

118TH CONGRESS
1ST SESSION

H. R. 67

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

JANUARY 9, 2023

Mr. BIGGS 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 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 this sub-
5 paragraph are as follows:

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

8 “(ii) Employees who—

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

13 “(II) do not customarily and regularly re-
14 ceive tips.”.

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