

116TH CONGRESS  
1ST SESSION

# H. R. 4437

To amend the Fair Labor Standards Act of 1938 to allow the pooling  
of tips among all employees, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2019

Mr. BIGGS introduced the following bill; which was referred to the Committee  
on Education and Labor

---

## A BILL

To amend the Fair Labor Standards Act of 1938 to allow  
the pooling of tips among all employees, 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 “Small Business Flexi-  
5       bility Act”.

6       **SEC. 2. TIP POOLING.**

7       Section 3(m)(2) of the Fair Labor Standards Act (29  
8       U.S.C. 203(m)(2)) is amended—

9               (1) in subparagraph (A)(ii), by striking “em-  
10       ployees who customarily and regularly receive tips”

1       and inserting “pools of employees described in sub-  
2       paragraph (C)”;

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

4               “(C) The pools of employees described in  
5       this subparagraph are as follows:

6                       “(i) Employees who customarily and  
7       regularly receive tips.

8                       “(ii) Employees who—

9                               “(I) customarily and regularly re-  
10       ceive tips and receive a cash wage  
11       paid by the employer that is not less  
12       than the wage in effect under section  
13       6(a)(1); and

14                               “(II) do not customarily and reg-  
15       ularly receive tips.”.

○