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:

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

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

(b) EMPLOYER RIGHT TO DETERMINE 2-HOUR PERIOD.—For each employee taking leave under subsection (a), the employer of such employee may designate the 2-hour period during which the employee may take leave. Any lunch break or other break period may not be included in the 2-hour period designated for leave.

(c) NO LOSS OF BENEFITS.—The taking of leave under this section shall not result in the loss of any employment benefit accrued prior to the date on which the leave was taken.

(d) PROHIBITED ACTS.—

(1) INTERFERENCE WITH RIGHTS UNDER THIS ACT.—It shall be unlawful for any employer to inter-
fere with, restrain, or deny the exercise of or the at-
ttempt to exercise, the right to take leave under this
section, or to discriminate against an employee in
any manner for taking leave under this section.

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

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

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

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

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

(e) INVESTIGATIVE AUTHORITY.—The Secretary of
Labor shall have investigative authority with respect to the
provisions of this subsection in the same manner and
under the same terms and conditions as the investigative
authority provided under section 106 of the Family and
Medical Leave Act of 1993 (29 U.S.C. 2616), and the re-
requirements of section 106 of such Act shall apply to em-
ployers under this subsection in the same manner as such
requirements apply to employers under section 106 of such
Act.

(f) ENFORCEMENT.—

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

(2) CONSIDERATIONS.—In assessing a civil pen-
alty under this section, the Secretary shall give due
consideration to the appropriateness of the penalty
with respect to the size of the business of the em-
ployer being charged, the gravity of the violation, the
good faith of the employer, and the history of pre-
vious violations.
(g) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to effect the authority of any State law.

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

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

(2) the term “employer” means any person engaged in commerce or in any industry or activity affecting commerce who employs 25 or more employees during a calendar year, and includes any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer and any successor in interest of an employer. In the previous sentence, the terms “commerce” and “industry or activity affecting commerce” have the meaning given such terms in section 101(1) of the Family and Medical Leave Act of 1993.

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