

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

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

Page 9, after line 13, insert the following:

1       “(e) JOINT EMPLOYER.—Notwithstanding section 3,  
2 the term ‘employer’, when used in this section or in any  
3 other provision of this Act for any purpose relating to this  
4 section, shall have the meaning given in section 3(d) as  
5 if such section had been modified—

6               “(1) by striking “‘Employer’ includes’ and in-  
7 sserting ‘(1) “Employer” includes’; and

8               “(2) by adding at the end the following:

9               ““(2) An employer may be considered a joint  
10 employer of the employees of another employer for  
11 purposes of this Act only if such employer directly,  
12 actually, and immediately exercises significant con-  
13 trol over the essential terms and conditions of em-  
14 ployment of the employees of the other employer,  
15 such as hiring such employees, discharging such em-  
16 ployees, determining the rate of pay and benefits of

1 such employees, supervising such employees on a  
2 day-to-day basis, assigning such employees a work  
3 schedule, position, or task, or disciplining such em-  
4 ployees.’.”.

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

Page 10, after line 8, insert the following:

5 “(c) JOINT EMPLOYER.—Notwithstanding section 3,  
6 the term ‘employer’, when used in this section or in any  
7 other provision of this Act for any purpose relating to this  
8 section, shall have the meaning given in section 3(d) as  
9 if such section had been modified—

10 “(1) by striking “‘Employer’” includes’ and in-  
11 serting ‘(1) “Employer” includes’; and

12 “(2) by adding at the end the following:

13 ““(2) An employer may be considered a joint  
14 employer of the employees of another employer for  
15 purposes of this Act only if such employer directly,  
16 actually, and immediately exercises significant con-  
17 trol over the essential terms and conditions of em-  
18 ployment of the employees of the other employer,  
19 such as hiring such employees, discharging such em-  
20 ployees, determining the rate of pay and benefits of  
21 such employees, supervising such employees on a

1 day-to-day basis, assigning such employees a work  
2 schedule, position, or task, or disciplining such em-  
3 ployees.'”.

