

AMENDMENT TO H.R. 842
OFFERED BY MR. CUELLAR OF TEXAS

On page 3, beginning on line 9, strike subsection (a) and insert the following:

1 (a) EMPLOYER.—Section 2(2) of the National Labor
2 Relations Act (29 U.S.C. 152(2)) is amended by adding
3 at the end the following: “*Provided further*, that notwith-
4 standing any other provision of this Act, none of the fol-
5 lowing may be construed, alone or in combination with any
6 other factor, to establish or evidence that an owner of a
7 trademark that is a franchisor, or an authorizing person
8 that is a franchisor, is an employer of any employee of
9 another employer that is a franchise:

10 “(A) The licensing of a trademark for use
11 by that franchise or the employees of that fran-
12 chise.

13 “(B) Any exercise of control over the
14 trademark by an owner or authorizing person,
15 as applicable—

16 “(i) with respect to the use of the
17 trademark by that franchise or the employ-
18 ees of that franchise; and

1 “(ii) for the purpose of preserving or
2 enhancing goodwill, a reputation, uni-
3 formity, or the expectation of the public
4 with respect to the nature and quality of
5 goods or services associated with the trade-
6 mark.”.

