

**AMENDMENT TO H.R. 1**  
**OFFERED BY MR. CARTWRIGHT OF**  
**PENNSYLVANIA**

Page 259, after line 4, insert the following:

1 **SEC. 1909. TIME OFF TO VOTE.**

2 (a) **SHORT TITLE.**—This section may be cited as the  
3 “Time Off to Vote Act”.

4 (b) **REQUIREMENT FOR 2 HOURS PAID LEAVE TO**  
5 **VOTE IN FEDERAL ELECTIONS.**—

6 (1) **ENTITLEMENT TO LEAVE.**—An employee  
7 shall be entitled to a minimum of 2 consecutive  
8 hours of paid leave on the day of any Federal elec-  
9 tion in order to vote.

10 (2) **EMPLOYER RIGHT TO DETERMINE 2-HOUR**  
11 **PERIOD.**—For each employee taking leave under  
12 subsection (a), the employer of such employee may  
13 designate the 2-hour period during which the em-  
14 ployee may take leave. Any lunch break or other  
15 break period may not be included in the 2-hour pe-  
16 riod designated for leave, but may be taken consecu-  
17 tively with the 2-hour period described in subsection  
18 (a).

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

5           (4) PROHIBITED ACTS.—

6                   (A) INTERFERENCE WITH RIGHTS UNDER  
7                   THIS SECTION.—It shall be unlawful for any  
8                   employer to interfere with, restrain, or deny the  
9                   exercise of or the attempt to exercise, the right  
10                  to take leave under this section, or to discrimi-  
11                  nate against an employee in any manner for  
12                  taking leave under this section.

13                   (B) RETALIATION.—It shall be unlawful  
14                   for any employer to discharge or in any other  
15                   manner discriminate against any individual  
16                   for—

17                           (i) opposing any practice made unlaw-  
18                           ful by this section;

19                           (ii) filing any charge, or instituting or  
20                           causing to be instituted any proceeding,  
21                           under or related to this section;

22                           (iii) giving or preparing to give any  
23                           information in connection with any inquiry  
24                           or proceeding relating to any leave pro-  
25                           vided under this section; or

1                   (iv) testifying or preparing to testify  
2                   in any inquiry or proceeding relating to  
3                   any leave provided under this section.

4                   (5) INVESTIGATIVE AUTHORITY.—The Sec-  
5                   retary of Labor shall have investigative authority  
6                   with respect to the provisions of this subsection in  
7                   the same manner and under the same terms and  
8                   conditions as the investigative authority provided  
9                   under section 106 of the Family and Medical Leave  
10                  Act of 1993 (29 U.S.C. 2616), and the requirements  
11                  of section 106 of such Act shall apply to employers  
12                  under this subsection in the same manner as such  
13                  requirements apply to employers under section 106  
14                  of such Act.

15                  (6) ENFORCEMENT.—

16                  (A) IN GENERAL.—Any employer that vio-  
17                  lates this section may be subject to a civil pen-  
18                  alty not to exceed \$10,000 per violation. Civil  
19                  penalties shall be assessed by and paid to the  
20                  Secretary of Labor for deposit into the Treas-  
21                  ury of the United States and shall accrue to the  
22                  United States and may be recovered in a civil  
23                  action in the name of the United States  
24                  brought in the United States district court for  
25                  the district where the violation is alleged to

1           have occurred or where the employer has its  
2           principal office.

3           (B) CONSIDERATIONS.—In assessing a  
4           civil penalty under this section, the Secretary  
5           shall give due consideration to the appropriate-  
6           ness of the penalty with respect to the size of  
7           the business of the employer being charged, the  
8           gravity of the violation, the good faith of the  
9           employer, and the history of previous violations.

10          (7) DEFINITIONS.—In this section—

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

14           (B) the term “employer” means any per-  
15           son engaged in commerce or in any industry or  
16           activity affecting commerce who employs 25 or  
17           more employees during a calendar year, and in-  
18           cludes any person who acts, directly or indi-  
19           rectly, in the interest of an employer to any of  
20           the employees of such employer and any suc-  
21           cessor in interest of an employer. In the pre-  
22           vious sentence, the terms “commerce” and “in-  
23           dustry or activity affecting commerce” have the  
24           meaning given such terms in section 101(1) of  
25           the Family and Medical Leave Act of 1993.

1           (8) STATE AND LOCAL LAWS.—Nothing in this  
2 section shall be construed to supersede any provision  
3 of any State or local law that provides greater leave  
4 rights on the day of any Federal or State or munic-  
5 ipal election in order to vote than the rights estab-  
6 lished under this section.

7           (9) EFFECTIVE DATE.—This section shall take  
8 effect beginning with the first Federal election held  
9 after the date of enactment of this Act.

