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 Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Modern Worker Em-
powerment Act”.

SEC. 2. AMENDMENTS TO THE FAIR LABOR STANDARDS

ACT OF 1938 TO HARMONIZE THE DEFINITION

(a) DEFINITION OF EMPLOYEE.—Section 3(e)(1) of

203(e)(1)) is amended by inserting before the period the following: “, as determined under the usual common law rules (as applied for purposes of section 3121(d) of the Internal Revenue Code of 1986)”.

(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”.

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