

Union Calendar No. 368

119TH CONGRESS
1ST SESSION

H. R. 4366

[Report No. 119–422]

To clarify the treatment of 2 or more employers as joint employers under the National Labor Relations Act and the Fair Labor Standards Act of 1938.

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2025

Mr. COMER introduced the following bill; which was referred to the Committee on Education and Workforce

DECEMBER 30, 2025

Additional sponsors: Mr. HERN of Oklahoma and Mr. ONDER

DECEMBER 30, 2025

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on July 14, 2025]

A BILL

To clarify the treatment of 2 or more employers as joint employers under the National Labor Relations Act and the Fair Labor Standards Act of 1938.

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. SHORT TITLE.**

4 *This Act may be cited as the “Save Local Business*
 5 *Act”.*

6 **SEC. 2. CLARIFICATION OF JOINT EMPLOYMENT.**

7 (a) *NATIONAL LABOR RELATIONS ACT AMEND-*
 8 *MENTS.—Section 2(2) of the National Labor Relations Act*
 9 *(29 U.S.C. 152(2)) is amended—*

10 (1) *by striking “The term ‘employer’” and in-*
 11 *serting “(A) The term ‘employer’”; and*

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

13 *“(B) An employer may be considered a joint employer*
 14 *of the employees of another employer only if each employer*
 15 *directly, actually, and immediately, exercises significant*
 16 *control over the essential terms and conditions of employ-*
 17 *ment of the employees of the other employer, such as hiring*
 18 *such employees, discharging such employees, determining*
 19 *the rate of pay and benefits of such employees, supervising*
 20 *such employees on a day-to-day basis, assigning such em-*
 21 *ployees a work schedule, position, or task, or disciplining*
 22 *such employees.”.*

23 (b) *FAIR LABOR STANDARDS ACT OF 1938 AMEND-*
 24 *MENTS.—Section 3(d) of the Fair Labor Standards Act of*
 25 *1938 (29 U.S.C. 203(d)) is amended—*

1 (1) by striking “‘Employer’ includes” and in-
2 serting “(1) ‘Employer’ includes”; and
3 (2) by adding at the end the following:
4 “(2) An employer may be considered a joint employer
5 of the employees of another employer for purposes of this
6 Act only if each employer meets the criteria set forth in
7 section 2(2)(B) of the National Labor Relations Act (29
8 U.S.C. 152(2)(B)) except that, for purposes of determining
9 joint-employer status under this Act, the terms ‘employee’
10 and ‘employer’ referenced in such section shall have the
11 meanings given such terms in this section.”.

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