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”.

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