

114TH CONGRESS
1ST SESSION

S. _____

To provide for increases in the Federal minimum wage.

IN THE SENATE OF THE UNITED STATES

Mr. SANDERS (for himself and Mr. MARKEY) introduced the following bill;
which was read twice and referred to the Committee on

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.—

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

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

3 “(A) \$9.00 an hour, beginning on January
4 1, 2016, or the first day of the third month
5 that begins after the date of enactment of the
6 Pay Workers a Living Wage Act, whichever
7 date is later;

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

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

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

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

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

21 (2) DETERMINATION BASED ON INCREASE IN
22 THE MEDIAN HOURLY WAGE OF ALL EMPLOYEES.—
23 Section 6 of the Fair Labor Standards Act of 1938
24 (29 U.S.C. 206) is amended by adding at the end
25 the following:

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

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

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

14 “(C) rounded to the nearest multiple of \$0.05.

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

23 (b) BASE MINIMUM WAGE FOR TIPPED EMPLOY-
24 EES.—Section 3(m)(1) of the Fair Labor Standards Act

1 of 1938 (29 U.S.C. 203(m)(1)) is amended to read as fol-
2 lows:

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

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

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

17 “(i) \$1.50; or

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

23 “(C) for each succeeding 1-year period
24 after the year in which the hourly wage under
25 this paragraph first equals the wage in effect

1 under section 6(a)(1) for the same period, the
2 amount necessary to ensure that the wage in ef-
3 fect under this paragraph remains equal to the
4 wage in effect under section 6(a)(1), rounded to
5 the nearest multiple of \$0.05; and”.

6 (c) TIPS RETAINED BY EMPLOYEES.—Section 3(m)
7 of the Fair Labor Standards Act of 1938 (29 U.S.C.
8 203(m)) is amended—

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

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

18 (d) SCHEDULED REPEAL OF SEPARATE MINIMUM
19 WAGE FOR TIPPED EMPLOYEES.—

20 (1) TIPPED EMPLOYEES.—Effective on the date
21 described in paragraph (3), section 3(m) of the Fair
22 Labor Standards Act of 1938 (29 U.S.C. 203(m)),
23 as amended by subsections (b) and (c), is amended
24 by striking the sentence beginning with “In deter-
25 mining the wage an employer is required to pay a

1 tipped employee,” and all that follows through “of
2 this subsection.” and inserting “The wage required
3 to be paid to a tipped employee shall be the wage
4 set forth in section 6(a)(1).”.

5 (2) PUBLICATION OF NOTICE.—Effective on the
6 date described in paragraph (3), section 6(i)(2) of
7 the Fair Labor Standards Act of 1938 (29 U.S.C.
8 206(i)(2)), as added by subsection (f), is amended—

9 (A) in subparagraph (A), by inserting “or”
10 after the semicolon;

11 (B) by striking subparagraph (B); and

12 (C) by redesignating subparagraph (C) as
13 subparagraph (B).

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 (f) 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.