

bills, instead of talking points. I urge my colleagues to do the same.

The material previously referred to by Ms. LEGER FERNANDEZ is as follows:

AN AMENDMENT TO H. RES. 988 OFFERED BY  
MS. LEGER FERNANDEZ OF NEW MEXICO

At the end of the resolution, add the following:

SEC. 5. Immediately upon adoption of this resolution, the House shall proceed to the consideration in the House of the bill (H.R. 20) to amend the National Labor Relations Act, the Labor Management Relations Act, 1947, and the Labor-Management Reporting and Disclosure Act of 1959, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any 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 Workforce or their respective designees; and (2) one motion to recommit.

SEC. 6. Clause 1(c) of rule XIX and clause 8 of rule XX shall not apply to the consideration of H.R. 20.

SEC. 7. The Clerk shall transmit to the Senate a message that the House has passed H.R. 20 no later than three calendar days after passage.

Mrs. FISCHBACH. 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.

Ms. LEGER FERNANDEZ. 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 are postponed.

## RECESS

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

Accordingly (at 12 o'clock and 53 minutes p.m.), the House stood in recess.

□ 1330

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOST) at 1 o'clock and 30 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Proceedings will resume on questions previously postponed. Votes will be taken in the following order:

Ordering the previous question on House Resolution 988; and

Adoption of House Resolution 988, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Pursuant to clause 9 of rule XX, the remaining electronic vote will be conducted as a 5-minute vote.

## PROVIDING FOR CONSIDERATION OF H.R. 2988, PROTECTING PRUDENT INVESTMENT OF RETIREMENT SAVINGS ACT; PROVIDING FOR CONSIDERATION OF H.R. 2262, FLEXIBILITY FOR WORKERS EDUCATION ACT; PROVIDING FOR CONSIDERATION OF H.R. 2270, EMPOWERING EMPLOYER CHILD AND ELDER CARE SOLUTIONS ACT; PROVIDING FOR CONSIDERATION OF H.R. 2312, TIPPED EMPLOYEE PROTECTION ACT; AND PROVIDING FOR CONSIDERATION OF H.R. 4366, SAVE LOCAL BUSINESS ACT

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on ordering the previous question on the resolution (H. Res. 988) providing for consideration of the bill (H.R. 2988) to amend the Employee Retirement Income Security Act of 1974 to specify requirements concerning the consideration of pecuniary and non-pecuniary factors, and for other purposes; providing for consideration of the bill (H.R. 2262) to amend the Fair Labor Standards Act of 1938 to exclude certain activities from hours worked, and for other purposes; providing for consideration of the bill (H.R. 2270) to amend the Fair Labor Standards Act of 1938 to exclude child and dependent care services and payments from the rate used to compute overtime compensation; providing for consideration of the bill (H.R. 2312) to amend the Fair Labor Standards Act of 1938 to revise the definition of the term "tipped employee", and for other purposes; and providing for consideration of the bill (H.R. 4366) to clarify the treatment of 2 or more employers as joint employers under the National Labor Relations Act and the Fair Labor Standards Act of 1938, 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 206, nays 205, not voting 20, as follows:

[Roll No. 16]

YEAS—206

Aderholt  
Alford  
Allen  
Amodei (NV)  
Arrington  
Babin  
Bacon  
Baird  
Balderson  
Barr  
Barrett  
Baumgartner

Bean (FL)  
Begich  
Bentz  
Bergman  
Bice  
Biggs (AZ)  
Biggs (SC)  
Billirakis  
Bost  
Brecheen  
Bresnahan  
Buchanan

Burchett  
Burlison  
Calvert  
Cammack  
Carey  
Carter (GA)  
Carter (TX)  
Ciscomani  
Cline  
Cloud  
Clyde  
Cole

Collins  
Comer  
Crane  
Crank  
Crawford  
Crenshaw  
Davidson  
De La Cruz  
DesJarlais  
Diaz-Balart  
Donalds  
Downing  
Edwards  
Ellzey  
Emmer  
Estes  
Evans (CO)  
Ezell  
Fallon  
Fedorchak  
Feenstra  
Fine  
Finstad  
Fischbach  
Fitzgerald  
Fitzpatrick  
Fleischmann  
Flood  
Fong  
Foxy  
Franklin, Scott  
Fry  
Fulcher  
Garbarino  
Gill (TX)  
Goldman (TX)  
Gonzales, Tony  
Gooden  
Gosar  
Graves  
Griffith  
Grothman  
Guest  
Guthrie  
Hageman  
Hamadeh (AZ)  
Haridopolos  
Harrigan  
Harris (MD)  
Harris (NC)  
Harshbarger  
Hern (OK)  
Higgins (LA)  
Hill (AR)  
Hinson  
Hudson  
Huizenga

Hurd (CO)  
Issa  
Jack  
Jackson (TX)  
James  
Johnson (LA)  
Johnson (SD)  
Jordan  
Joyce (OH)  
Joyce (PA)  
Kean  
Kelly (MS)  
Kelly (PA)  
Kennedy (UT)  
Kiley (CA)  
Kim  
Knott  
Kustoff  
LaHood  
LaLota  
Langworthy  
Latta  
Lawler  
Lee (FL)  
Letlow  
Loudermilk  
Lucas  
Luttrell  
Mace  
Mackenzie  
Malliotakis  
Maloy  
Mann  
Massie  
McCaul  
McClain  
McClintock  
McCormick  
McDowell  
McGuire  
Messmer  
Meuser  
Miller (IL)  
Miller (OH)  
Miller-Meeks  
Mills  
Moore (AL)  
Moore (NC)  
Moore (UT)  
Moore (WV)  
Moran  
Nehls  
Newhouse  
Norman  
Nunn (IA)  
Oberholte  
Ogles

Onder  
Owens  
Palmer  
Patronis  
Perry  
Pfluger  
Reschenthaler  
Rogers (AL)  
Rogers (KY)  
Rose  
Rouzer  
Roy  
Rulli  
Rutherford  
Salazar  
Scalise  
Schmidt  
Schweikert  
Scott, Austin  
Self  
Sessions  
Shreve  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smucker  
Spartz  
Stauber  
Stefanik  
Steil  
Steube  
Strong  
Stutzman  
Taylor  
Tenney  
Thompson (PA)  
Tiffany  
Timmons  
Turner (OH)  
Valadao  
Van Drew  
Van Dwyne  
Van Epps  
Wagner  
Walberg  
Weber (TX)  
Webster (FL)  
Westerman  
Wied  
Williams (TX)  
Wilson (SC)  
Wittman  
Womack  
Yakym  
Zinke

NAYS—205

Adams  
Aguilar  
Amo  
Ansari  
Auchincloss  
Balint  
Barragan  
Beatty  
Bell  
Bera  
Beyer  
Bishop  
Bonamici  
Boyle (PA)  
Brown  
Brownley  
Budzinski  
Bynum  
Carbajal  
Carson  
Carter (LA)  
Case  
Casten  
Castor (FL)  
Castro (TX)  
Cherfilus-  
McCormick  
Chu  
Cisneros  
Clark (MA)  
Clarke (NY)  
Cleaver  
Clyburn  
Cohen  
Conaway  
Correa  
Costa  
Courtney  
Craig  
Crockett

Crow  
Cuellar  
Davids (KS)  
Davis (IL)  
Davis (NC)  
Dean (PA)  
DeGette  
DeLauro  
DelBene  
Deluzio  
DeSaulnier  
Dexter  
Dingell  
Doggett  
Elfreth  
Escobar  
Espaillat  
Evans (PA)  
Fields  
Figures  
Fletcher  
Foster  
Foushee  
Frankel, Lois  
Friedman  
Frost  
Garamendi  
Garcia (CA)  
Garcia (IL)  
Garcia (TX)  
Gillen  
Golden (ME)  
Goldman (NY)  
Gomez  
Gonzalez, V.  
Goodlander  
Gottheimer  
Green, Al (TX)  
Grijalva  
Harder (CA)

Hayes  
Himes  
Horsford  
Hoyer  
Hoyle (OR)  
Huffman  
Ivey  
Jackson (IL)  
Jacobs  
Jayapal  
Jeffries  
Johnson (GA)  
Johnson (TX)  
Kamlager-Dove  
Kaptur  
Keating  
Kelly (IL)  
Kennedy (NY)  
Khanna  
Krishnamoorthi  
Landsman  
Larsen (WA)  
Larson (CT)  
Latimer  
Lee (NV)  
Lee (PA)  
Leger Fernandez  
Levin  
Liccardo  
Lieu  
Lofgren  
Lynch  
Magaziner  
Mannion  
Matsui  
McBath  
McBride  
McClain Delaney  
McClellan  
McCollum

|                |              |                |                |               |               |            |               |                |
|----------------|--------------|----------------|----------------|---------------|---------------|------------|---------------|----------------|
| McDonald Rivet | Pettersen    | Stevens        | Fulcher        | Latta         | Rose          | Panetta    | Schakowsky    | Titus          |
| McGarvey       | Pingree      | Strickland     | Garbarino      | Lawler        | Rouzer        | Pappas     | Schneider     | Tlaib          |
| McGovern       | Pocan        | Subramanyam    | Gill (TX)      | Lee (FL)      | Roy           | Pelosì     | Scholten      | Tokuda         |
| McIver         | Pou          | Suozi          | Gimenez        | Letlow        | Rulli         | Perez      | Schrier       | Tonko          |
| Meeks          | Pressley     | Takano         | Goldman (TX)   | Loudermilk    | Rutherford    | Peters     | Scott (VA)    | Torres (CA)    |
| Menendez       | Quigley      | Thanedar       | Gonzales, Tony | Lucas         | Salazar       | Pettersen  | Scott, David  | Torres (NY)    |
| Meng           | Ramirez      | Thompson (CA)  | Gooden         | Luna          | Scalise       | Pingree    | Sewell        | Trahan         |
| Mfume          | Randall      | Thompson (MS)  | Gosar          | Luttrell      | Schmidt       | Pocan      | Sherman       | Tran           |
| Min            | Raskin       | Titus          | Graves         | Mace          | Schweikert    | Pou        | Simon         | Underwood      |
| Moore (WI)     | Riley (NY)   | Tlaib          | Griffith       | Mackenzie     | Scott, Austin | Pressley   | Smith (WA)    | Vargas         |
| Morelle        | Rivas        | Tokuda         | Grothman       | Malliotakis   | Self          | Quigley    | Sorensen      | Vasquez        |
| Morrison       | Ross         | Tonko          | Guest          | Maloy         | Sessions      | Ramirez    | Soto          | Veasey         |
| Moskowitz      | Ruiz         | Torres (CA)    | Guthrie        | Mann          | Shreve        | Randall    | Stansbury     | Velázquez      |
| Moulton        | Ryan         | Torres (NY)    | Hageman        | Massie        | Simpson       | Raskin     | Stanton       | Vindman        |
| Mrvan          | Salinas      | Trahan         | Hamadeh (AZ)   | Mast          | Smith (MO)    | Riley (NY) | Stevens       | Walkinshaw     |
| Mullin         | Sánchez      | Tran           | Haridopolos    | McCaul        | Smith (NE)    | Rivas      | Strickland    | Wasserman      |
| Nadler         | Scanlon      | Underwood      | Harrigan       | McClain       | Smith (NJ)    | Ross       | Subramanyam   | Schultz        |
| Neal           | Schakowsky   | Vargas         | Harris (MD)    | McClintock    | Smucker       | Ruiz       | Suozi         | Waters         |
| Neguse         | Schneider    | Vasquez        | Harris (NC)    | McCormick     | Spartz        | Ryan       | Takano        | Watson Coleman |
| Norcross       | Scholten     | Veasey         | Harshbarger    | McDowell      | Staubert      | Salinas    | Thanedar      | Whitesides     |
| Ocasio-Cortez  | Schrier      | Velázquez      | Hern (OK)      | McGuire       | Stefanik      | Sánchez    | Thompson (CA) | Williams (GA)  |
| Olzewski       | Scott (VA)   | Vindman        | Higgins (LA)   | Messmer       | Steil         | Scanlon    | Thompson (MS) |                |
| Omar           | Scott, David | Walkinshaw     | Hill (AR)      | Meuser        | Steupe        |            |               |                |
| Pallone        | Sewell       | Wasserman      | Hinson         | Miller (IL)   | Strong        | Casas      | Hunt          | Van Orden      |
| Panetta        | Simon        | Schultz        | Houchin        | Miller (OH)   | Stutzman      | Dunn (FL)  | Murphy        | Wilson (FL)    |
| Pappas         | Smith (WA)   | Waters         | Hudson         | Miller (WV)   | Taylor        | Gray       | Swalwell      |                |
| Pelosì         | Sorensen     | Watson Coleman | Huizenga       | Miller-Meeks  | Tenney        | Houlahan   | Sykes         |                |
| Perez          | Soto         | Whitesides     | Hurd (CO)      | Mills         | Thompson (PA) |            |               |                |
| Peters         | Stanton      | Williams (GA)  | Issa           | Moolenaar     | Tiffany       |            |               |                |
|                |              |                | Jack           | Moore (AL)    | Timmons       |            |               |                |
|                |              |                | Jackson (TX)   | Moore (NC)    | Turner (OH)   |            |               |                |
|                |              |                | James          | Moore (UT)    | Valadao       |            |               |                |
|                |              |                | Johnson (LA)   | Moore (WV)    | Van Drew      |            |               |                |
|                |              |                | Luna           | Moran         | Van Dwyne     |            |               |                |
|                |              |                | Swalwell       | Nehls         | Van Epps      |            |               |                |
|                |              |                | Sykes          | Newhouse      | Wagner        |            |               |                |
|                |              |                | Joyce (OH)     | Norman        | Walberg       |            |               |                |
|                |              |                | Joyce (PA)     | Nunn (IA)     | Weber (TX)    |            |               |                |
|                |              |                | Kean           | Obernolte     | Webster (FL)  |            |               |                |
|                |              |                | Kelly (MS)     | Ogles         | Westerman     |            |               |                |
|                |              |                | Kelly (PA)     | Onder         | Wied          |            |               |                |
|                |              |                | Kennedy (UT)   | Owens         | Williams (TX) |            |               |                |
|                |              |                | Kiggans (VA)   | Palmer        | Wilson (SC)   |            |               |                |
|                |              |                | Kiley (CA)     | Patronis      | Wittman       |            |               |                |
|                |              |                | Kim            | Perry         | Womack        |            |               |                |
|                |              |                | Knott          | Pfleger       | Yakym         |            |               |                |
|                |              |                | Kustoff        | Reschenthaler | Zinke         |            |               |                |
|                |              |                | LaHood         | Rogers (AL)   |               |            |               |                |
|                |              |                | LaLota         | Rogers (KY)   |               |            |               |                |
|                |              |                | Langworthy     |               |               |            |               |                |

## NOT VOTING—20

|           |              |             |
|-----------|--------------|-------------|
| Boebert   | Hunt         | Sherman     |
| Casas     | Kiggans (VA) | Stansbury   |
| Dunn (FL) | Luna         | Swalwell    |
| Gimenez   | Mast         | Sykes       |
| Gray      | Miller (WV)  | Van Orden   |
| Houchin   | Moolenaar    | Wilson (FL) |
| Houlahan  | Murphy       |             |

## □ 1355

Ms. VELÁZQUEZ, Messrs. LANDSMAN, CUELLAR, BERA, GOTTHEIMER, and MOSKOWITZ changed their vote from “yea” to “nay.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated against:

Ms. STANSBURY. Mr. Speaker, had I been present, I would have voted NAY on Roll Call No. 16.

The SPEAKER pro tempore. The question is on the resolution.

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

## RECORDED VOTE

Ms. LEGER FERNANDEZ. 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 214, noes 207, not voting 10, as follows:

[Roll No. 17]

## AYES—214

|             |             |                 |
|-------------|-------------|-----------------|
| Aderholt    | Bresnahan   | Diaz-Balart     |
| Alford      | Buchanan    | Donalds         |
| Allen       | Burchett    | Downing         |
| Amodi (NV)  | Burlison    | Edwards         |
| Arrington   | Calvert     | Ellzey          |
| Babin       | Cammack     | Emmer           |
| Bacon       | Cleary      | Estes           |
| Baird       | Carter (GA) | Evans (CO)      |
| Balderson   | Carter (TX) | Ezell           |
| Barr        | Ciscomani   | Fallon          |
| Barrett     | Cline       | Fedorchak       |
| Baumgartner | Cloud       | Feenstra        |
| Bean (FL)   | Clyde       | Pine            |
| Begich      | Cole        | Finstad         |
| Bentz       | Collins     | Fischbach       |
| Bergman     | Comer       | Fitzgerald      |
| Bice        | Crane       | Fitzpatrick     |
| Biggs (AZ)  | Crank       | Fleischmann     |
| Biggs (SC)  | Crawford    | Flood           |
| Bilirakis   | Crenshaw    | Fong            |
| Boebert     | Davidson    | Fox             |
| Bost        | De La Cruz  | Franklin, Scott |
| Brecheen    | DesJarlais  | Fry             |

|             |                |                 |
|-------------|----------------|-----------------|
| Adams       | DelBene        | Kelly (IL)      |
| Aguilar     | Deluzio        | Kennedy (NY)    |
| Amo         | DeSaulnier     | Khanna          |
| Ansari      | Dexter         | Krishnamoorthi  |
| Auchincloss | Dingell        | Landsman        |
| Balint      | Doggett        | Larsen (WA)     |
| Barragán    | Elfreth        | Larson (CT)     |
| Beatty      | Escobar        | Latimer         |
| Bell        | Españillat     | Lee (NV)        |
| Bera        | Evans (PA)     | Lee (PA)        |
| Beyer       | Fields         | Leger Fernandez |
| Bishop      | Figures        | Levin           |
| Bonamici    | Fletcher       | Liccardo        |
| Boyle (PA)  | Foster         | Lieu            |
| Brown       | Foushee        | Lofgren         |
| Brownley    | Frankel, Lois  | Lynch           |
| Budzinski   | Friedman       | Magaziner       |
| Bynum       | Frost          | Mannion         |
| Carbajal    | Garamendi      | Matsui          |
| Carson      | Garcia (CA)    | McBath          |
| Carter (LA) | Garcia (IL)    | McBride         |
| Case        | Garcia (TX)    | McClain Delaney |
| Casten      | Gillen         | McClellan       |
| Castor (FL) | Golden (ME)    | McCollum        |
| Castro (TX) | Goldman (NY)   | McDonald Rivet  |
| Cherfilus-  | Gomez          | McGarvey        |
| McCormick   | Gonzalez, V.   | McGovern        |
| Chu         | Goodlander     | McIver          |
| Cisneros    | Gottheimer     | Meeks           |
| Clark (MA)  | Green, Al (TX) | Menendez        |
| Clarke (NY) | Grijalva       | Meng            |
| Cleaver     | Harder (CA)    | Mfume           |
| Clyburn     | Hayes          | Min             |
| Cohen       | Himes          | Moore (WI)      |
| Conaway     | Horsford       | Morelle         |
| Correa      | Hoyer          | Morrison        |
| Costa       | Hoyle (OR)     | Moskowitz       |
| Courtney    | Huffman        | Moulton         |
| Craig       | Ivey           | Mrvan           |
| Crockett    | Jackson (IL)   | Mullin          |
| Crow        | Jacobs         | Nadler          |
| Cuellar     | Jayapal        | Neal            |
| Davids (KS) | Jeffries       | Neguse          |
| Davis (IL)  | Johnson (GA)   | Norcross        |
| Davis (NC)  | Johnson (TX)   | Ocasio-Cortez   |
| Dean (PA)   | Kammlager-Dove | Olzewski        |
| DeGette     | Kaptur         | Omar            |
| DeLauro     | Keating        | Pallone         |

## NOES—207

## NOT VOTING—10

|           |          |             |
|-----------|----------|-------------|
| Casas     | Hunt     | Van Orden   |
| Dunn (FL) | Murphy   | Wilson (FL) |
| Gray      | Swalwell |             |
| Houlahan  | Sykes    |             |

## □ 1403

So the resolution was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## □ 1410

## FLEXIBILITY FOR WORKERS EDUCATION ACT

Mr. WALBERG. Mr. Speaker, pursuant to House Resolution 988, I call up the bill (H.R. 2262) to amend the Fair Labor Standards Act of 1938 to exclude certain activities from hours worked, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MEUSER). Pursuant to House Resolution 988, the amendment in the nature of a substitute recommended by the Committee on Education and Workforce, printed in the bill, modified by the amendment printed in part B of House Report 119-440, is adopted and the bill, as amended, is considered read.

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

## H.R. 2262

*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 “Flexibility for Workers Education Act”.*

## SEC. 2. TREATMENT OF ATTENDANCE OR PARTICIPATION IN CERTAIN ACTIVITIES.

(a) IN GENERAL.—Section 3(o) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(o)) is amended to read as follows:

“(o) HOURS WORKED.—In determining for the purposes of sections 6 and 7 the hours for which an employee is employed—

“(1) there shall be excluded—

“(A) any time spent in changing clothes or washing at the beginning or end of each workday which was excluded from measured working time during the week involved by the express terms of or by custom or practice under a bona fide collective-bargaining agreement applicable to the particular employee; and

(B) except as provided in paragraph (2), any time spent attending or participating in an education or training program or a similar activity