

119TH CONGRESS
1ST SESSION

H. R. 1320

To ensure that the provision of portable benefits to an individual is not considered in determining whether such individual is an employee of a person.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2025

Mr. KILEY of California (for himself and Mr. MESSMER) introduced the following bill; which was referred to the Committee on Education and Workforce

A BILL

To ensure that the provision of portable benefits to an individual is not considered in determining whether such individual is an employee of a person.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. BENEFITS TO NOT BE CONSIDERED.**

4 (a) IN GENERAL.—In determining whether an indi-
5 vidual is an employee of a person for the purposes of any
6 Federal law, such a determination shall be made without
7 considering whether such person provides to the individual
8 a portable benefit.

9 (b) DEFINITIONS.—In this Act:

1 (1) PORTABLE BENEFIT.—The term “portable
2 benefit” means a work-related benefit that is pro-
3 vided to an individual for work performed for an-
4 other person in a manner that allows the individual
5 to maintain the benefits without regard to whether
6 the individual continues to perform work for such
7 person.

8 (2) WORK-RELATED BENEFIT.—The term
9 “work-related benefit”—

10 (A) means benefits, including protections,
11 of a type that are commonly provided to full-
12 time employees, such as workers’ compensation,
13 skills training, professional development, paid
14 leave, disability coverage, health insurance cov-
15 erage, retirement savings, income security, and
16 short-term saving; and

17 (B) includes contributions, financial or
18 otherwise, to such benefits—

19 (i) made on behalf of an individual by
20 a person in connection with work per-
21 formed by the individual for the person;

22 (ii) made by the individual; or

23 (iii) made through a combination of
24 subparagraphs (A) and (B).

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