SEC. 1103. APPLICATION.

Nothing in this title or an amendment made by this title affects, or supersedes or modifies the responsibility or authority of any Federal official or employee to comply with or enforce, any requirement under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), other than the hazardous substance notification requirements under section 103 of that Act (42 U.S.C. 9603) with respect to air emissions from animal waste at farms.

TITLE XII—TIPPED EMPLOYEES

SEC. 1201. TIPPED EMPLOYEES.

(a) Prohibition on Keeping Tips.—Section 3(m) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)) is amended—

(1) by redesignating paragraphs (1) and (2) as clauses (i) and (ii), respectively;

(2) by inserting ““(1)” after ““(m)”;

(3) by striking “any employee. In determining” and inserting the following: “any employee.

“(2)(A) In determining”;

(4) in clause (ii) of paragraph (2)(A) (as so redesignated), by striking “paragraph (1)” and inserting “clause (i)”;

(5) by adding at the end the following:
“(B) An employer may not keep tips received by its employees for any purposes, including allowing managers or supervisors to keep any portion of employees’ tips, regardless of whether or not the employer takes a tip credit.”

(b) Penalties.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended—

(1) in subsection (b)—

(A) by inserting after the second sentence the following: “Any employer who violates section 3(m)(2)(B) shall be liable to the employee or employees affected in the amount of the sum of any tip credit taken by the employer and all such tips unlawfully kept by the employer, and in an additional equal amount as liquidated damages.”; and

(B) by striking “either of”;

(2) in subsection (c), by adding at the end the following: “The authority and requirements described in this subsection shall apply with respect to a violation of section 3(m)(2)(B), as appropriate, and the employer shall be liable for the amount of the sum of any tip credit taken by the employer and all such tips unlawfully kept by the employer, and an
additional equal amount as liquidated damages.”;
and
(3) in subsection (e)(2), by adding at the end
the following: “Any person who violates section
3(m)(2)(B) shall be subject to a civil penalty not to
exceed $1,100 for each such violation, as the Sec-
retary determines appropriate, in addition to being
liable to the employee or employees affected for all
tips unlawfully kept, and an additional equal amount
as liquidated damages, as described in subsection
(b).”.

(c) Effect on Regulations.—The portions of the
final rule promulgated by the Department of Labor enti-
tled “Updating Regulations Issued Under the Fair Labor
Standards Act” (76 Fed. Reg. 18832 (April 5, 2011)) that
revised sections 531.52, 531.54, and 531.59 of title 29,
and that are not addressed by section 3(m) of the Fair
Labor Standards Act of 1938 (29 U.S.C. 203(m)) (as
such section was in effect on April 5, 2011), shall have
no further force or effect until any future action taken
by the Administrator of the Wage and Hour Division of
the Department of Labor.