

119TH CONGRESS
1ST SESSION

S. _____

To ensure that the provision of portable benefits to an individual is not considered in determining whether such individual is an employee of a person, and for other purposes.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

To ensure that the provision of portable benefits to an individual is not considered in determining whether such individual is an employee of a person, and for other purposes.

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 “Unlocking Benefits
5 for Independent Workers Act”.

1 **SEC. 2. CONSIDERATION OF PORTABLE BENEFITS WITH RE-**
2 **SPECT TO EMPLOYMENT STATUS.**

3 A determination whether an individual is an employee
4 of a person for the purposes of any Federal law shall be
5 made without considering whether such person provides
6 to the individual—

7 (1) a benefit or protection that the individual
8 may maintain without regard to whether the indi-
9 vidual continues to perform work for such person;

10 (2) a benefit or protection of a type that is
11 commonly provided to a full-time employee;

12 (3) a contribution, financial or otherwise, with
13 respect to a benefit described in paragraph (1) or
14 (2) that is—

15 (A) made on behalf of the individual by the
16 person in connection with work performed by
17 the individual for the person; or

18 (B) made by the individual; or

19 (4) a benefit, protection, or contribution that is
20 a combination of any benefit, protection, or contribu-
21 tion described in paragraph (1), (2), or (3).