

AMENDMENT TO H.R. 2474, AS REPORTED
OFFERED BY MR. CUELLAR OF TEXAS

Page 5, beginning line 9, strike paragraph (1) and
insert the following:

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

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

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

17 “(i) with respect to the use of the
18 trademark by that franchise or the employ-
19 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.”.

