

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 7701  
OFFERED BY Mr. Keller \_\_\_\_\_**

Page 9, line 13, strike the closing quotation and the final period.

Page 9, after line 13, insert the following:

1       “(e) WORKER CLASSIFICATION.—Notwithstanding  
2 section 3, the term ‘employee’, when used in this section  
3 or in any other provision of this Act for any purpose relat-  
4 ing to this section, shall have the meaning given in section  
5 3(e) as if such section had been modified by adding at  
6 the end of paragraph (1) the following: ‘In determining  
7 whether an individual is employed by an employer, the  
8 core factors for consideration shall be the nature and de-  
9 gree of the individual’s control over the work and the indi-  
10 vidual’s opportunity to earn profits or incur losses based  
11 on the individual’s initiative.’”.

Page 10, line 8, strike the closing quotation and the final period.

Page 10, after line 8, insert the following:

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2 section 3, the term ‘employee’, when used in this section  
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