

If this bill becomes law, which we know it won't, a single mom living paycheck to paycheck could work more than 40 hours a week and receive no overtime pay in her paycheck. She would still have to pay the babysitter that week for the extra hours she spent on the job with no guarantee she'll be able to take the comp time off when she needs it. She would have to accept the days off her employer offers—that might not match her schedule—or else wait up to a year to receive the pay that's rightfully hers. And if the business closes, she's out of luck and out of pay.

Instead of getting a paycheck that includes overtime, she'll be forced to decide between an interest-free loan to her employer, or time off when it's convenient for her boss, not for her. Under this bill, millions of working families who are already living on the edge would work longer hours and take home less pay. They would have less flexibility, not more.

Colleagues, if we really want to talk about flexibility, let's talk about paid sick leave. I urge my colleagues to take a stand for working people and oppose this bill.

Mr. KLINE. Mr. Speaker, I am now pleased to yield 2 minutes to the gentlelady from Indiana, a member of the committee, Mrs. BROOKS.

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today in strong support on behalf of moms and dads and those who aren't parents that would be possibly impacted by the Working Families Flexibility Act of 2013. Currently, private sector employees do not have the same choice their public sector counterparts have enjoyed. Specifically, there are so many obstacles that prevent workers from being able to take comp time in lieu of cash wages. This commonsense piece of legislation removes those barriers and gives the private sector working moms and dads more flexibility.

We are getting ready to celebrate Mother's Day this weekend, and I wanted to make special note of the difficulties working moms have finding a job that respects their family choices and pressures. I recently finished a book—talking about books earlier—called ''Leaning In'' by Facebook's COO, Sheryl Sandberg. She says, ''Too many standards remain inflexible and unfair, often penalizing women with children.'' She notes that 50 percent of employed mothers are unable to take time off to care for a sick child.

She also discusses a Human Rights Watch study that found parents delayed having their babies immunized or dealing with their own health issues because they can't get time off. The study found parents believe ''there is virtually no protection for workers seeking flexible schedules.''

The bill on the floor now would give those working moms and dads the flexibility they want, need, and deserve. This empowers working parents to make the right decisions for their family. If dad can take work off for a doctor's visit, mom can choose to take cash if that's what she decides. If he can't, then she can choose to take the comp time. It gives them that flexibility.

As a woman and a mom who has worked in the public sector and the private sector, I know firsthand how this does help working parents, and it helps those government workers attain that flexibility they deserve. It's time we bring that flexibility to the private sector. It's the 21st century. We have to reform our workplace. This bill helps us accomplish that. I urge adoption.

Mr. COURTNEY. Mr. Speaker, I yield to the gentlelady from Maryland (Ms. EDWARDS) for the purpose of a unanimous consent request.

Ms. EDWARDS. Mr. Speaker, I ask unanimous consent to insert my statement into the RECORD opposing the GOP's wretched Mother's Day gift—more work and less pay for working moms. Happy Mother's Day.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Ms. EDWARDS. Mr. Speaker, today I rise in opposition to H.R. 1406, the deceptively-named, Working Families Flexibility Act—or, as I call it, The Working Families to Death Act. This bill—which is really an old, recycled idea from 1997—would allow employers to provide hourly workers with comp time rather than paying time-and-a-half on wages for more

than 40 hours of work. Simply, for hourly workers, this bill equals more work for less pay.

Republicans have stated that ''hourly workers do not have the same rights that salaried employees and all federal employees have.'' And that they are ''trying to make equity and fairness.'' Further, they highlight that ''flexible work arrangements have been available to federal government workers since 1978'' and ''it is high time that the workers in the private sector of this country enjoy the same benefits.''

Can you guess when those statements were made? Not this week or last week but in 1997 and 2003. Today's latest attempt to pass this ''comp time'' bill is part of the GOP's rebrand to become more family-friendly. The bill's sponsor stated, ''time is more precious to [a working father] than the cash payments.''

In reality, this bill creates more flexibility for employers and places workers at risk of being fired if they choose overtime pay to help meet their obligations rather than comp time. I urge my colleagues to oppose this bill and work on policies that provide true, earned flexibility and fair wages for all workers.

The SPEAKER pro tempore. A Member asking to insert remarks may include a simple declaration of sentiment toward the question under debate but should not embellish the request with extended oratory.

The gentleman from Connecticut is recognized.

Mr. COURTNEY. Thank you, Mr. Speaker.

I now yield to the gentlelady from New York (Mrs. LOWEY) for the purpose of a unanimous consent request.

Mrs. LOWEY. I ask unanimous consent to insert my statement into the RECORD opposing the GOP's dubious Mother's Day gift—more work and less pay for working moms. Happy Mother's Day.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The SPEAKER pro tempore. The Chair would advise Members to confine their unanimous-consent request to a simple declarative statement of the Member's attitude toward the measure. Further embellishments will result in a deduction of time from the yielding Member.

The gentleman from Connecticut is recognized.

Mr. COURTNEY. Mr. Speaker, I now yield to the gentlelady from New York (Ms. VELÁZQUEZ) for the purpose of a unanimous consent request.

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent to insert my statement into the RECORD opposing the GOP's reprehensible Mother's Day gift—more work and less pay for working moms. Happy Mother's Day.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

Ms. VELÁZQUEZ. Mr. Speaker, I rise in opposition to the ''GOP's Mothers'' Day Gift: More Work, Less Pay.''

This misnamed ''Working Families Flexibility Act'' only offers greater flexibility to employers and lower wages to workers. Under this measure, workers will not get paid for hours that exceed 40 hours per week. That compensation will instead go into a fund controlled by their employer.

Employers would be allowed to refuse a worker time off to deal with a family member or attend a parent-teacher conference. This is not real flexibility for workers. This proposal is simply another assault on working families and it should be defeated.

It is particularly ironic that House Republicans would offer this legislation in the week leading up to Mother's Day. As working women and mothers in New York and throughout the nation struggle with a tough economy, this ill-conceived measure would pull the rug out from under them, making them work more for less compensation.

It is time to focus on real solutions that help working families prosper. Vote down this bill so we can focus on creating jobs, speeding our economic recovery and addressing challenges faced by working men and women.

Mr. COURTNEY. Mr. Speaker, I now yield to the gentlelady from California (Mrs. NAPOLITANO) for the purpose of a unanimous consent request.

Mrs. NAPOLITANO. Mr. Speaker, I ask unanimous consent to insert my statement into the RECORD opposing the GOP's shameful Mother's Day gift—more work and less pay for working moms. Happy Mother's Day.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

Mr. COURTNEY. Mr. Speaker, I yield to the gentlelady from Nevada (Ms. TITUS) for the purpose of a unanimous consent request.

Ms. TITUS. Mr. Speaker, I ask unanimous consent to insert my statement into the RECORD opposing the GOP's deplorable Mother's Day gift—more work and less pay for working mothers. Happy Mother's Day.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

Ms. TITUS. Mr. Speaker, the Working Families Flexibility Act, more aptly called the ''Paying Working Families Less Act,'' would have a negative impact on families in Nevada and across the country. H.R. 1406 offers the empty choice of comp time in lieu of overtime wages without providing sufficient employee protections or real flexibility for workers to use their comp time when they need it the most. Nevadans are already struggling to make ends meet while caring for their families. I oppose H.R. 1406 because I believe that our nation needs legislation that will protect working Americans and strengthen the middle class. This legislation does the opposite.

Mr. COURTNEY. Mr. Speaker, I yield now to the gentlelady from Massachusetts (Ms. TSONGAS) for the purpose of a unanimous consent request.

Ms. TSONGAS. Mr. Speaker, I ask unanimous consent to insert my statement into the RECORD opposing the GOP's indefensible Mother's Day gift—more work and less pay for working moms. Happy Mother's Day.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

Mr. COURTNEY. Mr. Speaker, I now yield to the gentlelady from California (Ms. ROYBAL-ALLARD) for the purpose of a unanimous consent request.

Ms. ROYBAL-ALLARD. Mr. Speaker, I ask unanimous consent to insert my statement into the RECORD opposing the GOP's thoughtless Mother's Day gift—more work and less pay for working moms.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

Ms. ROYBAL-ALLARD. Mr. Speaker, I join my colleagues in opposition to H.R. 1406, the Republican More Work, Less Pay Act.

Hardworking American families deserve reasonable working hours and scheduling flexibility, livable wages, fair overtime pay and job security. Unfortunately, H.R. 1406 is a misguided policy which provides none of these. American workers need real choices in the workplace which put the interests of American families first. They don't need stunts like H.R. 1406.

Mr. COURTNEY. Mr. Speaker, I now yield to the gentlelady from Connecticut (Ms. ESTY) for the purpose of a unanimous consent request.

Ms. ESTY. Mr. Speaker, I ask unanimous consent to insert my statement into the RECORD opposing the GOP's scandalous Mother's Day gift—more work and less pay for working moms. Happy Mother's Day.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

Mr. COURTNEY. Mr. Speaker, I yield to the gentlelady from California (Ms. WATERS) for the purpose of a unanimous consent request.

Ms. WATERS. Mr. Speaker, I ask unanimous consent to insert my statement into the RECORD opposing the GOP's vile Mother's Day gift—more work and less pay for working moms. Happy Mother's Day.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

Ms. WATERS. Mr. Speaker, I rise in opposition to H.R. 1406. This bill should be known as the ''More Work Less Pay Act.''

Congress passed the Fair Labor Standards Act (FLSA) in 1938 to encourage a 40-hour workweek. FLSA also ensured that hourly workers would be fairly compensated for working over 40 hours a week. 75 years later, we are now debating a bill that will, in effect, eliminate overtime pay for millions of hourly workers.

Last year, nearly 60 percent of the workforce in this country aged 16 and over, were paid an hourly wage. This amounts to 75.3 million people in the United States according to the Bureau of Labor and Statistics.

Further, the Bureau found that 3.6 million of these workers earn wages at or below the federal minimum wage of $7.25 per hour. I represent the 43rd congressional district of California. In my home state, the minimum wage is 8.00 an hour. The impact of an $8.00 minimum wage is clear. We have one of the lowest percentages of workers who are earning at or below the federal minimum wage. There are several states that cannot say the same. Yet, like in all states, Californian's who earn overtime still rely upon that extra income.

The legislation before us today needlessly targets millions of workers. These workers have come to rely on their overtime to make ends meet. We are not talking about millionaires but everyday hard working men and women. They utilize their added income to pay their rent and mortgages. They are using their overtime to feed their families and clothe their children. Hourly workers in this country are working overtime to pay for gas for their cars or pay their bus fare to get to work.

H.R. 1406 provides absolutely no legitimate incentive for employers to give their employees time off. Under this bill, an employer could defer paying overtime for up to a year. This would, in effect, provide an employer with an interest free loan.

Under this "More Work Less Pay" bill workers are not guaranteed compensatory time, commonly known as "comp" time. An employer retains the right to refuse to grant comp time. Under current law, workers are required to receive their overtime pay in their very next check.

If an employer fails to pay overtime to their employee then the employee has a right to sue his or her employer. In 2011, the Labor Department recovered $225 million in back wages for employees. In that same year, there were 7,006 wage and hour suits filed in federal court. The numbers of employees suing their employers for back wages has steadily increased.

Today, thousands of workers are currently fighting to ensure they are receiving their earned income. This is not the time to add into the fray, "comp" time flexibility and overtime pay cuts. If this bill did as it claimed and provided hourly workers with flexibility then there would be thousands of workers marching to D.C. championing this bill, instead nearly 200 labor unions and women's organizations oppose this measure.

I believe we can all agree that working families do need flexibility. They need the flexibility that their extra earned income can afford them.

The Jobs Report released last Friday reflected that our economy added 165,000 new jobs in the month of April. Instead of focusing on legislation to create additional jobs, boost our economy, and increase the earning potential of workers in the United States. Republican leadership has chosen instead to focus on legislation that cuts the pay of working families.

A pay cut called flexibility is still a pay cut.

Mr. COURTNEY. Mr. Speaker, I now yield to the gentlelady from the Virgin Islands (Mrs. CHRISTENSEN) for the purpose of a unanimous consent request.

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent to insert my statement into the RECORD opposing the GOP's deplorable Mother's Day gift—more work and less pay for working moms. Happy Mother's Day.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

Mrs. CHRISTENSEN. Mr. Speaker, I join women Democratic Members in opposition to this H.R. 1406—a "more work, less pay bill."

Contrary to the title of this bill, it will take away the right workers currently have to overtime pay and instead authorize employers to substitute compensatory time to private sector employees. This bill is a smoke and mirrors proposal that sets up a deplorable false choice between time and money when working families need both.

H.R. 1406 allows employers to offer comp time in lieu of overtime to their hourly workers without guaranteed right to use the time when they need it, even in time of a personal or family emergency. The Republicans try to compare this benefit to federal employees but this is not a fair comparison. Hourly workers do not have the same rights that salaried employees and federal employees have. Compensatory agreements can be terminate at the will of the employer. This legislation shortchanges workers both financially and logistically.

This must not be done at any time, but certainly not at a time, when households are challenged by rising cost of living, they need cash for their time.

This idea did not work in 1997, 2003 and will not work in 2013.

I urge my colleagues to oppose this legislation.

Mr. COURTNEY. Mr. Speaker, I yield to the gentlelady from Illinois (Ms. SCHAKOWSKY) for the purpose of a unanimous consent request.

Ms. SCHAKOWSKY. Mr. Speaker, I ask unanimous consent to insert my statement into the RECORD opposing the GOP's disrespectful Mother's Day gift—more work and less pay for working moms. Happy Mother's Day.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong opposition to H.R. 1406, the misnamed "Working Families Flexibility Act." This bill would take away critical overtime pay from families still struggling from the effects of the Great Recession. It might provide more flexibility for some businesses, but it would create real hardship for everyone else.

Under this bill, employers could offer comp time to replace earned time-and-a-half wages for overtime. But workers who opt for that time off would not be guaranteed to get it when they want it—employers would have the right to deny comp time off requests, even if the request was needed for a personal or family emergency. Employers could dictate when you got your comp time—and they could make those decisions unilaterally. If you want to take comp time to care for a loved one or see your daughter in a school play, your employer can say no. And you have no right to appeal. And if the business closes or lays you off before you have a chance to use your comp time, you get nothing at all.

Under this bill, a worker would have the option of foregoing overtime pay and hoping that sometime in the future she can get time off when she needs it, not when it's convenient for her employer. That's option one—work more and get paid less. Or she can take option two: demand overtime pay and find out that another worker—one who is willing to accept the employer's offer of future comp time—is given the extra hours.

That unfairness is the reason that over 160 organizations representing working women oppose H.R. 1406—groups like Jewish Women International, the Coalition of Labor Union Women, the National Council of Women's Organizations, Wider Opportunities for Women, the National Women's Law Center, and the National Partnership for Women and Families.

The U.S. Women's Chamber of Commerce also opposes this bill. Their CEO Margot Dorfman writes, "H.R. 1406 would reward those employees who agree to "comp time" in lieu of overtime payments. Employers incentivized by a reduced payroll might well give "comp time" employees the preferred shifts, the needed hours, and the promotions. There is no protection in H.R. 1406 against this kind of employer behavior."

The American Sustainable Business Council and Restaurant Opportunities Center United joins in opposition to H.R. 1406, because it "would create headaches for any employer who must track banked hours across multiple employees." They add, it "becomes a scheduling and accounting challenge when employees decide to trade in banked hours, requiring business owners to make unexpected shifts in personnel and paychecks. Obviously, small businesses with fewer resources and employees would be even harder hit by these enormous logistics than larger corporations."

It's true that working women and men need greater flexibility and the ability to balance family and job obligations. That's why today we should be debating the Healthy Families Act to guarantee paid sick leave. We should be debating expansion of the Family and Medical Leave Act to provide the paid leave needed to allow working women and men to address family needs.

Instead, the Republican majority has decided to bring this bill to the floor—a bill that threatens overtime pay and gives employers more ability to determine schedules for their workers. That is no solution for working families.

Mr. COURTNEY. Mr. Speaker, I yield to the gentlelady from Alabama (Ms. SEWELL) for the purpose of a unanimous consent request.

Ms. SEWELL of Alabama. Mr. Speaker, I ask unanimous consent to insert

my statement into the RECORD opposing the GOP's appalling Mother's Day gift—more work and less pay for working moms. Happy Mother's Day.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Alabama?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

Mr. COURTNEY. Mr. Speaker, I yield to the gentlelady from California (Ms. HAHN) for the purpose of a unanimous consent request.

Ms. HAHN. Mr. Speaker, I ask unanimous consent to insert my statement into the RECORD opposing the GOP's dreadful Mother's Day gift—more work and less pay for working moms. Happy Mother's Day.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

Mr. COURTNEY. Mr. Speaker, I yield to the gentlelady from Florida (Ms. CASTOR) for the purpose of a unanimous consent request.

Ms. CASTOR of Florida. Mr. Speaker, I ask unanimous consent to insert my statement into the RECORD opposing the GOP's awful Mother's Day gift—more work and less pay for working moms. Happy Mother's Day.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

□ 1430

Mr. COURTNEY. I yield to the gentlelady from Texas (Ms. JACKSON LEE) for the purpose of a unanimous consent request.

Ms. JACKSON LEE. I ask unanimous consent to insert my statement in the RECORD opposing the GOP's revolting Mother's Day gift—more work, less pay for working moms. Happy Mother's Day.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong and unyielding opposition to H.R. 1406, the so-called "Working Families Flexibility Act of 2013." I thank Mr. COURTNEY for this opportunity to speak on behalf and in support of the working women and men in my District and against this terrible bill, which has been offered repeatedly over several Congresses, and each time it has found strong opposition and ultimate defeat.

This bill should it become law would take income out of the hands of workers and their families. When the economy is weak—workers and their families need more protection not less.

Under current law (the Fair Labor Standards Act), employers are required to pay workers time-and-a-half cash for hours worked in excess of 40 hours per week.

According to statisticians with the U.S. Bureau of Labor Statistics there is no survey to offer insight on the issues addressed in this bill—the desire of employees to receive "comp time" instead of cash for their work.

We do know that if the Education and the Workforce Committee had accepted Congressman JOE COURTNEY's amendment in the nature of a substitute when the bill was marked up in full Committee—workers would have something to be cheering about today. His amendment would have created 56 hours of paid medical leave for employees to use when they needed it.

The Administration along with many of my colleagues will not support H.R. 1406—and it will not become law for very good reasons. H.R. 1406 supporters say that it would not prevent employers from cutting the overtime hours and reducing the take-home pay of employees who currently have the right to overtime compensation. But will workers be in a position to assert this right given the economic climate and their own situations.

So-called "comp time" or the "company time" legislation would allow employers to pay workers nothing for overtime work at the time the work is performed—in exchange for a promise of time off in the future.

"COMP TIME" WOULD REDUCE NEW WORKER AND COULD JEOPARDIZE EXISTING WORKER TAKE HOME PAY

According to the U.S. Bureau of Labor Statistics the average weekly overtime hours for manufacturing workers in 2012 was 4.2 hours or over 44 hours a week. In a year 4.2 additional hours of overtime, considering 2 weeks for vacation would total 210 hours.

The average income of a Boilermaker with less than 2 years of experience would earn $35,856.00 a year or about $18 an hour. In real dollar terms, a Boilermaker making $18 an hour, when working overtime would earn $27 an hour. Under H.R. 1406, the total forgone hours for the average workweek for a manufacturing worker over a year is 210 hours—if the worker is a Boilermaker it means a loss of $5,670 annually.

The bill's text suggests that existing workers will retain their right to receive overtime pay and that only new employees would fall under the "comp time" provisions. The bill attempts to divide existing workers and new workers by denying one group of workers something as basic as equal pay for equal work. This may lead some employers to prefer their workers who are not protected by wage laws.

The reality is all workers in this economy face the potential fallout from a change in labor laws that reduce protection of monetary compensation for work done.

"COMP TIME" WOULD HURT WORKERS AND THEIR FAMILIES

Another clue that this bill may be way off the mark for what workers need—is the reaction of organized labor to it being brought before the House of Representatives for a vote. Labor is in strong opposition to H.R. 1406 because they know what this bill would mean to workers and their families, just as I and many of you know—it would mean forced labor hours without giving workers the guaranteed right to get paid for their work. The skill acquired by a worker is something they own and can bring to the market place in exchange for a fair wage. This is an important component of a capitalistic system that should be valued and respected.

The bill fails to mention that workers already have the right to ask for "comp time" within any 40-hour workweek when they need it. What is not allowed is an employer making the decision that workers must take "comp time" when they work overtime.

H.R. 1406 places unnecessary competitive pressure on employees to accept "comp time" because employers believe it is an easy way to reduce operational costs for their businesses. H.R. 1406 provides no meaningful protection against employers pressuring workers to enter into "comp time" agreements.

The first quarter of 2013 according to the Bureau of Labor Statistics recorded an increase of overtime hours worked to 4.3 hours per week for manufacturing jobs this is an increase over the last quarter of 2012. If Congress allows the free market to work then the numbers of employed persons will increase.

"COMP TIME" WOULD THREATEN THE PROTECTIONS OFFERED BY THE 40 HOUR WORKWEEK

The Fair Labor Standards Act (FLSA) of 1938 established the 40-hour workweek to allow employees to spend more time away from work and encourage employers to hire more staff when workloads increase. The FLSA's only incentive for employers to maintain a 40-hour workweek is the requirement that they pay a time-and-a-half cash premium for overtime.

The cost of labor is a factor in helping to expand the numbers of employed persons in our nation. When employers see the cost savings associated with hiring more workers as the hours worked by existing employees increase labor cost due to overtime pay—they hire more workers.

The Bureau of Labor Statistics counts overtime as a benefit not as pay. If the result of the bill is to have employees work more hours, but without the guarantee of compensation—it is flawed.

The 40-hour workweek discourages employers from demanding overtime by making overtime more expensive.

This bill by contrast, encourages employers to demand more overtime by making overtime less expensive.

This gives all of the power to employers to demand their employees work longer hours without adequate compensation.

By making it cheaper for employers to demand overtime, "comp time" would lead to more mandatory overtime, longer hours, and more unpredictable work schedules for workers.

This bill also makes it harder for America's workers to have their rights enforced by the Department of Labor. Amending the law to weaken work for pay requirements would result in even more widespread violation of the overtime law and more workers working longer hours for less pay.

"COMP TIME" IS A PAY CUT FOR AMERICA'S WORKERS

Millions of workers depend on cash overtime to make ends meet and pay their housing, food, and other living expenses.

These workers would see a substantial reduction in their take-home pay if they were compensated with time off rather than cash up front.

It is true that "comp time" is paid leave, but most workers would have been paid anyway if they had not taken the time off, and under

H.R. 1406 they are paid nothing for their overtime work at the time they work it.

Again, H.R. 1406 takes the power out of the hands of the employees. H.R. 1406 does not ensure that workers' choice to reduce their income through ''comp time'' is truly voluntary.

H.R. 1406 provides no meaningful protection against employers assigning overtime work preferentially to employees who accept ''comp time''.

Under H.R. 1406, employers can schedule workers to work up to 160 hours of ''comp time.'' Workers will be cheated out of their accrued overtime earnings when their employer goes bankrupt.

I stand today with America's workers. We are united in opposition to H.R. 1406, the Working Families Flexibility Act of 2013.

If Congress wants to do something for workers we should support the President's Budget for state paid leave programs. His proposal would not force workers to choose between taking time off for family needs and receiving income, or even risk losing their jobs. The President's minimum wage proposal would also support working families by making sure that all workers receive enough hourly income to make ends meet.

That is why I oppose H.R. 1406 and urge my colleagues to join me in voting against this terrible legislation.

Mr. COURTNEY. I yield to the gentlelady from New York (Mrs. MALONEY) for the purpose of a unanimous consent request.

Mrs. CAROLYN B. MALONEY of New York. I ask unanimous consent to insert my statement in the RECORD opposing the GOP's bill. It should be called the Fake Flexibility Act and should more aptly be named More Work For Less Pay For Working Mothers.

Happy Mother's Day.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I rise in opposition to the Majority's so-called Working Families Flexibility Act. The American people should not be deceived by this fake advertising.

True workplace flexibility should be a two-way street for both employees and employers.

I am a longtime sponsor of work-life balance legislation, including the original bill titled the ''Working Families Flexibility Act'' that provides both employers and employees with protections in discussing flexible work arrangements.

Over the last 50 years there have been tremendous changes to our workforce. According to the U.S. Census Bureau, more than 70 percent of children are raised in families that are headed by either a working single parent or two working parents. In addition, studies show that 60 percent of those who provide care to an adult or to a child with special needs are employed.

The numbers show the real case for flexibility in the workplace.

And yet, Americans must not be deceived about the recycled bill on the floor this week. The more aptly named ''More Work, Less Pay Act'' undermines the basic guarantees of fair pay for overtime work and time off from work under the Fair Labor Standards Act.

I urge my colleague to bring to the floor true workplace advancement legislation and oppose the H.R. 1406.

Mr. COURTNEY. I yield to the gentlelady from Arizona (Mrs. Kirkpatrick) for the purpose of a unanimous consent request.

Mrs. KIRKPATRICK. I ask unanimous consent to insert my statement in the RECORD opposing the GOP's miserable Mother's Day gift—more work and less pay for working moms. Happy Mother's Day.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Arizona?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

Mr. COURTNEY. I yield now to the gentlelady from New Mexico (Ms. LUJAN GRISHAM) for the purpose of a unanimous consent request.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. I ask unanimous consent to insert my statement in the RECORD opposing the GOP's dubious Mother's Day gift—more work and less pay for working moms. Happy Mother's Day.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Mexico?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

Mr. COURTNEY. I yield now to the gentlelady from Texas (Ms. JOHNSON) for the purpose of a unanimous consent request.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent to insert my statement in the RECORD opposing the GOP's unscrupulous Mother's Day gift—more work and less pay for working mothers. Happy Mother's Day to all mothers.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

Mr. COURTNEY. I now yield to the gentlelady from California (Mrs. CAPPS) for the purpose of a unanimous consent request.

Mrs. CAPPS. Thank you to my colleague for yielding.

I ask unanimous consent to insert my statement in the RECORD opposing the GOP's appalling Mother's Day gift. Happy Mother's Day by giving more work and less pay to working moms.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

Mr. COURTNEY. I now yield to the gentlelady from California (Ms. SPEIER) for the purpose of a unanimous consent request.

Ms. SPEIER. I thank the gentleman for yielding.

I ask unanimous consent to insert my statement into the RECORD opposing the GOP's ''shame on you'' Mother's Day gift—more work and less pay for working moms.

Is this really what we want to give mothers on Mother's Day?

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

Mr. COURTNEY. I now yield to the gentlelady from California (Ms. MATSUI) for the purpose of a unanimous consent request.

Ms. MATSUI. Thank you very much.

I ask unanimous consent to insert my statement in the RECORD opposing the GOP's heartless Mother's Day gift—more work and less pay for working moms. Happy Mother's Day.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

Mr. COURTNEY. I yield to my neighbor and good friend, the gentlelady from Connecticut (Ms. DELAURO), for the purpose of a unanimous consent request.

Ms. DELAURO. I ask unanimous consent to insert my statement in the RECORD in opposition of a sham bill that, in fact, takes money away from men and women, particularly from women, and that is in no way a way to ensure the economic security of women in this Nation.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

Mr. COURTNEY. I now yield to the gentlelady from Florida (Ms. FRANKEL) for the purpose of a unanimous consent request.

Ms. FRANKEL of Florida. I ask unanimous consent to insert my statement in the RECORD opposing the GOP's uncaring Mother's Day gift—more work and less pay for working moms. Happy Mother's Day.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

Mr. COURTNEY. Mr. Speaker, if I could be given the time remaining, I'd appreciate it.

The SPEAKER pro tempore. The gentleman from Connecticut has 15¼ minutes remaining.

Mr. COURTNEY. I reserve the balance of my time.

Mr. KLINE. May I inquire as to the time remaining on our side.

The SPEAKER pro tempore. The gentleman from Minnesota has 16 minutes remaining.

Mr. KLINE. I want to thank my colleagues on the other side. It was an excellent show. It expanded the lexicon in the thesaurus.

I now yield 2 minutes to a member of the committee, a subcommittee chairman, the gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. I thank the chairman.

Mr. Speaker, I rise in support of H.R. 1406, and I encourage my colleagues to support this.

In my previous life, I served as an employer for over 30 years, as a single parent and as a mayor of a city.

We had an issue several years ago with our fire department on compensatory pay versus overtime. We agreed with the firefighters. It worked out fine. The firefighters all understood they couldn't all be gone on the same day. They worked with us great, and it was not a problem. It works in the public sector. I don't know why it cannot work in the private sector.

All this bill does is leave the decision to receive comp time. It's completely voluntary. You don't have to do it. You can choose to do it if you want to. Number two, workers can withdraw from the comp time agreement whenever they choose. They can do that. It's not a problem. All existing protections in the Fair Labor Standards Act are maintained, the 40-hour workweek and how overtime compensation is accrued. It is up to the employee to decide when to use his or her comp time as long as there is reasonable notice to the employer.

I certainly have heard mentioned what happens if an employer goes bankrupt. Well, what happens when a city like Stockton, California, goes bankrupt?

I will finish by saying over and over that more work and less pay for working mothers doesn't make it true. I support this bill, and I urge my colleagues to do so.

Mr. COURTNEY. I now yield to the gentlelady from California (Ms. BASS) for the purpose of a unanimous consent request.

Ms. BASS. I ask unanimous consent to insert my statement in the RECORD opposing the indefensible Mother's Day gift—more work and less pay for working moms. Happy Mother's Day.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

Mr. COURTNEY. Mr. Speaker, I now yield to the gentlelady from New York (Ms. SLAUGHTER) for the purpose of a unanimous consent request.

Ms. SLAUGHTER. Mr. Speaker, I ask unanimous consent to insert my statement in the RECORD opposing the reprehensible Mother's Day gift—more work and less pay for working moms. Happy Mother's Day.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

Mr. COURTNEY. I now yield to the gentlelady from New Hampshire (Ms. SHEA-PORTER) for the purpose of a unanimous consent request.

Ms. SHEA-PORTER. Thank you.

I ask unanimous consent to insert my statement in the RECORD opposing the GOP's awful Mother's Day gift—more work and less pay for working moms. Happy Mother's Day.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Hampshire?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

Mr. COURTNEY. Mr. Speaker, it is now my honor to yield 1½ minutes to an outstanding colleague on the Education and the Workforce Committee, the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. So it's Friday afternoon at the nursing home, and Debbie and Donna are approached by the boss.

The boss says, I have 5 hours of overtime this weekend. You can either have cash or comp time.

Debbie says, I'll take the cash. I need the money.

Donna says, I'll take the comp time.

Donna gets the overtime.

The next Friday rolls around—the same boss, the same request.

Debbie says, I'll take the cash. I'll take the overtime.

Donna says, No. I'll take the comp time.

Donna gets the overtime.

It doesn't take very long for people to figure out what the right answer is when you're asked for overtime. You might say, Well, Donna is going to be okay because she gets all this comp time.

Donna comes back and says, Next Friday is the pageant at my daughter's school for second grade. I want to take the morning off so I can go to my daughter's pageant.

The boss says, No, that's not convenient for me. No.

Now, I suppose in some theoretical universe Donna could hire a lawyer, sue her boss, and try to get to see her daughter's second grade pageant—not in the world that she lives in and the world we live in. The boss decides when she uses the comp time.

The end of the year comes, and she hasn't used it yet. The boss writes a check to Donna without interest. Donna has made an interest-free loan to her employer. If the employer goes bankrupt in that year, Donna is out of the money altogether.

This is not about flexibility. It's about the conversion of someone's wages and assets. This is an assault on the 40-hour workweek. It is not worthy of this institution. It's wrong for our country. We should vote ''no.''

□ 1440

Mr. KLINE. Mr. Speaker, I need to inquire again as to the time remaining because as I listened to my colleagues come down for unanimous consent requests, it seems to me I heard the Speaker saying that the gentleman's time was going to be charged. How did that add up?

The SPEAKER pro tempore. The gentleman from Connecticut has 13½ minutes remaining, and the gentleman from Minnesota has 14½ minutes remaining.

Mr. KLINE. Thank you, Mr. Speaker. That's interesting math.

I'm now pleased to yield 2 minutes to a friend and colleague, the gentlelady from North Carolina (Mrs. ELLMERS).

Mrs. ELLMERS. Mr. Speaker, I thank the chairman and the committee for all the hard work that you've done, and especially to my good friend and fellow Republican Women's Policy Committee member, Representative MARTHA ROBY, who introduced this very important bill because she realizes that as a mother of two children that the workplace must change to adapt to our increasingly stressful lives.

Americans are struggling to balance their lives, doing everything they can to maintain their careers while still spending time with their families. We in the Congress can help. If H.R. 1406 becomes law, a working mom and dad can choose to use the time and a half overtime he or she earns as actual paid time off instead of cash. They would be able to use this time to see their daughter's piano recital or their son's baseball game when they would otherwise have to be at work.

But, of course, even with this commonsense piece of legislation, there are detractors. Many myths have been spread about this bill. You've heard them here today. And the opponents refer to it as a ''pay cut for working moms,'' but this simply is not true.

Also, I've heard that it's the assault on the 40-hour workweek. It is not. However, what is an assault on the 40-hour workweek is ObamaCare, which will force job creators to cut back their employees from full-time to part-time in order to keep their doors open. The decision to receive comp time is completely voluntary.

This is not a partisan issue. In 1985, Ted Kennedy, HARRY REID, JOE BIDEN, and STENY HOYER all supported giving the public sector employees the flexibility to choose comp time.

Mr. Speaker, I urge my colleagues to support this bill. I cannot think of a better Mother's Day gift. This is something we can do right now to help families at a time when they need it most.

Mr. COURTNEY. Mr. Speaker, I now yield 1 minute to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY).

Mrs. CAROLYN B. MALONEY of New York. I thank the gentleman for yielding and his leadership.

I rise in opposition to the Republican Party's Working Families Flexibility Act. It should be named the ''Fake Flexibility Act.'' It's a failure to advertise truthfully. If you were true, you would call it the ''More Work and Less Pay Act.''

Under this bill, workers would lose the basic guarantees of fair pay for overtime work and time off from work under the Fair Labor Standards Act. It would deprive hardworking men and women of their earned income and fail to guarantee them the right to use that overtime when they need to use it for a personal or family emergency.

Shamefully, the United States ranks among the least generous of industrialized countries when it comes to family-friendly policies. We are one of three countries that fail to provide paid leave for the birth of a child. True workplace advancement benefits both businesses and worker interests. Instead, the Republican bill hurts employees by giving them less pay at a time when American wages are stagnant.

I urge my colleagues to oppose this legislation and bring up the Democratic minority's alternatives for paid sick leave, paid leave for the birth of a child, and true flex time.

Mr. KLINE. Mr. Speaker, I'm now very pleased to yield 1 minute to the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY of Pennsylvania. I thank the chairman and I thank Mrs. ROBY for bringing this forward.

It's really about time, because on the deathbed, very few people say, Boy, I wish I had spent more time at the office.

I've got to tell you, from being in business all my life—and I think maybe that's the problem in Washington, not enough of you have actually been on the floor of a business because you think it's always about some kind of a fair treatment. But your definition of ''fair'' is not fair.

When I look at men and women, I don't look at them as men and women. I look at them as moms and dads and grandmas and grandpas and aunts and uncles. They love to go to soccer games. They love go to baseball games, and they love to go to all those Cub Scout meetings. But you know what? We want to just give them the flexibility, the same as we do in the public sector.

What an odd concept to actually give people the freedom to do what they want with their time and to work a little overtime so they can pick up extra time. My gosh, what a confusing concept that would be.

And this is not by gender, by the way. If you think this is about working mothers, it's also about working fathers. Do you know how many times people don't have that time to go see their sons and daughters in a school play or a baseball game? You want to take that away from them with some kind of phony act today, and you'll line up 15 deep? Talk about insincerity and inflexibility; that's your party.

You're supposed to be the party of the women. We're supposed to be the ones that don't like women. We're giving them a gift that you can never give: the gift of time. Nobody has the ability to do that.

This bill makes it possible for people to spend that precious time with those precious few that they want to.

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. COURTNEY. Mr. Speaker, again, as someone who was a private sector employer for over 25 years, there is nothing under existing law that prevents an employer from giving an employee paid time off. I did it many times.

Now it is my privilege to yield 1 minute to my colleague from the State of Florida, Congresswoman DEBBIE WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to discuss the real effect that the Working Families Flexibility Act would have on our families.

Contrary to its name, this bill does not protect working families. Many hourly workers in south Florida and across the country depend on the opportunity to collect their hard-earned overtime pay to support their families and make ends meet. This antifamily, antiworker bill would make it harder for employees to provide for their families and easier for employers to pay less for overtime work with hazy promises of time off later. The bottom line is that comp time doesn't pay the bills.

This legislation provides no guarantee that employees would get to use their time off when they need it; or if an employer goes out of business, workers may never get compensated at all.

I've heard no one on the other side of the aisle answer what happens when a boss says ''no'' to a request for comp time for that school play or taking their child to a doctor.

Employees who depend on overtime pay to put food on the table may be forced to compete with fellow employees who are willing to trade their overtime wages for comp time.

Passing this bill would deepen the financial insecurity of wage workers, especially Hispanic women who are more likely to be hourly wage workers, more likely to be responsible for family caregiving, and less likely to have negotiating power in their jobs.

There are other bills on the table that offer far more meaningful solutions, and I urge the Republican majority to take them up and take care of America's working families instead of giving them the short end of the stick as this bill does.

Mr. KLINE. Mr. Speaker, I'm now pleased to yield 2 minutes to the gentleman from Illinois (Mr. RODNEY DAVIS).

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I rise today in support of this piece of legislation.

This Sunday is Mother's Day. It's a very bittersweet day for me. As a father of three children, I am constantly reminding my wife how important this day is and how important her job as a mother is. But it's 14 years ago this month that I lost my mother, my inspiration, my teacher, someone that I think about every single Mother's Day.

I ask myself what would my mom, Sally Davis, say when we give the option to provide more flexibility to working mothers. In Illinois alone, my home State, there are over 1 million single parents that need this flexibility to be able to make the decisions they need to raise their families.

As a father of three school-aged children, I've coached baseball games, I've watched my daughter cheer, and I've shuttled my kids to doctor appointments. It's part of raising kids and being a parent. However, more than 60 percent of employees feel they do not have enough time to spend with their families. Why not give these families the same flexibility that those in the public sector—many of my constituents in Springfield, Illinois, and throughout have the same opportunity to use? Why not to give them that flexibility? Just last year, employees at the IRS took more than 246,000 hours of comp time instead of additional government pay.

No legislation is perfect, Mr. Speaker, but this legislation gives families, gives mothers, gives fathers the opportunity to choose and work with their employers to do so.

I urge my colleagues to support this bill, and I urge my colleagues to think of their mother and ask them what would they do.

□ 1450

Mr. COURTNEY. Mr. Speaker, I now yield to 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO), a champion for working families and my neighbor.

Ms. DELAURO. I rise in strong opposition to the bill before us. It aims to end overtime pay, bring to an end the 40-hour workweek. This is another attempt by the House majority to accelerate a race to the bottom, strip workers of basic rights and protections, and undermine the foundations of the American middle class.

The Working Families Flexibility Act does exactly the opposite of what it describes. There is no flexibility. The legislation guts the 75-year-old statute guaranteeing overtime pay for work over a 40-hour workweek, overtime pay that those single moms need. Hardworking American families, they rely on it. It allows employers, if they so

choose, to provide comp time for all of this extra work, except there are no guarantees that workers can take the time when they need it, and there are no avenues for workers to file grievances if employers do not comply. This bill forces employees to work extra hours without overtime pay and get nothing in return.

Yes, we need serious economic solutions to the problems that families are facing. Wages have stagnated for decades. Forty percent of Americans make less today than what the minimum wage was worth in 1968. And in America today, unlike in every other competitive economy in the world, 42 million workers cannot take off time when they are sick, when they need to care for a sick child or an ailing relative.

We need legislation that provides employees with paid time off if they need it. The Healthy Families Act would allow workers up to seven job-protected paid sick days for each year. It builds on and reflects pro-family policies that have been passed in Connecticut; Seattle; Portland, Oregon; San Francisco; Washington, D.C. This majority has said ''no'' to an airing of this legislation. They want to eliminate worker protections and further undermine workers' paychecks and benefits.

And America's families, they sent us here to represent their interests and address their needs, not to further erode their economic instability. Vote against this bill. Support paid leave, minimum wage, and pay equity if you want to help Americans families.

Mr. KLINE. Mr. Speaker, at this time I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. WALBERG), the chairman of the Workforce Protection Subcommittee.

Mr. WALBERG. Mr. Speaker, I thank the chairman.

I find it unbelievable to sit here and listen to the divisive, erroneous, fear-mongering information that's being put forth by the other side of the aisle. It's unbecoming. Today's workplaces are a lot different than they were just a generation ago. Technology continues to alter the way goods and services reach consumers, and cultural changes have transformed the nature of America's workforce.

This important legislation, this compassionate legislation, allows private sector employees to choose—and I say ''choose,'' Mr. Speaker—choose paid time off or comp time as compensation for working overtime hours, and this policy has already proven extremely successful.

For nearly 30 years, government sector workers have been able to earn comp time. In fact, last year employees at the IRS took more than 246,000 hours of comp time in lieu of overtime pay. No complaints. Yet working parents and individuals in the private sector are not afforded with this same choice.

This is simply not right. Certainly every employee faces a unique set of circumstances and challenges and responsibilities. For some, taking time at home is a good thing for them. Additional pay is not necessary for them at that point, but having the opportunity to spend time with their children, to go to parent-teacher conferences and do other things with family is more valuable than a few extra dollars in the bank.

Choice and flexibility helps employees meet the demands of their jobs and address the needs of their families. That's why I'm proud to support this bill, this pro-family, this pro-worker bill. This is what is meant for this time, and I encourage my colleagues to get off the divisive rhetoric and get to the unifying effect of saying, We will encourage people in their lives, their families, and their incomes.

Mr. COURTNEY. Mr. Speaker, I now yield 1 minute to my colleague from the State of Texas (Mr. GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in opposition to the Working Families Flexibility Act of 2013. The bill would amend the Fair Labor Standards Act of 1938 to authorize private employers to provide comp time or compensatory time off to private employees at the rate of 1.5 hours per hour of employment for which overtime compensation is required.

Essentially, workers would be promised comp time instead of overtime pay. Many families depend on overtime pay to make ends meet. The Fair Labor Standards Act guarantees workers will receive overtime pay for over 40 hours per week. The bill only promises the potential for future comp time without any real protections for the workers. Hardworking Americans would be unprotected against long hours and less pay without the guarantee of any compensation. H.R. 1406 falsely promises more time with their loved ones by allowing them to choose paid time off. Unfortunately, workers will only get more time with their families after they've spent long hours, for less pay, at the approval of the employer.

I stand with America's workers to oppose this legislation, and I encourage my colleagues to do the same. The 40-hour week has stood for 75 years, and it should continue.

Mr. KLINE. Mr. Speaker, I yield 1 minute to the majority leader, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, I want to thank the chairman for his leadership in bringing this bill forward, as well as the bill's sponsor, the gentlelady from Alabama, a working mom whose inspiration is her kids at home and her husband that she is responsible for and with in order to make life work for them in Alabama. So I want to appreciate her leadership.

Mr. Speaker, I rise today in support of the bill, the Working Families Flexibility Act. If you are a working parent in this country, you know from experience that there's hardly ever enough time to spend with your family.

Recently, I spoke with a constituent from Richmond. Her name is Nicole Lambert. She's a working mom who runs an early childhood education center. It's quite often that Nicole is approached by one of her employees requesting more flexibility with how they can use their overtime. Some of her employees need to take off to take their child to the doctor, some need to go and meet with a teacher. But under the current law, Nicole is not able to present her hardworking staff with this option. She understands that this bill would give her employees more flexibility to balance both work and their lives at home.

Mr. Speaker, for too long working families in the private sector have not been able to choose a more flexible schedule when working overtime; but for the past 30 years, government employees have been afforded this luxury. It's time for all of us to present all parents in America with this option.

As a father of three, I can tell you as a working parent I know that it is very necessary to be there for your children. And I bet no matter who you are as a working parent, if you asked a mom or a dad what they need more of, it's time. Washington should not be standing in the way of any employer voluntarily offering this benefit for any employee choosing more time. That's the bottom line, Mr. Speaker. Washington should not be in the way of more freedom in the workplace.

I know this policy will work, from speaking with local government employees who already enjoy this advantage.

Vicki is a working mom and a police officer in my district. She works long hours, and she raises her children.

□ 1500

She tells me her life is made a little easier because she's allowed to work a few extra hours, save it up in case there's a sick day or an after-school event that she must attend.

It's simply unfair for those who work for Nicole in the private sector to be prohibited from receiving the benefits that Vicki does, a government employee.

This is a bill that should easily garner bipartisan support because, frankly, it puts parents before politics and will give people more freedom to make their lives work. There's simply no good reason to deny hardworking parents the opportunity to take their children to the doctor or to attend a parent-teacher conference.

I want to thank my constituents for their relaying stories to me about their life story, about how this bill helps.

And again, I'm very grateful to the leadership and the role model that the gentlewoman from Alabama (Mrs. ROBY) and Chairman KLINE have set forth in this effort. This act will help parents all across America, and I urge my colleagues to support it.

Mr. COURTNEY. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. BISHOP), my colleague from the Education and Workforce Committee.

Mr. BISHOP of New York. Mr. Speaker, I thank Mr. COURTNEY for yielding, and for his leadership on this issue.

I rise in opposition to H.R. 1406. I have a great many concerns about this bill, but let me focus on just one. There is little question that this bill will result in unjust actions being taken against employees who choose the traditional overtime pay option over the comp time arrangement.

Under this legislation, employers have the right to only schedule employees that have agreed to enter into comp time arrangements without consequence. Suddenly, workers who rely on overtime income to help feed their family or put a child through college will see their hours curtailed and instead given to workers who choose comp time arrangements.

There is not one word in this legislation that would protect a worker who needs cash for his or her overtime hours. They will clearly lose out to those workers who are willing to take paid time off or compensatory time off, as opposed to time-and-a-half overtime.

There are a great many workers, and I grew up in a family that had one of those workers, that rely on overtime to pay the bills, to put their kids through college, and to see to it that they get to live lives of dignity. This legislation will take away that ability from those families.

Republicans claim that this is somehow part of a new, family friendly approach to governing. Well, one of the first votes I cast as a member of the Education Committee, as a new Member of Congress in 2003, was against a bill called the Family Time Flexibility Act. The bill in front of us today is literally identical to that 2003 bill, minus the title.

I urge a ''no'' vote on H.R. 1406.

Mr. KLINE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), my friend and colleague, a leader in so many areas.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Minnesota for his work on this effort. And I also want to say thank to you Mrs. ROBY from Alabama for the outstanding job that she has done on the Working Families Flexibility Act.

I have loved talking with my constituents about this issue. And it is absolutely amazing, when you say, tell me what you think about this. Would you like to have the option, the ability to control what your compensation method is going to be? And so many of my constituents, whether they're rearing families, whether they have teenagers that they're working with, whether they're caring for elderly relatives, say, this is a great idea. And it is so worthy of discussion, and it is about time for Congress to do something that's just plain old good common sense.

Mr. Speaker, the reason for this is, take a look at what is happening now. In 1975, when I was newly married and beginning to start a family, there were only 37 percent of all the families where both parents were working outside of the home.

Look at what is happening now that my children are having their careers, and my daughter has two children. You've got just under 60 percent where both parents are working outside of the home. On top of this, you have those of us who are caring for elderly relatives.

And as the majority leader just said, any time you run a survey and ask women what they want, they would love to have more time, and they also want more control over how they're able to manage their lives and the lives of their families. And this is a piece of legislation that does that.

I agree with what some of my colleagues have said. This Obama economy has really forced more families than ever to work more than one job. It has been very difficult. And having more options makes it easier for those families to manage.

I thank the leadership for the work on the bill.

Mr. COURTNEY. Mr. Speaker, can I inquire as to the time left?

The SPEAKER pro tempore. The gentleman from Connecticut has 7 minutes remaining. The gentleman from Minnesota has 4¾ minutes remaining.

Mr. COURTNEY. Mr. Speaker, at this time I'd like to yield to the gentlewoman from Ohio (Ms. KAPTUR) for the purpose of a unanimous consent request.

Ms. KAPTUR. I thank the gentleman for yielding and ask unanimous consent to insert my statement in the RECORD opposing the GOP's shameful Mother's Day gift—more work and less pay for working moms. Happy Mother's Day.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

Mr. COURTNEY. Mr. Speaker, I yield now to the gentlewoman from California (Ms. PELOSI) for the purpose of a unanimous consent request.

Ms. PELOSI. Mr. Speaker, I ask unanimous consent to insert my statement in the RECORD opposing the GOP's deplorable Mother's Day gift—more work, less pay for working moms. No way to say Happy Mother's Day.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California.

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

Ms. PELOSI. Mr. Speaker, on Sunday morning, millions of mothers nationwide will wake up to the excited faces of their children wishing them a "happy Mother's Day."

Mothers will receive gifts of all kinds from their sons and daughters—tokens of love and gratitude for all that moms do every day.

MORE WORK, LESS PAY

Yet today, House Republicans are offering up a different Mother's Day gift: more work, less pay.

House Republicans are putting forward the so-called "Working Families Flexibility Act."

The name may make it sound appealing, but don't be fooled—this bill is nothing more than smoke and mirrors meant to hide its true purpose:

To end the 40-hour work week;

To cut pay for women;

To undermine the economic security of the middle class.

This legislation claims the mantle of flexibility, yet only means greater flexibility for employers and lower wages for workers.

This proposal is simply another ideological assault on workers, another mean-spirited attack on workers' rights, and another Republican message bill that will never become law.

WHAT THE BILL DOES

More work, less pay—that's what this bill is about.

It guts protections for workers and removes flexibility for working families.

It amounts to an interest-free loan to employers—paid for by workers' wages and unused comp time hours.

It is nothing more than a mirage—claiming to give flexibility to workers to take time off to care for family or attend a parent-teacher conference while actually handing flexibility to their bosses to cut pay or call for more hours.

SAYING "NO" TO WORKERS

This legislation is brought to you by the same people who attack and undermine working families at every turn—the same people who say:

"No" to raising the minimum wage.

"No" to the Paycheck Fairness Act

"No" to extending unemployment benefits that strengthen our economy.

"No" to any measure that could expand the middle class.

The same people who will only say "yes" to more hardship for workers, to more pain for the middle class, to more work and less pay.

OPPOSITION

No wonder this bill is opposed by more than 160 women's organizations across the country, from Arkansas and Arizona to Washington and Wisconsin, who wrote a letter to Congress calling this measure "an empty promise [that] would cause considerably more harm than good."

No wonder President Obama has pledged to veto this bill, declaring that "this legislation undermines the existing right to hard-earned overtime pay, on which many working families rely to make ends meet, while misrepresenting itself as a workplace flexibility measure . . ."

CLOSE

The Republican proposal is the last gift anyone should give our families on Mother's Day.

That's why I urge my colleagues to oppose this legislation and to work together on steps to invest in working families, to bolster small businesses, to create jobs, and to build a strong, thriving middle class.

Mr. COURTNEY. Mr. Speaker, I yield to the gentlewoman from New York (Ms. MENG) for the purpose of a unanimous consent request.

Ms. MENG. Mr. Speaker, I ask unanimous consent to insert my statement in the RECORD opposing the GOP's callous Mother's Day gift—more work and

less pay for working moms. Not a Happy Mother's Day.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

Mr. COURTNEY. Mr. Speaker, I yield to the gentlewoman from Ohio (Mrs. BEATTY) for the purpose of a unanimous consent request.

Mrs. BEATTY. I ask unanimous consent to insert my statement in the RECORD opposing the GOP's appalling Mother's Day gift—more work and less pay for working moms. And that's a Happy Mother's Day?

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut's time will be charged.

Mr. COURTNEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. I thank the gentleman for his leadership.

Mr. Speaker, you've seen them, many, many women, hourly workers. You've seen them with their sneakers on, their rubber-soled shoes, standing at bus stops, getting on buses in order to get to work and to get back in time to be with their children.

But those workers need cash, Mr. Speaker. They need cash to make ends meet in housing, food and other living expenses. It's also our men as well.

These workers would see a substantial reduction in their take-home pay if they were compensated with time off rather than cash up front. We know that if H.R. 1406 was passed they would be paid nothing for their overtime work at the time they work.

We also realize that employers can schedule workers to work up to 160 hours of comp time. Workers will be cheated out of the accrued overtime earnings, these same mothers and many, many men who depend on this overtime pay. You've seen them.

The same mothers that will receive for their gift on Mother's Day a little outstretched hand with maybe a daffodil or a rose in it from a little 5-year old, mothers who need the cash.

Let me tell you that the U.S. Women's Chamber of Commerce is against this legislation because they know that there will be preferential treatment. There will be pets, and the employers will pick those who have taken the comp time.

You've seen these mothers. They get the outstretched hand and the little flower. Pay them their money.

This is a bad bill.

Mr. Speaker, I rise in strong and unyielding opposition to H.R. 1406, the so-called "Working Families Flexibility Act of 2013." I thank Ranking Member MILLER for this opportunity to speak on behalf and in support of the working women and men in my District and against this terrible bill, which has been offered repeatedly over several Congresses, and each time it has found strong opposition and ultimate defeat.

Under current law (the Fair Labor Standards Act), employers are required to pay workers time-and-a-half cash for hours worked in excess of 40 hours per week.

Workers can request "comp time" during any 40 hour work week if they need it.

According to the U.S. Bureau of Labor Statistics the average weekly overtime hours for manufacturing workers in 2012 was 4.2 hours or over 44 hours a week. In a year 4.2 additional hours of overtime, considering 2 weeks for vacation would total 210 hours.

A Boilermaker with less than 2 years of experience earns $35,856.00 a year or $18 an hour. A Boilermaker making $18 an hour working overtime would earn $27 an hour.

In 2012 manufacturer workers overtime averaged 4.2 hours a week that would be 210 hours for 50 weeks of work.

A Boilermaker over a year could accrue 210 hours in overtime—if this bill becomes law this could mean a loss of $5,670 annually.

The first quarter of 2013 according to the Bureau of Labor Statistics recorded an increase of overtime hours worked to 4.3 hours per week for manufacturing jobs this is an increase over the last quarter of 2012. If Congress allows the free market to work then the numbers of employed persons will increase.

Labor is in strong opposition to H.R. 1406 because—this bill would mean forced labor hours without giving workers the guaranteed right to get paid for their work.

Workers already have the right to ask for "comp time" within any 40 hour workweek when they need it.

The Bureau of Labor Statistics counts overtime as a benefit not as pay. If the result of the bill is to have employees work more hours, but without the guarantee of compensation—it is flawed.

If Congress wants to do something for workers we should support the President's Budget for state paid leave programs. His proposal would not force workers to choose between taking time off for family needs and receiving income, or even risk losing their jobs. The President's minimum wage proposal would also support working families by making sure that all workers receive enough hourly income to make ends meet.

That is why I oppose H.R. 1406 and urge my colleagues to join me in voting against this terrible legislation.

□ 1510

Mr. KLINE. Mr. Speaker, I now yield 2 minutes to the gentleman from Virginia (Mr. HURT).

Mr. HURT. Thank you, Mr. Chairman, for yielding. I appreciate the committee's leadership on this important measure.

I rise today in support of the Working Families Flexibility Act, a House of Representatives initiative that will give families and individuals across the Fifth District the freedom of workplace choice and limit the Federal overreach in our daily lives. At a time when our economy is struggling, we must look for ways to help our hardworking families and individuals.

Under current law, public employees can choose between using overtime hours for pay or for paid time off. Unfortunately, this same option is not afforded to those who work for private companies. With small businesses and family farms being the engine of our rural economy, this option is therefore not available to many of my constituents.

This bill before us today changes all of that. By ensuring private workers can accrue paid time off instead of overtime compensation, we will provide Fifth District Virginians greater flexibility in balancing their work schedules with the demands of family life. And we will take these important decisions out of the hands of Federal bureaucrats and place them into the hands of hardworking Americans.

It is high time that this outdated regulation be replaced with the principles of individual freedom and individual choice. I urge my colleagues to support this commonsense legislation.

I thank Representative ROBY for sponsoring this important initiative.

Mr. COURTNEY. Mr. Speaker, it's now my privilege to yield 1 minute to my colleague from the State of Maryland (Ms. EDWARDS).

Ms. EDWARDS. This really is an insidious bill. I've been listening to the debate on the floor, Mr. Speaker, and I have to tell you there are some things I heard that I think need correcting.

First of all, median hourly wages in this country are $12.80 an hour. That's about $26,000 a year. And what that means is that for most workers, for some of our workers who are hourly workers, this bill really goes at the heart of the 40-hour workweek. In fact, what it does is it puts in jeopardy some of our most vulnerable in the workforce. Ninety percent of our hourly workers don't work under collective bargaining agreements, and that means that they don't have the protections that public sector workers have who get to enjoy comp time when it's available to them. They really do need the time and a half.

It's not like the other side is proposing that we have earned sick leave, earned vacation, earned maternity leave. Instead, they want to take away pay and get a no-interest loan from workers instead of paying them time and a half for their overtime. There's no flexibility. The power is only in the hands of the employer who gets to decide when the comp time can be taken, whether it can be taken, and how it should be paid.

Mr. KLINE. Mr. Speaker, I reserve the balance of my time.

Mr. COURTNEY. Mr. Speaker, if I could just inquire through you, again, we have no further speakers, so I'm prepared to close.

Mr. KLINE. We have no further speakers, either.

Mr. COURTNEY. Could the Chair give me one last update in terms of how much time remains?

The SPEAKER pro tempore. The gentleman from Connecticut has 4½ minutes remaining. The gentleman from Minnesota has 3½ minutes remaining.

Mr. COURTNEY. Mr. Speaker, I yield myself such time as I may consume.

We've probably reached the point where enough has been said where the full 4½ minutes maybe isn't necessary, but again, I would just like to reiterate a few points. And again, as somebody who was an employer in the private sector for over 20 years, and, again, the notion that somehow existing labor law makes it impossible for employers to respond to their staff's family emergencies, to vacations is really just a myth.

The fact of the matter is that over the last 75 years under the Fair Labor Standards Act, which protects the 40-hour workweek, employers in tens of thousands of workplaces all across America have always made accommodations for their staffs with paid time. What is different about this bill is it's basically tying that flexibility to sacrificing your right under the Fair Labor Standards Act to time and a half for every hour earned over 40 hours. Given the fact that we're living in a time right now where the median income of this country has basically been as flat as a pancake for the last 30 years, that is basically tipping the scales once again against working families in an unacceptable fashion.

If you read this bill closely, you have to execute a written agreement every time you want to set up a comp time arrangement. Can you imagine small employers out there, basically, and their workers have to sit down and write like a mini labor agreement every time they want to come up with one of these arrangements? It doesn't allow for emergencies when you have a system like that.

The enforcement mechanism, which would be through the State Department of Labor's Wage and Hour Division—if anybody has ever dealt with them before, they know that is mission impossible. There is no way that that unit—which, again, today benefits from a bright line system where you just check the payroll hours. If you hit 40 hours, you've got to pay the time and a half. Nobody has the time to go through and examine that agreement to see if it was free and voluntary and whether or not the exercise of comp time was done in accordance with it. You're basically creating a labor relations board in every State, in every workplace across America.

Careful what you wish for as employers if you read this bill closer.

But the fact of the matter is that at the end of the day, it does not empower employees or workers in terms of giving them the ability to basically support their family and have time to deal with the important family issues, whether it's the birth of a child, making sure you're there on important school dates, or making sure that they're there when they're ill or in need of family and parental assistance.

The fact of the matter is paid sick time is the way that you do that. That's the way you empower people. And that is what exists in the public sector. That's why comp time works in the public sector. Paid sick time is something that is part of every collective bargaining agreement in all 50 States in the public sector.

Small employers, is that what the majority really wants to impose on every private employer in this country?

The fact of the matter is that we need to scrap this bill which is before us for the fifth time since 1996 and go back and have a real dialogue in a real bipartisan collaboration in terms of coming up with real solutions for working families.

I actually am an optimist and believe we can do that. I respect the chairman. I respect my chairman of the Subcommittee on Workforce Protections. But the fact is we can do far better than this recycled, rehashed bill which, again, has been rejected by over 160 organizations which represent working families and women.

Again, let's vote this bill down, go back, and as a real body, deliberative body, come up with a better solution for working families.

I yield back the balance of my time.

Mr. KLINE. Mr. Speaker, I yield myself the remainder of our time.

I agree with some of the comments made by my colleague. The gentleman from Connecticut has talked about the years that we, Congress, have tried to extend the use of comp time to the private sector employees so they can access the same benefits that those in the public sector have enjoyed for almost 30 years. Yet powerful special interests have stood in the way through a constant campaign of misinformation.

We've heard a lot of those same, tired talking points from the other side today. We've seen some political stunts. We've heard divisive language, and we've heard just plain misinformation, things that this bill does not say.

We've heard, for example, that an employer could coerce an employee into taking comp time instead of overtime wages. That is simply not true. The bill specifically prohibits employers from doing that. An employer ''shall not directly or indirectly intimidate, threaten, or coerce or attempt to intimidate, threaten, or coerce any employee for the purpose of interfering with such employee's rights under this subsection to request or not request compensatory time off.''

There are extensive protections in this bill for employees and for employers. But we've seen the straw men, we've seen the accusations, and we've heard some things that, frankly, are just absolutely preposterous.

Let's go over some of the basics.

The Working Families Flexibility Act allows for the voluntary—the voluntary—use of comp time. Any worker who wants to receive cash wages is free to do so and can do so at any time, even if the worker has made an agreement, and not every time, and not some extensive legal document. It can be as simple as checking a block or just signing a piece of paper that says I would like to take comp time in lieu of cash overtime. And they can do it once a year.

Even after they've signed such an agreement, if the employee says, ''Do you know what? I really do need that cash. I wanted the time; now I need the cash. Another emergency has arisen,'' the employee can demand the cash and get it and must get it.

The Working Families Flexibility Act puts workers in control of their time. They get to take the time off when they want to. These are exactly the same standards that have been working almost 30 years in the public sector. They simply can't unduly disrupt the business. That's worked for almost 30 years in the public sector, and it will work in the private sector.

Mr. Speaker, despite all the rhetoric, despite all the accusations and despite all the misinformation, we know that millions of mothers for Mother's Day would like to have time. Time is more important to them than money. This legislation would give them the option, the choice—the voluntary choice—to take that time.

We heard an example of a young, 5-year-old child coming forward with a flower. A lot of moms would like to take that time to spend with that 5-year-old. They can't do it under the current law. We want to give that mother and that father that time.

□ 1520

This is a commonsense proposal. It will help hardworking Americans balance the demands of work and family. We need to do that for them. This doesn't balance the budget, but it will help families.

I urge my colleagues to vote ''yes'' on H.R. 1406, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT OFFERED BY MR. GIBSON

Mr. GIBSON. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Redesignate section 5 as section 6 and insert after section 4 the following:

SEC. 5. G.A.O. REPORT.

Beginning 2 years after the date of enactment of this Act and each of the 3 years thereafter, the Comptroller General shall submit a report to Congress providing, with respect to the reporting period immediately prior to each such report—

(1) data concerning the extent to which employers provide compensatory time pursuant to section 7(s) of the Fair Labor Standards Act of 1938, as added by this Act, and the extent to which employees opt to receive compensatory time;

(2) the number of complaints alleging a violation of such section filed by any employee with the Secretary of Labor;

(3) the number of enforcement actions commenced by the Secretary or commenced by the Secretary on behalf of any employee for alleged violations of such section;

(4) the disposition or status of such complaints and actions described in paragraphs (2) and (3); and

(5) an account of any unpaid wages, damages, penalties, injunctive relief, or other remedies obtained or sought by the Secretary in connection with such actions described in paragraph (3).

The SPEAKER pro tempore. Pursuant to House Resolution 198, the gentleman from New York (Mr. GIBSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. GIBSON. I thank the chairman. And I thank the gentlelady from Alabama (Mrs. ROBY) for bringing the bill.

I have an amendment, but I first want to say that I support the underlying bill.

I take a look at the fact that almost 30 years ago, right here in these halls, in bipartisan work, Democrats and Republicans worked together here, led by the Democratically controlled Congress, and worked with the President—then President Reagan—to provide comp time for State and local workers. What we're doing today is taking that same concept and extending it out to the private sector.

I reflect on my constituents. I think about the busy lives that all our workers have, and I think about how challenging it is to bring balance to those lives. I think this is an important concept to bring forward, to think about those who are pursuing higher education, mothers and fathers that are looking to bring balance to the workplace, but also to raising their children, and how important that is for our families, for individuals, and for our country. So I think it's important that we extend this concept to the private sector.

Now, I have friends who have concerns, and we've heard some of the concerns here today. I have reflected very extensively on those. I will tell you that what I see in this bill—and the chairman actually, I think, summed it up very well just moments ago—is, first and foremost, that this is a choice for the worker on whether or not they want to join this program. I recognize that there are arguments that are concerning on that score. But also, if the worker decides to enter the comp time program and decides to take comp time and then something unexpected happens where they choose to change their mind, there are provisions in this bill where the individual can notify their employer, and within 30 days the business needs to pay the employee.

So as I reflect on the wording in this bill, I think there is a balance. But I also recognize that there are still concerns out there, and I want those voices to be heard. So this is the purpose of my amendment. I think we should hear from our government, hear from the GAO to talk about the implementation on how well it's going. This amendment says that after 2 years of implementation of this law, that the GAO would report out to us on how well that's going, and also provide us data if there are abuses and what's being done about those abuses.

So I see this as yet another protection to ensure that as we look to extend this concept from the State and local governments, that we have protections in there to ensure that our workers are having justice.

So I ask my colleagues to support this amendment, and I reserve the balance of my time.

Mr. COURTNEY. Mr. Speaker, I claim time in opposition, although I am not opposed to the amendment.

The SPEAKER pro tempore. Without objection, the gentleman from Connecticut is recognized for 5 minutes.

There was no objection.

Mr. COURTNEY. Mr. Speaker, first of all, I just want to again recognize my colleague's hard work. He is a person that I respect and admire greatly.

Again, I do not oppose the amendment. It's hard to oppose a GAO study of almost anything because the more we know and the more we learn, it's always a good thing. However, what I would say, just in observation, in passing, is that if you look at the scope of the study, which is to basically look at actual adjudicated complaints before the Secretary of Labor, and looking again at the scope of the U.S. economy in the private sector, the fact of the matter is it is not going to be a very accurate picture really in terms of the operation of this bill—again, an attempt albeit, but nonetheless not something that I think is really going to give us a very accurate picture in terms of all of the day-to-day sort of conflicts. Blurring the lines of the Fair Labor Standards Act and creating an almost chaotic system of executing written agreements in every instance where a person wants to negotiate an overtime comp arrangement really, I think, is even beyond the scope and great powers of the Government Accountability Office—which does do great work.

Because, again, will this study tell us how many workers were fired or discriminated against for their choices? No. Because there is no right to reinstatement or rescheduling under this bill. Will this study tell us how many times a worker was denied the precise day he or she asked for? No. Because the bill provides no right to use comp time on that specific day.

I want to go back to that point. If you go to page 8 of the bill, use of comp time is, again, under the veto power of the employer. The notion that somehow employees have unilateral choice or power over using that comp time is not the way this bill is written.

As far as the public sector is concerned, again, in all of those instances you have an elaborate grievance system which exists at State government levels, city government levels, which doesn't exist in the private sector. And it certainly doesn't exist in the Department of Labor's Wage and Hours Division—which, again, Mrs. ROBY and I, in all of our back and forth, fleshed out the fact that that ultimately is where complaints would go and reside.

So, again, a GAO study is fine, and I'm certainly going to join the gentleman in supporting his amendment, but this does not fix a flawed bill. Once we get past this amendment, I think all of the arguments that you've heard over the last hour or so in opposition to the bill still trump any benefit that Mr. GIBSON's good-faith amendment brings to the bill.

With that, I yield back the balance of my time.

Mr. GIBSON. I just want to say that the gentleman from Connecticut is somebody whom I've very much enjoyed working with. I think he is a very thoughtful Member. I consider him a friend. I have listened very carefully to his comments and certainly will give him further consideration. I still believe that this amendment will be helpful.

At this point, I would like to yield 2 minutes to the gentlelady from Alabama (Mrs. ROBY).

Mrs. ROBY. I thank my friend, Representative GIBSON, for offering this amendment, which I strongly support.

Let me start by highlighting a provision of the Working Families Flexibility Act that is meant to ensure this policy works today and into the future.

Section 5 of the bill states:

This act and the amendments made by this act shall expire 5 years after the date of enactment of this act.

The intent here is clear: Congress has an opportunity and a responsibility to review the use of comp time by private sector employers and employees, if need be, to make adjustments in the law before authorizing its continued use.

Even though comp time has worked well in the public sector for decades, Congress should examine its use in the private sector to make sure that workers are protected. To further support this oversight of the law the Gibson amendment would require GAO to regularly review private sector use of comp time and provide information to Congress relating to changes that might be needed. This commonsense addition to the bill will help inform Congress as it continues to oversee the use of comp time by private sector employees.

The Gibson amendment is about transparency and accountability, and will help ensure the use of comp time in the private sector is a net benefit to employers and employees.

Mr. Speaker, the Working Families Flexibility Act will help more Americans balance family and work. Because the Gibson amendment would strengthen this important effort, I urge my colleagues to support the amendment.

Mr. GIBSON. Mr. Speaker, I yield back the balance of my time.

Mr. PETERS of Michigan. Mr. Speaker, today the House will consider H.R. 1406, inaccurately named the Working Families Flexibility Act. Instead of helping hard-working

Americans earn an honest wage and more flexible work hours, this bill makes it harder on folks already struggling to make ends meet. The reality is that under this bill, workers will lose personal control over their schedule and their pay. In addition, the system this bill imposes is ripe for potential workplace manipulation and abuse.

Under this bill, workers will not get paid more than 40 hours per week, no matter how much overtime they put in. Overtime earnings would become an interest-free loan out of workers' pockets. Workers' overtime pay will be held until the end of each fiscal year or allocated as time-off, all at the discretion of the employer. There is no guarantee in this bill that workers could even get the time off that they might need for a family emergency or doctor's appointment when they need it. Workers could even jeopardize their job security by refusing to go along with this new system.

Mr. Speaker, in Michigan, we believe that hard work merits fair pay. We believe that anyone who works hard and plays by the rules should get a shot at the American Dream. Last year, the average Michigan household income was $43,970. Adjusted for inflation, this is the same as the average household in 1989. This bill makes it harder for people who are already working hard and playing by the rules to make life better for their family by not allowing them to decide what's best for them and their family. If they work more, they should get paid more.

When I talk to folks in my district, I ask about the concerns they are raising around the dinner table. Michigan families worry about how to stretch work schedules and each dollar earned to meet the needs of their family. There is no part of that discussion where Michiganders want Washington to force them to sacrifice their personal decision-making about whether overtime pay or comp time is the right choice for them.

Too many families in my district and across our country are still trying to recover from the worst economic crisis in generations. Why then, instead of working towards commonsense ways we can ease the financial burden on working families, is Washington forcing a personal decision to forfeit their overtime pay? Why is Washington dredging up deeply flawed proposals that have already been rejected time and time again?

Now more than ever, we need ways to support our middle class so families in Michigan and across the nation can thrive. We can develop solutions that make raising a family easier for everyone. We have a lot of work ahead to rebuild our economy and strengthen our middle class, but this bill does neither.

Mr. LANGEVIN. Mr. Speaker, I rise today in opposition to H.R. 1406, the so-called ''Working Families Flexibility Act.''

This bill, which might more accurately be titled the ''More Work, Less Pay Act,'' would undermine the right to overtime pay and further weaken worker protections. Instead of actual money, employers would be authorized to provide compensatory time off at a rate of 1.5 hours per hour of overtime worked.

While this might sound like a good deal in theory, it's a raw deal in practice. First, it could end up denying countless workers the opportunity to earn extra money they may desperately need to pay their mortgage, cover medical bills, or provide a good education for their children. Just as unfairly, there is no guarantee that a worker will be able to take off the comp time they accrue. This bill would allow employers to claim that a request for time off—time that the employee has worked extra hours to earn—is ''unduly disruptive,'' and the request would be denied without any follow-up. We all know that you can't plan for medical emergencies and sometimes parent-teacher conferences don't fit easily into the workday. But unless your employer agrees to allow you to use the comp time you've earned, you're out of luck.

The Fair Labor Standards Act (FLSA) implemented the 40-hour work week to allow workers time to be with their families; and to increase demand for workers when a firm has larger workloads. This bill would effectively put an end to the 40-hour work week without any guarantee of proper compensation for extra time worked, and would strip employees of the flexibility to meet workplace and family needs.

Instead of making life more difficult for hard-working American families, we should be considering legislation to establish a fair minimum wage, equal pay for women, or the Healthy Families Act, which makes earned paid sick days available to millions of workers.

American workers deserve better than this misleading and misguided bill, and I urge my colleagues to oppose it.

Mr. DINGELL. Mr. Speaker, I rise in strong opposition to H.R. 1406, the Working Families Flexibility Act. It outrages me that my Republican colleagues continue to clothe despicable bills in inventive titles. In point of fact, H.R. 1406 offers no flexibility to working families. It does, however, grant employers the flexibility not to pay their employees overtime.

The Working Families Flexibility Act is nothing short of an assault on American working families. It will put an end to the 40-hour work week that my father fought so hard to enact in the Fair Labor Standards Act. The bill will force employees to work longer hours without guarantee of fair pay. It contains no provision to allow employees to contest employer decisions not to grant time off for personal or family emergencies. In short, the bill's sole purpose is to empower employers and disenfranchise the American middle class.

I urge my colleagues to recognize H.R. 1406 for the evil it is and call on them to stand up for working families by voting it down.

Mr. MORAN. Mr. Speaker, I rise in opposition to H.R. 1406, the Working Families Flexibility Act. A more accurate name would be the Employer Flexibility Act, because the bill would give employers the flexibility to deny their workers overtime pay.

H.R. 1406 would overturn a key provision of the landmark 1938 Fair Labor Standards Act (FLSA) that ensures workers who work beyond the 40 hour standard work week are to be paid overtime—a rate that is set higher than the normal rate in order to keep the number of hours workers are asked to work reasonable. H.R. 1406 would undo this important provision so that an employer could, in lieu of making overtime payments to an hourly worker, make the promise of some future time off.

And this legislation goes one step further. The time off promised in lieu of overtime payment would be up to the discretion of the employer. The employer could deny requests for time off for up to a year before the legislation would require employers pay out the equivalent in wages. This is great for bosses, but it doesn't do much for working families.

Let's call this effort what it is: it is an anti-worker bill. Its effect would be to harm our nation's hourly workers: housekeepers, fast food workers, store clerks and other vulnerable members of our community. These individuals need their overtime wages the most.

This bill would also have a disproportionate impact on women, who have increasingly become the breadwinners in American families. A Center for American Progress study demonstrates that in more than two thirds of our families, women earn at least a quarter of the family income, and in many cases earn as much or more than their spouse. Among families with children in 2011, some 40 percent were headed by two working parents. Our federal policies must take this reality into account and meet our families half way by granting genuine flexibility while maintaining the important protections, like overtime pay, that help families thrive.

Unfortunately, this is not the first time that Republican Party leaders have sought to roll back worker protections. The past few years we have seen Republican Governors attempt to break up public sector unions and more recently, House Republicans repeatedly offered legislation to eviscerate the National Labor Relations Board.

If House Republicans wanted to help working families have more flexibility, they could start by undoing earlier efforts to make life harder for American workers and join Democrats in calling for a vote on the Paycheck Fairness Act so that women are paid the wages they deserve, or the Healthy Families Act so that families struggling with a child's illness or other crisis could get time off to deal with those challenges without jeopardizing their families' future. Another important improvement for working families Republicans have refused is to increase the minimum wage of $2.13 per hour for tipped workers—a wage that has not been increased in nearly twenty years.

H.R. 1406 has no chance of becoming law. It will not be taken up in the Senate, and the White House has promised to veto it. Why are we wasting valuable time on it? I urge my colleagues to take action for U.S. workers now, and support family friendly policies that will help our workers, restore the economic vitality of our middle class, and strengthen the social and economic bonds that knit us together as a people.

Mr. CONYERS. Mr. Speaker, I rise today in opposition to H.R. 1406, the so-called ''Working Families Flexibility Act of 2013.'' After reviewing the text, I must confess I am confused about how the Majority came up with the name for this bill. The ''Pay Working Families Less Act of 2013'' certainly does not have the same ring to it—but it would be a fair title for legislation that undermines the rights that workers have struggled for generations to secure. By repealing overtime protections in the Fair Labor Standards Act of 1938, this legislation offers flexibility for bosses eager to exploit their workforce and roll back pro-family reforms that 21st century families need. In their place, is the illusion of flexibility wherein an employee can take overtime compensation in time rather than pay—but only when the employer decides it is convenient.

However, just giving employers more flexibility is not what this bill is really about—H.R. 1406's ultimate goal is the systematic evisceration of overtime laws and all the benefits

they guarantee. No longer will employers have an incentive to boost employment by hiring enough workers to do the job. No longer will employers be forced to do something as basic as treat employees equally. No longer will employers be forced to pay every employee time-and-a-half for working more than 40 hours a week. Instead, they can shuffle overtime hours to employees who agree to take time rather than compensation.

Of course, this bill purports to protect against such manipulation. H.R. 1406's sponsor has said that the bill addresses these concerns because it bans employers from intimidating, coercing, and threatening workers. However, she also very clearly and very tellingly failed to include protections against discrimination. This lets employers force their employees to compete against one another for who will do the most work for the least amount of compensation.

If my friends across the aisle were serious about being friendly to families, they would find a way to help them without gutting important wage and hour protections that middle class families need to survive. If my friends across the aisle were serious about workers' familial responsibilities, they would support Representative DELAURO's Health Families Act. If they wanted to ensure that an illness did not bankrupt a family, they would help working families save by supporting the Fair Minimum Wage Act. If they cared about working mothers, they would support the Paycheck Fairness Act so that women aren't receiving 77 cents for every dollar a man earns.

Unfortunately, they simply are not serious—at least not about helping working class families find the stability and security that a flexible work environment offers.

I urge my colleagues to provide working families with legislation that provides real workplace flexibility and oppose this flawed and disingenuous bill.

Mr. BLUMENAUER. Mr. Speaker, I oppose the so called "Working Families Flexibility Act," which more accurately should be called the "Less Pay for Middle Class Families Act." I voted against similar legislation in 1997 and continue to strongly oppose this policy. In effect, this bill takes pay from the pockets of American families and loans it to their employers, with no condition that they pay it back for up to a year. If enacted, this policy would make life even more difficult for millions of middle class Americans. Even the bill's promise of flexibility is only true for the employer, which can determine on its own when the employee could use any accrued compensatory time. Enactment of this bill would translate into less money for American workers, more power for their employers, and breaks the time-honored tradition that extra work means extra pay.

This bill is an affront to middle class families across America. I oppose it.

Mr. FARR. Mr. Speaker, I rise today to offer my strong opposition to the egregiously misnamed Working Families Flexibility Act. It should be named the Working Families Inflexibility Act. This bill takes all of the control and choice out of the hands of workers and hands it right over to employers!

H.R. 1406 denies workers their earned overtime pay and deprives them of any promise of future compensation. It strips them of any guarantees of time off for personal or family emergencies. It would, however, guarantee them longer work hours and less control over their own schedules.

H.R. 1406 would also mean a pay cut for the millions of workers who need cash overtime to help pay their housing, food, and medical bills. Middle-income and low-income workers living paycheck to paycheck are already struggling to make ends meet and have come to rely on their overtime pay. After all, time off does not pay the bills.

The Fair Labor Standards Act and the 40-hour work week has been extremely successful for decades, why does the Majority want to change that other than to cater to employers and continue their war on the working American?

Mr. Speaker, under the guise of family-friendly public policy, the Working Families Flexibility Act is simply another assault on workers' rights. I urge my colleagues to oppose this bill.

Ms. NORTON. Mr. Speaker, by allowing employers to deny overtime pay, by substituting compensatory time off for overtime at the discretion of employers and by denying guaranteed time off for workers when they need it, the Republican attempt to give the nation's mothers a Mother's Day bill gets jeers instead of cheers. This same bill has died in committee or failed three times since 1996 and the President has pledged to veto it this time. We need new ideas for hard-pressed working mothers, not a redux that takes more than it gives. This was a message bill, not a serious attempt to help working mothers. The Senate won't touch it. So, happy Mother's Day. We can and will do better.

The SPEAKER pro tempore. Pursuant to House Resolution 198, the previous question is ordered on the bill, as amended, and on the amendment offered by the gentleman from New York (Mr. GIBSON).

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. GIBSON).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. COURTNEY. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further proceedings on this question are postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 32 minutes p.m.), the House stood in recess.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. YODER) at 5 p.m.

WORKING FAMILIES FLEXIBILITY ACT OF 2013—Continued

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the bill (H.R. 1406) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector, will now resume.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pending is the demand of the gentleman from Connecticut (Mr. COURTNEY) for the yeas and nays on the question of adopting the amendment offered by the gentleman from New York (Mr. GIBSON). Those in support of the request for the yeas and nays will rise and be counted.

A sufficient number having risen, the yeas and nays are ordered. Members will record their votes by electronic device.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on adoption of the amendment will be followed by 5-minute votes on a motion to recommit H.R. 1406, if ordered; passage of H.R. 1406, if ordered; ordering the previous question on House Resolution 202; and adoption of House Resolution 202, if ordered.

The vote was taken by electronic device, and there were—yeas 384, nays 42, not voting 6, as follows:

[Roll No. 135]

YEAS—384

Aderholt	Chaffetz	Fleischmann
Alexander	Chu	Fleming
Amash	Cicilline	Flores
Amodei	Clarke	Forbes
Bachmann	Clay	Fortenberry
Bachus	Cleaver	Foster
Barber	Clyburn	Foxx
Barletta	Coble	Franks (AZ)
Barr	Coffman	Frelinghuysen
Barrow (GA)	Cohen	Fudge
Barton	Cole	Gabbard
Bass	Collins (GA)	Gallego
Beatty	Collins (NY)	Garcia
Becerra	Conaway	Gardner
Benishek	Connolly	Gerlach
Bentivolio	Cook	Gibbs
Bera (CA)	Cotton	Gibson
Bilirakis	Courtney	Gingrey (GA)
Bishop (GA)	Cramer	Goodlatte
Bishop (NY)	Crawford	Gosar
Bishop (UT)	Crenshaw	Gowdy
Black	Cuellar	Granger
Blackburn	Culberson	Graves (GA)
Blumenauer	Cummings	Graves (MO)
Bonamici	Daines	Grayson
Bonner	Davis (CA)	Green, Al
Boustany	Davis, Danny	Green, Gene
Brady (TX)	Davis, Rodney	Griffin (AR)
Braley (IA)	DeFazio	Griffith (VA)
Bridenstine	DeGette	Grimm
Brooks (IN)	Delaney	Guthrie
Brown (FL)	DeLauro	Gutierrez
Brownley (CA)	DelBene	Hahn
Buchanan	Denham	Hall
Bucshon	Dent	Hanabusa
Burgess	DeSantis	Hanna
Bustos	DesJarlais	Harper
Butterfield	Diaz-Balart	Harris
Calvert	Doggett	Hartzler
Camp	Duckworth	Hastings (FL)
Campbell	Duffy	Hastings (WA)
Cantor	Duncan (TN)	Heck (NV)
Capito	Edwards	Heck (WA)
Capps	Ellison	Hensarling
Capuano	Ellmers	Herrera Beutler
Cárdenas	Engel	Higgins
Carney	Eshoo	Himes
Carson (IN)	Esty	Hinojosa
Carter	Farenthold	Holding
Cassidy	Farr	Holt
Castro (TX)	Fincher	Horsford
Chabot	Fitzpatrick	Hoyer