

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2312
OFFERED BY MR. BAUMGARTNER OF
WASHINGTON

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Tipped Employee Pro-
3 tection Act”.

4 SEC. 2. TIPPED EMPLOYEES.

5 Section 3(t) of the Fair Labor Standards Act of 1938
6 (29 U.S.C. 203(t)) is amended—

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

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

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

1 “(2) A work period described in this paragraph
2 is a work period that is determined by the employer
3 of the employee, such as a work period of 1 day, 1
4 week, every 2 weeks, every 28 days, or every pay pe-
5 riod.”.

