

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”.