

116TH CONGRESS
1ST SESSION

H. R. 3715

To amend the Fair Labor Standards Act of 1938 to prohibit employers from keeping employees' tips to cover the cost of financial transaction fees.

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2019

Ms. GARCIA of Texas 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 prohibit employers from keeping employees' tips to cover the cost of financial transaction fees.

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 “Protecting Employees
5 Tips Act”.

6 **SEC. 2. PROHIBITION ON KEEPING TIPS TO COVER FINAN-**
7 **CIAL TRANSACTION FEES.**

8 Section 3(m)(2)(B) of the Fair Labor Standards Act
9 of 1938 (29 U.S.C. 203(m)(2)(B)) is amended by insert-
10 ing “, or keeping any portion of employees' tips to cover

1 the cost of any fee established, charged, or received by
2 a payment card network for the purpose of compensating
3 an issuer for its involvement in a transaction in which a
4 person uses a debit card or credit card (as the terms ‘debit
5 card’, ‘credit card’, ‘issuer’, and ‘payment card network’
6 are defined in section 921(c) of the Electronic Fund
7 Transfer Act (15 U.S.C. 1693o–2(c)))” after “‘employees’
8 tips”.

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