

**AMENDMENT TO RULES COMMITTEE PRINT 116-7**  
**OFFERED BY MR. CARTWRIGHT OF**  
**PENNSYLVANIA**

At the end of part 1 of subtitle N of title I, add the following:

1 **SEC. 1908. REQUIREMENT FOR 2 HOURS PAID LEAVE TO**  
2 **VOTE IN FEDERAL ELECTIONS.**

3 (a) **ENTITLEMENT TO LEAVE.**—An employee shall be  
4 entitled to 2 consecutive hours of paid leave on the day  
5 of any Federal election in order to vote.

6 (b) **EMPLOYER RIGHT TO DETERMINE 2-HOUR PE-**  
7 **RIOD.**—For each employee taking leave under subsection  
8 (a), the employer of such employee may designate the 2-  
9 hour period during which the employee may take leave.  
10 Any lunch break or other break period may not be in-  
11 cluded in the 2-hour period designated for leave.

12 (c) **NO LOSS OF BENEFITS.**—The taking of leave  
13 under this section shall not result in the loss of any em-  
14 ployment benefit accrued prior to the date on which the  
15 leave was taken.

16 (d) **PROHIBITED ACTS.**—

17 (1) **INTERFERENCE WITH RIGHTS UNDER THIS**  
18 **ACT.**—It shall be unlawful for any employer to inter-

1       fere with, restrain, or deny the exercise of or the at-  
2       tempt to exercise, the right to take leave under this  
3       section, or to discriminate against an employee in  
4       any manner for taking leave under this section.

5               (2) RETALIATION.—It shall be unlawful for any  
6       employer to discharge or in any other manner dis-  
7       criminate against any individual for—

8               (A) opposing any practice made unlawful  
9       by this section;

10              (B) filing any charge, or instituting or  
11       causing to be instituted any proceeding, under  
12       or related to this section;

13              (C) giving or preparing to give any infor-  
14       mation in connection with any inquiry or pro-  
15       ceeding relating to any leave provided under  
16       this section; or

17              (D) testifying or preparing to testify in  
18       any inquiry or proceeding relating to any leave  
19       provided under this section.

20              (e) INVESTIGATIVE AUTHORITY.—The Secretary of  
21       Labor shall have investigative authority with respect to the  
22       provisions of this subsection in the same manner and  
23       under the same terms and conditions as the investigative  
24       authority provided under section 106 of the Family and  
25       Medical Leave Act of 1993 (29 U.S.C. 2616), and the re-

1 requirements of section 106 of such Act shall apply to em-  
2 ployers under this subsection in the same manner as such  
3 requirements apply to employers under section 106 of such  
4 Act.

5 (f) ENFORCEMENT.—

6 (1) IN GENERAL.—Any employer that violates  
7 this section may be subject to a civil penalty not to  
8 exceed \$10,000 per violation. Civil penalties shall be  
9 assessed by and paid to the Secretary of Labor for  
10 deposit into the Treasury of the United States and  
11 shall accrue to the United States and may be recov-  
12 ered in a civil action in the name of the United  
13 States brought in the United States district court  
14 for the district where the violation is alleged to have  
15 occurred or where the employer has its principal of-  
16 fice.

17 (2) CONSIDERATIONS.—In assessing a civil pen-  
18 alty under this section, the Secretary shall give due  
19 consideration to the appropriateness of the penalty  
20 with respect to the size of the business of the em-  
21 ployer being charged, the gravity of the violation, the  
22 good faith of the employer, and the history of pre-  
23 vious violations.

1 (g) RULE OF CONSTRUCTION.—Nothing in this sec-  
2 tion may be construed to effect the authority of any State  
3 law.

4 (h) DEFINITIONS.—As used in this section—

5 (1) the term “employee” has the meaning given  
6 such term in section 3 of the Fair Labor Standards  
7 Act of 1938 (29 U.S.C. 203); and

8 (2) the term “employer” means any person en-  
9 gaged in commerce or in any industry or activity af-  
10 fecting commerce who employs 25 or more employ-  
11 ees during a calendar year, and includes any person  
12 who acts, directly or indirectly, in the interest of an  
13 employer to any of the employees of such employer  
14 and any successor in interest of an employer. In the  
15 previous sentence, the terms “commerce” and “in-  
16 dustry or activity affecting commerce” have the  
17 meaning given such terms in section 101(1) of the  
18 Family and Medical Leave Act of 1993.

19 (i) EFFECTIVE DATE.—This section shall take effect  
20 beginning with the first Federal election held after the  
21 date of enactment of this section.

