(b) SCHEDULED REPEAL OF SEPARATE MINIMUM WAGE FOR NEWLY HIRED EMPLOYEES WHO ARE LESS THAN 20 YEARS OLD.—

(1) IN GENERAL.—Section 6(g) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(g)), as amended by subsection (a), shall be repealed.

(2) PUBLICATION OF NOTICE.—Subsection (i) of section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206), as added by section 6 and amended by sections 7(b)(1) and 4(c)(2), is further amended by striking ''or subparagraph (B) or (C) of subsection (g)(1)''.

(3) EFFECTIVE DATE.—The repeal and amendment made by paragraphs (1) and (2), respectively, shall take effect on the date that is 1 day after the date on which the hourly wage under subparagraph (C) of section 6(g)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(g)(1)), as amended by subsection (a), takes effect.

**SEC. 6. PUBLICATION OF NOTICE.**

Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206), as amended by section 3(b), is further amended by adding at the end the following:

''(i) Not later than 60 days prior to the effective date of any increase in the required wage determined under subsection (a)(1) or subparagraph (B) or (C) of subsection (g)(1), or in accordance with subclause (II) or (III) of section 3(m)(2)(A)(i) or section 14(c)(1)(A), the Secretary shall publish in the Federal Register and on the website of the Department of Labor a notice announcing each increase in such required wage.''.

**SEC. 7. PROMOTING ECONOMIC SELF-SUFFICIENCY FOR INDIVIDUALS WITH DISABILITIES.**

(a) WAGES.—

(1) TRANSITION TO FAIR WAGES FOR INDIVIDUALS WITH DISABILITIES.—Subparagraph (A) of section 14(c)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)(1)) is amended to read as follows:

''(A) at a rate that equals or exceeds, for each year, the greater of—

''(i)(I) $5.00 an hour, beginning on the effective date under section 8 of the Flexibility for Workers Education Act;

''(II) $7.50 an hour, beginning 1 year after such effective date;

''(III) $10.00 an hour, beginning 2 years after such effective date;

''(IV) $12.50 an hour, beginning 3 years after such effective date;

''(V) $15.50 an hour, beginning 4 years after such effective date; and

''(VI) the wage rate in effect under section 6(a)(1), beginning 5 years after such effective date; or

''(ii) if applicable, the wage rate in effect on the day before the date of enactment of the Flexibility for Workers Education Act for the employment, under a special certificate issued under this paragraph, of the individual for whom the wage rate is being determined under this subparagraph,''.

(2) PROHIBITION ON NEW SPECIAL CERTIFICATES; TRANSITION ASSISTANCE.—

(A) IN GENERAL.—Section 14(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)) is amended by adding at the end the following:

''(6) PROHIBITION ON NEW SPECIAL CERTIFICATES.—Notwithstanding paragraph (1), the Secretary shall not issue a special certificate under this subsection to an employer that was not issued a special certificate under this subsection before the date of enactment of the Flexibility for Workers Education Act.

''(7) TRANSITION ASSISTANCE.—Upon request, the Secretary shall provide—

''(A) technical assistance and information to employers issued a special certificate under this subsection for the purposes of—

''(i) assisting such employers to comply with this subsection, as amended by the Flexibility for Workers Education Act; and

''(ii) ensuring continuing employment opportunities for individuals with disabilities receiving a special minimum wage rate under this subsection; and

''(B) information to individuals employed at a special minimum wage rate under this subsection, which may include referrals to Federal or State entities with expertise in competitive integrated employment.''.

(B) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect on the date of enactment of this Act.

(3) SUNSET.—Section 14(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)), as amended by paragraph (2), is further amended by adding at the end the following:

''(8) SUNSET.—Beginning on the day after the date on which the wage rate described in paragraph (1)(A)(i)(VI) takes effect, the authority to issue special certificates under paragraph (1) shall expire, and no special certificates issued under paragraph (1) shall have any legal effect.''.

(b) PUBLICATION OF NOTICE.—

(1) AMENDMENT.—Subsection (i) of section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206), as added by section 6, is amended by striking ''or section 14(c)(1)(A)''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the day after the date on which the wage rate described in paragraph (1)(A)(i)(VI) of section 14(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)), as amended by subsection (a)(1), takes effect.

**SEC. 8. GENERAL EFFECTIVE DATE.**

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect on the first day of the third month that begins after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to clause 2(b) of rule XIX, the previous question is ordered on the motion to recommit.

The question is on the motion to recommit.

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

Mr. NORCROSS. 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.

## EMPOWERING EMPLOYER CHILD AND ELDER CARE SOLUTIONS ACT

Mr. WALBERG. Mr. Speaker, Pursuant to House Resolution 988, I call up 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, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 988, the amendment in the nature of a substitute recommended by the Committee on Education and Workforce, printed in the bill, is adopted and the bill, as amended, is considered read.

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

H.R. 2270

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Empowering Employer Child and Elder Care Solutions Act''.*

***SEC. 2. EXCLUSION OF CHILD AND DEPENDENT CARE IN COMPUTING OVERTIME COMPENSATION.***

*(a) IN GENERAL.—Section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e)) is amended—*

*(1) in paragraph (2), by inserting ''payments or reimbursements for child or dependent care services;'' after ''by the employer;'';*

*(2) in paragraph (7), by striking ''or'' at the end;*

*(3) in paragraph (8)(D)(ii), by striking the period at the end and inserting ''; or''; and*

*(4) by adding at the end the following:*

*''(9) the value of any child or dependent care services provided by an employer.''.*

*(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to overtime compensation required to be paid for workweeks beginning on or after the date of enactment of this Act.*

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and Workforce or their respective designees.

The gentleman from Michigan (Mr. WALBERG) and the gentleman from Virginia (Mr. SCOTT) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. WALBERG).

GENERAL LEAVE

Mr. WALBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on H.R. 2270.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of the Empowering Employer Child and Elder Care Solutions Act, a bipartisan proposal that meets working families where they are and strengthens our economy at the same time.

Across this country, millions of Americans are doing two full-time jobs at once. They are employees striving to be productive and dependable at work, and they are caregivers—parents of young children, sons and daughters caring for aging parents, or both. These responsibilities do not disappear when the workday begins. They shape whether a worker can show up on time, stay focused, or remain in the workforce at all.

Along with many other affordability challenges, the increasing cost of child and dependent care is a serious issue facing our country. Parents leave jobs they want to keep. Caregivers turn down promotions or reduce hours. Businesses lose skilled workers, productivity declines, and the entire economy pays the price.

Many employers want to provide child and elder care for their employees, but the law discourages them from

doing so by asserting that routinely provided childcare must be included in an hourly employee's regular pay rates.

The Empowering Employer Child and Elder Care Solutions Act removes this longstanding obstacle for employers wishing to provide these highly valued accommodations to their workforce and aligns the treatment of these profamily benefits with other employer-provided benefits.

For workers, employer-supported care can be the difference between staying in the job or being forced out of the workforce. It reduces stress, improves mental health, and allows parents and caregivers to focus on their work, knowing their loved ones are safe and supported.

Supporting caregivers should not be a partisan issue. Every one of us represents constituents who are struggling and juggling with the work that they have and the care that they give.

Every district in every State has employers struggling to attract and retain workers because care options are limited or unaffordable.

The Empowering Employer Child and Elder Care Solutions Act sends a clear message: We value work. We value family. We understand that the two are deeply connected.

Mr. Speaker, I urge my colleagues to support this legislation, not only because it is good policy but because it reflects the lived reality of millions of Americans who are doing their very best every day to care for their families and contribute to our economy.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 2270, the Empowering Employer Child and Elder Care Solutions Act. Unfortunately, it doesn't solve anything. It doesn't provide any additional child or elder care.

What it does is take money out of people's pockets because, under current law, employers must pay hourly workers time and a half for hours worked over 40 hours in a week. That overtime rate is based on a worker's regular rate of pay, which includes not only the cash payment but also non-wage compensation and presently includes the value of child or dependent care services when employers decide to provide them as part of the benefit package.

Existing law already provides incentives for these benefits, allowing employers to deduct them as a cost of doing business and offering tax preferences for certain child and dependent care assistance.

This bill would change the Fair Labor Standards Act to exclude the value of these services from the regular rate used to calculate overtime.

Despite its name, the bill does not require employers to provide any child or elder care. Instead, it just reduces the cost of overtime if they provide it. That is the problem. In practice, this bill encourages employers to keep workers on the job longer rather than expanding access to affordable care. It increases the time away from families while offering no assurance that any support for childcare will be provided. Workers who already receive these benefits will see their overtime pay reduced.

There is no evidence that these workers who do not receive this benefit are likely to get the benefit. The only group we know for certain will be affected is those who already have it, and they will lose money on overtime. That makes no sense. I don't know how that solves anything.

I would hope that we would not reduce workers' pay. To do that, we have to oppose the legislation.

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

□ 1440

Mr. WALBERG. Mr. Speaker, I would make mention that for gym memberships offered by an employer and other benefits, health insurance benefits, they aren't calculated in overtime either.

This brings us together on those issues. In fact, I believe it makes certain that there is more opportunity for small businesses especially to have the ability to have dollars that could be put toward the childcare.

Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. MESSMER), who is the sponsor of this bill. He is also a member of the Subcommittee on Workforce Protections.

Mr. MESSMER. Mr. Speaker, I rise today to address an issue affecting both families and businesses in Indiana and across the United States, which is the expensive, but essential, financial support workers need to provide care for their young children and elderly parents.

Current law discourages employers from helping their workers pay for on-site childcare or elderly dependent care because of the unreasonable pay calculations that increase costs and burdensome regulations for the company.

This guidance is so outdated. It was enacted in 1938, and we all know things have come a long way since then when families did not use daycare services for their little ones and elderly parents lived with their adult children until death.

The current mandates of the Fair Labor Standards Act related to dependent care drive up costs for businesses through unreasonable pay calculations.

These expensive requirements naturally remove the incentive for many companies to provide this important coverage for their employees. It is high time we eradicate this unwarranted red tape and let businesses invest in the needs of their employees without punishing the company for doing just that.

That is why I introduced the Empowering Employer Child and Elder Care Solutions Act. Hoosiers and all Americans must not be forced to choose between caring for a loved one and working outside of the home.

Businesses deserve to be profitable but are also entitled to have the most qualified workers to support their company's growth. A company must be rewarded and not penalized for making critical benefits available to their employees, which, in turn, helps the company recruit the best and the brightest to their workforce.

The Empowering Employer Child and Elder Care Solutions Act lowers costs, cuts red tape, and better serves American companies by making profamily benefits achievable. Passing this legislation contributes to our goal of returning affordability to the American people and the U.S. workforce.

The American taxpayer needs our help now more than ever to get our economy back on track, and this bill will be one small step in making that dream a reality.

Mr. Speaker, I thank the chairman for his support on H.R. 2270.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. TAKANO), who is a distinguished member of the Education and Workforce Committee and the ranking member of the Committee on Veterans' Affairs.

Mr. TAKANO. Mr. Speaker, I thank the ranking member for yielding me time.

Mr. Speaker, this bill is yet another effort to chip away at the protections guaranteed at the Federal level and take money out of the American worker's pocket.

The concept of overtime is very simple. If you work more than your traditional 40 hours a week, then you make more money, and you get to take home what you earn.

Now, instead of protecting that very basic principle, my Republican colleagues are trying to make it easier for employers to pay their workers less for working more. They want to pay workers less for working more. This bill would exclude child and dependent care from the rate of pay used to calculate a worker's overtime pay. In other words, this bill makes it permissible to pay workers less than their regular rate if they picked up an extra shift.

Taking on extra work doesn't mean you don't need someone to watch your kids, and it shouldn't cost you a benefit that you are entitled to.

Despite the misleading title, this bill cheapens the value of an employee's overtime labor. The overtime salary threshold is already far too low. When the first Trump administration set the current threshold, 8.2 million Americans saw their overtime protections just vanish, and even those eligible employees earning $36,000 a year were making too much money to qualify for overtime pay.

Mr. Speaker, imagine making $36,000 a year and that would disqualify you from being able to get overtime pay. You have no right to it.

Childcare and dependent care assistance should be more accessible and far more affordable for working families, but this Republican proposal merely incentivizing employers to provide assistance will not solve that issue and cutting down already low levels of overtime pay will not do that either.

Right now, working families are watching their access to basic support services shrink before their eyes. Head Start has seen five of their regional offices across the country abruptly closed. Medicaid could face over $800 billion in cuts over the next 10 years. These lifelines that working families depend on for affordable support services are rapidly diminishing, largely due to this administration and this majority's attack on these lifelines as ''waste.''

The resources that working families need are not waste. The tools for economic survival are not waste. Americans deserve better.

Mr. Speaker, I oppose this bill, and I urge my colleagues to oppose it as well.

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

My colleague on the other side of the aisle has said this bill is an assault on working families. That could not be further from the truth.

H.R. 2270 is a narrowly tailored solution to the growing challenge working families are facing when it comes to childcare. I fail to see, again, how excluding the value of an employer-sponsored childcare subsidy in the calculation of an employee's regular rate will result in lower take-home pay as my colleagues have said on the other side.

The issue this legislation attempts to fix is that in many cases, employers are currently unable to offer childcare to employees due to the prohibitively high overtime cost.

H.R. 2270 rights that wrong by excluding child and dependent care from regular rate calculations as has been done several times, as I mentioned earlier, for other benefits and bonuses because Congress rightly saw that, without exclusion, employers would not be able to do more for their employees even as they want to.

This bill enhances the opportunity for the care that we need for childcare as well as dependent care.

Mr. Speaker, I urge support, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. LEE), who is a distinguished member of the Committee on Education and Workforce.

Ms. LEE of Pennsylvania. Mr. Speaker, we have a childcare crisis in this country. In my home State of Pennsylvania, infant and toddler care costs on average $14,000 per year. That is almost one-half of the average annual salary of the childcare workers in my district.

Childcare, if folks can even find it, is pushing families into poverty as they are forced to make impossible choices between paying the rent or paying for care, between staying employed or staying home.

Republicans are doing everything in their power to undermine investments in childcare, including with this bill, which will allow employers to exclude childcare benefits from overtime pay.

Employees working overtime are the ones who need childcare the most and the bill undermines workers' ability to pay for that care.

For this reason, at the appropriate time I will offer a motion to recommit this bill back to committee. If the House rules permitted, I would have offered the motion with an important amendment to this bill.

My amendment would replace the text of this bill with the Child Care for Working Families Act.

Mr. Speaker, I ask unanimous consent to insert into the RECORD the text of this amendment immediately prior to the motion to recommit.

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

There was no objection.

Ms. LEE of Pennsylvania. Mr. Speaker, my legislation with Ranking Member BOBBY SCOTT would make sure families actually have access to childcare slots, that no family spends more than 7 percent of their income on childcare, and that all early childhood educators make a livable wage.

If Republicans actually care about children and families, then I encourage them to pass the Child Care for Working Families Act. I hope my colleagues will join me in voting for the motion to recommit.

□ 1450

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

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

Mr. Speaker, I encourage people to support the motion to recommit, which would actually create childcare availability.

Mr. Speaker, I include in the RECORD a letter from the AFL–CIO which says, in part: '' . . . there is no evidence that reducing the overtime rate for employees will spur a widespread willingness of employers to offer reimbursement for child or elder care.''

AFL–CIO, LEGISLATIVE ALERT,
*January 12, 2026.*

DEAR REPRESENTATIVE: On behalf of the 15 million workers and 64 affiliate unions represented by the AFL–CIO, I urge you to oppose the following anti-worker bills scheduled for consideration on the House floor this week: the *Flexibility for Workers Education Act* (H.R. 2262), the *Empowering Employer Child and Elder Care Solutions Act* (H.R. 2270), and the *Tipped Employee Protection Act* (H.R. 2312).

H.R. 2262, Flexibility for Workers Education Act, would let employers require workers to attend job-related training without paying them for that time. The bill allows employers to label training as ''voluntary,'' even when workers feel pressured to attend to keep their jobs or advance, and removes current protections that ensure training closely tied to a worker's job is paid. As a result, employers could push essential training outside of regular work hours and off the clock, increasing unpaid work for low-wage workers.

H.R. 2270, Empowering Employer Child and Elder Care Solutions Act, would exclude from the calculation of an employee's regular wage rate any employer reimbursement for child or elder care when calculating an employee's overtime rate of pay. Under this bill, employees who receive these reimbursements would see their overtime wage rate cut. Reducing a worker's overtime earnings will not help them afford the cost of child or elder care. Instead, it will make life harder. And there is no evidence that reducing the overtime rate for employees will spur a widespread willingness of employers to offer reimbursement for child or elder care. Workers need both decent wages and access to affordable child and elder care. There are ways to achieve the latter without attacking the former.

H.R. 2312, the Tipped Employee Protection Act, would change federal wage law in a way that makes pay more unstable for many low-wage workers by allowing employers to treat almost any worker as a ''tipped employee'' if they receive even small or occasional tips over a time period the employer chooses, whether that is a single day or an entire month. This could allow employers to pay the tipped subminimum wage to workers such as baristas, hotel staff, delivery drivers, salon workers, stadium staff, and other service workers who do not regularly earn tips. For example, a worker who waits tables would be paid the full minimum wage for non-tipped cooking shifts, but under this bill the employer could average tips earned earlier in the week and use them to justify paying $2.13 an hour for cooking shifts as well, which would cut weekly pay. By weakening existing rules that limit when the tip credit can be used, the bill would result in reduced take-home pay for workers, give employers greater control over how workers are classified and paid, make it harder for workers to know if they are being paid correctly, and increase the risk of wage theft in industries where it is already common.

Collectively, these bills nickel and dime workers' pay at a time when so many struggle to afford the basics. Wages should be raised, not cut. Please vote no on H.R. 2262, H.R. 2270, and H.R. 2312.

Sincerely,

JODY CALEMINE,
*Director, Government Affairs.*

Mr. SCOTT of Virginia. Mr. Speaker, this bill does nothing to solve, as I said, the elder or childcare crisis in this country. It does not create affordable care, and it does not guarantee a single new benefit for working families.

What it does do is reduce overtime pay for workers who already receive these benefits while encouraging employers to keep people at work longer without fully paid compensation. That means more time away from loved ones, less money in workers' pockets, and probably more need for childcare.

If we are serious about supporting families, then Congress should be expanding access to affordable care, not cutting wages under the guise of helping workers. We could really do some help by supporting the motion to recommit and passing the Child Care for Working Families Act. That would actually lower costs for families and create childcare opportunities.

Mr. Speaker, I hope we would support the motion to recommit, and I yield back the balance of my time.

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

Mr. Speaker, I know I spent my opening remarks discussing how the Empowering Employer Child and Elder Care Solutions Act helps empower working families. In closing, I would like to highlight how access to affordable childcare benefits job creators and our Nation's economy.

For employers, the return on investment is well documented. Companies that offer care solutions see lower turnover, reduced absenteeism, and higher employer/employee engagement. In a competitive labor market, the ability to offer these benefits is vital to attracting and retaining talent and ensuring American businesses remain competitive at home and abroad.

For our economy, the stakes could not be higher. Labor force participation, particularly among women, continues to be constrained by caregiving responsibilities. When caregivers are sidelined, we lose talent, experience, and economic growth potential. This bill helps remove one of the biggest barriers to keeping willing workers on the sidelines and strengthens our overall economic resilience.

This legislation also recognizes that caregiving does not end with childhood. As our population ages, more workers are caring for elderly parents or relatives. Eldercare challenges can be just as disruptive and unpredictable as childcare needs, and yet they are often overlooked in policy decisions.

This bill addresses both, reflecting the real-life responsibilities families face. This is a smart use of policy to align incentives with outcomes we all support: stronger families, a more resilient workforce, and a healthier economy. Let's give employers the tools to help give workers the support they need and move our country forward.

Mr. Speaker, I thank Representative MESSMER for bringing this bill before us. I encourage my colleagues to support it, and I yield back the balance of my time.

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

Pursuant to House Resolution 988, the previous question is ordered on the bill, as amended.

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

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

MOTION TO RECOMMIT

Ms. LEE of Pennsylvania. Mr. Speaker, I have a motion to recommit at the desk.

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

The Clerk read as follows:

Ms. Lee of Pennsylvania moves to recommit the bill H.R. 2270 to the Committee on Education and the Workforce.

The material previously referred to by Ms. LEE of Pennsylvania is as follows:

Ms. Lee of Pennsylvania moves to recommit the bill H.R. 2270 to the Committee on Education and the Workforce with instructions to report the same back to the House forthwith, with the following amendment:

Add at the end the following:

**TITLE I—CHILD CARE AND EARLY LEARNING PROGRAM**

**SEC. 101. BIRTH THROUGH FIVE CHILD CARE AND EARLY LEARNING PROGRAM.**

(a) CHILD CARE DEFINITIONS.—The definitions in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n) shall apply to this section, except as provided in subsection (b) and as otherwise specified.

(b) ADDITIONAL DEFINITIONS.—In this section:

(1) APPRENTICESHIP.—The term ''apprenticeship'' means an apprenticeship registered under the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act''; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.).

(2) CHILD CARE CERTIFICATE.—

(A) IN GENERAL.—The term ''child care certificate'' means a certificate (that may be a check or other disbursement) that is issued by a State, Tribal, territorial, or local government under this section directly to a parent who shall use such certificate only as payment for child care services or as a deposit for child care services if such a deposit is required of other children being cared for by the provider.

(B) RULE.—Nothing in this section shall preclude the use of such certificates for sectarian child care services if freely chosen by the parent. For the purposes of this section, child care certificates shall be considered indirect Federal financial assistance to the provider.

(3) CHILD EXPERIENCING HOMELESSNESS.—The term ''child experiencing homelessness'' means an individual who is a homeless child or youth under section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

(4) ELIGIBLE ACTIVITY.—The term ''eligible activity'', with respect to a parent, shall include, at minimum, activities consisting of—

(A) full-time or part-time employment;

(B) self-employment;

(C) job search activities;

(D) secondary, postsecondary, or adult education, including education through a program of high school classes, a course of study at an institution of higher education, classes towards an equivalent of a high school diploma recognized by State law, or English as a second language classes;

(E) health treatment (including mental health and substance use treatment) for a condition that prevents the parent from participating in other eligible activities;

(F) activities to prevent child abuse and neglect, or family violence prevention or intervention activities;

(G) employment and training activities, including job training, under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.); and

(H) taking leave under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) (or equivalent provisions for Federal employees), a State or local paid or unpaid leave law, or a program of employer-provided leave.

(5) ELIGIBLE CHILD.—

(A) IN GENERAL.—The term ''eligible child'' means an individual—

(i) who is less than 6 years of age;

(ii) who is not yet in kindergarten; and

(iii) who—

(I) resides with a parent or parents who are participating in an eligible activity;

(II) is included in a population of vulnerable children identified by the lead agency involved, which at a minimum shall include children with disabilities, infants and toddlers with disabilities, children experiencing homelessness, children in foster care, children in kinship care, children in a family that is eligible for assistance through the special supplemental nutrition assistance program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), a household that is eligible to receive assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), or a family that is eligible to receive assistance through the program of block grants to States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), and children who are receiving, or need to receive, child protective services; or

(III) resides with—

(aa) a parent who is more than 65 years of age;

(bb) a parent who is employed by an eligible child care provider; or

(cc) a parent who is enrolled in high school and has not exceeded the maximum age of enrollment in high school.

(B) LONGER-TERM PERIOD ELIGIBILITY.—An individual who is determined to be an eligible child shall not be required to reverify eligibility for purposes of this title during the period after the determination and before the individual becomes 6 years of age or enters kindergarten, whichever occurs earlier.

(6) ELIGIBLE CHILD CARE PROVIDER.—

(A) IN GENERAL.—The term ''eligible child care provider'' means a center-based child care provider, a family child care provider, or other provider of child care services for compensation that—

(i) is licensed to provide child care services under State law applicable to the child care services it provides or, in the case of an Indian Tribe or Tribal organization, meets the rules set by the Secretary;

(ii) participates in the State's tiered system for recognizing and supporting the quality of child care services described in subsection (f)(3)(B), or, in the case of an Indian Tribe or Tribal organization, meets the rules set by the Secretary—

(I) not later than 4 years after the State first receives funds under this section; and

(II) for the remainder of the period for which the provider receives funds under this section; and

(iii) satisfies the State and local requirements, including those requirements described in section 658E(c)(2)(I) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)(I)), applicable to the child care services it provides.

(B) SPECIAL RULE.—A child care provider who is eligible to provide child care services in a State for children receiving assistance under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.) on the date the State submits an application for funds under this section, and remains in compliance with any licensing or registration standards, or regulations, of the State, shall be deemed to be an eligible child care provider under this section for 3.5 years after the State first receives funding under this section.

(7) FMAP.—The term ''FMAP'' has the meaning given the term ''Federal medical assistance percentage'' in the first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(8) FAMILY CHILD CARE PROVIDER.—The term ''family child care provider'' means one or more individuals who provide child care services, in a private residence other than the residences of the children involved, for less than 24 hours per day per child, or for 24

hours per day per child due to the nature of the work of the parent involved.

(9) INCLUSIVE CARE.—The term ''inclusive'', with respect to care (including child care), means care provided by an eligible child care provider—

(A) for whom the percentage of children served by the provider who are children with disabilities or infants or toddlers with disabilities reflects the prevalence of children with disabilities and infants and toddlers with disabilities (whichever the provider serves) among children within the State involved; and

(B) that provides care and full participation for children with disabilities and infants and toddlers with disabilities (whichever the provider serves) alongside children who are—

(i) not children with disabilities; and

(ii) not infants and toddlers with disabilities.

(10) INFANT OR TODDLER.—The term ''infant or toddler'' means an individual who is less than 3 years of age.

(11) INFANT OR TODDLER WITH A DISABILITY.—The term ''infant or toddler with a disability'' has the meaning given the term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432).

(12) LEAD AGENCY.—The term ''lead agency'' means the agency designated under subsection (e).

(13) PROVIDER TYPE.—The term ''provider type'' means a type that is—

(A) a center-based child care provider;

(B) a family child care provider; or

(C) another non-center-based child care provider.

(14) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term ''recognized postsecondary credential'' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(15) STAFFED FAMILY CHILD CARE NETWORK.—The term ''staffed family child care network'' means a nonprofit organization or nonprofit cooperative—

(A) that may be a component of a child care resource and referral organization;

(B) that has at least one paid staff member; and

(C) that offers evidence-based professional development, quality improvement support, business support, and technical assistance, including on achieving licensure as a child care provider, to family child care providers.

(16) STATE.—The term ''State'' means any of the 50 States and the District of Columbia.

(17) TERRITORY.—The term ''territory'' means the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

[For full text please see H.R. 2743, Raise the Wage Act.]

The SPEAKER pro tempore. Pursuant to clause 2(b) of rule XIX, the previous question is ordered on the motion to recommit.

The question is on the motion to recommit.

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

Ms. LEE of Pennsylvania. 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.

## TIPPED EMPLOYEE PROTECTION ACT

Mr. WALBERG. Mr. Speaker, pursuant to House Resolution 988, I call up 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 ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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, is adopted, and the bill, as amended, is considered read.

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

H.R. 2312

*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 ''Tipped Employee Protection Act''.*

***SEC. 2. TIPPED EMPLOYEES.***

*Section 3(t) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(t)) is amended—*

*(1) by striking ''(t)'' and inserting ''(t)(1)'';*

*(2) by striking ''engaged in an occupation in which he customarily and regularly receives more than $30 a month in tips.'' and inserting '', without regard to the duties of the employee, who receives tips and other cash wages for a work period described in paragraph (2) at a rate that, when combined with the cash wage required under subsection (m)(2)(A)(i), is not less than the wage in effect under section 6(a)(1).''; and*

*(3) by adding at the end the following:*

*''(2) A work period described in this paragraph is a work period that is determined by the employer of the employee, such as a work period of 1 day, 1 week, every 2 weeks, every 28 days, or every pay period.''.*

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Education and Workforce or their respective designees.

The gentleman from Michigan (Mr. WALBERG) and the gentleman from Virginia (Mr. SCOTT) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. WALBERG).

GENERAL LEAVE

Mr. WALBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 2312.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 2312, the Tipped Employee Protection Act.

Mr. Speaker, America's labor law hasn't kept up with the times. The Fair Labor Standards Act, which governs much of our modern workforce policy and regulations, was written in 1938 and has never been updated to meaningfully protect tipped workers.

As a result, tipped workers are not clearly defined or protected under the law. This leaves their jobs vulnerable to the whims of administrative regulations, court rulings, and too often unclear guidance written by unelected bureaucrats that inconsistently interpret the rights of tipped workers. That creates chaos for millions of workers.

The Biden-Harris administration was perhaps the most striking example of government overreach and the harm it can do to working families' bottom lines. Its disastrous 80/20 rule required that no more than 20 percent of the work performed by tipped employees could be categorized as untipped work, and those untipped tasks could only be performed for 30 minutes at a time.

Basically, this required minute-by-minute manager supervision to ensure workers were complying with the rule. Anyone in the service industry would tell you in a high-paced environment like a restaurant or bar that is next to impossible, but because tipped workers had no clear definition or proper protections under the FLSA, the Biden-Harris administration was free to try and impose overly complex timekeeping requirements that were impossible to enforce.

For several years, this created an enormous headache for small businesses like restaurants that heavily relied on tipped workers. Even worse, such convoluted timekeeping requirements directly impact how much pay Americans take home.

Like many of my colleagues, I want to see Americans rewarded for their hard work and ensure they are paid what they earn. That is why I am proud to rise in support of H.R. 2312, the Tipped Employee Protection Act, which creates stability for tipped workers and preserves opportunities for them to earn a good wage.

The bill creates a clear, commonsense definition of a tipped worker and prevents future attempts by misguided activist judges and bureaucrats seeking to implement policies that hurt workers' bottom lines.

□ 1500

The Tipped Employee Protection Act also ensures workers earn at least the minimum wage, and the bill respects States' authority to set higher wage levels. This creates even more opportunities for tipped workers to earn more, often far above the minimum wage.

As we have discussed at length in the Education and Workforce Committee, Federal policy far too often treats a State like California the same as Michigan or Arkansas. One-size-fits-all rarely works.

The bill also preserves the current tip credit system, which workers across the country overwhelmingly support—90 percent. This is just one of the ways Republicans are helping tipped workers earn more.