

119TH CONGRESS
1ST SESSION

S. _____

To amend the Fair Labor Standards Act of 1938 to harmonize the definition
of employee with the common law.

IN THE SENATE OF THE UNITED STATES

Mr. SCOTT of South Carolina introduced the following bill; which was read
twice and referred to the Committee on _____

A BILL

To amend the Fair Labor Standards Act of 1938 to
harmonize the definition of employee with the common law.

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 “Modern Worker Em-
5 powerment Act”.

6 **SEC. 2. AMENDMENTS TO THE FAIR LABOR STANDARDS**

7 **ACT OF 1938 TO HARMONIZE THE DEFINITION**
8 **OF EMPLOYEE.**

9 (a) **DEFINITION OF EMPLOYEE.**—Section 3(e)(1) of
10 the Fair Labor Standards Act of 1938 (29 U.S.C.

1 203(e)(1)) is amended by inserting before the period the
2 following: “, as determined under the usual common law
3 rules”.

4 (b) DEFINITION OF EMPLOY.—Section 3(g) of the
5 Fair Labor Standards Act of 1938 (29 U.S.C. 203(g)) is
6 amended by inserting “an employee” after “permit”.