Senate Committee on
Health Education Labor & Pensions
Senator Bill Cassidy, M.D., Chair

PORTABLE **BENEFITS**

PAVING THE WAY TOWARD A BETTER DEAL FOR INDEPENDENT WORKERS

Introduction

As many as one in three American workers engages in independent work. These workers include truck drivers, construction workers, subcontractors, direct sellers, musicians, actors, writers, software designers, physicians, and participants in the app or "gig" economy, among many other professions.[1] Some engage in independent work to supplement their main income from a traditional job, while others pursue careers as independent contractors. Anecdotally, many independent workers, occupied with educational opportunities or caregiving responsibilities, would be disengaged from the workforce if not for the flexibility independent work provides.

Workers actively choose independent work over traditional roles, citing flexibility, dependent care obligations, and personal care circumstances as chief reasons. Eighty percent of independent workers prefer their arrangements over traditional work, and less than nine percent would prefer a traditional work arrangement.[2] In addition, eighty percent would like access to portable benefits.[3] As a significant and growing segment of the U.S. workforce, independent workers are poorly served by nearly century-old labor and employment laws that prevent them from receiving common workplace benefits.

In June 2024, I issued a request for information seeking feedback from stakeholders on ways to remove federal legal and regulatory barriers to portable benefits for independent workers—while protecting their flexibility and freedom to earn a living as they best see fit. Respondents included benefits providers, gig companies, trade associations, academic institutions, think tanks, labor unions, and worker advocates representing independent workers. In this white paper, I put forward a selection of proposals to invite discussion of policies that may be appropriate for legislative action. As Chair of the Senate Health, Education, Labor, and Pensions (HELP) Committee, I look forward to working with my HELP Committee colleagues and interested stakeholders to ensure that independent workers have access to critical benefits and the freedom to pursue a living in ways that work for them.

Brief Legislative History

Major federal employment and labor statutes typically apply to employees, but not independent workers. Consequentially, understanding who is and is not an employee is critical for determining employers' legal and regulatory obligations. For example, the Fair Labor Standards Act of 1938 (FLSA) establishes wage and recordkeeping requirements for employees. The National Labor Relations Act of 1935 (NLRA) provides employees protections and rights regarding unionizing and collective bargaining. Employee status frequently determines a worker's eligibility to participate in a health or retirement plan covered by the Employment Retirement Income Security Act of 1974 (ERISA).

These and other key labor and employment statutes, such as Title VII of the Civil Rights Act of 1964 (Title VII), the Age Discrimination in Employment Act of 1967 (ADEA), the Americans with Disabilities Act of 1990 (ADA), and the Family and Medical Leave Act of 1993 (FMLA), provide little clarity toward determining employment status. For example, under the FLSA, Title VII, ADEA, ERISA, and ADA, an employee is "any individual employed by an employer." A unanimous Supreme Court lamented this definition "is completely circular and explains nothing."[4] Similarly, there is little consensus on who is an independent worker. This has led government agencies to develop their own unique definitions. The Government Accountability Office (GAO) reported that at least seven federal agencies use "varied terms" to describe independent workers, resulting in fragmented data collection on the independent workforce.[5]

1 According to IRS data, independent work mediated via online platforms is a fast-growing but still minority share of the overall independent workforce. Andrew Garin et al., *The Evolution of Platform Gig Work, 2012-2021.* National Bureau of Economic Research (May 2023), https://www.nber.org/system/files/working_papers/w31273/w31273.pdf.

2 *Contingent and Alternative Employment Arrangements Summary*, U.S. Bureau of Labor Statistics (Nov. 8, 2024), https://www.bls.gov/news.release/conemp.nr0.htm.

3 Tito Boeri et al., *Solo Self-Employment and Alternative Work Arrangements: A Cross-Country Perspective on the Changing Composition of Jobs*, The Journal of Economic Perspectives (Winter 2020), https://pubs.aeaweb.org/doi/pdfplus/10.1257/jep.34.1.170.

4 Nationwide Mutual Ins. Co. v. Darden, 503 U.S. 318 (1992).

5 *Work Arrangements: Improved Collaboration Could Enhance Labor Force Data*, United States Government Accountability Office (Dec. 2023), https://www.gao.gov/assets/d24105651.pdf.

In lieu of clear legislative parameters determining who is and is not an employee, the courts have developed several complex multi-factor tests to infer a worker's employment status under federal law. These tests include the common-law test, the economic realities test, and a hybrid of these two tests.[6] Courts have used the common-law test to decide cases involving the NLRA, ERISA, the Federal Insurance Contributions Act, and other laws (see Exhibit 1). The common-law test principally considers an employment relationship to exist if a hiring entity has the right to control the work process. Courts have relied on the economic realities test, on the other hand, in cases involving the FLSA, Title VII, the ADEA, the ADA, and the FMLA. The economic realities test considers an employment relationship to exist where an individual is dependent on a business for continued employment. In cases involving Title VII, the ADEA, and the ADA, courts have also applied a hybrid test.

EMPLOYMENT TESTS

Test	Laws under which test has been applied by courts
Common-law Test	Federal Insurance Contributions Act Federal Unemployment Tax Act Income Tax Withholding Employment Retirement and Income Security Act National Labor Relations Act Immigration Reform and Control Act
Economic Realities Test	Fair Labor Standards Act Title VII Age Discrimination in Employment Act Americans with Disabilities Act Family and Medical Leave Act
Hybrid Test	Title VII Age Discrimination in Employment Act Americans with Disabilities Act

Source: U.S. Bureau of Labor Statistics

Further complicating matters, several states have adopted some form of the "ABC test." Unlike other tests, the ABC test presumptively assumes any worker is an employee. For a worker to be classified as an independent contractor under the ABC test, a business must demonstrate that the worker satisfies each of the following factors: (a) the worker is free from control and direction of the hirer, (b) the worker performs work that is outside the company's usual course of business, and (c) the worker is customarily engaged in the work performed. The ABC test has been an economic disaster for independent and traditional workers alike. In nine states where it has been implemented, self-employment fell by 6.43 percent, W-2 employment decreased 4.73 percent, and overall employment fell 4.79 percent.[7] Despite this troubling outcome, proponents are still seeking to establish the ABC test in federal law. For example, the Protecting the Right to Organize (PRO) Act would apply the ABC test nationwide under the NLRA. The divisive bill does not have the votes necessary to move forward on the Senate floor.

The U.S. Department of Labor (DOL) has determined it cannot impose the ABC test via regulation, as it is bound by U.S. Supreme Court precedent in *United States v. Silk*, where the court applied the economic realities test to determine whether workers are employees under the FLSA.[8] Similarly, the National Labor Relations Board (NLRB) declined to institute the ABC test, per se, in its recent decision in *Atlanta Opera, Inc.*, observing that "[i]t is unclear whether this three-part analysis is compatible with the traditional common-law, multifactor test that Supreme Court precedent requires us to apply."[9] Nevertheless, under the Biden Administration both agencies sought to imitate the ABC test's practical effect: DOL through rulemaking, and the NLRB through its decision in *Atlanta Opera, Inc*. Each standard is sufficiently vague to necessitate guesswork in determining worker status, leaving workers and employers uncertain as to where they stand.

While certainty on employment status is elusive under current law, it is certain that employers' provision of benefits to independent workers triggers employment status. For example, the Supreme Court explicitly named the provision of employee benefits as a factor in determining employee status under the common-law test, which courts apply in determining employment status in cases involving ERISA and the NLRA, among other laws.[10] The Internal Revenue Service reflects this view in guidance on determining employee status.[11] Under the Biden Administration's 2024 independent contractor regulation, "Actions taken by the potential employer that go

6 Charles J. Muhl, *What is an employee? The answer depends on the Federal law,* U.S. Bureau of Labor Statistics (Jan. 2002), https://www.bls.gov/opub/mlr/2002/01/art1full.pdf.

7 Liya Palagashvili et al., *New Study: From Gig to Gone? ABC Tests and the Case of the Missing Workers,* Mercatus Center (Jn. 10, 2025), https://liyapalagashvili.substack.com/p/new-study-from-gig-to-gone-abc-tests.

8 29 C.F.R. Parts 780, 788, and 795 (2024).

9 372 NLRB No. 95 (Jn. 13, 2023).

10 *Community for Creative Non-Violence v. Reid*, 490 U.S. 730 (1989); *National Mutual Insurance Co v. Darden*, 503 U.S. 318, 323 (1992).

11 Topic no. 762, Independent contractor vs. employee, U.S. Internal Revenue Service (Oct. 8, 2024), https://www.irs.gov/businesses/small-businesses-self-employed/independent-contractor-self-employed-or-employee.

beyond compliance with a specific, applicable Federal, State, Tribal, or local law or regulation and instead serve the potential employer's own compliance methods, safety, quality control, or contractual or customer service standards may be indicative of control."[12] This discourages companies from even providing anti-harassment training, skills training, safety guidelines, or other items that benefit workers.

States are working to provide a liability shield to firms that would like to provide benefits to independent workers. In 2023, Utah enacted a law allowing any government or private entity to offer portable disability, unemployment, or health benefits to independent contractors without triggering employment status.[13] Tennessee passed a similar law this year.[14] California's Proposition 22—a reaction to a state law which instituted the ABC test statewide—*requires* gig economy companies to provide independent drivers limited benefits, such as accident insurance and a health care stipend.[15] While these developments may be steps in the right direction, there is significant opportunity to improve the lives of working people through adjustments to existing federal statutes.

Providing Stability and Clarity in Tests Determining Employment Status

As noted in *Secretary of Labor v. Lauritzen*, "People are entitled to know the legal rules before they act."[16] Not only do workers and companies have the right to know what the law is, such certainty would encourage companies to provide independent workers benefits by taking the guesswork out of determining when a worker is an employee or independent worker. Yet recent independent contractor tests promulgated by executive agencies allow different courts to look at the same facts and come to separate conclusions about employment status. The impetus for such vague tests is often the presumption that all workers desire to be employees. This is simply not true. Other proponents of these tests view employee status as superior to independent work and would like to reclassify independent workers as employees, regardless of what workers themselves want.[17]

"Recent independent contractor tests promulgated by executive agencies allow different courts to look at the same facts and come to separate conclusions about employment status."

Regulatory vacillations are their own source of instability. DOL rulemaking on independent contractor status has been subject to several reversals, while the NLRB has overhauled its independent contractor test no less than three times within the last decade.[18] Even if an agency were to promulgate a rulemaking providing appropriate certainty and clarity for workers, under the current legal regime workers are left wondering how long before the standard will be changed once again. Dismally, the answer has been "not long."

In 2021, the Trump Administration finalized a regulation applying an economic reality test to determine employment status under the FLSA. The Trump rule applied five factors, as opposed to the Biden Administration rule's six factors plus "additional factors."[19] The Trump rule further identified two factors as predominant in determining employment status: the nature and degree of the worker's control over the work, and the worker's opportunity for profit or loss. By contrast, the Biden Administration rule allows DOL to "review the totality of circumstances" in determining employment status—no one factor is more significant than another. The Trump

12 29 C.F.R. Parts 780, 788, and 795 (2024).

13 S.B. 0233 – Utah (2023).

14 S.B. 1377 – Tennessee (2025).

15 The California Supreme Court unanimously upheld Prop 22 in *Castellanos et al. v. State of California et al.*, S279622 (July 25, 2024).

16 *Secretary of Labor v. Lauritzen*, 835 F.2d 1529 (7th Cir. 1987).

17 In a recent House Education and Workforce Committee hearing on portable benefits, Representative Kevin Kiley (R-CA) asked witness Dr. Katie Wells, a postdoctoral fellow at Georgetown University, whether she supported reclassifying independent workers as employees against their will. "For those workers that work in the gig economy," she replied, "absolutely." *Unlocking Opportunity: Allowing Independent Contractors to Access Benefits*, Subcommittee on Workforce Protections, House Education and Labor Committee, 114th Congress (April 11, 2024).

18 First in *Fedex Home Delivery* in 2014, then again in *Supershuttle* in 2019, and most recently in *Atlanta Opera, Inc.* last year. *Board Modifies Independent Contractor Standard under National Labor Relations Act*, National Labor Relations Board (Jn. 13, 2023), https://www.nlrb.gov/news-outreach/news-story/board-modifies-independent-contractor-standard-under-national-labor.

19 29 C.F.R. Parts 780, 788, and 795 (2024).

rule would have provided much needed clarity and consistency to DOL's application of the economic realities test, but was withdrawn and replaced before its impact could be felt.

Workers and firms would benefit from a single statutorily-defined test determining employment status. Such a test may be based on the common-law test, which is frequently used by courts to determine employment status. Implementing a common-law test would also improve stability and consistency across federal and state jurisdictions. Alternatively, Congress may consider an approach similar to the Trump administration's 2021 rule. The two-factor test likewise encourages consistency in its application, aligns with well-established legal principles and, unlike the Biden rule, does not run afoul of companies' safety, health, and tax obligations.

"Workers and firms would benefit from a single statutorily-defined test determining employment status."

Removing Legal Impediments That Block Independent Workers from Receiving Benefits

Labor and employment laws were never intended to prevent workers from accessing benefits. Yet decades-old laws, and the tests that courts and agencies employ to determine employment status under these laws, bind the provision of benefits to traditional employment status, even if inadvertently. This is backwards-looking and unfairly disadvantages independent workers, as the vast majority of companies decline opportunities to provide non-employees benefits altogether over fears of expensive litigation.

The COVID-19 pandemic underscored this dynamic. Companies that worked with independent contractors faced ambiguity as to whether they could provide payments, paid sick leave, personal protective equipment, or training without such offerings being used as evidence of employment status. Some did anyway.[20] Providing companies a safe harbor to provide such benefits to independent workers would have not only benefited the workers, it would have promoted public health.

Congress should consider decoupling the provision of benefits from the fear of potentially ruinous misclassification lawsuits by establishing a safe harbor for providing benefits in federal law. Congress should further evaluate whether affirming that providing benefits to independent workers does not trigger employment status under federal law would help spur state and private sector innovation that supports workers. The new safe harbor laws in Tennessee and Utah allowing firms to provide benefits to independent workers do not extend to federal laws. Nevertheless, the private sector has responded quickly in launching independent worker contributions programs in those states.[21] This is a promising first step to enabling the provision of benefits to independent workers. In addition, the Pennsylvania and Georgia state governments have blessed pilot programs to provide certain independent workers resources for health insurance, retirement, and paid time off.[22] The biggest impediment to such experimentation at the state level remains federal restrictions.

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20 Letter from Senators Bill Cassidy (R-LA), Mike Braun (R-IN), Tim Scott (R-SC), and Kelly Loeffler (R-GA) to Senate Majority Leader Mitch McConnell (R-KY) and Senate Minority Leader Chuck Schumer (D-NY) on safe harbor for provision of COVID-related assistance to independent workers (May 20, 2020), https://www.cassidy.senate.gov/wp-content/uploads/media/doc/Final%20-%20Letter%20to%20Senate%20Leadership%20-%20Safe%20Harbor%20Provision%20for%20Gig%20Economy%20KL%20signed.pdf.

21 *Utah's Innovative Portable Benefits Legislation Paves the Way for Stride's Launch of First-Ever Portable Benefits Contributions Program*, Utah Senate (April 10, 2024), https://senate.utah.gov/utahs-innovative-portable-benefits-legislation-paves-the-way-for-strides-launch-of-first-ever-portable-benefits-contributions-program/#:~:text=With%20over%2080%2C000%20Utahns%20now,benefits%20services%20to%20independent%20contractors.

22 D.V. Wise, *DoorDash announces portable benefits savings pilot program for Dashers in Georgia*, Yahoo! Finance (Apr. 4, 2025), https://finance.yahoo.com/news/doordash-announces-portable-benefits-savings-134036235.html.

Expanding Affordable Health Care Options for Independent Workers

One in four independent contractors lacks health insurance.[23] Those who are uninsured often cite affordability as a key factor in the decision to go forgo health insurance coverage.[24] Of the independent workers who are insured, many supplement their main income with independent work and have access to health insurance coverage through their employer, or rely on health insurance through a spouse or as a dependent. Otherwise, independent workers must purchase health insurance through the Affordable Care Act (ACA) Marketplaces, where coverage has become increasingly unaffordable.

Since the launch of the ACA over ten years ago, premiums have risen by more than 80 percent. For the 2025 plan year alone, premiums for ACA Marketplace plans increased by about seven percent over 2024.[25] For the individuals who purchased coverage through HealthCare.gov this year, the average unsubsidized health insurance premium for a 40-year old is nearly $500 per month.[26] Families of four face premiums of as much as $1,600 per month.[27] For working moms and dads, especially those who are independent workers, the cost of health care coverage is unaffordable and unsustainable.

Independent workers need affordable, sustainable coverage options. To accomplish this, existing policies, such as association health plans (AHPs) and health reimbursement arrangements (HRAs) can be modified to allow independent contractors access to larger risk pools and cost-effective health insurance.

> “Independent workers need affordable, sustainable coverage options.”

Association Health Plans

AHPs allow multiple employers to band together as a single, large employer, and obtain the benefits associated with the coverage provided in the large group market. By accessing the benefits of the large group market, AHPs are not subject to the heavy regulation that the individual and small group markets face. Thus, AHPs do not have to offer overly expansive health insurance that is not tailored to the needs of individuals covered, reducing costs for workers. Notably, AHPs are considered group health plans and are consistently treated as such under the ACA. They must therefore cover preventative services without cost-sharing and meet other applicable ACA requirements.

Because ERISA does not explicitly define “association health plan,” DOL has provided various iterations of guidance, typically in the form of advisory opinions, defining the standards that an AHP must meet to be considered as a single, large employer. These have traditionally included a requirement for associations forming an AHP to have a shared business purpose unrelated to the provision of health benefits. Additionally, those participating in the association must share a commonality of interest and organizational relationship outside of receiving health benefits. Finally, members of the association must exercise control over the functions of the association and the

23 Berkowitz et al., *Health insurance coverage and self-employment,* Health Services Research (Nov. 2020), https://pmc.ncbi.nlm.nih.gov/articles/PMC7968939/.

24 Tolbert et al., *Key Facts about the Uninsured Population*, KFF (Dec. 18, 2023), https://www.kff.org/uninsured/issue-brief/key-facts-about-the-uninsured-population/. Amy E. Cha & Robin A. Cohen, *Reasons for Being Uninsured Among Adults Aged 18-64 in the United States, 2019*, Centers for Disease Control and Prevention (Sept. 2020), https://www.cdc.gov/nchs/products/databriefs/db382.htm.

25 From Plan Year 2014-2025 across the Federally-facilitated Marketplaces: For a 21-year old enrolled in the LCP, the average premiums across all tiers rose from $156 to $296, a 90% change, for a 40-year old enrolled in the LCP, the average premiums across all tiers rose from $210 to $379, an 80% increase, for a family of four enrolled in the LCP, the average premiums across all tiers rose from $598 to $1,207, a 102% increase. See: https://www.cms.gov/files/document/2025-qhp-premiums-choice-appendix.xlsx; https://www.healthsystemtracker.org/brief/how-much-and-why-aca-marketplace-premiums-are-going-up-in-2025/?utm_campaign=KFF-Health-Costs&utm_medium=email&_hsenc=p2ANqtz-98qK_8MIHzU0CrTsCrzBXKQpkQMmaRa1V7qPGbN2sC4N7plVtRDIsDCpLVWEzNQq2bOWjd-bynZf-2qD89YXtAVyUrzEBF_jDQ4mry3nltj-3t3ps&_hsmi=318730370&utm_content=318730370&utm_source=hs_email.

26 *Plan Year 2025 Qualified Health Plan Choice and Premiums in HealthCare.gov Marketplaces*, The Centers for Medicare and Medicaid Services (Oct. 25, 2024), https://www.cms.gov/files/document/2025-qhp-premiums-choice-report.pdf.

27 For Plan Year 2025: For a family of four enrolled in the LCP, average premiums are $1,588 for gold plans, $1,564 for silver plans, and $1,207 for bronze plans. For a family of four enrolled in the SLCSP, average premiums are $1,606 for plan year 2025. See: https://www.cms.gov/files/document/2025-qhp-premiums-choice-appendix.xlsx.

provision of health benefits.

In 2018, the Trump Administration issued the first federal regulation addressing AHPs. The rule created a new pathway for independent workers to band together to form an AHP and provided additional flexibilities for AHPs. Under the rule, meeting the commonality of interest standard could include a broadly-defined common geography or the same "trade, industry, line of business, or profession." Finally, the rule allowed independent workers to form AHPs for the primary purpose of providing health insurance coverage, as long as the association had another accompanying purpose.

Before independent workers could take advantage of this new opportunity, in 2019 the U.S. District Court for the District of Columbia struck down much of the rule. In 2024, DOL issued a final rule rescinding the Trump Administration's 2018 rule.[28]

To address the growth in the independent workforce and the clear need for affordable coverage options for independent workers, Congress should consider specifying that under ERISA, a self-employed individual with no employees is eligible to participate in AHPs. Congress should further examine providing clarity surrounding geographic proximity as a commonality of interest as well as the primary purposes of formation for an AHP. Statutory changes may relieve regulatory confusion, and open the door to self-employed individuals accessing affordable health coverage.

> "Congress should consider specifying that under ERISA, a self-employed individual with no employees is eligible to participate in AHPs."

Increasing Options for Independent Workers

Given the apparent need for affordable coverage options for independent workers, Congress may also consider broadening Health Reimbursement Arrangements (HRAs) to provide access to independent workers. Recent regulatory changes provided flexibility to employees without access to group health plans, including those at small and mid-sized businesses through an Individual Coverage Health Reimbursement Arrangement (ICHRA). Currently, access to such arrangements is tied to employment relationships, and therefore independent workers are not able to access ICHRAs. Expanding ICHRAs to independent workers and their families may allow them to use these funds in ways that work best for their needs and manage the high cost of coverage as well as other medical costs.

Increasing Independent Worker Access to and Use of Retirement Accounts

Traditional workplace retirement benefits are a key path toward financial security at the end of one's career. Yet only one in five independent workers participates in a defined contribution plan due to lack of access. This is the most significant barrier to savings for independent workers.[29] Providing independent workers access to products already allowed under ERISA and encouraging them to save would do a great deal to close the retirement savings coverage gap, allowing workers to provide for their families while preventing them from having to unnecessarily delay retirement. Two such prospects—pooled employer plans (PEPs) and simplified employee pension (SEP) IRAs—are particularly well suited for such adjustments. Congress created PEPs in the Setting Every Community Up for Retirement Enhancement (SECURE) Act of 2019 to allow small businesses and sole proprietors to band together under a single plan. These plans offer such groups and workers lower overhead and economies of scale, driving down costs and alleviating administrative burdens.

> "Providing independent workers access to products already allowed under ERISA and encouraging them to save would do a great deal to close the retirement savings coverage gap."

28 29 CFR Part 2510 (2024).

29 *Nontraditional Workers Lack Access to Workplace Retirement Options*, Pew Charitable Trusts (Oct. 14, 2021), https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2021/10/nontraditional-workers-lack-access-to-workplace-retirement-options.

SEP IRAs are similar to typical IRAs but with higher contribution limits and portability, making them another ideal potential option for independent workers. Beneficiaries can fully fund a SEP and a 401(k), which allows some workers to max out both accounts. SEPs are held by the participants' bank, allowing them to travel with a worker and making them effectively a portable benefit. Workers may deposit contributions from their own LLC or several companies with which they contract. Most banks, including community banks, and credit unions offer these plans, as they are simple to create and maintain.

Congress should consider allowing banks to create escrow or suspension accounts to address the irregular income challenges faced by independent workers. Contracting companies could deposit a portion of an independent worker's earnings into these accounts throughout the year, with funds transferred to a SEP before tax filing, and any excess moved to regular bank accounts. To improve financial trust, companies and trade associations could set up PEPs and SEPs on behalf of independent workers, automatically enroll them without requiring contributions, and offer workers' advice without creating an employment relationship and compromising their independent status.

Other statutory adjustments could enhance ERISA's nudges to encourage saving, lower barriers to entry, and allow independent workers a better pathway to a financially secure retirement. For instance, companies could be permitted to prompt independent workers to adjust their earnings for retirement contributions, and companies could auto-enroll independent workers at two percent of base pay while offering flexible contribution options. Additionally, to reduce costs and barriers to PEP creation, Congress could remove unnecessary regulations, such as fiduciary responsibilities for self-directed accounts, audit requirements, and nondiscrimination tests. Data sharing across payroll providers could be facilitated to streamline retirement contributions for independent workers working for multiple companies. Finally, Congress could consider exempting SEP and PEP accountholders working more than 32 hours per week from requirements to remove money from their accounts by a certain age. This would align with 401(k) and 403(b) plans, giving workers the flexibility to ease into retirement and to continue saving later in life.

Conclusion

Labor and employment laws designed for a different time no longer address the needs of today's independent workers. Such laws were intended to provide workers clarity, certainty and security—not to make them out of reach. As technological advancements make independent work a viable option for increasingly more Americans, companies struggle to extend benefits and protections to independent workers out of fear of incurring lawsuits under the same laws meant to protect workers. Modernizing labor and employment laws will allow independent workers to receive benefits without disrupting the traditional employment model, fulfilling the promise of American labor and employment law. I look forward to working with interested stakeholders and my HELP Committee colleagues to explore ways to ensure our laws serve *all* American workers.