

**AMENDMENT TO THE AMENDMENT IN THE NATURE
OF A SUBSTITUTE TO H.R. 5267
OFFERED BY MR. SCOTT OF VIRGINIA**

Page 9, after line 19, insert:

1 SEC. 4. RIGHT OF ACTION AGAINST FRANCHISOR.

2 (a) NATIONAL LABOR RELATIONS ACT.—Section 20
3 of the National Labor Relations Act, as added by section
4 3 of this Act, is amended by adding at the end the fol-
5 lowing:

6 “(c) ACTION AGAINST FRANCHISOR.—A franchisee
7 found liable for damages with respect to any unfair labor
8 practice or other violation of this Act may bring an civil
9 action against the franchisor to recover any such damages
10 that resulted from compliance with franchisor policies or
11 guidance.”.

12 (b) FAIR LABOR STANDARDS ACT OF 1938.—Section
13 16 of the Fair Labor Standards Act is amended by adding
14 at the end the following:

15 “(f) A franchisee (as defined in section 20 of the Na-
16 tional Labor Relations Act) found liable for any penalties
17 under this section with respect to any violation of the pro-
18 visions of section 15 may bring an civil action against the
19 franchisor to recover any such penalties that resulted from

1 compliance with franchisor (as defined in section 20 of
2 such Act) policies or guidance.”.

Page 9, line 20, strike “4” and insert “5”

