

119TH CONGRESS
1ST SESSION

S. 2228

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

IN THE SENATE OF THE UNITED STATES

JULY 9, 2025

Mr. SCOTT of South Carolina introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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”.

6 **SEC. 2. AMENDMENTS TO THE FAIR LABOR STANDARDS**

7 **ACT OF 1938 TO HARMONIZE THE DEFINITION**

8 **OF EMPLOYEE.**

9 (a) **DEFINITION OF EMPLOYEE.**—Section 3(e)(1) of
10 the Fair Labor Standards Act of 1938 (29 U.S.C.

1 203(e)(1)) is amended by inserting before the period the
2 following: “, as determined under the usual common law
3 rules”.

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

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