

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1406) TO AMEND THE  
FAIR LABOR STANDARDS ACT OF 1938 TO PROVIDE COMPENSATORY  
TIME FOR EMPLOYEES IN THE PRIVATE SECTOR

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MAY 6, 2013.—Referred to the House Calendar and ordered to be printed

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Ms. FOXX, from the Committee on Rules,  
submitted the following

R E P O R T

[To accompany H. Res. 198]

The Committee on Rules, having had under consideration House Resolution 198, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1406, the Working Families Flexibility Act of 2013, under a structured rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution makes in order only the further amendment printed in this report, if offered by Representative Gibson of New York or his designee. The amendment shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The resolution waives all points of order against the amendment printed in this report. The resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of the bill, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against provisions in the bill, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendment printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

#### COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

#### *Rules Committee record vote No. 27*

Motion by Ms. Slaughter to report an open rule. Defeated: 3–9.

Majority Members	Vote	Minority Members	Vote
Ms. Foxx .....	Nay	Ms. Slaughter .....	Yea
Mr. Bishop of Utah .....	Nay	Mr. McGovern .....	Yea
Mr. Cole .....	Nay	Mr. Hastings of Florida	
Mr. Woodall .....	Nay	Mr. Polis .....	Yea
Mr. Nugent .....	Nay		
Mr. Webster .....	Nay		
Ms. Ros-Lehtinen .....	Nay		
Mr. Burgess .....	Nay		
Mr. Sessions, Chairman .....	Nay		

#### SUMMARY OF THE AMENDMENT MADE IN ORDER

Gibson (NY), King, Peter (NY), Meehan (PA): Requires the GAO to submit a report to Congress on the usage of compensatory time allowed under the Act and detail any complaints filed or enforcement actions taken for alleged violations of the Act. The report will ensure Congress can monitor any potential abuse of the Act. (10 minutes)

#### TEXT OF AMENDMENT MADE IN ORDER

#### AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GIBSON OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

#### **SEC. 5. G.A.O REPORT.**

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

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

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

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

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

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