

114TH CONGRESS
1ST SESSION

H. R. 3164

To provide for increases in the Federal minimum wage.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2015

Mr. ELLISON (for himself, Mr. GRIJALVA, Mr. CONYERS, Ms. CLARKE of New York, Ms. JUDY CHU of California, Ms. NORTON, Ms. JACKSON LEE, Mr. VAN HOLLEN, Ms. LEE, Mr. HONDA, Mr. RANGEL, Mr. PALLONE, Ms. ROYBAL-ALLARD, Ms. HAHN, Mr. McDERMOTT, Mr. FARR, Ms. ADAMS, Mr. NADLER, Mr. LOWENTHAL, Ms. SCHAKOWSKY, Ms. VELÁZQUEZ, Mr. MEEKS, Mr. POCAN, Mr. GALLEGGO, Mr. COHEN, Mr. TAKANO, Mrs. WATSON COLEMAN, Ms. EDWARDS, Mr. SERRANO, Mr. LEWIS, Mr. BLUMENAUER, Ms. DELAURO, Mr. CUMMINGS, Mr. BEYER, Mr. TED LIEU of California, Mr. SIRES, and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To provide for increases in the Federal minimum wage.

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 “Pay Workers a Living
5 Wage Act”.

6 **SEC. 2. MINIMUM WAGE INCREASES.**

7 (a) MINIMUM WAGE.—

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

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

6 “(A) \$9.00 an hour, beginning on January
7 1, 2016, or the first day of the third month
8 that begins after the date of enactment of the
9 Pay Workers a Living Wage Act, whichever
10 date is later;

11 “(B) \$10.50 an hour, beginning 1 year
12 after the date the wage specified in subpara-
13 graph (A) takes effect;

14 “(C) \$12.00 an hour, beginning 2 years
15 after such date;

16 “(D) \$13.50 an hour, beginning 3 years
17 after such date;

18 “(E) \$15.00 an hour, beginning 4 years
19 after such date; and

20 “(F) beginning on the date that is 5 years
21 after such date, and annually thereafter, the
22 amount determined by the Secretary pursuant
23 to subsection (h);”.

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

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

4 “(h)(1) Each year, by not later than the date that
5 is 90 days before a new minimum wage determined under
6 subsection (a)(1)(F) is to take effect, the Secretary shall
7 determine the minimum wage to be in effect pursuant to
8 this subsection for each period described in subsection
9 (a)(1)(F). The wage determined pursuant to this sub-
10 section for a year shall be—

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

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

17 “(C) rounded to the nearest multiple of \$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 (b) BASE MINIMUM WAGE FOR TIPPED EMPLOY-
2 EES.—Section 3(m)(1) of the Fair Labor Standards Act
3 of 1938 (29 U.S.C. 203(m)(1)) is amended to read as fol-
4 lows:

5 “(1) the cash wage paid such employee, which
6 for purposes of such determination shall be not less
7 than—

8 “(A) for the 1-year period beginning on
9 January 1, 2016, or the first day of the third
10 month that begins after the date of enactment
11 of the Pay Workers a Living Wage Act, which-
12 ever date is later, \$3.15 an hour;

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

19 “(i) \$1.50; or

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

1 “(C) for each succeeding 1-year period
2 after the year in which the hourly wage under
3 this paragraph first equals the wage in effect
4 under section 6(a)(1) for the same period, the
5 amount necessary to ensure that the wage in ef-
6 fect under this paragraph remains equal to the
7 wage in effect under section 6(a)(1), rounded to
8 the nearest multiple of \$0.05; and”.

9 (c) TIPS RETAINED BY EMPLOYEES.—Section 3(m)
10 of the Fair Labor Standards Act of 1938 (29 U.S.C.
11 203(m)) is amended—

12 (1) in the second sentence of the matter fol-
13 lowing paragraph (2), by striking “of this sub-
14 section, and all tips received by such employee have
15 been retained by the employee” and inserting “of
16 this subsection. Any employee shall have the right to
17 retain any tips received by such employee”; and

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

21 (d) SCHEDULED REPEAL OF SEPARATE MINIMUM
22 WAGE FOR TIPPED EMPLOYEES.—

23 (1) TIPPED EMPLOYEES.—Effective on the date
24 described in paragraph (3), section 3(m) of the Fair
25 Labor Standards Act of 1938 (29 U.S.C. 203(m)),

1 as amended by subsections (b) and (c), is amended
2 by striking the sentence beginning with “In deter-
3 mining the wage an employer is required to pay a
4 tipped employee,” and all that follows through “of
5 this subsection.” and inserting “The wage required
6 to be paid to a tipped employee shall be the wage
7 set forth in section 6(a)(1).”.

8 (2) PUBLICATION OF NOTICE.—Effective on the
9 date described in paragraph (3), section 6(i) of the
10 Fair Labor Standards Act of 1938 (29 U.S.C.
11 206(i)), as added by subsection (e), is amended by
12 striking “or required for tipped employees” and all
13 that follows through “(as applicable)”.

14 (3) EFFECTIVE DATE.—The amendments made
15 by paragraphs (1) and (2) shall take effect on the
16 date that is one day after the date on which the
17 hourly wage under section 3(m)(1)(C) of the Fair
18 Labor Standards Act of 1938 (29 U.S.C.
19 203(m)(1)(C)) takes effect.

20 (e) YOUTH MINIMUM WAGE.—Section (6)(g)(1) of
21 the Fair Labor Standards Act of 1938 (29 U.S.C.
22 206(g)(1)) is amended by striking “a wage which is not
23 less than \$4.25 an hour” and inserting “a wage at a rate
24 that is not less than the rate prescribed by subsection
25 (a)(1), reduced by \$3.00 per hour”.

1 (f) PUBLICATION OF NOTICE.—Section 6 of the Fair
2 Labor Standards Act of 1938 (as amended by subsections
3 (a) and (e)) (29 U.S.C. 206) is further amended by adding
4 at the end the following:

5 “(i)(1) Not later than 60 days prior to the effective
6 date of any adjusted required wage, the Secretary shall
7 publish in the Federal Register and on the website of the
8 Department of Labor a notice announcing the amount of
9 the adjusted required wage.

10 “(2) In this subsection, the term ‘adjusted required
11 wage’ means any increase in the minimum wage that is—

12 “(A) determined under subsection (h);

13 “(B) required for tipped employees in accord-
14 ance with subparagraph (B) or (C) of section
15 3(m)(1) (as applicable); or

16 “(C) required for employees who have not at-
17 tained the age of 20 years in accordance with sub-
18 section (g).”.

19 (g) EFFECTIVE DATE.—The amendments made by
20 subsections (a), (b), and (e) shall take effect on January
21 1, 2016, or the first day of the third month that begins
22 after the date of enactment of this Act, whichever date
23 is later.

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