

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

Strike page 3, line 3, and all that follows through page 9, line 19, and insert “Section 2(2) of the National Labor Relations Act (29 U.S.C. 152(2)) is amended by adding at the end the following: “Two or more persons shall be employers with respect to an employee if each such person codetermines or shares control over the employee’s essential terms and conditions of employment. In determining whether such control exists, the Board or a court of competent jurisdiction shall consider as relevant direct control and indirect control over such terms and conditions, reserved authority to control such terms and conditions, and control over such terms and conditions exercised by a person in fact: *Provided*, That nothing herein precludes a finding that indirect or reserved control standing alone can be sufficient given specific facts and circumstances.’”.

