

116TH CONGRESS  
1ST SESSION

# H. R. 122

To amend the Fair Labor Standards Act to provide for the calculation of the minimum wage based on the Federal poverty threshold for a family of 4, as determined by the Bureau of the Census.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2019

Mr. GREEN of Texas introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To amend the Fair Labor Standards Act to provide for the calculation of the minimum wage based on the Federal poverty threshold for a family of 4, as determined by the Bureau of the Census.

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 “Original Living Wage  
5       Act”.

6       **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

7       (a) FINDINGS.—Congress finds the following:

1           (1) In 2015, there were approximately  
2           43,100,000 Americans living in poverty who were  
3           separated from the opportunities of the Nation by  
4           their income, their housing, and their access to edu-  
5           cation, jobs, and health care.

6           (2) A full-time worker earning the Federal min-  
7           imum wage earns an income below the Federal pov-  
8           erty threshold for a family of 4, consisting of 2  
9           adults and 2 children.

10          (3) The average fair market rent for a 1-bed-  
11          room apartment is more than 65 percent of the  
12          monthly income of a full-time worker earning the  
13          minimum wage. In comparison, the generally accept-  
14          ed definition of affordability is for a household to  
15          pay not more than 30 percent of its income on hous-  
16          ing.

17          (4) Two full-time workers earning the Federal  
18          minimum wage earn an income below the national  
19          housing wage for a 1-bedroom apartment, the  
20          amount a person needs to earn to afford a 1-bed-  
21          room apartment at average rent.

22          (b) SENSE OF CONGRESS.—It is the sense of Con-  
23          gress that—

24                (1) the Federal minimum wage should, as a  
25                minimum, be adjusted every 4 years so that a person

1       working for such a wage may earn an annual income  
2       that is not less than 25.5 percent higher than the  
3       Federal poverty threshold for a family of 4, as deter-  
4       mined by the Bureau of the Census;

5           (2) the minimum wage should be set at a level  
6       high enough to allow 2 full-time minimum wage  
7       workers to earn an income above the national hous-  
8       ing wage; and

9           (3) Congress, any of the several States, the Dis-  
10      trict of Columbia, any territory or possession of the  
11      United States, any Indian tribe, or any local or mu-  
12      nicipal government of a State may establish a higher  
13      minimum wage requirement than that established in  
14      this Act.

15   **SEC. 3. MINIMUM WAGE.**

16      Section 6 of the Fair Labor Standards Act of 1938  
17   (29 U.S.C. 206) is amended—

18           (1) in subsection (a)(1)—

19                   (A) by striking “and” at the end of sub-  
20      paragraph (B);

21                   (B) by inserting “and” at the end of sub-  
22      paragraph (C); and

23                   (C) by inserting at the end the following:

1 “(D) not less than the amount determined  
2 by the Secretary under subsection (b), begin-  
3 ning September 1, 2018;” and

4 (2) by redesignating subsection (b) as sub-  
5 section (c) and inserting after subsection (a) the fol-  
6 lowing:

7 “(b)(1) Subject to paragraph (2), not later than June  
8 1, 2018, and once every 4 years thereafter, the Secretary  
9 shall determine the minimum wage rate applicable under  
10 subsection (a)(1) based on the formula described in para-  
11 graph (3). The Secretary shall publish such wage rate in  
12 the Federal Register not later than October 1 of each year.

13 “(2) If the minimum wage rate determined by the  
14 Secretary under paragraph (1) would result in a lower  
15 minimum wage rate than the minimum wage rate in effect  
16 at the time of such determination, the Secretary shall not  
17 adjust, pursuant to this subsection, the minimum wage  
18 rate so in effect.

19 “(3) The minimum wage rate determined by the Sec-  
20 retary under paragraph (1) shall be the minimum hourly  
21 wage sufficient for a person working for such wage for  
22 40 hours per week, 52 weeks per year, to earn an annual  
23 income in an amount that is 25.5 percent higher than the  
24 Federal poverty threshold for a family of 4, with two chil-  
25 dren under the age of 18, and living in any of the 48 con-

1 tiguous States, as published by the Bureau of the Census  
2 for the year in which the wage rate is being so deter-  
3 mined.”.

