AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

II

117TH CONGRESS
1ST SESSION

S. 526

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

MARCH 2 (legislative day, MARCH 1), 2021

Mr. SCOTT of South Carolina (for himself, Mrs. BLACKBURN, Mr. BRAUN, and Mr. CRAMER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

---

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Modern Worker Empowerment Act''.

SEC. 2. AMENDMENTS TO THE FAIR LABOR STANDARDS ACT OF 1938 TO HARMONIZE THE DEFINITION OF EMPLOYEE.

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

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

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

○