

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide a substitute.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 744

To provide for comprehensive immigration reform and for
other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BLUMENTHAL
to the amendment (No. 3) proposed by Mr. BLUMENTHAL

Viz:

1 On page 1, strike lines 1 through 4 and insert the
2 following:

3 On page 610, between lines 5 and 6, insert the fol-
4 lowing:

5 (b) ENFORCEMENT.—

6 (1) IN GENERAL.—A worker who believes that
7 he or she has suffered a violation of this subtitle
8 may seek relief from an employer by—

9 (A) filing a complaint with the Secretary
10 within 3 years after the date on which the viola-
11 tion occurred or date on which the employee be-
12 came aware of the violation; or

1 (B) if the Secretary has not issued a final
2 decision within 120 days of the filing of the
3 complaint and there is no showing that such
4 delay is due to the bad faith of the claimant,
5 bringing an action at law or equity for de novo
6 review in the appropriate district court of the
7 United States, which shall have jurisdiction
8 over such an action without regard to the
9 amount in controversy.

10 (2) PROCEDURE.—

11 (A) IN GENERAL.—Unless otherwise pro-
12 vided herein, a complaint under paragraph
13 (1)(A) shall be governed under the rules and
14 procedures set forth in paragraphs (1) and
15 (2)(A) of section 42121(b) of title 49, United
16 States Code.

17 (B) EXCEPTION.—Notification of a com-
18 plaint under paragraph (1)(A) shall be made to
19 each person or entity named in the complaint
20 as a defendant and to the employer.

21 (C) STATUTE OF LIMITATIONS.—An action
22 filed in a district court of the United States
23 under paragraph (1)(B) shall be commenced
24 not later than 180 days after the last day of the
25 120-day period referred to in that paragraph.

1 (D) JURY TRIAL.—A party to an action
2 brought under paragraph (1)(B) shall be enti-
3 tled to trial by jury.

4 On page 615, strike lines 16 through 21.