

HR 5513

To amend the Fair Labor Standards Act of 1938 and the National Labor Relations Act to clarify the standard for determining whether an individual is an employee, and for other purposes.

Congress: 118 (2023–2025, Ended)

Chamber: House

Policy Area: Labor and Employment

Introduced: Sep 14, 2023

Current Status: Referred to the House Committee on Education and the Workforce.

Latest Action: Referred to the House Committee on Education and the Workforce. (Sep 14, 2023)

Official Text: <https://www.congress.gov/bill/118th-congress/house-bill/5513>

Sponsor

Name: Rep. Stefanik, Elise M. [R-NY-21]

Party: Republican • **State:** NY • **Chamber:** House

Cosponsors (8 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Kiley, Kevin [R-CA-3]	R · CA		Sep 14, 2023
Rep. Steel, Michelle [R-CA-45]	R · CA		Sep 14, 2023
Rep. Hinson, Ashley [R-IA-2]	R · IA		Sep 18, 2023
Rep. Moolenaar, John R. [R-MI-2]	R · MI		Sep 18, 2023
Rep. Allen, Rick W. [R-GA-12]	R · GA		Jan 10, 2024
Rep. Ogles, Andrew [R-TN-5]	R · TN		Jan 25, 2024
Rep. Williams, Brandon [R-NY-22]	R · NY		Jan 25, 2024
Rep. Rutherford, John H. [R-FL-5]	R · FL		Mar 21, 2024

Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Referred To	Sep 14, 2023

Subjects & Policy Tags

Policy Area:

Labor and Employment

Related Bills

Bill	Relationship	Last Action
118 S 3018	Identical bill	Oct 4, 2023: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

This bill specifies a legal standard for determining whether an individual is considered an *independent contractor* rather than an *employee* for the purposes of federal labor laws that address issues such as the federal minimum wage, overtime compensation, and collective bargaining. The rights and protections provided by these laws exclusively apply to employees.

Under the bill, an individual is considered an independent contractor if (1) another individual or entity does not exercise significant control over the details of how the individual's work is performed, without regard to any control the other individual or entity may exercise over the final result of the work performed; and (2) while performing such work, the individual has opportunities and risks inherent with entrepreneurship (for example, the discretion to exercise professional judgment).

The bill also sets forth factors that may not be used to determine whether an individual is an employee. Specifically, factors such as whether another individual or entity requires the individual to meet certain legal, health and safety, insurance, or performance requirements may not be used to make such a determination.

Actions Timeline

- **Sep 14, 2023:** Introduced in House
- **Sep 14, 2023:** Referred to the House Committee on Education and the Workforce.