

118TH CONGRESS
1ST SESSION

H. R. 5419

To amend the Fair Labor Standards Act of 1938 to clarify the definition of employee as it relates to direct sellers and real estate agents, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2023

Mr. WALBERG (for himself, Mr. CÁRDENAS, Mr. MOORE of Utah, and Mr. CUELLAR) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Fair Labor Standards Act of 1938 to clarify the definition of employee as it relates to direct sellers and real estate agents, 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 “Direct Seller and Real
5 Estate Agent Harmonization Act”.

6 **SEC. 2. DEFINITIONS.**

7 Section 3(e) of the Fair Labor Standards Act of 1938
8 (29 U.S.C. 203(e)) is amended by inserting after para-
9 graph (5) the following:

1 “(6) The term ‘employee’ does not include any direct
2 seller or qualified real estate agent (as such terms are de-
3 fined in section 3508(b) of the Internal Revenue Code of
4 1986).”.

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