

**AMENDMENT**

**OFFERED BY MR. KLINE OF MINNESOTA**

**[HRdraft1]**

In section 311, insert before “An employer” the following: “IN GENERAL.—”.

Add at the end of section 311 the following new subsection:

1       (b) EXEMPTION BASED ON EMPLOYEE REF-  
2       ERENDUM.—

3               (1) IN GENERAL.—Notwithstanding any other  
4       provision of this part, an employer may, in accord-  
5       ance with procedures which shall be prescribed by  
6       the Secretary of Labor, conduct a referendum of its  
7       employees prior to each calendar year as to whether  
8       the health coverage participation requirements of  
9       this part should apply to such employer for such cal-  
10      endar year. Such requirements shall not apply to  
11      such employer for such calendar year if a majority  
12      of such employees indicate in such referendum that  
13      such requirements should not apply.

1           (2) PROCEDURES.—The procedures prescribed  
2           by the Secretary of Labor pursuant to paragraph (1)  
3           shall provide for—

4                   (A) a reasonable opportunity for the ref-  
5                   erendum to be conducted and the results to be  
6                   determined in advance of the calendar year to  
7                   which the referendum applies,

8                   (B) a determination of the referendum au-  
9                   thorized under paragraph (1) by means of au-  
10                  thorization cards signed by the employees of the  
11                  employer, and

12                  (C) timely certification of the results of the  
13                  referendum to the employees, the employer, and  
14                  the Secretary of Labor.

