

117TH CONGRESS  
1ST SESSION

# H. R. 1523

To amend the Fair Labor Standards Act of 1938 to harmonize the definition of employee with the common law.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2021

Ms. STEFANIK (for herself, Mrs. STEEL, Mr. NORMAN, Mr. GAETZ, Mr. COLE, Mrs. MILLER of West Virginia, Mrs. RODGERS of Washington, and Mr. HERN) introduced the following bill; which was referred to the Committee on Education and Labor

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## 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”.

1 **SEC. 2. AMENDMENTS TO THE FAIR LABOR STANDARDS**  
2 **ACT OF 1938 TO HARMONIZE THE DEFINITION**  
3 **OF EMPLOYEE.**

4 (a) DEFINITION OF EMPLOYEE.—Section 3(e)(1) of  
5 the Fair Labor Standards Act of 1938 (29 U.S.C.  
6 203(e)(1)) is amended by inserting before the period the  
7 following: “, as determined under the usual common law  
8 rules”.

9 (b) DEFINITION OF EMPLOY.—Section 3(g) of the  
10 Fair Labor Standards Act of 1938 (29 U.S.C. 203(g)) is  
11 amended by inserting “an employee” after “permit”.

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