

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1320
OFFERED BY MR. KILEY OF CALIFORNIA

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Modern Worker Secu-
3 rity Act”.

4 SEC. 2. PROHIBITION ON CONSIDERATION OF BENEFITS.

5 (a) PROHIBITION.—Beginning on the date of enact-
6 ment of this Act, for the purposes of any Federal law,
7 a determination of whether an individual is an employee
8 of a person shall be made without considering whether
9 such person provides a benefit to the individual.

10 (b) BENEFIT DEFINED.—In this Act, the term “ben-
11 efit” includes—

12 (1) a benefit, including a protection, that is
13 provided to an individual for work performed for an-
14 other person that the individual may maintain with-
15 out regard to whether the individual continues to
16 perform work for such person;

17 (2) a benefit, including a protection, that is
18 commonly provided to a full-time employee (such as

1 workers' compensation, skills training, professional
2 development, paid leave, disability coverage, health
3 insurance coverage, retirement savings, and short-
4 term savings); and

5 (3) a contribution, financial or otherwise, with
6 respect to a benefit described in paragraph (1) or
7 (2) that is—

8 (A) made on behalf of an individual by a
9 person in connection with work performed by
10 the individual for the person;

11 (B) made by the individual; or

12 (C) made through a combination of sub-
13 paragraphs (A) and (B).

Amend the title so as to read: “A bill to prohibit the consideration of benefits when determining whether an individual is an employee of a person.”.

