

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 3495  
OFFERED BY MR. WALBERG OF MICHIGAN**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Direct Seller and Real  
3 Estate Agent Harmonization Act”.

**4 SEC. 2. DEFINITION OF EMPLOYEE.**

5 Section 3(e) of the Fair Labor Standards Act of 1938  
6 (29 U.S.C. 203(e)) is amended by inserting after para-  
7 graph (5) the following:

8 “(6) The term ‘employee’ does not include any direct  
9 seller or qualified real estate agent (as such terms are de-  
10 fined in section 3508(b) of the Internal Revenue Code of  
11 1986).”.

