

116TH CONGRESS
1ST SESSION

S. 150

To provide for increases in the Federal minimum wage, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2019

Mr. SANDERS (for himself, Mrs. MURRAY, Mr. SCHUMER, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Ms. DUCKWORTH, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. HARRIS, Ms. HIRONO, Mr. KAINE, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mr. MERKLEY, Mr. MURPHY, Mr. PETERS, Mr. REED, Ms. ROSEN, Mr. SCHATZ, Ms. SMITH, Ms. STABENOW, Mr. VAN HOLLEN, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide for increases in the Federal minimum wage, 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 “Raise the Wage Act”.

1 **SEC. 2. MINIMUM WAGE INCREASES.**

2 (a) IN GENERAL.—Section 6(a)(1) of the Fair Labor
3 Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended
4 to read as follows:

5 “(1) except as otherwise provided in this sec-
6 tion, not less than—

7 “(A) \$8.55 an hour, beginning on the ef-
8 fective date under section 7 of the Raise the
9 Wage Act;

10 “(B) \$9.85 an hour, beginning 1 year after
11 such effective date;

12 “(C) \$11.15 an hour, beginning 2 years
13 after such effective date;

14 “(D) \$12.45 an hour, beginning 3 years
15 after such effective date;

16 “(E) \$13.75 an hour, beginning 4 years
17 after such effective date;

18 “(F) \$15.00 an hour, beginning 5 years
19 after such effective date; and

20 “(G) beginning on the date that is 6 years
21 after such effective date, and annually there-
22 after, the amount determined by the Secretary
23 under subsection (h);”.

24 (b) DETERMINATION BASED ON INCREASE IN THE
25 MEDIAN HOURLY WAGE OF ALL EMPLOYEES.—Section

1 6 of the Fair Labor Standards Act of 1938 (29 U.S.C.
2 206) is amended by adding at the end the following:

3 “(h)(1) Not later than each date that is 90 days be-
4 fore a new minimum wage determined under subsection
5 (a)(1)(G) is to take effect, the Secretary shall determine
6 the minimum wage to be in effect under this subsection
7 for each period described in subsection (a)(1)(G). The
8 wage determined under this subsection for a year shall
9 be—

10 “(A) not less than the amount in effect under
11 subsection (a)(1) on the date of such determination;

12 “(B) increased from such amount by the annual
13 percentage increase, if any, in the median hourly
14 wage of all employees as determined by the Bureau
15 of Labor Statistics; and

16 “(C) rounded up to the nearest multiple of
17 \$0.05.

18 “(2) In calculating the annual percentage increase in
19 the median hourly wage of all employees for purposes of
20 paragraph (1)(B), the Secretary, through the Bureau of
21 Labor Statistics, shall compile data on the hourly wages
22 of all employees to determine such a median hourly wage
23 and compare such median hourly wage for the most recent
24 year for which data are available with the median hourly
25 wage determined for the preceding year.”.

1 **SEC. 3. TIPPED EMPLOYEES.**

2 (a) BASE MINIMUM WAGE FOR TIPPED EMPLOYEES
 3 AND TIPS RETAINED BY EMPLOYEES.—Section
 4 3(m)(2)(A)(i) of the Fair Labor Standards Act of 1938
 5 (29 U.S.C. 203(m)(2)(A)(i)) is amended to read as fol-
 6 lows:

7 “(i) the cash wage paid such employee, which
 8 for purposes of such determination shall be not less
 9 than—

10 “(I) for the 1-year period beginning on the
 11 effective date under section 7 of the Raise the
 12 Wage Act, \$3.60 an hour;

13 “(II) for each succeeding 1-year period
 14 until the hourly wage under this clause equals
 15 the wage in effect under section 6(a)(1) for
 16 such period, an hourly wage equal to the
 17 amount determined under this clause for the
 18 preceding year, increased by the lesser of—

19 “(aa) \$1.50; or

20 “(bb) the amount necessary for the
 21 wage in effect under this clause to equal
 22 the wage in effect under section 6(a)(1) for
 23 such period, rounded up to the nearest
 24 multiple of \$0.05; and

25 “(III) for each succeeding 1-year period
 26 after the increase made pursuant to subclause

1 (II), the minimum wage in effect under section
2 6(a)(1); and”.

3 (b) TIPS RETAINED BY EMPLOYEES.—Section
4 3(m)(2)(A) of the Fair Labor Standards Act of 1938 (29
5 U.S.C. 203(m)(2)(A)) is amended—

6 (1) in the second sentence of the matter fol-
7 lowing clause (ii), by striking “of this subsection,
8 and all tips received by such employee have been re-
9 tained by the employee” and inserting “of this sub-
10 section. Any employee shall have the right to retain
11 any tips received by such employee”; and

12 (2) by adding at the end the following: “An em-
13 ployer shall inform each employee of the right and
14 exception provided under the preceding sentence.”.

15 (c) SCHEDULED REPEAL OF SEPARATE MINIMUM
16 WAGE FOR TIPPED EMPLOYEES.—

17 (1) TIPPED EMPLOYEES.—Section 3(m)(2)(A)
18 of the Fair Labor Standards Act of 1938 (29 U.S.C.
19 203(m)(2)(A)), as amended by subsections (a) and
20 (b), is further amended by striking the sentence be-
21 ginning with “In determining the wage an employer
22 is required to pay a tipped employee,” and all that
23 follows through “of this subsection.” and inserting
24 “The wage required to be paid to a tipped employee
25 shall be the wage set forth in section 6(a)(1).”.

1 (2) PUBLICATION OF NOTICE.—Subsection (i)
 2 of section 6 of the Fair Labor Standards Act of
 3 1938 (29 U.S.C. 206), as amended by section 5, is
 4 further amended by striking “or in accordance with
 5 subclause (II) or (III) of section 3(m)(2)(A)(i)”.

6 (3) EFFECTIVE DATE.—The amendments made
 7 by paragraphs (1) and (2) shall take effect on the
 8 date that is one day after the date on which the
 9 hourly wage under subclause (III) of section
 10 3(m)(2)(A)(i) of the Fair Labor Standards Act of
 11 1938 (29 U.S.C. 203(m)(2)(A)(i)), as amended by
 12 subsection (a), takes effect.

13 **SEC. 4. NEWLY HIRED EMPLOYEES WHO ARE LESS THAN 20**
 14 **YEARS OLD.**

15 (a) BASE MINIMUM WAGE FOR NEWLY HIRED EM-
 16 PLOYEES WHO ARE LESS THAN 20 YEARS OLD.—Section
 17 6(g)(1) of the Fair Labor Standards Act of 1938 (29
 18 U.S.C. 206(g)(1)) is amended by striking “a wage which
 19 is not less than \$4.25 an hour.” and inserting the fol-
 20 lowing: “a wage at a rate that is not less than—

21 “(A) for the 1-year period beginning on the ef-
 22 fective date under section 7 of the Raise the Wage
 23 Act, \$5.50 an hour;

24 “(B) for each succeeding 1-year period until the
 25 hourly wage under this paragraph equals the wage

1 in effect under section 6(a)(1) for such period, an
2 hourly wage equal to the amount determined under
3 this paragraph for the preceding year, increased by
4 the lesser of—

5 “(i) \$1.25; or

6 “(ii) the amount necessary for the wage in
7 effect under this paragraph to equal the wage
8 in effect under section 6(a)(1) for such period,
9 rounded up to the nearest multiple of \$0.05;
10 and

11 “(C) for each succeeding 1-year period after the
12 increase made pursuant to subparagraph (B)(ii), the
13 minimum wage in effect under section 6(a)(1).”.

14 (b) SCHEDULED REPEAL OF SEPARATE MINIMUM
15 WAGE FOR NEWLY HIRED EMPLOYEES WHO ARE LESS
16 THAN 20 YEARS OLD.—

17 (1) IN GENERAL.—Section 6(g)(1) of the Fair
18 Labor Standards Act of 1938 (29 U.S.C.
19 206(g)(1)), as amended by subsection (a), shall be
20 repealed.

21 (2) PUBLICATION OF NOTICE.—Subsection (i)
22 of section 6 of the Fair Labor Standards Act of
23 1938 (29 U.S.C. 206), as amended by section
24 3(c)(2), is further amended by striking “or subpara-
25 graph (B) or (C) of subsection (g)(1),”.

1 1938 (29 U.S.C. 214(c)(1)) is amended to read as
2 follows:

3 “(A) at a rate that equals, or exceeds, for each
4 year, the greater of—

5 “(i)(I) \$4.25 an hour, beginning 1 year
6 after the date the wage rate specified in section
7 6(a)(1)(A) takes effect;

8 “(II) \$6.40 an hour, beginning 2 years
9 after such date;

10 “(III) \$8.55 an hour, beginning 3 years
11 after such date;

12 “(IV) \$10.70 an hour, beginning 4 years
13 after such date;

14 “(V) \$12.85 an hour, beginning 5 years
15 after such date; and

16 “(VI) the wage rate in effect under section
17 6(a)(1), on the date that is 6 years after the
18 date the wage specified in section 6(a)(1)(A)
19 takes effect; or

20 “(ii) if applicable, the wage rate in effect
21 on the day before the date of enactment of the
22 Raise the Wage Act for the employment, under
23 a special certificate issued under this para-
24 graph, of the individual for whom the wage rate
25 is being determined under this subparagraph.”.

1 (2) PROHIBITION ON NEW SPECIAL CERTIFI-
2 CATES; SUNSET.—Section 14(c) of the Fair Labor
3 Standards Act of 1938 (29 U.S.C. 214(c)) (as
4 amended by paragraph (1)) is further amended by
5 adding at the end the following:

6 “(6) PROHIBITION ON NEW SPECIAL CERTIFI-
7 CATES.—Notwithstanding paragraph (1), the Secretary
8 shall not issue a special certificate under this subsection
9 to an employer that was not issued a special certificate
10 under this subsection before the date of enactment of the
11 Raise the Wage Act.

12 “(7) SUNSET.—Beginning on the day after the date
13 on which the wage rate described in paragraph
14 (1)(A)(i)(VI) takes effect, the authority to issue special
15 certificates under paragraph (1) shall expire, and no spe-
16 cial certificates issued under paragraph (1) shall have any
17 legal effect.

18 “(8) TRANSITION ASSISTANCE.—Upon request, the
19 Secretary shall provide—

20 “(A) technical assistance and information to
21 employers issued a special certificate under this sub-
22 section for the purposes of—

23 “(i) transitioning the practices of such em-
24 ployers to comply with this subsection, as
25 amended by the Raise the Wage Act; and

1 “(ii) ensuring continuing employment op-
2 portunities for individuals with disabilities re-
3 ceiving a special minimum wage rate under this
4 subsection; and

5 “(B) information to individuals employed at a
6 special minimum wage rate under this subsection,
7 which may include referrals to Federal or State enti-
8 ties with expertise in competitive integrated employ-
9 ment.”.

10 (3) EFFECTIVE DATE.—The amendments made
11 by this subsection shall take effect on the date of en-
12 actment of this Act.

13 (b) PUBLICATION OF NOTICE.—

14 (1) AMENDMENT.—Subsection (i) of section 6
15 of the Fair Labor Standards Act of 1938 (29 U.S.C.
16 206), as amended by section 4(b)(2), is further
17 amended by striking “or section 14(c)(1)(A),”.

18 (2) EFFECTIVE DATE.—The amendment made
19 by paragraph (1) shall take effect on the day after
20 the date on which the wage rate described in para-
21 graph (1)(A)(i)(VI) of section 14(c) of the Fair
22 Labor Standards Act of 1938 (29 U.S.C. 214(c)), as
23 amended by subsection (a)(1), takes effect.

1 **SEC. 7. GENERAL EFFECTIVE DATE.**

2 Except as otherwise provided in this Act or the
3 amendments made by this Act, this Act and the amend-
4 ments made by this Act shall take effect on the first day
5 of the third month that begins after the date of enactment
6 of this Act.

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