

sanctions to target those help Kim Jong Un avoid sanctions and fund his nuclear program and human rights abuses.

I urge support for the legislation offered today and commend my colleagues for bringing this important legislation before the House.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, H.R. 1644, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROYCE of California. 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 motion will be postponed.

### WORKING FAMILIES FLEXIBILITY ACT OF 2017

Ms. FOXX. Mr. Speaker, pursuant to House Resolution 299, I call up the bill (H.R. 1180) 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.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 299, in lieu of the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce, printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-15 is adopted, and the bill, as amended, is considered read.

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

H.R. 1180

*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 2017”.

#### 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) 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 an employee who is not represented by a labor organization that has been certified or recognized as the representative of such employee under applicable law, an agreement arrived at between the em-

ployer and employee before the performance of the work and affirmed by a written or otherwise verifiable record maintained in accordance with section 11(c)—

“(1) 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 employee 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 employer’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 an employee 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 earned by such employee when the compensatory time was accrued; or

“(ii) the regular rate earned by such employee at the time such employee received payment of such compensation, 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. GAO REPORT.

Beginning 2 years after the date of enactment of this Act and each of the 3 years thereafter, the Comptroller General of the United States 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).

#### SEC. 6. SUNSET.

This Act and the amendments made by this Act shall cease to be in effect on the

date that is 5 years after the date of enactment of this Act.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Virginia (Mr. SCOTT) each will control 30 minutes.

The Chair recognizes the gentlewoman from North Carolina.

GENERAL LEAVE

Ms. FOXX. 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. 1180.

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

There was no objection.

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

Today I rise in strong support of H.R. 1180, the Working Families Flexibility Act of 2017.

Mr. Speaker, this bill is about freedom, flexibility, and fairness. The freedom for workers to choose what is best for themselves and their families, more flexibility for men and women to balance work, life, and family, and greater fairness in how Federal policies treat workers and families.

Under the legislation, private sector workers who are eligible for overtime pay would be able to choose between cash wages or paid time off. This simple choice will help improve the lives of many hardworking Americans.

This option has long been available to government workers. More than 30 years ago, Republicans and Democrats came together to amend an outdated Federal law and provide public sector employees more workplace flexibility.

□ 1545

That is why comp time is a popular benefit enjoyed today by police officers, firefighters, and other State and local government employees. But the Federal Government still denies many private sector workers the same opportunity. This double standard simply isn't fair. It is time to level the playing field for those in the private sector.

Despite what we will hear from the other side of the aisle today, all we are doing is empowering workers with a choice. For some workers, more money in the bank may be the best choice for them. Nothing—I repeat, nothing—in this bill will take away that right.

But other workers, if given the choice, would seize the opportunity to turn their overtime hours into paid time off. There are single parents who need more flexibility to spend time with their children; students who are struggling to juggle college and a full-time job; and a growing number of individuals need more time to care for an aging relative.

Time is precious, yet Democrats in Congress think the Federal Government should decide how people use it. They think they know what is best for workers and their families. In the name of protecting workers, our col-

leagues and their so-called progressive allies have denied workers this choice for years. They continue to ignore the bill's strong protections, including several that are more robust than what is available in the public sector.

The bill preserves the 40-hour workweek, and comp time would accrue at the same time-and-a-half rate as cash wages. The legislation also requires a written comp time agreement between each individual worker and his or her employer, or between a worker's union and employer.

Additionally, workers can cash out their comp time at any time and for any reason. Employers who force their employees into a comp time arrangement would face costly penalties, and the Department of Labor would have full authority to crack down on bad actors.

Mr. Speaker, by providing more freedom and flexibility, we can improve the quality of life of many Americans. We have an opportunity to make a positive difference in people's lives simply by getting the Federal Government out of the way and allowing individuals to choose what is best for themselves and their families.

I want to thank Representative ROBY for championing this effort, and I urge all Members to vote in favor of freedom, flexibility, and fairness for the American people by supporting H.R. 1180.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, under current law, if an employee wants to work overtime, put the money in the bank where it can earn interest, and use it to cover the cost of taking some time off later with the permission of the employer, he can do that today without this bill.

But under H.R. 1180, instead of getting paid for overtime work in the next scheduled paycheck, the employee might not get paid until as much as a year later, when his employer decides to let him take that comp time.

This legislation simply weakens the protections available in the Fair Labor Standards Act—the original family-friendly workplace law—at the very moment that we really ought to be strengthening the law.

Under H.R. 1180, it would be legal to withhold workers' overtime pay for a long time. This would be otherwise a violation of the Fair Labor Standards Act.

The bill would allow you to undermine the 40-hour workweek by creating a mechanism that allows employees to earn time off to be with their families only if they spend extra time at work beyond a 40-hour workweek.

It undermines a worker's ability to earn overtime pay, which many workers rely on to send their children to college, save for retirement, or make a down payment on a house.

Because the legislation makes it cheaper for employers to assign over-

time to employees who agree to accept comp time instead of actual cash wages, this legislation makes it extremely likely that the only employees who will be asked to work overtime are those who agree to get comp time instead of actual time and a half paid cash.

Furthermore, the legislation creates significant uncertainty for workers. An employer could decide that an employee cannot take comp time on the dates requested because the employer said it would be an undue disruption to business operations.

My Democratic colleagues and I are working on a Working Families Agenda with real solutions that would boost wages for working people and help them balance work and family life. An employee should be able to earn time off without sacrificing overtime pay. This is exactly what the Healthy Families Act would do. It would allow workers to earn up to 7 paid sick days.

Finally, Mr. Speaker, 92 groups that actually represent working people sent a letter urging the Committee on Education and the Workforce to oppose the legislation.

Mr. Speaker, I include in the RECORD a letter which is led by the National Partnership for Women & Families. It points out that we should be taking up real solutions, such as legislation, to raise the minimum wage, Schedules That Work Act, family and medical leave, and other responsible solutions. These solutions would truly help working families, yet the majority has refused to support any of these initiatives.

MAY 1, 2017.

DEAR MEMBER OF CONGRESS: We, the undersigned organizations, urge you to oppose the so-called Working Families Flexibility Act (H.R. 1180/S. 801), a smoke-and-mirrors bill that would offer working people a pay cut without any guaranteed flexibility or time off. As members of Congress on both sides of the aisle acknowledge, people today are struggling to manage the demands of job and family, and to make ends meet and plan for the future. We urgently need lawmakers to update our nation's workplace policies to meet 21st century realities, but the Working Families Flexibility Act would be a grievous step in the wrong direction. It is, at best, an empty promise that would cause considerably more harm than good.

The Working Families Flexibility Act would offer a false choice between time and pay. Supporters claim the bill would give hourly workers more flexibility and time with their loved ones by allowing them to choose paid time off, rather than time-and-a-half wages, as compensation for working more than 40 hours in one week ("comp time"). But people would only get more time with their families after spending extra hours away from them at work, and the bill does not guarantee that workers could use the time they earn when they need it. Moreover, the bill would do nothing to address the need all working people—not just those who work overtime—have for guaranteed access to paid sick days and paid family and medical leave. Too few employers provide these protections now, especially to their hourly workers.

The Fair Labor Standards Act currently allows employers to provide flexibility and

time off without compromising workers' right to be paid fairly for the hours they work. The types of flexibility allowed under the FLSA include alternative start and end times, compressed or variable work hours within a week, split shifts, work at multiple locations, and paid or unpaid time off. Proponents of the Working Families Flexibility Act set up a false dichotomy that would force workers to choose between flexibility and overtime pay when, in reality, the FLSA does nothing currently to prevent employers from offering both.

The "worker flexibility" offered by the Working Families Flexibility Act would magnify the power imbalance between employees and employers. The proposal would give the employer, not the employee, the "flexibility" to decide when, and even if, comp time could be used. The bill would allow employers to deny requests if an employee's use of comp time would "unduly disrupt" operations, or grant leave on a day other than the one requested. This means the Working Families Flexibility Act would provide no guarantee that workers could use their earned time to care for a sick child, attend a parent-teacher conference, or help an aging parent. Employers could veto an employee's request to use their time even in cases of urgent need. The bill would also allow employers to "cash out" an employee's comp time in excess of 80 hours, or discontinue the comp time program altogether, with just 30 days' notice. This means an employee's carefully crafted plan to bank time for a child's birth or surgery could be thwarted by an employer's decision to cash out the employee's time.

The Working Families Flexibility Act would put workers' economic security at risk and provide an interest-free loan to employers. An employee who does not participate in an employer's comp time program could be penalized with fewer hours, bad shifts and lost overtime hours. The bill would permit employers to defer compensation for unused comp time for as long as 13 months, creating an interest-free loan for employers and hardship for workers. It also would not provide any protections for employees when firms collapse or go bankrupt, meaning workers could lose the value of their unused comp time altogether.

The Working Families Flexibility Act would provide few protections for workers and no additional resources to the U.S. Department of Labor for education, investigation and enforcement. The U.S. Department of Labor's (DOL's) Wage and Hour Division already struggles to enforce the Fair Labor Standards Act (FLSA) with too few investigators and a small budget—and DOL is facing a draconian reduction in funding that threatens its ability to maintain current operations, let alone engage in robust enforcement. This bill would add significant new provisions to the FLSA, but it would not provide additional funds for education and enforcement efforts the new provisions would require. Workers would have few remedies in cases of employer misconduct pursuant to the bill, and would not be able to rely on an under-resourced Wage and Hour Division for assistance. Wage theft (nonpayment or underpayment of wages for hours worked) would be exacerbated because it would be easier for employers to avoid overtime compensation obligations without consequences.

Instead of wasting time on smoke and mirrors, Congress should focus on policies that would meaningfully improve people's economic security and provide the time they need. We urge Congress to adopt:

The Healthy Families Act (H.R. 1516/S. 636), which would make earned paid sick days available to millions of workers and build on the success of paid sick days laws

that have been, or will soon be, implemented in seven states and 32 localities;

The Family And Medical Insurance Leave (FAMILY) Act (H.R. 947/S. 337), which would create a national paid leave insurance program—modeled on successful state programs in California, New Jersey, Rhode Island and, soon, New York and the District of Columbia—that would allow workers to take paid time to care for a new child; care for a seriously ill family member; address their own serious health condition; or manage certain military caregiving responsibilities;

The Schedules That Work Act, which would give workers more control over their schedules and incentivize predictability and stability in shifts and work hours; and

An increase in the minimum wage, including the elimination of the sub-minimum "tipped" wage, which would lift millions of families out of poverty.

People simply should not have to work more than 40 hours in a week and forgo pay to earn time to care for themselves or their loved ones. We urge Congress to reject the Working Families Flexibility Act and instead adopt family friendly workplace policies that provide true flexibility—not an empty promise that would make life appreciably more difficult for people who are already struggling.

Sincerely,

1,000 Days, 9to5, National Association of Working Women, 9to5 California, 9to5 Colorado, 9to5 Georgia, 9to5 Wisconsin, A Better Balance, American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), American Association of University Women (AAUW), American Federation of Government Employees, American Federation of Teachers, (AFL-CIO), California Work & Family Coalition, Center for Law and Social Policy (CLASP), Center for Popular Democracy, Coalition for Social Justice, Coalition of Labor Union Women, Coalition on Human Needs, Communications Workers of America (CWA), Connecticut Working Families Party, Connecticut Women's Education and Legal Fund (CWEALF), Daily Kos, Demos, Economic Policy Institute Policy Center, Economic Progress Institute, Faith in Public Life, Family Forward Oregon, Family Values @ Work, Feminist Majority.

Indiana Institute for Working Families, Innovation Ohio, Institute for Science and Human Values, Inc., Interfaith Worker Justice, International Brotherhood of Teamsters, International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), Jewish Women International (JWI), Jews United for Justice, Jobs With Justice, Labor Project for Working Families, The Leadership Conference on Civil and Human Rights, Legal Aid at Work, Los Angeles Alliance for a New Economy (LAANE), Main Street Alliance, Maine Women's Lobby, Make it Work, McKenna Pihlaja, MomsRising.org, Mothering Justice.

National Asian Pacific American Women's Forum (NAPAWF), National Association of Social Workers (NASW), National Center for Lesbian Rights, National Coalition 100 Black Women Central Ohio Chapter, National Council of Jewish Women (NCJW), National Education Association (NEA), National Employment Law Project, National Employment Lawyers Association, National Institute for Reproductive Health, National Network to End Domestic Violence, National Partnership for Women & Families, National Women's Law Center, NC Justice Center, NETWORK Lobby for Catholic Social Justice, New Jersey Citizen Action, New Jersey Time to Care Coalition, New York Paid Leave Coalition, Ohio Domestic Violence Network, Ohio Women's Public Policy Network, OUR Walmart.

Pathways PA, People For the American Way, People's Action, PL+US Paid Leave for the U.S., Progress For All, Project IRENE, Restaurant Opportunities Center of Pennsylvania (ROC-PA), Restaurant Opportunities Centers United (ROC), Sargent Shriver National Center on Poverty Law, Service Employees International Union (SEIU), Southwest PA National Organization for Women, The Body Is Not An Apology (TBINAA, Inc.), Texas Organizing Project, The Voter Participation Center, UltraViolet, Unitarian Universalist Women's Federation, Voices for Progress, Women Employed, Women's Foundation of Florida, Women's Law Project, Women's Voices Women Vote Action Fund, Working America, Working Partnerships USA, Young Invincibles, YWCA USA.

Mr. SCOTT of Virginia. Mr. Speaker, I urge my colleagues to vote "no" on this legislation, and I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield 6 minutes to the gentlewoman from Alabama (Mrs. ROBY), the author of the legislation.

Mrs. ROBY. Mr. Speaker, I want to thank the gentlewoman for yielding. Let me say how grateful I am for the leadership of Chairwoman FOXX in the Education and the Workforce Committee. She and her staff have been instrumental in advancing this bill.

I also want to thank my friend, my colleague from Alabama, BRADLEY BYRNE, who serves as the chair on the Workforce Protections Subcommittee. He has been a champion for commonsense policies in the workplace, and I appreciate his hard work.

Mr. Speaker, today's workforce is more diverse than ever, especially as it concerns working parents. More than 70 percent of mothers today work outside of the home; and that is different from 50 years ago, when that number was less than 30 percent.

But while the workforce has changed quite a bit, our policies and laws that govern the workplace have not. As a working mom myself, I understand all too well how challenging it can be to balance career and family. Ask any working parent, and they will tell you just how precious their time is. They will tell you that they just need one more hour in the day to be able to take care of their family and all of those responsibilities that come with it.

I always say, Congress can't legislate another hour in the day, but we can update our laws to allow more choice and fairness in how employees use their time. That is why I am proud to bring to the floor H.R. 1180, the Working Families Flexibility Act.

Mr. Speaker, this bill does three important things: it removes outdated and unnecessary Federal restrictions on the use of comp time in the private sector; it provides flexibility for working moms and dads who need more time to spend taking care of their family responsibilities; and it demonstrates how commonsense conservative principles can help Americans in their everyday lives.

Here is how it works: an hourly wage employee would be able to voluntarily enter into an agreement with their employer to put a portion of their accrued

overtime towards paid time off instead of extra cash. An employee could simply use the time-and-a-half overtime that they earned to take a paid hour and a half off of work instead of the extra money if that is what they wanted.

Ask yourselves: Should a working dad be forced to use up all of his vacation time in order to get involved in his child's school?

Should a military mom, with her husband deployed, have to dip into her sick leave to make sure her kids have the support they need?

Should someone with aging parents who require extra care have no option allowing them to devote more time and attention to their loved ones when they need it most?

Under the Working Families Flexibility Act, those working moms and dads could have the option of using their accrued overtime toward paid time off, allowing them to take care of these responsibilities without losing the paycheck that they count on.

Mr. Speaker, for anyone who works in the public sector, this comp time system probably sounds familiar. That is because, since 1985, government employees have had access to comp time benefits.

Why should the rules be different? If it is good enough for the government employees, why is it not good enough for the private sector?

H.R. 1180 fixes this disparity by allowing for greater choice and fairness over how workers use their time. I have sponsored this bill for three straight Congresses now, so I am well aware of the criticism from the labor unions and their allies. They try to say this bill is somehow antiunion or antiworker. This is simply untrue. Of course, the truth is, many Big Labor groups will reflexively attack any proposal that would change a single word of the Fair Labor Standards Act. Ironically, labor unions themselves can, and often do, negotiate similar agreements for their members already.

So I want to just go over a few of these criticisms quickly. Critics of this bill, as has already been stated in this debate, will tell you that it will somehow result in employees working longer hours for less pay. That is not true. The decision to receive comp time is completely voluntary. An employee who prefers to receive cash payment for overtime hours is always free to do so.

Workers can withdraw from a comp time agreement whenever they choose. An employee who changes their mind or just can't work out with their employer when to use compensatory time can say, "You know what? I would rather have the cash payments that I accrued in my overtime," and the employer must provide that within 30 days.

All existing protections in the Fair Labor Standards Act are maintained, including the 40-hour workweek, and how overtime compensation is accrued.

Critics of this bill also say that it will allow employers to control when workers take their comp time. That is also not true. It is up to the employee to decide when to use his or her comp time. It is their time.

My time is running out. There are other myths, and I hope during this debate that we will be able to go through what is myth, and what is fact, and I am happy to address that at any time.

I want to thank again the chairwoman for her support, for her willingness to move this bill through committee.

We have got big issues in this country to deal with right now: health care, funding the government, tax reform. And as we continue to work on those issues—and we will—nothing should stop us from doing what we can right now to help make life a little easier for moms and dads. The Working Families Flexibility Act does that by helping Americans better balance the demands of family and work. After all, this is their time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. BONAMICI), the vice ranking member on the Committee on Education and the Workforce.

Ms. BONAMICI. Mr. Speaker, unfortunately, too many workers in Oregon and across the country are still facing a great deal of economic uncertainty. They worry about rent payments, healthcare costs, saving for retirement, balancing family responsibilities and work, and making ends meet.

Congress should be considering policy changes that support workers, not a bill that threatens their economic security. This bill takes away overtime pay and, instead, a workers gets a vague IOU for compensatory time sometime in the future, and only if the comp time does not unduly disrupt the operations of the employer—whatever that means.

I would like to share the story of Anjeanette. She said:

I work as a waitress in a restaurant in Gresham, Oregon, that is part of a large chain. I have three children. I have never had a single paid sick day. A few years ago, when I was working in construction, I sprained my ankle badly and couldn't go to work for a week. I didn't have any paid sick days, so I lost a whole week's pay, which meant I wasn't able to pay all of my bills and I wasn't able to pay for gas.

Anjeanette is a single mother of three sons who also struggles to care for them when they get sick. In fact, when her youngest got the flu, her older son had to stay home from school to care for him.

In May and June, we celebrate Mother's Day and Father's Day. This is a perfect time for Congress to focus on legislation that allows parents like Anjeanette to be more present in their kid's lives and still pay their bills.

Instead, this legislation would result in taking their overtime pay from their pockets. The so-called Working Families Flexibility Act is not a solution.

Mr. Speaker, I urge my colleagues to reject this legislation.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. ROE), the chair of the Veterans' Affairs Committee, as well as a member of the Education and the Workforce Committee.

Mr. ROE of Tennessee. Mr. Speaker, I rise today in support of H.R. 1180, the Working Families Flexibility Act, and encourage all of my colleagues to do the same. This commonsense piece of legislation, sponsored by my friend and colleague from Alabama, MARTHA ROBY, would empower private sector workers with the flexibility to choose comp time as compensation for working overtime hours instead of added wages.

Specifically, the provisions of this legislation would be completely voluntary for workers, allow them to exchange their accrued time for full overtime pay at any time or for any reason, and would maintain the protections of the Fair Labor Standards Act, such as the standard 40-hour workweek.

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Mr. Speaker, I have heard our friends on the other side of the aisle express opposition to giving private sector employees this choice. I would point out that the public sector employees have enjoyed the ability to use comp time to maintain a work-life balance for 30 years. We are simply doing the same thing for private sector employees that public sector employees have the right to do today.

H.R. 1180 would benefit workers who want more flexibility to decide where they spend the time, with their families or pursue entrepreneurial or education ambitions outside the workplace, and these individuals should be admired for their efforts.

At its most basic level, this legislation is about choice and the belief that hardworking employees know their needs better than Washington bureaucrats. House Republicans believe it is time to adapt our labor laws to meet the needs of a rapidly changing 21st century workplace instead of imposing a one-size-fits-all, Washington-knows-best model.

It is time to empower employees to make choices on what will allow them to better balance work with their personal lives. This commonsense legislation will ultimately improve not only their benefits but their lives.

I want to again encourage my colleagues to support H.R. 1180.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO), the ranking member of the Labor, Health and Human Services, and Education Subcommittee of the Appropriations Committee.

Ms. DELAURO. Mr. Speaker, I rise in strong opposition to this bill which would give workers less flexibility and less pay. The economic challenge of our time is that people are in jobs today that just don't pay them enough to live on. They are struggling to make

ends meet. This bill would make that worse.

It forces workers to decide between time-and-a-half overtime pay and paid time off when they work more than 40 hours a week. It enables employers to exert more control over employees' wages and hours that hinders a worker's ability to plan family time, to have flexible and stable schedules, and, yes, to make ends meet.

Rather than helping American workers earn better wages and more time off, this bill creates more power for employers to delay paying overtime wages for as long as 13 months. For people who need to work extra hours to pay those bills, this legislation forces them into an impossible choice between time and money with no guarantee of time off.

This bill is nothing more than a false promise of time off and a pay cut. Working Americans deserve better. We have an obligation to pursue public policy that puts workers before corporations. Instead of forcing bad choices for workers about their time off, we ought to bring the Healthy Families Act to the floor which would enable workers to earn paid sick days, because no one should have to choose between getting healthy and putting food on the table.

Instead of considering this legislation which will hurt workers and their ability to earn fair wages, we should be considering the FAMILY Act, which would create a national paid leave insurance program to allow workers to take time off while they are caring for a new child, a seriously ill family member, or their own serious health conditions.

Instead of undermining workers' schedules, we should be considering the Schedules That Work Act, which gives workers more control over their schedules, offers them real predictability and stability in their shifts and in their work hours.

These are the policies that workers need, policies that reflect the realities of working in America today, the challenges that workers face. This bill goes in the opposite direction.

Mr. Speaker, I urge my colleagues to oppose it.

Ms. FOXX. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Wisconsin (Mr. GROTHMAN).

Mr. GROTHMAN. Mr. Speaker, I would like to speak as well on the Working Families Flexibility Act.

Over a period of time, a lot of the rules and regulations that this body has passed, it becomes apparent they are one-size-fits-all and lack common sense. I am glad to be a cosponsor of this bill which gives people the flexibility, if they work more than 40 hours in a week, they can take the cash if they need the cash. But for some people, either because of life circumstances or because they are just less materialistic, they don't want that cash. They would rather spend time with their family.

I think particularly in today's world where so many people live in two-parent families in which both people work, a lot of people would love to spend a day with their children instead of having their children in daycare. I think it is right that people should have the freedom to do that. We recognize for government employees we frequently have comp time in which if they work more than 40 hours a week, they can come back, spend more time with their family, or maybe just spend more time on recreation.

It is high time we give that freedom to people in the private sector, high time to put family first, and we all have to remember that even though some people always want more money, some people say there are other things in life that are more important.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the Democratic whip.

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

Mr. HOYER. Mr. Speaker, freedom to make less. What could be wrong with that? Freedom to make less.

Now, I am an employer, and I tell my employees, you have the freedom to either work for time and a half or just take comp time. One employee says: Well, I will work for comp time. The other employee says: Mr. Boss, you know, I need that money. Well, the person I will choose to work will be the person who will do it for comp time.

I don't know whether there is a provision to pay FICA on comp time or not in this bill, but I presume there is not. I presume there is an extraordinary saving to the employer, an incentive to the employer to choose the employee who doesn't need the extra money. Maybe their spouse makes a lot of money. Maybe not.

This is the freedom to make less bill, and I rise in opposition to it as I did when it last came to this floor. Instead of requiring employers to provide their workers with overtime, as currently amended, this bill would allow them to replace overtime with comp time.

Now, I have run a business. Most businessmen would not say it was a business because it was a law office. But I had employees, and I had to pay them. I wanted to pay them. I needed to pay them. When they worked overtime, I needed to pay them overtime. In other words, this bill provides if you work more than 40 hours a week, instead of getting time and a half for overtime, your boss can tell you no. Instead, you get paid time off, but you don't get to choose when you get to take it.

Now, if you only have one employee, that is not a problem because they have a choice. But if you have two employees and one employee makes the choice, as I pointed out, of getting comp time, such a deal for the boss.

And, yes, probably a pretty good deal for the person who can afford to just

take comp time and doesn't need that time and a half.

The problem is, of course, as the previous speaker on our side said, we are having trouble getting people to a wage on which they can live and support themselves and their families. They need that time and a half.

And while we say it is voluntary and their choice, as a practical matter, as I have just pointed out, it is not.

Ms. FOXX. Will the gentleman yield?

Mr. HOYER. I yield to the gentlewoman from North Carolina.

Ms. FOXX. I would like to ask the gentleman if he could point out in the bill where you cede the power to the employer because that is not in this legislation. I would love it if you would just point that out to us in the legislation.

Mr. HOYER. Where it is is not articulated in the bill, but you don't say if there are two employees in the example I have given, Madam Chair, whether or not the employer can say: Employee A, you are going to take some comp time, so would you work an hour and a half or 2 hours overtime? But Employee B, I know you can't afford to do that, you have got to be home with your child, and if you are going to work, you need the overtime to pay, perhaps, for the extra childcare.

There is nothing in your bill that precludes the employer from doing that; is there?

I yield to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. It is totally voluntary on the part of the employee.

Mr. HOYER. I understand that. My example was totally a voluntary commitment by someone who will work for comp time. This is a bill, as I said at the beginning, you can work more and get less.

Mr. Speaker, we ought to defeat this bill because employees and every employee organization that I know of has been articulating opposition to this bill because they know it will hurt employees.

Ms. FOXX. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, this bill strengthens protections for workers and increases penalties for abuses. It contains strong anticoercion provisions that would prohibit an employer from directly or indirectly trying to intimidate or coerce workers.

Employers found to have coerced employees would be liable to the employees for double damages. And all existing remedies, including action by the U.S. Department of Labor, are available to workers if an employer fails to pay cash wages for overtime hours.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman of the Small Business Committee.

Mr. CHABOT. Mr. Speaker, I rise today in support of the Working Families Flexibility Act. I want to commend my colleague, the gentlewoman from Alabama (Mrs. ROBY), for introducing this legislation which will help

private sector employees increase workplace flexibility.

This week is National Small Business Week, a time to celebrate America's 29 million small businesses which employ nearly half of the private sector workforce, and, as was mentioned, I happen to be the chairman of the House Small Business Committee.

Small businesses are run by our neighbors and families and friends, and they offer working families the chance to get ahead. Small businesses are also known for treating their employees well and providing workplace flexibility.

This bill will allow small businesses to give their hourly employees another option that public sector employees have enjoyed for many years, the choice of being paid off instead of cash wages for overtime hours worked.

While some employees may prefer wages for the overtime hours they put in, others might want to use that time to attend their child's piano recital or go to a sports event or caring for an elderly parent. This bill gives them that choice. It is the employee's choice, not the employer.

The flexibility is crucial for families where there is a single parent or both parents work full time. Importantly, this bill does not force any employee to take comp time, and it provides protections such as requiring the employer and employee to enter into a written comp time agreement.

The Working Families Flexibility Act will allow small businesses to offer their employees a new benefit. As we celebrate National Small Business Week, let's give small businesses another way to make the lives of working families a little easier.

It seems like a lot of the folks on the other side of aisle oftentimes think that small businesses are going to try to get away with anything that they can possibly get away with, that they want to exploit their workers, they are going to take advantage of them, we just can't trust them. Almost every small business in this country cares not only about their business, but they care about their employees.

Mr. Speaker, let's give them credit for something.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. TAKANO), the ranking member of the Workforce Protections Subcommittee of the Education and the Workforce Committee.

Mr. TAKANO. Mr. Speaker, I rise today in strong opposition to H.R. 1180 for a simple reason: the Working Families Flexibility Act does not give working families more flexibility. In fact, it gives them nothing.

The bill contains no meaningful rights for workers that they don't already have. Instead, it is employers who get the flexibility and the power to withhold overtime pay in exchange for a false promise of comp time in the future.

□ 1615

This bill takes the simple idea that workers should be paid when they work overtime and creates a more complicated system in which employers can pressure their workers to accept comp time instead of cash and then refuse to give them that comp time until it is convenient.

Even the American Sustainable Business Council opposes the bill, and I include their letter in the RECORD.

AMERICAN SUSTAINABLE  
BUSINESS COUNCIL,

April 24, 2017.

HON. VIRGINIA FOXX,  
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

HON. BRADLEY BYRNE,  
Chairman, Subcommittee on Workforce Protections, House of Representatives, Washington, DC.

HON. ROBERT "BOBBY" SCOTT,  
Ranking Member, Committee on Education and the Workforce, House of Representatives, Washington, DC.

HON. MARK TAKANO,  
Ranking Member, Subcommittee on Workforce Protections, House of Representatives, Washington, DC.

DEAR CHAIRPERSONS FOXX AND BYRNE, AND RANKING MEMBERS SCOTT AND TAKANO: On behalf of our members and supporter organizations, the American Sustainable Business Council (ASBC) is writing to express our opposition to the Working Families Flexibility Act (H.R. 1180/S. 801) of 2017.

The misleadingly named bill, as introduced by Representative Martha Roby, is the wrong way to encourage employers to offer work-life benefits to their employees.

This bill would create a major liability on the balance sheet of small businesses whose employees have "banked" away their overtime comp hours. This liability then becomes a scheduling and accounting challenge when employees decide to trade in banked hours, requiring business owners to make unexpected shifts in personnel assignments and paychecks. Obviously, small businesses with fewer resources and employees would be even harder hit by these onerous logistical challenges than larger corporations.

It is important that more supporting measures are taken to ensure the success of small business. In the spirit of pursuing pro-business legislation, the Working Families Flexibility Act proves itself to be anything but flexible for employees and even more burdensome for employers. The sheer volume of tracking requirements has the potential to result in improper penalties being assessed by various government agencies. The bill will stymie, not foster, economic activity in the private sector.

In addition, this bill would create headaches for any employer who must track banked hours across multiple employees and make the required organizational rearrangements. These factors could put business owners in the position of making uncomfortable decisions regarding their employees which could, in turn, lower the morale of their workforce.

Current law does not deny employers and employees the ability to develop mutually beneficial flexible scheduling if they so choose, which makes this an unnecessary new law. If Representatives Roby is truly concerned about creating flexibility for working families, there are other, less onerous options.

The Healthy Families Act, for instance, would provide workers the right to earn up to seven earned paid sick days each year to

recover from illness, to care for a family member, to seek routine medical care, or to manage other unpredictable necessities of day-to-day life. Employers who provide this type of leave already would not have to provide additional sick time. This method is a more predictable and easier approach to implement for employers.

ASBC is a growing national coalition of businesses and business organizations committed to advancing policies that support a vibrant and sustainable economy. ASBC represents over 250,000 businesses and more than 300,000 business professionals, including industry trade associations, local and state chambers of commerce, microenterprise, social enterprise, green and sustainable business, local and community-rooted business, women and minority business leaders, and investors.

The Working Families Flexibility Act is a poorly designed bill for both employers and employees. In the interest of working families who need true flexibility, and the businesses who rely on those family members, we urge you to vote against it.

Sincerely,

RICHARD EIDLIN,  
Co-Founder & Vice President of Public Policy.

Mr. TAKANO. Mr. Speaker, this is a terrible deal for working families. This bill should be called the betrayal of working families act.

Mr. Speaker, I do not believe my colleagues in the majority are intentionally eroding the rights of working families. I do not believe they lack respect or compassion for the millions of hardworking Americans who feel stuck and powerless in this economy.

But I do believe that, when faced with a choice between protecting workers and rewarding corporations, they routinely fall on the side of corporate interests. The evidence is in this bill. The evidence is in their vote to roll back workplace safety reporting standards. The evidence is in their vote to block the fiduciary rule, and the evidence is in the majority's continued resistance to restoring overtime protections for millions of middle class workers.

President Trump promised to give power back to the people. This legislation betrays that promise, and it betrays the people who desperately need a voice in Washington.

I call on my colleagues to oppose H.R. 1180.

Ms. FOXX. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Kansas (Ms. JENKINS), a member of the Ways and Means Committee.

Ms. JENKINS of Kansas. Mr. Speaker, I rise today in support of H.R. 1180, the Working Families Flexibility Act.

Hardworking Americans who are paid hourly wages and work overtime should have the choice to receive the money or annual leave to spend how they choose. Under our outdated law, they don't have this choice today. This commonsense legislation will fix that and directly benefit workers and their families.

As a single working mom myself, I know firsthand the difficulties parents encounter when trying to balance work and family responsibilities. For hourly

workers having the voluntary option to take either money or more time with their families opens up a world of possibilities for folks to spend more time with their kids, run errands, or make appointments.

This is an option provided to workers in the public sector. Why wouldn't we want to give this option to all American workers?

I support this family friendly legislation. I encourage my colleagues to support it as well.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. FRANKEL).

Ms. FRANKEL of Florida. Mr. Speaker, I rise to urge a "no" vote on this misleading name, Working Families Flexibility Act.

Quite simply, this is a bait-and-switch proposal. It awards employers flexibility, not the families who need it. It fails ordinary working men and women, like the mom who has no overtime stored up and must go into credit card debt after having a baby or the dad who has worked long, crushing overtime hours but can't afford to give up his pay in order to stay home with his ill son.

Mr. Speaker, Democrats have better solutions: 12 weeks of paid family leave, guaranteed paid sick days. These are proposals that will modernize our workplace. It will lead to better workers and stronger families.

Ms. FOXX. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I thank Chairman FOXX and Chairman ROBY for the outstanding job that they have done on this.

Listening to my colleagues, you would think that there is a lack of understanding, if you will, to that old saying that women want more time.

As one of my constituents asked me today: If you pass this bill, is it going to mean that I can bank my time during tax season, take time and a half and use it to take a field trip or a school trip with my child?

I said: Absolutely. Because this is a bill that puts you in charge of how you want to be compensated for overtime work. Do you want the money? Do you want the added time so that you have control of your schedule?

Yes, this is about empowering the employee.

It is so interesting, the Fair Labor Standards Act of 1938 put in place something for the public sector. They forgot about the private sector. You could look at this and say, well, it is a correction within the law so that not only public sector employees, but also private sector employees have the ability to say: I choose to have more time at this point in my career. I want the flexibility.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington (Ms. JAYAPAL).

Ms. JAYAPAL. Mr. Speaker, I rise in strong opposition to this bill, H.R. 1180, the Working Families Flexibility Act.

There is nothing in this bill that provides any flexibility to working families. In fact, Mr. Speaker, we all seem to have names for this bill, but mine is that it should be called the employer flexibility act because that is what it really does. It gives employers flexibility to not pay for time worked. It is a smoke-and-mirrors promise that ultimately helps employers but hurts workers.

The choice between overtime pay and comp time is a false choice for workers, Mr. Speaker. We know what happens in the reality of the workplace. The vague promise of time off in the future is often never realized, and many hourly workers may feel compelled by employers to forfeit their overtime pay to accept comp time.

Workers do need more flexibility, more money, and more control over their lives, but this bill is a cruel joke on workers. At a time when America's working families are strapped for both time and money, this bill takes time away from families and offers them less money in every paycheck. In the end, there is no guarantee that employers will let their employees take the time off when they need it.

Here is the story of Camilla, from my home State of Washington. This is what she wrote:

It was my first job out of college. I was given comp time in lieu of overtime pay. I worked so much overtime that, in just over 6 months' time, I had accrued 2 weeks of comp time. When I scheduled my time off, I was told I could not take the time off, as I had not worked there for a full year. I had already purchased airfare. I ended up quitting my job.

Mr. Speaker, I urge our Republican majority to go back to the table and return with legislation that provides real flexibility to American families: raise the minimum wage; ensure that hourly workers have paid sick leave; make sure that families don't suffer from pay discrimination. That is what the American people expect us to be working on. Not false choices in the name of flexibility.

Ms. FOXX. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, today I rise in support of H.R. 1108, the Working Families Flexibility Act.

Many Americans can relate to the difficulties of balancing work duties with family obligations. It is not always easy to attend a parent-teacher conference, care for an aging parent, or stay home with a newborn when outdated Federal laws create constant barriers to workplace flexibility.

H.R. 1180 will amend the outdated Fair Labor Standards Act of 1938 and bring much-needed reform to the workplace. It will give employers the freedom to offer employees a choice between cash wages and comp time for overtime hours worked.

I emphasize this is a voluntary option, which means that employees who want to receive cash wages can continue to do so; and if they choose to ac-

cept comp time and change their mind, it allows workers to withdraw and receive cash wages whenever they choose.

By passing this bill, American workers will gain more flexibility in the workplace, allowing them to have more time to spend with the people they love.

I urge my colleagues to support this commonsense legislation that supports our American workers.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, there was mention about the legislative history back in the 1980s. The fact is there was no mention in legislative history that Congress passed the comp time legislation to be family friendly or to provide flexibility. The legislation was passed purely to respond to States' and localities' concerns about fiscal pressures created by the Supreme Court case *Garcia v. San Antonio Metropolitan Transportation Authority*. So I think it ought to be clear that these are entirely different issues.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ESPAILLAT).

Mr. ESPAILLAT. Mr. Speaker, I rise today in strong opposition to H.R. 1180, the so-called Working Families Flexibility Act.

The name of this bill is pretty deceiving. In reality, this legislation only worsens the significant problem of wage theft. Violators of our wage and hour laws do not need another way to cheat workers out of their pay, but that is exactly what H.R. 1180 gives them.

The problem of wage theft has reached epidemic proportions, and overtime violations are too common. All H.R. 1180 does is give dishonest employers who want to steal workers' paychecks any number of smoke screens—like denying requested and hard-earned time off because it would be an undue burden to business operations—to hide behind.

Further, we know from experience that significant litigation over payment of wages owed under comp time programs in the public sector exist. Yet this legislation includes no additional funding for the Department of Labor to enforce or implement these provisions.

Even worse, this legislation is being considered while President Trump has proposed a severe 21 percent budget cut to DOL. It simply makes no sense to give unscrupulous employers another mechanism for stealing workers' hard-earned paychecks while providing no additional resources for employees who need help recovering their stolen pay.

I would like to share a story from a New Yorker who has felt the direct and negative consequences of wage theft and comp time. During her 40-plus years as a secretary, word processor, and paralegal, she worked hundreds of extra hours and was frequently promised comp time. She never received it.

Not once. Further, any overtime pay was usually conveniently forgotten, and she feared she would lose her job if she asked for her rightful pay or promised time off.

Rather than protect employees like this woman, H.R. 1180 will do the opposite and produce more of these unjust horrendous stories.

The SPEAKER pro tempore (Mr. SHIMKUS). The time of the gentleman has expired.

Mr. SCOTT of Virginia. Mr. Speaker, I yield an additional 1 minute to the gentleman from New York.

Mr. ESPAILLAT. Mr. Speaker, I offered an amendment during the markup of this bill which would have stopped this legislation from enabling bad actors to cheat workers out of their pay. It would have exempted willful and repeated violators of the minimum wage and overtime protections from this act, but my Republican colleagues unanimously voted against this amendment, a clear indication of where they stand on protecting hard-working Americans.

I urge my colleagues to vote “no” on this bill.

Ms. FOXX. Mr. Speaker, I yield 1 minute to the gentlewoman from Alabama (Mrs. ROBY), the author of the bill.

Mrs. ROBY. Mr. Speaker, in response to the gentleman's comments that he just made, it is well worth repeating: this bill actually strengthens protections for workers and increases penalties for abuse. It contains in it strong anticoercion provisions.

We have to be factual about what is actually in the bill. This bill prohibits an employer from directly or indirectly, as suggested by the gentleman, trying to intimidate or coerce workers. Employers found to have coerced employees would be liable to those employees for double damages.

Of course, in response to the previous statements, all existing enforcement remedies, including action by the U.S. Department of Labor, are available to workers if an employer failed to pay cash wages for overtime hours or unreasonably refuses to allow workers to use their accrued comp time.

□ 1630

Mr. SCOTT of Virginia. Mr. Speaker, I would like to ask the gentlewoman to show where in the bill the penalties are actually more than they are today?

Ms. FOXX. Will the gentleman yield?

Mr. SCOTT of Virginia. I yield to the gentleman from North Carolina.

Ms. FOXX. Mr. Speaker, I am happy to take the gentleman's time to explain where in the bill. It is section 4, and we will give you the text of it. Give us a second.

Mr. SCOTT of Virginia. And how is that different from what the Federal law is now?

Ms. FOXX. How much time, Mr. Speaker, do I have?

Mr. SCOTT of Virginia. Mr. Speaker, in the meanwhile, I yield 2 minutes to

the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding.

Actually, the idea of the 40-hour day began over—yesterday makes 130 years at Haymarket Square in the city of Chicago, my hometown. And the idea is very simple: that after 40 hours of work, which is a reasonable time in most industrialized countries in the world, that people then get overtime pay. It is something that helps strengthen families and is good for workers to have money in their pockets.

But the idea here, under the guise of flexibility—which is a really nice word—is it allows employers to deny extra hours to workers who want overtime. Instead, they can pick those who are willing to work long hours without pay for promises in the future that they would be able to have comp time, that they would be able to make it up at a time of their boss' choosing. Oh, they say over a negotiation, but go ahead and try and negotiate with your employer about that.

While the majority argues that providing comp time to private sector workers creates parity between the public and private sector, workers in the public sector have many more protections than workers in the private sector right now.

Union density in the public sector is five to six times the union density of the private sector. Workers represented by unions have far more bargaining power than unrepresented workers, greatly increasing the potential for employer abuse of comp time and decreasing the employees' ability to defend themselves from such abuses.

Workers in the public sector have more job security, higher wages than their private sector counterparts. This means public sector workers are less likely to be putting their jobs at risk. So this is just a bad idea, hurts workers, hurts families, hurts the long-standing idea of the 40-hour workweek.

Ms. FOXX. Mr. Speaker, the gentleman had asked a question, and we are prepared to answer on his time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 30 seconds to the gentlewoman from Alabama (Mrs. ROBY).

Mrs. ROBY. Mr. Speaker, I would like to point the gentleman to page 4 of the bill, in section 4, beginning on line 21: “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 . . .” And then it goes through “requiring any employee to use such compensatory time.”

If you turn to page 7 of the bill, under section 3, remedies, subsection F, it directly addresses the damages.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself 15 seconds just to include in the RECORD section 216 of the Fair Labor Standards Act, which says essen-

tially the same penalties are available in the present law as in the bill.

#### § 216. Penalties

##### (a) Fines and imprisonment

Any person who willfully violates any of the provisions of section 215 of this title shall upon conviction thereof be subject to a fine of not more than \$10,000, or to imprisonment for not more than six months, or both. No person shall be imprisoned under this subsection except for an offense committed after the conviction of such person for a prior offense under this subsection.

##### (b) Damages; right of action; attorney's fees and costs; termination of right of action

Any employer who violates the provisions of section 206 or section 207 of this title shall be liable to the employee or employees affected in the amount of their unpaid minimum wages, or their unpaid overtime compensation, as the case may be, and in an additional equal amount as liquidated damages. Any employer who violates the provisions of section 215(a)(3) of this title shall be liable for such legal or equitable relief as may be appropriate to effectuate the purposes of section 215(a)(3) of this title, including without limitation employment, reinstatement, promotion, and the payment of wages lost and an additional equal amount as liquidated damages. An action to recover the liability prescribed in either of the preceding sentences may be maintained against any employer (including a public agency) in any Federal or State court of competent jurisdiction by any one or more employees for and in behalf of himself or themselves and other employees similarly situated. No employee shall be a party plaintiff to any such action unless he gives his consent in writing to become such a party and such consent is filed in the court in which such action is brought. The court in such action shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant, and costs of the action. The right provided by this subsection to bring an action by or on behalf of any employee, and the right of any employee to become a party plaintiff to any such action, shall terminate upon the filing of a complaint by the Secretary of Labor in an action under section 217 of this title in which (1) restraint is sought of any further delay in the payment of unpaid minimum wages, or the amount of unpaid overtime compensation, as the case may be, owing to such employee under section 206 or section 207 of this title by an employer liable therefor under the provisions of this subsection or (2) legal or equitable relief is sought as a result of alleged violations of section 215(a)(3) of this title.

Mr. SCOTT of Virginia. Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield 30 seconds to the gentlewoman from Alabama (Mrs. ROBY).

Mrs. ROBY. Mr. Speaker, I would just like to say in addition: You are saying that it is the same remedies under the current law. But you have to remember, the cash-out provisions are also a strengthening of employees' rights under this bill; that at any time that the employee wishes to cash out, within 30 days, the employer must honor that and provide the accrued overtime and cash wages.

Mr. SCOTT of Virginia. Mr. Speaker, I reserve the balance of my time.

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

I would like to point out a couple of things in response to some of what our



colleagues have said. This bill is giving workers the freedom to choose. I want to reiterate that.

Our colleagues on the other side of the aisle are always big on giving women, in particular, the right to choose when it comes to abortions. This gives women and men both a right to choose when it comes to their time; and, to me, there is no more commodity more precious to us than our time.

I also want to say that our colleagues have said there are no meaningful rights that they don't already have. Well, Mr. Speaker, if the workers in the private sector already had these rights, we wouldn't be putting this law up for a vote.

Our colleague from Illinois, a few minutes ago, outlined all these wonderful benefits that the public sector employees have, and she is right. The private sector people would love to have the same rights that the public sector people have that are paid for by hard-working taxpayers.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself 30 seconds.

I include in the RECORD letters from AFSCME and the National Education Association in opposition to the legislation.

AFSCME,

April 4, 2017.

SUBCOMMITTEE ON WORKFORCE PROTECTIONS  
OF THE COMMITTEE ON EDUCATION AND THE  
WORKFORCE,  
*House of Representatives,*  
*Washington, DC.*

DEAR REPRESENTATIVE: On behalf of the 1.6 million members of the American Federation of State, County and Municipal Employees (AFSCME), I urge you to oppose H.R. 1180, the Working Families Flexibility Act of 2017. H.R. 1180 claims to help American workers better balance the needs of family and the workplace by allowing employers to offer private-sector employees the choice of paid time off in lieu of cash wages for overtime hours worked. But contrary to its stated purposes, the proposed law will result in more overtime hours for employees for less money and without any guarantee of compensatory time when needed.

For over 80 years and counting, the Federal Labor Standards Act (FLSA) establishes the basic requirements for wage and hour protections including overtime compensation. Under FLSA, overtime compensation must be provided for covered employees working more than the maximum period of 40 hours per week. However, H.R. 1180 provides no guaranteed right for an employee to use banked compensatory time when needed, even in the case of a personal or family emergency. Instead, this legislation gives discretion to the employer to permit use of compensatory time only "within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the employer."

This legislation calls for an irresponsible change to the FLSA that will negatively impact worker's actual take home pay, and the valued time spent with their family when both are needed for workers' financial stability and to address family obligations. Also, if an employee's request to use comp time is denied because the employer unilat-

erally decides it is "unduly disruptive", the law provides no recourse. And then, even when provided the compensatory time, the use of that time is controlled solely by the employer. In short, employees can be denied overtime pay, and effectively be prevented from meeting their family needs.

Our experience in the public sector has revealed that employers' control over the use of compensatory time inflicts very real hardships on the public employees entitled to compensatory time for their overtime work. Employees request specific dates for valid reasons. Employees need the earned time off for milestones such as children's birthdays, family and friends' weddings, funerals, scheduled vacations and other date-specific activities.

Giving the employer veto power has been burdensome and abused by employers in the public sector and it has been cause for litigation. In theory, employees may take compensatory time within a reasonable period after making the request. In practice, it creates problems for employees denied the time when they need it and the language of the law becomes a false promise.

Balancing the demands of family and the workplace are already a challenge for far too many workers. At a time in our country when our priority should be investing in stable jobs with good wages and benefits, our attention should not be on legislation that would further hurt workers who are already subjected to very little formality with respect to an agreement to take compensatory time off in lieu of overtime pay.

Nothing in the current compensatory time-off application of the FLSA prevents employers from giving leave to employees who work long hours. Neither does the new proposal offer the critical protections workers need in the 21st century. Workers need solutions that actually help them manage work and family responsibilities; not a law that will provide less flexibility to a workforce under the guise of providing more.

H.R. 1180 attacks workers' paychecks, time off and flexibility; and AFSCME strongly opposes this bill.

Sincerely,

SCOTT FREY,

*Director of Federal Government Affairs.*

NATIONAL EDUCATION ASSOCIATION,

May 1, 2017.

U.S. CONGRESS,  
*Washington, DC.*

DEAR REPRESENTATIVE: On behalf of the three million members of the National Education Association and the 50 million students they serve, in advance of this week's vote we urge you to vote NO on the Working Families Flexibility Act (H.R. 1180). Votes on this issue may be included in NEA's Report Card for the 115th Congress.

This deceptively named bill would hurt, not help, working families. Instead of extra pay for overtime, low-wage workers could receive "comp" time—paid time off. But the employer, not the employee, would decide when time off is granted. There is no guarantee workers could take time off when they need it most—for example, to care for a sick child, attend a parent-teacher conference, help an aging parent, or other attend to other pressing responsibilities. Employers could defer compensation for unused comp time for up to 13 months, a real hardship for low-wage workers who struggle to make ends meet. Employers could also unilaterally decide to "cash out" comp time in excess of 80 hours or discontinue their entire comp time program with just 30 days' notice, leaving employees in the lurch.

In short, in exchange for longer hours at lower pay, workers get the possibility—but no guarantee—of extra time to care for their families or time off when they really need it.

All working people—not just those who spend more than 40 hours a week on the job—need guaranteed access to paid sick days and paid family and medical leave. Too few employers provide these protections now, especially for employees paid by the hour. Again, we urge you to vote NO on the Working Families Flexibility Act and focus instead on truly family-friendly policies that reflect the realities of the 21st century workplace.

Sincerely,

MARC EGAN,

*Director of Government Relations.*

Mr. SCOTT of Virginia. Mr. Speaker, I want to point out that AFSCME, the NEA, ATU, and other public service unions have written letters in opposition.

One from AFSCME: "Our experience in the public sector has revealed that employers' control over the use of compensatory time inflicts very real hardships on public employees entitled to compensatory time for their overtime work. Employees request specific dates for valid reasons. Employees need the earned time off for milestones such as children's birthdays, family and friends' weddings. . . ."

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself an additional 30 seconds.

"Giving the employer veto power has been burdensome and abused by employers in the public sector and it has been cause for litigation. In theory, employees may take compensatory time within a reasonable period after making the request. In practice, it creates problems for employees denied the time when they need it and the language of the law becomes a false promise."

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

Ms. FOXX. Mr. Speaker, I am prepared to close, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I have listened to the debate on the floor, and I want to join my fellow colleagues—women and men of the Democratic Caucus—on opposing the Working Families Flexibility Act of 2017.

I just have one anecdotal story that reflects the constituents that I represent. Take that woman who I saw—when going to my elementary schools, visiting them, I saw a mother who got up at 4 in the morning to take three buses to drop her young child off at an elementary school, and then get two buses back to work, an hourly wage maker. She does it because, one, she is supporting her child and, two, she has got to work.

This bill is a complete undermining of all of the hardworking men and women who need their money to pay a light bill, to pay rent, maybe even a mortgage, to pay the normal expenses that many take for granted. And this bill wants to substitute compensatory time for overtime pay.

So I cannot imagine that anyone with a heart would have this legislation as a substitute for this hard-working mother to be paid overtime. I just can't imagine that compensatory time off cannot pay the light bill, cannot pay rent, cannot pay healthcare costs, which we see are immediately being taken away from 24 million Americans.

So I oppose this legislation because I want to stand on the side of the hard-working mother who needs her resources for a school uniform, a school trip, a rent payment, a light bill.

Mr. Speaker, this bill should be opposed. It does not serve the American people.

Ms. FOXX. Mr. Speaker, I reserve the balance of my time to close.

Mr. SCOTT of Virginia. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Virginia has 6½ minutes remaining.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself the balance of my time.

I include in the RECORD a letter from the Amalgamated Transit Union against the bill.

AMALGAMATED TRANSIT UNION,  
Silver Spring, MD, May 1, 2017.

DEAR REPRESENTATIVE: On behalf of the Amalgamated Transit Union (ATU), the largest labor organization representing public transit workers in the United States, I am urging you to oppose the Working Families Flexibility Act of 2017 (H.R. 1180). The title of the legislation is extremely misleading, as the bill actually provides flexibility only to employers—not workers—and hurts working families who are already struggling to make ends meet.

In response to an epidemic of workers plagued by mandatory excessive hours, Congress in 1938 made the wise decision to pass the Fair Labor Standards Act (FLSA), establishing the 40-hour workweek that we all take for granted today. This landmark legislation, requiring that employers pay a time-and-a-half cash premium for overtime work, serves as the only deterrent from employers demanding excessive hours by making overtime work more expensive for them. H.R. 1180 would remove this barrier.

Forced overtime is already a serious problem in the transit industry, and many of ATU's bargaining units are increasingly in the private sector and thus subject to FLSA rules. If privatized transit operations were provided with the "flexibility" to offer workers comp time instead of being paid time-and-a-half for overtime, we would see prolific abuse of overtime. Intercity bus operators are already exempt from FLSA overtime provisions, and as a result, there has recently been one horrific crash after another on U.S. Highways caused by driver fatigue. In fact, according to the National Transportation Safety Board (NTSB), driver fatigue is responsible for a staggering 36% of fatalities due to intercity bus crashes. If H.R. 1180 is passed, it would lead to widespread fatigue throughout the transit industry as well. Quite simply, more buses will be involved in crashes due to fatigued drivers, and innocent people will die.

Moreover, the so-called flexibility under this bill is one-sided, putting management in total control. Private transit companies, which generally cast safety concerns to the wind and have no regard for anything other than the bottom line, would be able to decide if a requested absence on a particular day

would "unduly disrupt" business operations and specify an alternative date which is not at all convenient for an employee.

The need to discourage working people to the brink of exhaustion is as necessary today as it was nearly 80 years ago. America needs to maintain the disincentive for employers to force workers to spend more time away from their families. If additional hiring is needed, then workforces should be expanded. In the transportation industry, this is a matter of life and death.

H.R. 1180 is bad for workers, dangerous for transit passengers, and another example of a solution in search of a problem. Please oppose and work to defeat this ill-advised legislation.

Thank you for your consideration of our views.

Sincerely,

LAWRENCE J. HANLEY,  
International President.

Mr. SCOTT of Virginia. Mr. Speaker, under this bill, there are no advantages to the employee. Without this bill, an employee can work overtime, make the money, and then have enough money to afford to be able to take subsequent time off without pay. That is about what this bill does.

But with the bill, it allows the employers to work people overtime and avoid paying the overtime wages. The employer just lets the people take their comp time when work is slow, so the employer never has to pay the overtime.

This bill allows the employer to decide when the comp time can be taken. The employee can request, but the employer has the final word because the bill says that the comp time can be denied if the time off unduly disrupts operations.

And guess who gets to decide that measure?

Those employees who want to work extra time to make extra pay will lose that opportunity to fellow employees who agree to ingratiate themselves to the employer by saving their employer money by accepting comp time instead of overtime pay. There is no coercion. Preference is just given to those who will accept the comp time and not the real wages.

Mr. Speaker, this bill offers nothing to the employees. It offers the employer the opportunity to avoid paying overtime. That is why all of the representatives of workers oppose the legislation, and I think we should, too.

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

Ms. FOXX. Mr. Speaker, I yield myself the balance of my time.

We have heard from our colleagues that we are just not doing enough for working people, and we have also heard from our colleagues that all employers are evil people.

I tell you, Mr. Speaker, it is astonishing to me that we have as many people working in this country as we do under all these evil employers. They must have run into just the worst people in the world. I don't ever run into people like that. Everybody I know that has employees is cherishing them because they need them, and they treat them right.

They have often said there are other things that we can do. But, Mr. Speaker, we have this bill in front of us, and it gives workers something that our colleagues cannot give them: the freedom to choose and to have more time.

Edward Everett Hale said: "I am only one; but still I am one. I cannot do everything; but still I can do something; and because I cannot do everything, I will not refuse to do the something that I can do."

That is what this bill does. Congresswoman ROBY has introduced a bill—and many people have signed on—that will do one thing for people in the private sector. It will give them the same rights that people in the public sector have, to turn overtime into comp time.

It is a pro-worker, pro-family proposal that will make a positive difference in the lives of many Americans. The Federal Government shouldn't stand in the way of more flexibility in the workplace.

Today we have a chance to empower single parents, moms and dads with a newborn, students trying to earn a college diploma, and so many other individuals who simply need more time to meet their needs.

□ 1645

We have heard a lot of excuses from Democrats today. It is the same story we have heard for years in an effort to deny workers the freedom to do what is best for them based on their own values. However, the concerns we heard have been addressed. This bill provides very strong worker protections to ensure the decision to choose comp time is voluntary. It gives workers a choice and puts them in control of their time.

Let's vote in favor of freedom and flexibility for American workers today. Let's give private sector employees the same choice that government workers have. Let's establish fairness in our Nation's workforce policies.

Mr. Speaker, I urge all Members to help more Americans balance the demands of work and family by supporting the Working Families Flexibility Act.

I yield back the balance of my time. Ms. SANCHEZ. Mr. Speaker, I rise today in opposition H.R. 1180, a bill that would rob workers of pay they've earned.

This proposal guts overtime protections and forces working men and women to make the false choice between time with their loved ones and a fair wage. Instead of offering "flexibility" to working families, employers should be following the letter of the law and pay workers fairly for the hours they work. Employers shouldn't be able to put their workers' well-being at risk under the guise of giving workers a choice.

If Republicans truly wanted to help working families, they would guarantee paid sick days and paid family leave instead of offering the "flexibility" for employers to choose how workers live their lives. This bill is a bait and switch that amounts to nothing more than another attack on worker's rights. I strongly oppose this bill and urge my colleagues to vote no.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, nearly ten years ago Senator

Ted Kennedy and I introduced a bill called the Working Families Flexibility Act.

The bill before us today has the same name and its supporters may try to claim it fixes the same problems we were trying to fix, but, Mr. Speaker this is not Senator Kennedy's bill and in fact it bears little resemblance to the bill he and I worked on and that Sen. BOB CASEY and I have reintroduced this week.

Let me be clear, the bill before us today creates zero new rights for workers. Zero.

In fact, under this bill working families would have even less flexibility than they do now to care for a child or sick family member.

This GOP bill allows employers to withhold desperately needed overtime pay for months at a time.

It lets bosses hold back overtime earnings, and only pay them out when employees request the money they have earned.

And even if employees do ask, which is ridiculous since it is money that they earned and should not have to ask their bosses if they can get paid for work they already did—bosses are given a month to write that overtime check.

And if it wasn't clear enough that this bill is not about helping working families, this bill puts all decisions about when employees can use flex time in the hands of their bosses.

Want to take an extra week off in the summer when kids are out of school? Too bad, that doesn't fit with your boss' plans.

Even if you work hard for six months to build up that extra comp time, your employer can still deny that request.

We should be ashamed that the U.S. stands out in the world as a country that requires the least family-friendly benefits for workers. How can we call ourselves a country dedicated to family values when we don't support working families?

The real value of the minimum wage has severely eroded, and the new administration has blocked a badly needed update to our overtime protections.

We have no mandated paid parental leave. No paid sick days. No fair, predictable scheduling. No flexible work arrangements.

And American families are paying dearly for our inaction.

So let's not call this bill the Working Families Flexibility Act.

That's an insult to millions of working families across the country and it's an insult to the late-Senator Ted Kennedy who did so much for the working families of this Nation.

I urge my colleagues to oppose.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 299, the previous question is ordered on the bill, as amended.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Mr. SCOTT of Virginia. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SCOTT of Virginia. Yes, I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Scott of Virginia moves to recommit the bill H.R. 1180 to the Committee on Education and the Workforce with instructions to report the same back to the House forthwith, with the following amendment:

At the end of the bill, add the following new section:

#### SEC. 7. MINIMUM SICK DAYS.

This Act and the amendments made by this Act shall not apply to any employee who does not receive from his or her employer fewer than seven paid sick days, which days may be used to seek medical care for a pre-existing health condition.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia is recognized for 5 minutes in support of his motion.

Mr. SCOTT of Virginia. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill nor send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

Mr. Speaker, the underlying bill would undermine workers' access to overtime pay and provide them with no real benefit in return, and that is why all of the groups representing workers oppose it. So, instead of undermining employment protections that boost wages for working Americans such as overtime pay, we should work towards ensuring that American workers can remain healthy while on the job.

Critical to that goal is guaranteeing true workplace flexibility by ensuring that workers do not have to choose between their health and their paycheck. So, if the majority is truly concerned about American workers, then the majority should work with us to provide workers the paid time off they need to care for themselves and their families. They could easily do that by supporting the Healthy Families Act, which would give workers the right to earn up to 7 paid sick days.

This motion to recommit would protect workers by ensuring that only employees who are subjected to this comp time arrangement would be those who have at least 7 paid sick days. Providing paid sick days is not only good for working families, it is also good for business, public health, and our overall economy. Providing paid sick days decreases employee turnover and prevents illness from being spread throughout the workplace.

If we are truly concerned about workers, we should not ask them to spend more time away from their families and forfeit their overtime pay in order to take the time off when they are sick or when they need to care for a sick child.

Mr. Speaker, while we are considering this bill, we are also considering healthcare legislation that Republicans are trying to pass which would rob American families of protection under the Affordable Care Act that requires coverage for preexisting conditions.

We know that President Trump has promised to repeal the ACA on day one, and Republicans have spent 7 years

complaining about the law and voting time after time to repeal all or parts of the law, but they have never developed a comprehensive proposal to actually deliver on their promises of better care at lower costs.

If we are going to make changes to the Affordable Care Act, we should improve health care for working families, not make it worse. Incredibly, every proposal the Republicans have come up with actually makes things worse.

Under the recent Republican plan, 24 million fewer people would be covered, and everybody else will pay more and get less. While their plan inflicts pain on those most in need, the wealthiest 2 percent of Americans get massive tax cuts.

Under that plan, the typical working family would suffer an increase in healthcare coverage costs of about \$2,000 a year, for the average family with a head of household age 55 to 64, the bill would increase costs by over \$7,000.

Recent changes in the Republican health plan would unravel many of the protections that American families currently enjoy in their healthcare coverage, including ending current protections for people with preexisting conditions. The Republican health plan would return us to the days when health insurance coverage was unaffordable for many individuals with preexisting conditions. That bill directly violates the commitment made by President Trump and House Republicans to protect individuals with preexisting conditions.

Mr. Speaker, I urge my colleagues to drop their attempts to take away quality health insurance coverage for those with preexisting conditions. Instead, we should adopt this motion which takes a small step in ensuring that workers can access paid sick leave that allows them to remain healthy, including accessing medical treatment needed to treat or address preexisting conditions.

Mr. Speaker, I urge adoption of the motion, and I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I oppose the motion to recommit.

For years, so-called Progressives have clung to outdated Federal workforce policies from the 1930s. Why? They think government knows what is best for hardworking men and women in this country. This is a theme they abide by day after day.

This motion is just another attempt to deny workers the freedom to decide what is best for them and their families. Once again, Democrats are defending a double standard—yes, a double standard. They voted to give government workers a choice on comp time. Why shouldn't those in the private sector, those whose taxpayer dollars pay

the salaries of government employees, receive the same choice?

It is time to eliminate this double standard. It is time to modernize our Nation's labor rules to meet the needs of the 21st century workforce. It is time for greater freedom, flexibility, and fairness for American workers.

I urge my colleagues to vote "no" on the motion to recommit and "yes" on the Working Families Flexibility Act.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. SCOTT of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; and agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 192, nays 234, not voting 4, as follows:

[Roll No. 243]

YEAS—192

Adams Demings Lawrence
Aguiar DeSaulnier Lawson (FL)
Barragan Deutch Lee
Bass Dingell Levin
Beatty Doggett Lewis (GA)
Bera Doyle, Michael Lieu, Ted
Beyer F. Lipinski
Bishop (GA) Ellison Loebsack
Blum Engel Lofgren
Blumenauer Eshoo Lowenthal
Blunt Rochester Espaillat
Bonamici Esty (CT) Lujan Grisham,
Boyle, Brendan Evans M.
F. Foster Lujan, Ben Ray
Brady (PA) Frankel (FL) Lynch
Brown (MD) Fudge Maloney,
Brownley (CA) Gabbard Carolyn B.
Bustos Gallego Maloney, Sean
Butterfield Garamendi Matsui
Capuano Gonzalez (TX) McCollum
Carbajal Gottheimer McEachin
Cárdenas Green, Al McGovern
Carson (IN) Green, Gene McNerney
Cartwright Grijalva Meeks
Castor (FL) Gutiérrez Moore
Castro (TX) Hanabusa Moulton
Chu, Judy Hastings Murphy (FL)
Cicilline Heck Nadler
Clark (MA) Higgins (NY) Napolitano
Clarke (NY) Himes Neal
Clay Hoyer Nolan
Cleave Huffman Norcross
Clyburn Jackson Lee O'Halleran
Cohen Jayapal O'Rourke
Connolly Jeffries Pallone
Conyers Johnson (GA) Panetta
Cooper Johnson, E. B. Pascarell
Correa Kaptur Payne
Costa Keating Pelosi
Courtney Kelly (IL) Perlmutter
Crist Kennedy Peters
Crowley Khanna Peterson
Cuellar Kihuen Pingree
Cummings Kildee Pocan
Davis (CA) Kilmer Polis
Davis, Danny Kind Price (NC)
DeFazio Krishnamoorthi
DeGette Kuster (NH) Raskin
Delaney Langevin Rice (NY)
DeLauro Larsen (WA) Richmond
DeBene Larson (CT) Rosen

Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Estes (KS)
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Fox
Frank (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Lalage
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris
Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Gallagher
Garrett
Murphy (PA)
Newhouse
Noem
Nunes

NAYS—234

Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Titus
Wilson (FL)
Yarmuth

Gosar
Palazzo
Granger
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Hill
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas
J.
Ros-Lehtinen
Roskam
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
King (IA)
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—4

Chaffetz
Meng
Reed
Slaughter

□ 1717

Messrs. WEBSTER of Florida, EMMER, MEEHAN, AUSTIN SCOTT of Georgia, WESTERMAN, OLSON, RUSSELL, SAM JOHNSON of Texas, Mrs. BROOKS of Indiana, Mr. PALAZZO, Mrs. BLACKBURN, Messrs. DENHAM, FORTENBERRY, and KATKO changed their vote from "yea" to "nay."

Messrs. DOGGETT, NEAL, and RUPPERSBERGER changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. JODY B. HICE of Georgia). The question is on the passage of the bill.

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

RECORDED VOTE

Mr. SCOTT of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 229, noes 197, not voting 4, as follows:

[Roll No. 244]

AYES—229

Abraham Davis, Rodney Hurd
Aderholt Denham Issa
Allen Dent Jenkins (KS)
Amash DeSantis Jenkins (WV)
Amodei DesJarlais Johnson (LA)
Arrington Diaz-Balart Johnson (OH)
Babin Donovan Johnson, Sam
Bacon Duffy Jones
Banks (IN) Duncan (SC) Jordan
Barletta Duncan (TN) Katko
Barr Dunn Kelly (MS)
Barton Emmer Kelly (PA)
Bergman Estes (KS) King (IA)
Biggs Farenthold King (NY)
Bilirakis Faso Kinzinger
Bishop (MI) Ferguson Knight
Bishop (UT) Fleischmann Kustoff (TN)
Black Flores Labrador
Blackburn Fortenberry LaHood
Blum Fox LaMalfa
Bost Franks (AZ) Lamborn
Brady (TX) Frelinghuysen Lance
Brat Gaetz Latta
Bridenstine Gallagher Lewis (MN)
Brooks (AL) Garrett Long
Brooks (IN) Gibbs Loudermilk
Buchanan Gohmert Love
Buck Goodlatte Lucas
Bucshon Gosar Luetkemeyer
Budd Gowdy Marchant
Burgess Granger Marino
Byrne Graves (GA) Marshall
Calvert Graves (LA) Massie
Carter (GA) Graves (MO) Mast
Carter (TX) Griffith McCarthy
Chabot Grothman McCaul
Cheney Guthrie McClintock
Coffman Harper McHenry
Cole Harris McKinley
Collins (GA) Hartzler McMorris
Collins (NY) Hensarling Rodgers
Comer Herrera Beutler McSally
Comstock Hice, Jody B. Meadows
Conaway Higgins (LA) Messer
Cook Hill Mitchell
Costello (PA) Holding Moolenaar
Cramer Mooney (WV)
Crawford Hudson Mullin
Culberson Huizenga Murphy (PA)
Curbelo (FL) Hultgren Newhouse
Davidson Hunter Noem

Nunes  
Olson  
Palazzo  
Palmer  
Paulsen  
Pearce  
Perry  
Pittenger  
Poe (TX)  
Poliquin  
Posey  
Ratcliffe  
Reichert  
Renacci  
Rice (SC)  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Rokita  
Rooney, Francis  
Rooney, Thomas J.  
Ros-Lehtinen  
Roskam

Ross  
Rothfus  
Rouzer  
Royce (CA)  
Russell  
Rutherford  
Sanford  
Scalise  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (TX)  
Smucker  
Stefanik  
Stewart  
Stivers  
Taylor  
Tenney  
Thompson (PA)  
Thornberry

Tiberi  
Tipton  
Trott  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walker  
Walorski  
Walters, Mimi  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westerman  
Williams  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IA)  
Zeldin

## NOES—197

Adams  
Aguilar  
Barragán  
Bass  
Beatty  
Bera  
Beyer  
Bishop (GA)  
Blumenauer  
Blunt Rochester  
Bonamici  
Boyle, Brendan F.  
Brady (PA)  
Brown (MD)  
Brownley (CA)  
Bustos  
Butterfield  
Capuano  
Carbajal  
Cárdenas  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu, Judy  
Cicilline  
Clark (MA)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Correa  
Costa  
Courtney  
Crist  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Demings  
DeSaulnier  
Deutch  
Dingell  
Doggett  
Doyle, Michael F.  
Ellison  
Engel  
Eshoo  
Español  
Esty (CT)  
Evans  
Fitzpatrick  
Foster  
Frankel (FL)  
Fudge  
Gabbard

Gallego  
Garamendi  
Gonzalez (TX)  
Gottheimer  
Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hanabusa  
Hastings  
Heck  
Higgins (NY)  
Himes  
Hoyer  
Huffman  
Jackson Lee  
Jayapal  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Joyce (OH)  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Khanna  
Kihuen  
Kildee  
Kilmer  
Kind  
Krishnamoorthi  
Kuster (NH)  
Langevin  
Larsen (WA)  
Larson (CT)  
Lawrence  
Lawson (FL)  
Lee  
Levin  
Lewis (GA)  
Lieu, Ted  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren  
Lowenthal  
Lowey  
Lujan Grisham, M.  
Luján, Ben Ray  
Lynch  
MacArthur  
Maloney  
Maloney, Carolyn B.  
Maloney, Sean  
Matsui  
McCollum  
McEachin  
McGovern  
McNerney  
Meehan  
Meeks  
Moore  
Moulton  
Murphy (FL)  
Nadler  
Napolitano  
Neal

Nolan  
Norcross  
O'Halleran  
O'Rourke  
Pallone  
Panetta  
Pascarell  
Payne  
Pelosi  
Perlmutter  
Peters  
Peterson  
Pingree  
Pocan  
Polis  
Price (NC)  
Quigley  
Raskin  
Rice (NY)  
Richmond  
Rosen  
Roybal-Allard  
Ruiz  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sinema  
Sires  
Smith (NJ)  
Smith (WA)  
Soto  
Speier  
Suozi  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Titus  
Tonko  
Torres  
Tsongas  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters, Maxine  
Watson Coleman  
Welch  
Wilson (FL)  
Yarmuth

## NOT VOTING—4

Chaffetz  
Meng

Reed  
Slaughter

□ 1725

Mrs. CAROLYN B. MALONEY of New York changed her vote from "aye" to "no."

Mr. TURNER changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

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

## RECORDED VOTE

Mr. COLLINS of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 237, noes 176, answered "present" 3, not voting 14, as follows:

[Roll No. 245]

AYES—237

Abraham  
Adams  
Aderholt  
Allen  
Amodei  
Arrington  
Bacon  
Banks (IN)  
Baretta  
Barr  
Barton  
Beatty  
Biggs  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Blumenauer  
Blunt Rochester  
Bonamici  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Brown (MD)  
Buchanan  
Bustos  
Butterfield  
Byrne  
Calvert  
Carson (IN)  
Carter (TX)  
Cartwright  
Castro (TX)  
Chabot  
Cheney  
Chu, Judy  
Cicilline  
Civillone  
Clark (MA)  
Clay  
Cleaver  
Cole  
Collins (NY)  
Comstock  
Cook  
Cooper  
Correa

Courtney  
Cramer  
Crawford  
Cuellar  
Culberson  
Davidson  
Davis (CA)  
Davis, Danny  
DeGette  
DeLauro  
DelBene  
Demings  
Dent  
DesJarlais  
Deutch  
Dingell  
Doggett  
Donovan  
Duncan (SC)  
Duncan (TN)  
Dunn  
Ellison  
Emmer  
Engel  
Eshoo  
Español  
Estes (KS)  
Esty (CT)  
Evans  
Fleischmann  
Fortenberry  
Foster  
Frankel (FL)  
Gabbard  
Gallego  
Garamendi  
Garrett  
Goodlatte  
Gowdy  
Granger  
Green, Al  
Griffith  
Grothman  
Guthrie  
Harper  
Harris  
Hartzler

Heck  
Hensarling  
Higgins (LA)  
Higgins (NY)  
Hill  
Himes  
Hollingsworth  
Huffman  
Hultgren  
Hunter  
Issa  
Johnson (GA)  
Johnson (LA)  
Johnson, E. B.  
Johnson, Sam  
Kaptur  
Katko  
Kelly (MS)  
Kelly (PA)  
Kennedy  
Kildee  
King (IA)  
King (NY)  
Krishnamoorthi  
Kuster (NH)  
Kustoff (TN)  
Labrador  
LaMalfa  
Lamborn  
Larson (CT)  
Latta  
Lewis (MN)  
Lipinski  
Long  
Loudermilk  
Love  
Lowenthal  
Lowey  
Lucas  
Luetkemeyer  
Lujan Grisham, M.  
Luján, Ben Ray  
Marchant  
Marino  
Marshall

Massie  
McCarthy  
McCaul  
McClintock  
McCollum  
McEachin  
McHenry  
McMorris  
Rodgers  
McNerney  
Meadows  
Meeks  
Messer  
Mitchell  
Moolenaar  
Mooney (WV)  
Moore  
Moulton  
Mullin  
Murphy (FL)  
Nadler  
Napolitano  
Newhouse  
Nunes  
O'Rourke  
Olson  
Palazzo  
Palmer  
Pascarell  
Pingree  
Pocan  
Polis  
Posey  
Price (NC)

Quigley  
Raskin  
Renacci  
Roby  
Roe (TN)  
Rogers (KY)  
Rohrabacher  
Rokita  
Rooney, Francis  
Rooney, Thomas J.  
Roskam  
Ross  
Rothfus  
Royce (CA)  
Ruppersberger  
Russell  
Rutherford  
Scalise  
Schneider  
Schweikert  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Shea-Porter  
Sherman  
Shimkus  
Shuster  
Simpson  
Sinema  
Smith (NE)

Smith (NJ)  
Smith (TX)  
Smith (WA)  
Smucker  
Speier  
Stefanik  
Stewart  
Suozi  
Takano  
Taylor  
Thornberry  
Tiberi  
Titus  
Trott  
Tsongas  
Wagner  
Walters, Mimi  
Walz  
Wasserman  
Schultz  
Waters, Maxine  
Webster (FL)  
Welch  
Wenstrup  
Westerman  
Williams  
Wilson (SC)  
Wittman  
Womack  
Yarmuth  
Young (IA)  
Zeldin

## NOES—176

Aguilar  
Amash  
Babin  
Barragán  
Bass  
Bera  
Bergman  
Beyer  
Bishop (GA)  
Bishop (MI)  
Blum  
Bost  
Boyle, Brendan F.  
Brady (PA)  
Brownley (CA)  
Buck  
Bucshon  
Budd  
Burgess  
Capuano  
Carbajal  
Cárdenas  
Carter (GA)  
Castor (FL)  
Clarke (NY)  
Clyburn  
Coffman  
Cohen  
Collins (GA)  
Comer  
Conaway  
Connolly  
Conyers  
Costa  
Costello (PA)  
Crist  
Crowley  
Cummings  
Curbelo (FL)  
Davis, Rodney  
DeFazio  
Delaney  
Denham  
DeSantis  
DeSaulnier  
Diaz-Balart  
Doyle, Michael F.  
Duffy  
Farenthold  
Faso  
Fitzpatrick  
Flores  
Foxy  
Franks (AZ)  
Fudge  
Gaetz  
Gallagher  
Gibbs

Gonzalez (TX)  
Gosar  
Gottheimer  
Graves (GA)  
Graves (LA)  
Graves (MO)  
Green, Gene  
Gutiérrez  
Hanabusa  
Herrera Beutler  
Hice, Jody B.  
Holding  
Hoyer  
Hudson  
Huizenga  
Hurd  
Jackson Lee  
Jayapal  
Jeffries  
Jenkins (KS)  
Jenkins (WV)  
Johnson (OH)  
Jones  
Jordan  
Joyce (OH)  
Keating  
Khanna  
Kihuen  
Kilmer  
Kind  
Kinzinger  
Comer  
Knight  
LaHood  
Lance  
Langevin  
Lawrence  
Lawson (FL)  
Lee  
Levin  
Lewis (GA)  
Lieu, Ted  
LoBiondo  
Loeb sack  
Lofgren  
Lynch  
MacArthur  
Maloney, Sean  
Mast  
Matsui  
McGovern  
McKinley  
McSally  
Meehan  
Murphy (PA)  
Neal  
Noem  
Nolan  
Norcross  
O'Halleran  
Pallone

Paulsen  
Payne  
Pearce  
Pelosi  
Perry  
Peterson  
Pittenger  
Poe (TX)  
Poliquin  
Ratcliffe  
Reichert  
Rice (NY)  
Richmond  
Rogers (AL)  
Ros-Lehtinen  
Rosen  
Rouzer  
Roybal-Allard  
Ruiz  
Rush  
Ryan (OH)  
Sánchez  
Sanford  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Sewell (AL)  
Sires  
Smith (MO)  
Soto  
Stivers  
Swalwell (CA)  
Tenney  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Torres  
Turner  
Upton  
Valadao  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walberg  
Walden  
Walker  
Walorski  
Watson Coleman  
Weber (TX)  
Wilson (FL)  
Woodall  
Yoder  
Yoho  
Young (AK)

## ANSWERED "PRESENT"—3

Grijalva  
Rice (SC)  
Tonko