

119TH CONGRESS
2D SESSION

S. _____

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 SENATE OF THE UNITED STATES

Mr. LEE introduced the following bill; which was read twice and referred to the Committee on _____

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. DEFINITION OF EMPLOYEE.**

7 Section 3(e) of the Fair Labor Standards Act of 1938
8 (29 U.S.C. 203(e)) is amended—

1 (1) in paragraph (1), by striking “paragraphs
2 (2), (3), and (4),” and inserting “paragraphs (2),
3 (3), (4), (5), and (6),”; and
4 (2) by inserting after paragraph (5) the fol-
5 lowing:
6 “(6) The term ‘employee’ does not include any direct
7 seller or qualified real estate agent (as such terms are de-
8 fined in section 3508(b) of the Internal Revenue Code of
9 1986).”.