

115TH CONGRESS
2D SESSION

H. R. 5180

To amend the Fair Labor Standards Act of 1938 to provide protections
for employees receiving tips, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2018

Ms. DELAURO (for herself and Ms. CLARK of Massachusetts) introduced the
following bill; which was referred to the Committee on Education and the
Workforce

A BILL

To amend the Fair Labor Standards Act of 1938 to provide
protections for employees receiving tips, 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 “Tip Income Protection
5 (TIP) Act of 2018”.

6 **SEC. 2. REQUIREMENTS FOR TIPS UNDER THE FAIR LABOR**
7 **STANDARDS ACT OF 1938.**

8 Section 3(m) of the Fair Labor Standards Act of
9 1938 (29 U.S.C. 203(m)) is amended—

1 (1) by striking “receive tips.” and inserting “re-
2 ceive tips if such employees have elected for the
3 pooling of such tips.”; and

4 (2) by adding at the end the following: “Except
5 in the case of the pooling of tips as described in the
6 previous sentence, all tips received by any employee,
7 including an employee that is not a tipped employee
8 shall be the property of, and retained by, the em-
9 ployee, including in the case of an employer that
10 pays a tipped employee a cash wage that equals or
11 exceeds the minimum wage under section 6(a).”.

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