

Union Calendar No. 366

119TH CONGRESS
1ST SESSION

H. R. 2312

[Report No. 119–420]

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 2025

Mr. WOMACK introduced the following bill; which was referred to the Committee on Education and Workforce

DECEMBER 30, 2025

Additional sponsors: Mr. BAUMGARTNER, Mr. SESSIONS, Mr. WESTERMAN, Mr. GROTHMAN, Ms. LETLOW, and Mr. MESSMER

DECEMBER 30, 2025

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on March 24, 2025]

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)”;*

10 *(2) by striking “engaged in an occupation in*
 11 *which he customarily and regularly receives more*
 12 *than \$30 a month in tips.” and inserting “, without*
 13 *regard to the duties of the employee, who receives tips*
 14 *and other cash wages for a work period described in*
 15 *paragraph (2) at a rate that, when combined with the*
 16 *cash wage required under subsection (m)(2)(A)(i), is*
 17 *not less than the wage in effect under section*
 18 *6(a)(1).”;* and

19 *(3) by adding at the end the following:*

20 *“(2) A work period described in this paragraph is a*
 21 *work period that is determined by the employer of the em-*
 22 *ployee, such as a work period of 1 day, 1 week, every 2*
 23 *weeks, every 28 days, or every pay period.”.*

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