

hard work, ingenuity, and dedication make Las Vegas one of the world's premier travel destinations for business and pleasure. Last year, nearly 40 million visitors came to Las Vegas. In addition, we hosted over 21,000 conventions and meetings, which brought in some 5 million national and international tourists, most of whom spent considerable time in District One. Furthermore, 43 percent of these visitors traveled through McCarran Airport, which is the Nation's sixth busiest airport, also located in District One.

So for the sake of southern Nevada's economy and our national future, we must make real investments in our country's infrastructure in order to increase the efficiency and reliability of travel and to encourage greater tourism to the United States and to Las Vegas.

WORKING FAMILIES FLEXIBILITY ACT

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. It is hard to raise a family and earn a living at the same time. The reality is that every hour you spend working to provide for your family is an hour you can't spend with your family.

For nearly 30 years, Federal, State, and local government employees have been able to choose paid time off, or comp time, instead of cash wages as compensation for working overtime hours. Unfortunately, Federal law prohibits employees in the private sector from having the same option. It's time to put an end to this double standard. Private sector employees deserve the same flexibility.

That is why Republicans have introduced H.R. 1406, the Working Families Flexibility Act; and that bill deserves our support. We will vote shortly on the rule for that and tomorrow on the bill. Madam Speaker, I urge all of my colleagues to vote for fairness for the private sector.

U.S. AIR FORCE CAPTAIN REID NISHIZUKA, A HERO

(Ms. GABBARD asked and was given permission to address the House for 1 minute.)

Ms. GABBARD. Madam Speaker, I rise today to honor and recognize one of Hawaii's heroes, U.S. Air Force Captain Reid Nishizuka of Kailua, Hawaii.

On April 27, 30-year-old Captain Nishizuka died as a result of an MC-12 aircraft crash near Kandahar Airfield in Afghanistan. Captain Nishizuka put his life on the line in the service of our Nation, and he made the ultimate sacrifice. I am deeply saddened by this loss for his family, for Hawaii, and for our country. My thoughts and prayers are with the Nishizukas.

Captain Nishizuka always knew he wanted to serve. He had been on track to join the Air Force since high school

when he was a member of the Kailua JROTC and when he later went on to the Notre Dame ROTC, where he studied aeronautical engineering. As his family and friends have said, Captain Nishizuka always loved flying, brought joy to everyone around him, and even inspired his brother Chad to join the Air Force, too.

As we do our work here in the people's House, let us always remember the selfless example set by Captain Nishizuka and by so many other heroes, and let us do our very best to honor their immeasurable sacrifice.

HONORING OAKLAND PARK STUDENTS ON WHITE HOUSE SCIENCE FAIR

(Ms. FRANKEL of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FRANKEL of Florida. Today, I rise to say congratulations to the student inventors at Northeast High School in Oakland Park, Florida.

They were recently recognized for designing and creating a bicycle that serves as an emergency water sanitation system. After a natural disaster, the bicycle can be transported to the scene to filter contaminated water for E. coli and other pathogens. It can be assembled and taken apart in less than 1 hour, and it can produce enough water to hydrate 20 to 30 people for a 15-hour period.

These students first got the idea from unsanitary conditions in Haiti, and they have devoted countless hours to bringing this to life, and they even received a \$10,000 grant from MIT. Their work ethic, creativity, and dedication to making this world a better place is an inspiration to all of us.

So, again, congratulations to the student inventors of Northeast High School in Broward County, Florida; and my best wishes to all of them in the future.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mrs. HARTZLER) laid before the House the following communication from the Clerk of the House of Representatives:

MAY 7, 2013.

Hon. JOHN A. BOEHNER
Speaker,

U.S. Capitol,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 7, 2013 at 9:30 a.m.:

That the Senate passed S. 743

With best wishes, I am

Sincerely,

Karen L. Haas.

□ 1240

PROVIDING FOR CONSIDERATION OF H.R. 1406, WORKING FAMILIES FLEXIBILITY ACT OF 2013

Ms. FOXX. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 198 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 198

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1406) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector. All points of order against consideration of the bill are waived. 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. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Gibson of New York or his designee, which shall be in order without intervention of any point of order, shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina is recognized for 1 hour.

Ms. FOXX. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. FOXX. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Ms. FOXX. House Resolution 198 provides for a structured rule providing for consideration of H.R. 1406, the Working Families Flexibility Act of 2013.

Madam Speaker, it's hard to raise a family and earn a living at the same time. The reality is that every hour you spend working to provide for your family is an hour you can't spend with your family, seeing your children off the first day of school, taking them to a doctor's appointment, or attending parent-teacher conferences. As a mother who worked while my daughter was growing up, I understand the firsthand

struggles of working parents. That is why my colleagues and I have introduced H.R. 1406, the Working Families Flexibility Act.

This commonsense legislation will allow private sector workers to choose paid time off instead of cash wages as compensation for working overtime, which is the same privilege that Federal, State, and local government employees have been able to choose for over 30 years.

The Working Families Flexibility Act is pro-family, pro-worker legislation that gives workers the flexibility to spend time with family, attend parent-teacher conferences, care for aging parents, or attend to other family needs that may arise.

If an employer and an employee agree on comp time, then the paid time off must be granted at time-and-a-half for each hour of overtime worked. Labor unions support flexible overtime compensation for their own members, and this benefit is already included in many public sector union collective bargaining agreements.

The flexible approach offered by this bill has worked for public sector employees since 1985. If the policy works for our public service employees, it will work for our private sector employees, as well. Fair is fair, Madam Speaker.

The bill maintains protections for workers to ensure that this new flexibility is not abused by making the decision to receive comp time completely voluntary and allows an employee to change his or her mind if he or she initially chooses comp time but later decides to receive cash wages for overtime. All existing protections in the Fair Labor Standards Act remain in effect under this legislation, and it is up to the employee when he or she decides to use accrued comp time. Additionally, an employee cannot be intimidated, coerced, or otherwise forced to accept comp time in lieu of cash wages for overtime.

The legislation also maintains all existing enforcement remedies for employees if an employer fails to uphold the agreement, and employers must provide 30 days' notice to employees if comp time will no longer be offered.

H.R. 1406 provides proper protection and flexibility for employees and will help American workers better balance the needs of family and the workplace. I urge my colleagues to support this rule and the underlying bill.

With that, Madam Speaker, I reserve the balance of my time.

Mr. POLIS. Madam Speaker, I thank the gentlelady for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, I rise today in opposition to the rule and the underlying bill, which should be called the More Work, Less Pay bill.

As my colleagues know, last week Majority Leader CANTOR outlined his party's agenda for the month of May. The words he used to describe it was as a "full legislative agenda," yet here we

are only debating this bill on the floor of the House and I think finishing the business of the House around 1:30 p.m. today with plenty of time for Members of Congress to play golf, to go to the beach, whatever they want to do. This is hardly a full legislative agenda.

Let me add, Madam Speaker, that this bill is about overtime. Under this current legislative agenda, Congress wouldn't even come close to qualifying for overtime at a time when we have increasing national needs, balancing the budget, moving forward with jobs and the economy, comprehensive immigration reform. There are so many issues crying out for our attention, but here we are debating yet another bill that not only won't go anywhere, but also would actually make life harder and more unpredictable for American families.

This bill claims to provide working families flexibility, but in reality it allows employers to avoid paying overtime and get interest-free loans from their own employees.

There are many hourly employees who struggle holding two or three jobs, depending on overtime to pay bills, to keep food on the family table. If this bill were to become law, employers would be able to save a couple of bucks by essentially requiring people, in effect, to take comp time instead of overtime pay if they want extra hours.

Many American workers want to work more, not less. Under this bill, people's paychecks would be reduced and people don't have a real choice. It's no wonder that the vast majority of labor unions and workers oppose this bill and are not asking for this bill or this "kind of help."

I also want to correct something that has been claimed by my Republican colleagues, that somehow this bill gives private sector employees the same protections as public sector employees. That is not true. Most public sector workers are already protected against arbitrary and unfair treatment by civil service laws. Private sector workers don't have anything like that kind of protection.

That's why my colleague, Mr. TIM BISHOP of New York, offered an amendment in committee specifying that private sector employers could provide comp time instead of overtime if they provided the same job security protections that public employees already receive. But this amendment was voted down in the Rules Committee yesterday, and we're not even allowed here on the floor of the House, where we're going to finish by 1:30 p.m., to have a debate. Somehow, there is not even enough time. Ten minutes is all we asked for on Mr. BISHOP of New York's amendment.

Madam Speaker, the presentation of this bill is not consistent with the content of the bill. Of course it sounds good. Why wouldn't employees want the choice of being able to choose how they take their time? It all sounds good.

□ 1250

But like so many things that Congress does, the devil is in the details.

Contrary to what this bill says, employers can already give their employees time off if they so choose. Many do. We had Representative JOE COURTNEY in our Rules Committee yesterday who talked about when he was in the private sector and he had employees who had to attend school meetings, et cetera, he gave them time off. That's what most responsible employers do. We don't need legislation to tell employers it's okay to give their employees comp time.

Contrary to what the majority party here in the House says, employees wouldn't get paid under this bill until the end of the year for saved comp time—at no interest. No interest. So effectively, an interest-free loan to the company. Let's say an employee does overtime, works 45 hours a week for 3 weeks, accruing 15 hours of overtime. If they want this so-called flexibility that's provided under this bill, they choose to say, "I may use this as comp time." That's their choice. However, they pay dearly for that choice in a number of ways.

Number one, if they don't use that comp time after a year, they get paid the original amount by the company. While it is true that if they got a raise in the intervening period, they get paid at that level of the raise, there is no accounting for interest or the net present value of those dollars. That's less of an impact when inflation is 1 or 2 percent, but still, it's an interest-free loan to the company. There's a much greater impact should interest rates ever return to their historical norms. And it wasn't that long ago that interest rates were in the high single digits, even double digits, effectively taking money from the worker and giving it to the company.

Number two, let's say the employer does want to use this comp time. Effectively, the employer has a unilateral veto over that. All they have to do is show that it creates undue disruption. That's the standard of unilateral employer veto.

Now, this is nothing like what occurs under the Family and Medical Leave Act, the FMLA. We've heard them say it's the same; it's not. Under FMLA it's a factor that leave doesn't create undue disruption. There's a variety of factors. It's not a sole determinant as determined by the employer.

In this case, the language is wide open to effectively provide a complete veto right of when that employee takes their time off. So again, our friend works 45 hours a weeks for 3 weeks, accrues 15 hours of overtime, and they get sold on this program. They say, "I'll set aside the 15 hours." They try to take it off for their kid's birthday, they try to take it off when their kid is home from school. The employer says, "No, you can't take it off that week." So it turns out that at the end of the year they still have their 15 hours.

They finally get paid, but because of net present value and interest, they are out 2 or 3 percent of that. Again, with higher interest, they could be out 10 percent. They could be out 15 percent of that. We can and must do better for American workers.

This bill would have a devastating impact for workers in my home State of Colorado. Me and my staff talked to Debbie Olander from United Food and Commercial Workers, Local 7. Debbie is a leader in our community, and she told me that wage step is already a big problem for workers in Colorado, and this bill would make it easier for employers to avoid overtime obligations and make it harder for employees who need those hours to pay those bills.

What happens if the employer goes out of business in the intervening year? Of course, the person whose wages are due can line up with other creditors, but who has the time or, if you're living paycheck to paycheck, the ability to wait to see if you ever get paid by a bankrupt employer? Instead of improving the lives of working families by giving greater flexibility, this bill allows employers to avoid paying overtime.

My Democratic colleagues on the Education and Workforce Committee and I agree that we must give working families flexibility to meet workplace and family needs. That's why we support bills like the Paycheck Fairness Act, which would help ensure that women are paid as much as men in the workplace, and the Healthy Families Act, which would establish a national paid sick day standard.

I've also heard from hundreds of workers from my district and across the country who support the Employment Nondiscrimination Act, which would prohibit workplace discrimination based on sexual orientation and gender identity. In more than half of the States, it's still perfectly legal in this day and age for an employer to fire an employee just because they're gay and what they do in their off work time. It's none of the employer's business who an employee is dating. To think that in this day and age it's legal in half the States for an employer to fire an employee because of who they're dating is absolutely absurd. We need to solve that by passing the Employment Nondiscrimination Act.

American workers are asking for these kinds of protections, unlike this sort of program that's being discussed today, which workers oppose or don't see as necessary. Well, you know, based on again the schedule for Congress, me and my colleagues aren't about to accrue any overtime anytime soon unless things change around here. Here we are, examining bills that are catchy, have good titles, might sound good on the surface, but don't address any of the real issues faced by American workers, the American economy, or our country as a whole. We need an agenda that's consistent with the needs of working families.

Madam Speaker, despite this fixation on changing the image and appealing to voters, many on the other side of the aisle seem to be recycling old ideas. In fact, an identical version of this bill was introduced in 1996, 1997, and 2003. It failed to pass the House each time. Madam Speaker, what this body needs is not just new branding, it needs new ideas, ideas that will actually help working families and make our country stronger.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume to respond to the gentleman from Colorado.

Madam Speaker, this bill sounds good because it is good. This is the theme from our colleagues across the aisle: everything about the private sector is bad; everything about government is good. That is their constant theme. This bill allows voluntary participation by employees. It does not require things.

I would also like to point out to my colleague from across the aisle, who is very quick to point out any mistake that I might make, is we did not have an amendment from Representative BISHOP in the Rules Committee yesterday. Representative BISHOP's amendment was offered in the Education Committee, but was not offered in the Rules Committee yesterday.

I would also like to say that government employees do not get interest paid on the time that they eventually get paid for instead of comp time, so we are not setting up a double standard here. What we're trying to do is eliminate a double standard, again, that our colleagues across the aisle love to have—bash the private sector.

Madam Speaker, we live in the greatest country in the world, and what made us a great country? Look at the rest of the world. What's made us a great country is the rule of law, which means we believe everybody should be treated the same way. It's our capitalistic system which has worked wonderfully well for this country, and every other system has failed all across the world. We don't need to do much but to look at what is happening in the rest of the world and how sorry their economies are, and it's our Judeo-Christian underpinnings. Those are the things that I think have made us great, Madam Speaker, and this bill will allow us to give people who work in the private sector, which is part of what's made us such a great country, the same privileges that people get who work in the public sector.

With that, Madam Speaker, I yield 2 minutes to my distinguished colleague, the gentlewoman from Kansas (Ms. JENKINS).

Ms. JENKINS. Madam Speaker, I thank the gentlewoman for yielding.

As a working mom, I know how tough it is to occasionally miss family events. And whether it's a parent-teacher conference, a soccer or a football game, or helping my mom, my

family always comes first. That is why I support this bill.

The Working Families Flexibility Act would help hardworking Americans be there for their families by allowing all workers the same opportunities to manage their work-life balance.

Government employees have enjoyed the ability to exchange overtime pay for comp time for nearly 30 years, and it is not fair or logical to continue to prevent private sector employees from having access to this very same benefit. The Fair Labor Standards Act of 1938 is out of touch with reality, and it needs updating. We're not talking about creating a new regulation or forcing folks to give up overtime pay. This pro-worker, pro-family bill simply provides comp time as a voluntary option for private sector employees who want it instead of overtime pay.

□ 1300

There are many employee protections in this bill, and a worker can take their comp time whenever they choose, as long as they provide reasonable notice and avoid disrupting business operations. Workers can also cash out on their comp time for any reason, at any time, and the employer would be required to fulfill that request in 30 days.

This type of legislation is the exact reason I ran for Congress and why I'm proud to be a Republican: to make sure laws passed in Washington help people and don't make life more difficult for Kansans and their families.

I encourage my colleagues in the House to support this bill that will empower working moms and dads by giving them more control and freedom to be there for their families.

Mr. POLIS. Before further yielding, I yield myself a moment to respond.

I thank the gentlelady for the correction. What I was referring to is the vote in the Rules Committee yesterday on an open rule which we voted on in committee. Had we considered this bill under an open rule, I or Mr. BISHOP, or any other Member of this body, could have brought forth his amendment.

You're correct, it was not submitted to the Rules Committee. It was offered in the committee of jurisdiction, on which I also serve. And I argued, you might recall, to the chair yesterday that this bill is a fine candidate for an open rule. Given that there's nothing else this body's doing today and we're getting done at 1:30, we might as well allow amendments like Mr. BISHOP's and others to be able to be debated by the House and considered by the full House.

I also want to discuss something that the gentlelady said, something about how a mischaracterization of the opponents of this bill is somehow saying the private sector is bad or the government's good. I haven't heard anybody argue that. The private sector is great. The private sector is a chief engine of economic growth. This discussion is about the private sector.

In fact, it's the other side that's somehow trying to model policies that they say already exist in the public sector and force the private sector to comply with them. We're not here seeking to try to copy what exists in the public sector and apply it to the private sector. The private sector is the primary engine of economic growth.

I think where perhaps we disagree is that I hear from many on the other side that somehow government is bad. I believe, and many on my side believe, that the minimum amount of government is necessary to ensure the success of the private sector, to ensure the rules are followed and there's an open and competitive environment that allows the private sector to thrive and succeed and create jobs for American families.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. I thank the managers of this legislation. And I think it should be made very clear, since we'll have a general debate that I hope to engage in, that the underlying premise of this bill, H.R. 1406, is two simple points, and H.R. 1406 undermines this point.

The Fair Labor Standards Act only provides the incentive for employers to adhere to the 40-hour workweek by paying time and a half. H.R. 1406 removes that fundamental requirement and allows employers to pay nothing for overtime work at the time the work is performed.

I, too, am sensitive to those who want to join with their families, and clearly, that opportunity is there. But if you allow this bill to go forward, you take the choice out of the hands of the employee. And if you are looking at a boilermaker, or those in manufacturing, and a boilermaker can have close to 210 overtime hours making a certain amount per hour, literally, if you force them to take comp time and not be paid, you would cause them to lose their time and a half, and they would lose almost \$6,000 in income.

I can tell you, with the economic divide between the top 1 percent and working Americans, many people work overtime in order to receive payment. And I think that H.R. 1406 goes in the wrong direction.

What I would encourage my colleagues to do is to spend some time discussing the budget, passing a budget, ending sequestration, creating opportunities for the private sector to hire more people; and, frankly, the private sector would do well to cut their costs by hiring additional persons.

So I oppose the rule and the underlying bill, and, Mr. Speaker, I ask unanimous consent at this time to bring up H.R. 900, which would end sequestration at this time and begin to put us on the right track to ensure that we end the cuts in air traffic controllers, in Homeland Security, in Head Start, in Medicare, Medicaid, Meals on

Wheels, and begin to get this Nation back on track.

Mr. Speaker, I rise to speak in opposition to the Rule on H.R. 1406, the so-called "Working Families Flexibility Act of 2013." I thank Ranking Member MILLER for this opportunity to speak on behalf and in support of the working women and men in my District and against this rule because it does not fix this very flawed bill.

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

The rule for this bill should be open and allow us to do something to help workers and their families. When the economy is weak—workers and their families need more protection not less.

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

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

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

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

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

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

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

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

Under the rule for H.R. 1406, employers can schedule workers to work up to 160 hours of "comp time." Workers will be cheated out of

their accrued overtime earnings when their employer goes bankrupt.

I stand today with America's workers. We are united in opposition to H.R. 1406, the Working Families Flexibility Act of 2013. We should not be wasting time on legislation that is going nowhere. Instead we should be focused on the real problems facing Americans, like creating jobs, ending the Sequester, and helping businesses grow.

Therefore, I ask unanimous consent to call up for immediate consideration H.R. 900, the Cancel the Sequester Act of 2013.

If Congress wants to do something for workers we should end the sequester.

The SPEAKER pro tempore (Mr. WOMACK). Under guidelines consistently issued by successive Speakers as recorded in section 956 of the House Rules and Manual, the Chair is constrained not to entertain the request unless it has been cleared by the bipartisan floor and committee leaderships.

Ms. FOXX. Mr. Speaker, I yield 3 minutes to my distinguished colleague from Missouri (Mrs. HARTZLER).

Mrs. HARTZLER. Mr. Speaker, I rise today in support of the Working Families Flexibility Act. This legislation would remove an outdated Federal mandate that prohibits private sector workers from benefiting from the personal option of flextime. Public sector employees have had the flextime option for 30 years, and it's time private sector workers had the same opportunity to spend more time with their families or more time engaged in other interests away from the workplace.

The State of Missouri has allowed flextime for years for a variety of State agencies like the Missouri State Water Patrol. The Lake of the Ozarks is in my district and is a destination for many during the warm summer months, and the Water Patrol work long, hard days over the summer to keep order on the lake and ensure safety for boaters, skiers, and swimmers.

With Missouri's seasonal climate, these State workers have taken advantage of working long summer days and saving flextime in the winter months for extended vacations or other seasonal work. These workers enjoy the flexibility and income stability of their jobs, and it works out to be mutually beneficial for the employees and the State. This commonsense labor provision makes the Water Patrol officer a very popular career choice and encourages the type of competition that has led to continuous quality in the force.

The Working Families Flexibility Act would modernize outdated regulations to allow private sector workers in Missouri's Fourth District and elsewhere to voluntarily choose paid time off as compensation for the overtime hours they work. It will remove the obstacles standing in the way of working families and will allow working women to better balance their work and family obligations.

As a working wife and mother, I understand how important it is to have a schedule that is flexible when children unexpectedly get sick or when high

school graduation nears and mothers need extra time to celebrate the child's accomplishments.

I support this commonsense legislation that allows flexibility for American workers and gives the power back to the workers and employers to voluntarily work together and find a solution that works best for everyone.

Again, I urge my colleagues to vote for this pro-family legislation.

Mr. POLIS. Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up H.R. 377, Representative DELAURO's Paycheck Fairness Act. To discuss her bill, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. I rise in opposition to the previous question. Defeat of the previous question will allow the gentleman from Colorado to amend the rule to provide for consideration of the Paycheck Fairness Act, an act that addresses the persistent problem of unequal pay in our economy and would help to make the bill before us a real boon for workers and families.

Today, women are now half of the Nation's workforce. They are still only being paid 77 cents on the dollar as compared to men. And this holds true across all occupations and education levels. And for women of color, the disparities are even worse.

Let's take this body, the U.S. Congress, the House of Representatives. We come from all over the country. We have different educational backgrounds. We have different skill sets and different philosophies. And yet, while we are all men and women here, we get paid the same amount of money. That is not true for most women in the United States of America.

The only other institution in which there is same job, same pay, men and women, is in the U.S. military

□ 1310

Less pay for women means less pay for the entire family at a time when millions are struggling to enter the middle class, give their children a chance at a better life, and achieve the American Dream.

That's what paycheck fairness is all about: men, women, same job, same pay. Fifty years ago, Congress passed the Equal Pay Act to confront this "serious and endemic" problem of unequal wages in America. President John F. Kennedy signed it into law to end "the unconscionable practice of paying female employees less wages than male employees for the same job."

Fifty years later, it is clear that we have more to do. If this majority really wants to show good faith towards workers and their families and women in this Nation, then what they will do is they will join us, and they will take the steps that are necessary to end unequal pay, put an end to pay secrecy, strengthen a worker's ability to challenge discrimination, and bring equal-pay law into line with other civil rights laws.

What they will do is they will abandon the legislation that will gut the 40-hour workweek and that will allow employers to cut employees' overtime pay in order to save money.

America's women and America's families have waited far too long for this institution to act. They're watching us now, and I urge this majority to do right by them at last and help us to end unequal pay for women in this Nation for good.

Ms. FOXX. Mr. Speaker, I would believe that the comments of my colleague from Connecticut would be a little more sincere if she would direct the issue of pay disparity to the White House. The White House needs to do something about pay disparity. If we had leaders who led by example, then the White House would straighten out the pay disparity that exists there.

Also, my colleagues don't seem to want to talk about the bill before us today because it is such commonsense legislation. They have no real arguments to offer about defeating it, so they want to distract the American people onto other issues.

With that, Mr. Speaker, I yield 2 minutes to my colleague from Indiana (Mr. STUTZMAN).

Mr. STUTZMAN. Mr. Speaker, I thank the gentlelady for yielding.

Mr. Speaker, life is hard. Across Indiana, moms and dads are working hard to make ends meet, and it's anything but easy. The national unemployment rate is 7.5 percent. More businesses are reducing employees' hours under the immense pressure and weight of ObamaCare's red tape. On top of all that, President Obama wants \$1.2 trillion in new taxes on families and businesses.

There is no timecard at the dinner table. Parenting is a 24/7, 365-day job. Unfortunately, moms and dads in the private sector have to consider missing a day of work when flu season strikes, when teacher conferences roll around, or when life throws another curve ball.

The last thing Hoosiers in the real economy need is an outdated Federal law that makes things harder. Under the Fair Labor Standards Act of 1938, too many families are forced to make a difficult trade-off: sit down with your son's teacher and you could see a thinner paycheck at the end of the week. Often, mom and dad will take turns after they've looked at the budget and the calendar. For single parents, it's another uphill battle.

But while families on Main Street have to make tough choices, government workers have the flexibility to work overtime to cover these situations. We need to make sure that Hoosiers in the everyday world have the same option.

Here in the House, we've introduced a simple, commonsense solution. Our bill gives Hoosiers and Americans a choice between cash wages and comp time for the overtime hours that they work. Government workers already get this option. So should everyday Americans.

By fixing an outdated law today, we can give working parents more flexibility tomorrow.

Mr. POLIS. Before further yielding, I want to address this fallacious concept that the gentlelady from North Carolina has brought up in previous debate as well as this one that somehow the White House discriminates against women. Again, that's been proven as untrue. We actually have a young lady on our Rules Committee staff who worked for the White House and tells us she earned the same amount as men.

Of course, for the same job, women get paid the same amount. That's what paycheck fairness is about. It doesn't say if you do a different job you get paid the same amount, and it doesn't mean that every man and every woman is compensated the same. It's just for the same job, same pay. As for the Obama administration, every one of their actions and the White House's actions have been consistent with that. We believe it should apply to the private sector because, of course, not every woman in the country has the privilege of working for the White House.

We're talking about American families with real private sector jobs out there, not these government jobs that the other side keeps alluding to.

With that, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS.)

Mrs. CAPPS. Mr. Speaker, I thank my colleague from Colorado for yielding time.

I rise in opposition to H.R. 1406. This isn't the first time we've seen anti-worker legislation paraded as a pro-family solution. But it's embarrassing that here in 2013 we are considering a bill that would reverse over 70 years of worker protections.

The so-called Working Families Flexibility Act is out of touch with what real American working families need. Real working families need protections against egregiously long hours and unreasonable management demands. Real working families need fair wages paid to them in a timely manner. Real working families need predictable schedules with time to care for their families and themselves, and real working families need the ability to take earned leave when they have earned it and when they need it.

This bill does nothing to address those needs. Instead, it sets up a false choice between time and pay. It incentivizes excess overtime scheduling. It reduces the employee's control over her daily schedule, and it provides no guarantee that the time off earned could be actually used.

The only flexibility provided in this bill is to bosses who would be given the flexibility to choose to do whatever they choose without standards and without consideration for the needs of the families of their workers.

I urge my colleagues to come together and support policies that would truly support our working families. A

real family-friendly bill would allow workers to earn paid sick days. It would extend access to job-protected leave. It would work to close the gender pay gap. Instead, this Mother's Day, all we have to offer our hard-working moms is a disingenuous bill that moves us backwards. Our mothers deserve better.

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

As my colleague from California knows, I am very fond of her and respect her a great deal; but I want to say that this bill is not a bad bill. This bill does not roll back the rights of workers at all.

And if the bill is so bad and what it does is give fairness to people in the private sector and it gives to the people in the private sector the same rights and privileges that people in the public sector have, then why are my colleagues not trying to roll back those rights for the public sector? It would make sense that all the horrible things they've said about this bill which apply to the public sector you would want to protect the public sector.

But that's not what my colleagues are doing. They're simply saying it isn't right to let the private sector employees have the same rights and privileges that public sector employees have. It doesn't make any sense for them to make that argument. It just doesn't make any sense to do that.

Mr. Speaker, the Working Families Flexibility Act makes it easier for American workers to juggle the needs of family and the workplace. That's what it accomplishes.

I want to urge the people watching this debate to read the bill. Unlike the thousand-page bill that came out that people have to "wait until it passes" before they understand what's in it, before we understand what's in it, this bill is basically 8 pages long. Any American can read this bill and understand it. So I would say to you, if you doubt what we are saying on our side of the aisle, read the bill. That is the best way for the American public to be informed.

□ 1320

Mr. Speaker, as we consider it, there are some things to keep in mind.

First, it in no way undermines longstanding essential worker safeguards or forces workers to give up overtime pay if that's how they choose to be compensated. It simply provides an additional level of flexibility that government workers already enjoy. I don't know how many more ways we can make that point, Mr. Speaker, but we will continue to do that.

Further, the bill does not allow employers to bully employees into picking comp time over cash payment. It provides new important safeguards to ensure that the choice to use comp time over cash wages is truly voluntary. Employees can change their minds and request overtime cash payment in lieu of unused comp time.

For employees represented by a labor organization, the labor organization and the employer must first reach an agreement to provide this benefit before the employee can choose to exercise it. For an employee who is not a member of a labor organization, the agreement is between the employer and the individual employee and must be entered into knowingly and voluntarily by the employee and may not be a condition of employment.

The bill does not change the 40-hour workweek or how overtime is currently calculated and accrued, and it does not affect comp time provisions regarding employees of Federal, State, or local governments.

Mr. Speaker, in fiscal year 2012, IRS employees accrued 246,450 hours of comp time in lieu of overtime pay. That amounts to 30,806 full 8-hour days. Employees at the Department of Labor accrued 51,097 hours of comp time, or 6,387 full 8-hour days. Employees at the Department of Education accrued 12,408 hours of comp time, or 1,551 full 8-hour days.

It's clear that Federal employees appreciate this flexibility. What is unclear is why my colleagues on the other side of the aisle are so hell-bent on denying private sector employees this same flexibility. What's good for the goose is good for the gander.

We hear the word "fairness" from the other side of the aisle constantly. This bill is fair, Mr. Speaker. H.R. 1406 simply affords private sector employees the same flexibility that Federal, State, and local government employees have enjoyed for over 30 years. It is unconscionable to me that our colleagues would vote against this and say you should be a second-class citizen if you work in the private sector.

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

Mr. POLIS. Before further yielding, I want to again address this great and sudden desire that the gentlelady from North Carolina has expressed to make sure that government policies apply to the private sector, to try to say somehow the way that government employees are treated needs to be the way that every private sector employee is treated. Usually it's the private sector that leads the way, not Big Government like the gentlelady from North Carolina is arguing. In fact, it's even a misinterpretation of what the public sector does.

The public sector has civil service protections for its employees. That's something that doesn't exist in the private sector. That's why, if we had been able to, under an open rule—which we don't have because, of course, somehow this body has to finish up by 2 p.m. so everybody can go home. But if we were allowed to have an open rule and actually bring forth amendments on this, we would be able to introduce Mr. BISHOP's amendment, which would have facilitated this discussion of, well, if it's good enough for the goose, it's good enough for the gander. If the

Republicans are so keen to apply public sector personnel policy to the private sector, then why not apply civil service protections to the private sector?

Again, the truth of the matter is there's a night-and-day difference between the types of protections and policies that public sector and private sector employees have. One of the goals of the Civil Service Act was to add a degree of professionalism to public sector jobs, to take away the patronage components that had a corrupting influence on the system. By and large it succeeded in that goal, to its great credit. It's a very different set of rules that we have with regard to the private sector.

So, again, I think that that is, to a certain degree, a false analogy, and I hope that the information I provided helps correct that in the eyes of those who are listening.

With that, Mr. Speaker, I'd like to yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR), a colleague of mine.

Ms. KAPTUR. I thank Congressman POLIS for yielding time and rise against the rule and the underlying bill, H.R. 1406, the More Work for Less Pay Act.

Congress should protect workers' wages and overtime rights, not undermine them. USA Today reported yesterday that stock markets and corporate profits are breaking records, but workers who rely on paychecks for their income have been running in place—financially speaking—and falling behind, despite their productivity increasing consistently for the last several years. That means they're working harder for less. Adjusting for inflation, an average worker who was paid \$49,650 at the end of 2009 is now making about \$545 less, and that's before taxes and deductions.

Living standards aren't rising for the middle class; they're falling. Yet the profits of Standard and Poor's 500 companies hit a record in the first quarter. The roaring market is making the richest Americans even richer, giving them even more money to spend.

How about this? Brian Moynihan, Bank of America, he earns about \$12.1 million that is reported in the papers—I'm sure it's even more than that—and Goldman Sachs, their CEO, Lloyd Blankfein, \$21 million that he's willing to admit; and John Stumpf at Wells Fargo, \$22.9 million. Frankly, how much more do they need?

Now, meanwhile, during the first 2 years of the recovery, while average net worth rose for the top 7 percent of households, it fell for the other 93 percent, according to the Pew Research Center. The reason is clear: corporate America isn't sharing its record earnings with those who are earning them. In fact, higher corporate profits owe partially to the employers' success at paying workers less even while those workers are working harder, and holding down their raises and forcing overtime rather than hiring from the ranks

of the 12 million who remain unemployed.

Productivity has been rising at an average of 1.5 percent a year since the recovery began, while companies are squeezing more out of each worker even as inflation-adjusted wages have stagnated and hiring remains sluggish.

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

Mr. POLIS. I yield the gentlelady an additional 30 seconds.

Ms. KAPTUR. I thank the gentleman.

Still, so many Americans are out of work that employers can get away with giving no raises at all.

America is supposed to be about opportunity for all, not just the few. We're supposed to be about fair pay for hard work.

I ask my colleagues to oppose the Republican More Work for Less Pay Act, and I would urge us to pay fair wages for a fair day's work. All you have to do is go to parts of the country where people's faces are worn. You'll see what's really happening out in the real America. Let's oppose this Republican bill and the rule.

The bill gives employers the flexibility not to pay overtime to their workers; instead employees would be provided comp time.

However, employers, not the employee, are provided the flexibility to decide when and even if comp time can be used.

There is nothing in the legislation that guarantees that workers will be able to use the comp time they have earned when they need it.

In fact, the bill permits the employer to deny a comp time request if the employee's use of comp time would unduly disrupt operations.

Employers can even veto an employee's request to use comp time even in cases of urgent need under the legislation.

If an employee does not accept comp time, they could be penalized with fewer hours, bad shifts, and loss of overtime hours.

Given that it is cheaper to provide comp time than to pay overtime wages, this bill provides a significant incentive for employers to hire fewer people and rely on overtime to be paid for future comp time.

The Fair Labor Standards Act currently allow employers to provide workers with flexibility and time off without compromising their right to be paid fairly for the hours they work.

Consequently, this legislation is unnecessary based on current law.

Workers should not have to put in extra time beyond a 40-hour week and be forced to forgo pay to earn time to care for themselves or their loved ones.

The same bill proposed and died in committee in 2003 and failed in 1996 and 1997 to get through Congress.

[From USA Today, May 6, 2013]

ECONOMY LEAVES WAGES BEHIND

(By Paul Davidson and John Waggoner)

Stock markets and corporate profits are breaking records. The economy suddenly looks brighter after the government's surprising report Friday that employers added 635,000 jobs the past three months.

But instead of celebrating, many working Americans are borrowing a line from the 1996 movie Jerry Maguire: "Show me the money."

Hourly wages ticked up 4 cents in April to an average \$23.87, rising at about the same tepid 2 percent annual pace since the recovery began in mid-2009.

But taking inflation into account, they're virtually flat. Workers who rely on paychecks for their income have been running in place, financially speaking. Adjusting for inflation, an average worker who was paid \$49,650 at the end of 2009 is making about \$545 less now—and that's before taxes and deductions.

Stagnant wages aren't only tough on workers—the American economy is paying a price too. Living standards aren't rising. Consumer spending, which is 70 percent of the economy, is more restrained. And the recovery advances at a slower pace.

Ultimately, for the economy to thrive we need everyone participating," says Mark Zandi, chief economist of Moody's Analytics.

The profits of Standard & Poor's 500 companies hit a record in the first quarter. Their healthy earnings have boosted stocks, and April's encouraging jobs report sent the stock market even higher Friday. The Dow Jones industrial average crossed 15,000 for the first time and closed at a record 14,973.96, up 142.38 points.

The roaring market is making the richest Americans richer and giving them more money to spend. But in 2010, only 31 percent of U.S. households had stock holdings of \$10,000 or more, according to the Economic Policy Institute (EPI). During the first two years of the recovery, average net worth rose for the top 7 percent of households but fell for the other 93 percent, the Pew Research Center says.

Meanwhile, Corporate America isn't sharing its record earnings with employees.

"Don't hold your breath," for employers to become more generous, says John Lonski, chief economist for Moody's Investors Service. One reason, he says, is that revenue growth has been meager, up between 0.5 percent and 1 percent in the last year.

In fact, higher profits owe partially to employers' success in controlling labor expenses by getting workers to be more productive, holding down raises and hiring conservatively.

Productivity, or output per labor hour, has risen an average 1.5 percent a year since the recovery began. Companies are squeezing more out of each worker even as inflation-adjusted wages have stagnated.

Another reason for stagnant wages is the law of supply and demand. Sure, the job market has picked up: Employers added 165,000 jobs last month and an average 196,000 a month this year, up from 183,000 in 2012. And the jobless rate has fallen from a peak of 10 percent in 2009.

FEW INCENTIVES TO BOOST PAY

Yet today's 7.5 percent unemployment rate is still high. Nearly 12 million Americans are unemployed, and millions more want to work but are so discouraged they've stopped looking. With an abundant supply of potential workers, employers have little reason to shell out big raises.

"High unemployment hurts workers' bargaining power," EPI economist Heidi Shierholz says. "Employers know they can go get someone else."

So many Americans are out of work that employers could get away with giving no raises at all, Zandi says, leaving household income falling behind inflation. But employers realize that would hurt morale and, in turn, productivity, he says.

Still, wage increases that just barely keep up with inflation don't make for a prosperous economy.

"We're not seeing the living standard growth of American workers that we should be seeing," Shierholz says.

Stagnant wages also hurt consumer spending. Low- and moderate-income workers typically spend nearly all their paychecks, juicing the economy, while high-income workers tend to save a portion, says Dean Baker, co-director of the Center for Economic and Policy Research.

Larry Breech, of Milville, Pa., a retired farmer who makes about \$10,000 a year, says his per diem pay for substitute teaching hasn't changed in several years.

"We will be frugal," he says. "Fiscal restraint is imperative."

Consumer spending, which has been growing at an average annual rate of about 2 percent during the recovery, would be rising by 2.5 percent if employers simply passed their productivity gains onto their workers, Zandi says.

Some workers are getting bigger raises. While the lowest 10 percent of income earners got average raises of 0.3 percent last year, those in the top 25 percent saw their pay jump 3.1 percent, say the Bureau of Labor Statistics and Moody's Analytics. Workers with higher skills and more education in booming industries, such as energy and technology, can command higher salaries.

Stephen Allen, an oil industry contractor in St. Louis, says his wages have increased by more than 60 percent the past three years. He makes about \$85,000 a year.

For now, it's up to Americans like Allen and those with large stock holdings to generate a bigger share of spending and economic activity. The top 20 percent of households based on income account for nearly half of consumer spending, according to Barclays Capital.

GOOD NEWS FOR HOUSEHOLDS

A bright spot is that despite puny wage increases, other barometers of household finances show improvement. The housing market is continuing a solid recovery. Climbing home and stock prices have helped households overall recover the wealth they lost in the recession and housing crash.

And the share of income Americans are using to pay off debt has fallen to 10.4 percent, the lowest level since the government began tracking the data in 1980, reports the Federal Reserve. Meanwhile, falling gas prices are putting more cash in consumers' pockets. Such developments can partly offset sluggish wage growth and pave the way for higher spending.

After working off debt the past three years, Allen says he expects to be debt-free this summer "and then save for a down payment on a house."

Still, economists say consumer spending won't take off in earnest until inflation-adjusted wages return to a normal growth rate of about 1.5 percent a year. Baker says that likely won't happen until unemployment falls below 6 percent, probably in 2016.

Then, employers will begin to worry about not finding enough workers.

"They'll start to hire more aggressively," pushing up wages faster, Zandi says.

Ms. FOXX. Mr. Speaker, I assume the gentleman from Colorado has additional speakers, but at this time I would like to reserve the balance of my time.

Mr. POLIS. I would just like to indicate I have one remaining speaker.

With that, I would like to yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. CAROLYN B. MALONEY of New York. I thank the gentleman for yielding, and I rise in opposition to the majority's Working Families Flexibility Act.

It troubles me to oppose a bill that has the exact same name of a bill that I've introduced in the three previous Congresses that provided real workplace flexibility for working men and women. I believe that this bill, the Republican bill, would be more aptly named the More Work, Less Pay Act.

My bill would have provided employers and employees with protections in discussing flexible work arrangements. Under the More Work, Less Pay Act, workers would lose the basic guarantees of fair pay for overtime work and time off from work under the Fair Labor Standards Act. It would deprive hardworking people of their earned income and fail to guarantee them the right to use that overtime even for a personal or family emergency.

Shamefully, the U.S. ranks among the least generous of industrialized countries when it comes to family-friendly workplace policies like paid family leave and paid sick leave. Congress should be focused on increasing the minimum wage, expanding family and medical leave, and providing opportunities for real flexible work options.

□ 1330

These policies are common sense. True workplace advancement benefits both business and worker interests. Instead, the Republican bill hurts employees by giving them less pay at a time when their wages are stagnant.

I urge my colleagues to oppose this legislation, to oppose this rule, and bring up the minority's alternatives and allow the minority to have amendments and alternatives to the rule.

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

A little while ago we had a debate about the pay in the White House. I have an article from the Daily Caller that I would like to enter into the RECORD, and I will quote briefly from the article. The article is dated January 15, 2013, posted by Caroline May:

While President Obama handily won the women's vote by 11 percentage points in November over Republican nominee Mitt Romney, his administration paid the women on his payroll less than his male employees last year.

A Daily Caller analysis of the administration's "2012 Annual Report to Congress on White House Staff" shows that while women comprised about half of the 468 staffers—as the President touted during his press conference Monday—they also earned about 13 percent less, on average, than their male counterparts.

The median 2012 salary for female employees of the White House was \$62,000; for men that number was \$71,000.

The article ends with a quote from New York Democratic Representative CHARLIE RANGEL. He, however, called Obama's failure to appoint more women and minorities to high-profile positions "embarrassing as hell."

"The questions I've heard are fair," RANGEL said January 10 on MSNBC. "The record does speak for itself."

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

[From the Daily Caller, Jan. 15, 2013]

OBAMA WHITE HOUSE PAID WOMEN STAFFERS LESS THAN MEN IN 2012

By Caroline May

While President Barack Obama handily won the women's vote by 11 percentage points in November over Republican nominee Mitt Romney, his administration paid the women on his payroll less than his male employees last year.

A Daily Caller analysis of the administration's "2012 Annual Report to Congress on White House Staff" shows that while women comprised about half of the 468 staffers—as the president touted during his press conference Monday—they also earned about 13 percent less, on average, than their male counterparts.

The median 2012 salary for female employees of the White House was \$62,000; for men that number was \$71,000.

The DC calculated the median male and female salaries by determining employee genders based on their names. In cases where the gender was not clear, The DC either identified the specific employee in other ways or—in a few cases—assigned gender based on the most common use of a given name according to databases of baby names.

The 2012 pay disparity represented an improvement from the disparity in 2011 figures the Washington Free Beacon reported last year. According to that analysis, the median female compensation in the White House was \$60,000—\$2,000 less than in 2012—and the male employees' median was unchanged at \$71,000. That amounted to an 18 percent difference.

In his statement last year declaring April 17 Equal Pay Day, Obama lamented the pay disparity between men and women in America, echoing the well-worn yet often-quoted statistic that "women who worked full-time earned only 77 percent of what their male counterparts did."

He pointed to the Lilly Ledbetter Fair Pay Act, which made it easier for women to sue for lost wages due to pay discrimination, and to the creation of the National Equal Pay Task Force in 2010, as examples of the administration's commitment to equal pay.

"At a time when families across our country are struggling to make ends meet, ensuring a fair wage for all parents is more important than ever," the president said. "Women are breadwinners in a growing number of families, and women's earnings play an increasingly important role in families' incomes. For them, fair pay is even more than a basic right—it is an economic necessity."

Obama's White House female employees achieved a slightly better 87 percent of what their male counterparts earned, compared to Obama's national 77 percent figure.

In recent weeks Obama has come under fire for the composition of his inner circle—initially sparked by an official White House photo of the president published by The New York Times in which he was surrounded by all men. His nomination of white men to all four second-term cabinet positions so far has also drawn criticism.

Establishment media outlets and women's groups have been troubled by the apparent lack of female leadership and diversity the administration has exhibited so far—with the National Organization for Women demanding to know "President Obama, Where are the Women?" Jane Fonda, Robin Morgan and Gloria Steinem, all co-founders of the Women's Media Center, have pressed Obama to adopt an inner circle that looks more like American.

"[Obama] wouldn't have been re-elected without 55 percent of the women's vote, something he earned by representing women's majority views on issues, yet now he seems to be ignoring women's ability to be

not only voters, but leaders," the trio wrote Friday in a CNN website essay. NBC's Andrea Mitchell noted Sunday on "Meet the Press" that women inside the White House "are not happy" with the male-dominated face of Obama's administration.

Monday, Obama addressed some of the criticisms about the composition of his cabinet, saying that it is too soon to "rush to judgment" and that women were influential throughout his first term.

"So if you think about my first four years, the person who probably had the most influence on my foreign policy was a woman," Obama said. "The people who were in charge of moving forward my most important domestic initiative, health care, were women. The person in charge of our homeland security was a woman. My two appointments to the Supreme Court were women. And 50 percent of my White House staff were women. So I think people should expect that that record will be built upon during the next four years."

Mr. POLIS. Mr. Speaker, I am prepared to close.

I would like to inquire if the gentle lady has any remaining speakers.

Ms. FOXX. We have no further speakers, Mr. Speaker, and I am willing to close after the gentleman from Colorado.

Mr. POLIS. Mr. Speaker, I yield myself the remainder of the time.

First of all, conflating somehow paycheck fairness with compensation of women at the White House is comparing apples and oranges.

Nothing that we are supporting or that the Paycheck Fairness Act includes says that women and men should all be paid the same regardless of what their job is. It simply says "equal work, equal pay." There's no evidence in the Daily Caller or anywhere else that for the same job, in the White House or anywhere in the administration, that women are paid less. They are not.

Even if you had paycheck fairness—again, we passed our law; it becomes the law of the land in the private sector—it doesn't mean every woman gets the same pay as every man. It simply means that for the same job men and women get the same pay. It is quite possible there could still be a differential either way. There's not a problem with that. It depends on what jobs people have. But for the same job, it should be the law of the land, just as it has been President Obama's policy that men and women receive the same pay.

Mr. Speaker, this bill, the "more work, less pay bill," is yet another attempt to roll back workers' rights under the guise of doing just the opposite.

I wish we were here talking about things that would benefit American families like the Paycheck Fairness Act to ensure women receive equal pay for equal work; making sure that people can't be fired from their job just because of who they date. It is none of the boss's darn business.

But instead of collaborating with Democrats to produce a compromise bill we can be proud of, instead, this House is considering a bill that would

weaken over time and is nearly identical to bills that have failed in three prior Congresses.

There are many measures that we could be taking up to help grow the economy, reduce the deficit, create jobs, invest in the middle class, replace our broken immigration system with one that works; but this bill is none of those.

I wanted to point out and highlight the work of the Democrats on the Educational and the Workforce Committee. The Web site is Democrats.edworkforce.house.gov. They produced a video that shows exactly what this "more work, less pay" legislation is.

Mr. Speaker, I support giving American workers and families more flexibility. There could be a way to work together; but, again, this body has not done so. It does just the opposite. Instead of having an open rule under which many of us could bring forth amendments to discuss, Democratic Members offered several sensible amendments, which were rejected by the House majority, both in the committee of jurisdiction and the Rules Committee.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up H.R. 377, Representative DELAURO's Paycheck Fairness Act, of which I am an original cosponsor.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

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

There was no objection.

Mr. POLIS. Mr. Speaker, I urge my colleagues to vote "no" and defeat the previous question so we can bring up the Paycheck Fairness Act. I urge a "no" vote on this restrictive rule and the bill, and I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, we are very proud of this bill. I can't understand why our colleagues on the other side of the aisle are so opposed to fairness when fairness applies to the private sector.

I would like to point out to my colleague that we would have entertained amendments in the Rules Committee had they been germane or if they had not been withdrawn. As he well knows, being a member of the Rules Committee, the amendments that were introduced by his colleagues were withdrawn before the committee had an opportunity to consider the amendments or were ruled nongermane.

I also assume that, based on the comments our colleagues have made across the aisle, that because the rights and privileges that are given to public employees are so horrible that they cannot be extended to the private sector, that they will probably be introducing a bill to withdraw those rights and

privileges because they're only hurting public employees, and our colleagues don't want to be hurting private sector employees.

Mr. Speaker, House Republicans are committed to providing more opportunities for more Americans and helping make life work for more families. This legislation is a great step in that direction.

The rule before us today provides for consideration of a bill that gives employees across the country the flexibility that they deserve so they can better manage the many daily challenges of family life. Whether the employee is a new parent who wishes to stay at home with a newborn, a proud aunt who wishes to attend her nephew's baseball game, or a son or daughter who wants to care for an elderly parent, America's private sector employees should be able to determine for themselves what to do with the overtime compensation that they have earned.

Therefore, I urge my colleagues to vote for this rule and the underlying bill.

Mr. HOLT. Mr. Speaker, the bill before us today, H.R. 1406, the so-called "Working Families Flexibility Act" is a wolf in sheep's clothing. This bill would amend the Fair Labor Standards Act of 1938 in order to allow private sector employers to compensate their employees with compensatory time or comp time, instead of earned overtime pay. This proposal subverts the power and purpose of the Fair Labor Standards Act by making private sector workplaces less fair and certainly less flexible.

Instead of ensuring fairness and flexibility for employees, H.R. 1406 gives employers the legal cover for forcing employees to work more and then, in turn, paying them less. This bill does nothing to assist working families; rather it is an assault on the wages of working families all across the country. What would improve the lives of working families is a proposal to increase the minimum wage, such as introduced by Ranking Member MILLER and cosponsored by me and 134 members of this House. H.R. 1010 would increase the minimum wage in three tiered steps and then index future increases to inflation. Such a proposal would actually provide more flexibility by putting more money in the pockets of working families today and in the future. However, instead of considering a proposal which would directly benefit American workers, this Committee is considering a misleadingly named bill which does just the opposite.

Flexibility in the workplace is something that the government welcomes. However, H.R. 1406 is not the way to achieve that goal. Flexible workplaces do not force employees to choose between working more and earning less. Instead, flexible workplaces provide adequate leave options under the Family Medical Leave Act. Flexible workplaces provide a competitive, living wage for employees regardless of their gender. Flexible workplaces provide sufficient paid sick leave. H.R. 1406 does nothing to advance any of these proposals and most of all does nothing to foster a flexible work environment.

H.R. 1406 is nothing more than a message moment for the majority party. The bill weakens the worker protections under which we

have lived comfortably for 75 years. This bill provides less flexibility, not more. Even if this deeply flawed bill passes this House, it will not be considered by the Senate nor will it become law. It is a diversion from the real issues that this Committee was tasked with tackling: creating jobs and fostering economic growth.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 198 OFFERED BY
MR. POLIS OF COLORADO

At the end of the resolution, add the following new sections:

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 377) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. Each section of the bill shall be considered as read. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 377.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT
REALLY MEANS

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

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

yield to him for an amendment, is entitled to the first recognition."

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

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

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

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

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

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

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

The yeas and nays were ordered.

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

RECESS

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

Accordingly (at 1 o'clock and 39 minutes p.m.), the House stood in recess.

□ 1410

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATHAM) at 2 o'clock and 10 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

The previous question on H. Res. 198, by the yeas and nays; adoption of H. Res. 198, if ordered; and approval of the Journal, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 1406, WORKING FAMILIES FLEXIBILITY ACT OF 2013

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 198) 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, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 230, nays 198, not voting 4, as follows:

[Roll No. 132]

YEAS—230

Aderholt
Alexander
Amash
Amodei
Bachmann
Bachus
Barletta
Barr
Barton
Benishek
Bentivoglio
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson

Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzel
Hastings (WA)
Heck (NV)

Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris
Rodgers

Meadows
Meehan
Messier
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Radel
Reed
Reichert
Renacci

Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)

Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NAYS—198

Andrews
Barber
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi

Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebuck
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney
Carolyn
Maloney, Sean
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler

Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascarelli
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swaile (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman
Schultz