

118TH CONGRESS  
1ST SESSION

# H. R. 1612

To amend the Fair Labor Standards Act of 1938 to revise the definition of the term “tipped employee”, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2023

Mr. WOMACK (for himself and Mr. SESSIONS) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Fair Labor Standards Act of 1938 to revise the definition of the term “tipped employee”, 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 “Tipped Employee Pro-  
5 tection Act”.

6 **SEC. 2. TIPPED EMPLOYEES.**

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

9 (1) by striking “(t)” and inserting “(t)(1)”;

1           (2) by striking “engaged in an occupation in  
2           which he customarily and regularly receives more  
3           than \$30 a month in tips.” and inserting “, without  
4           regard to the duties of the employee, who receives  
5           tips and other cash wages for a period described in  
6           paragraph (2) at a rate that when combined with  
7           the cash wage required under subsection  
8           (m)(2)(A)(i) is greater than or equal to the wage in  
9           effect under section 6(a)(1).”; and

10           (3) by adding at the end the following:

11           “(2) The period described in this paragraph may be  
12           (as determined by the employer) a period of 1 day, 1 week,  
13           every other week, every pay period, or 1 month.”.

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