

117TH CONGRESS  
1ST SESSION

# H. R. 5038

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

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 13, 2021

Mr. WALBERG (for himself and Mr. CUELLAR) 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 clarify the definition of employee as it relates to direct sellers, 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 “Preserving Direct Sell-  
5 er Independence 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 person  
2 identified in section 3508(b)(2) of the Internal Revenue  
3 Code of 1986.”.

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