

119TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. GALLEGO 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, 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 “Give America a Raise
5 Act”.

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

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

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

3 “(A) \$10.00 an hour, beginning on the ef-
4 fective date under section 7 of the Give America
5 a Raise Act;

6 “(B) \$13.00 an hour, beginning 1 year
7 after such effective date;

8 “(C) \$16.50 an hour, beginning 2 years
9 after such effective date;

10 “(D) \$20.00 an hour, beginning 3 years
11 after such effective date; and

12 “(E) beginning on the date that is 4 years
13 after such effective date, and annually there-
14 after, the amount determined by the Secretary
15 under subsection (h) for the year;”.

16 (b) DETERMINATION BASED ON INCREASE IN INFLA-
17 TION AND GROSS DOMESTIC PRODUCT.—Section 6 of the
18 Fair Labor Standards Act of 1938 (29 U.S.C. 206) is
19 amended by adding at the end the following:

20 “(h)(1) Not later than each date that is 90 days be-
21 fore a new minimum wage determined under subsection
22 (a)(1)(E) is to take effect for a year, the Secretary shall
23 determine the amount of the minimum wage under this
24 subsection for the year. The amount of the minimum wage
25 determined under this subsection for a year shall be the

1 amount in effect under subsection (a)(1) on the date of
2 such determination, as increased (subject to paragraph
3 (2)) by the greater of—

4 “(A) the annual percentage increase in the Con-
5 sumer Price Index for all Urban Consumers, as de-
6 termined by the Bureau of Labor Statistics, for the
7 most recent 12-month period for which data is avail-
8 able; or

9 “(B) the annual percentage increase in the
10 Gross Domestic Product, as determined by the Bu-
11 reau of Economic Analysis, for the most recent 12-
12 month period for which data is available.

13 “(2) In the event that, in determining the amount
14 of the minimum wage under this subsection for a year,
15 there is not an annual percentage increase in the Con-
16 sumer Price Index described in paragraph (1)(A) and
17 there is not an annual percentage increase in the Gross
18 Domestic Product described in paragraph (1)(B), the
19 amount determined under this subsection for such year
20 shall be the amount in effect under subsection (a)(1) on
21 the date of such determination.

22 “(3) In the event that the amount of the minimum
23 wage determined under this subsection for a year is not
24 a multiple of \$0.05, such amount shall be rounded up to
25 the nearest multiple of \$0.05.”.

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,
8 which for purposes of such determination shall
9 be not less than—

10 “(I) for the 1-year period beginning
11 on the effective date under section 7 of the
12 Give America a Raise Act, \$6.00 an hour;

13 “(II) \$8.00 an hour, beginning 1 year
14 after such effective date;

15 “(III) \$10.00 an hour, beginning 2
16 years after such effective date;

17 “(IV) \$12.50 an hour, beginning 3
18 years after such effective date;

19 “(V) \$15.00 an hour, beginning 4
20 years after such effective date;

21 “(VI) \$17.50 an hour, beginning 5
22 years after such effective date;

23 “(VII) \$20.00 an hour, beginning 6
24 years after such effective date; and

25 “(VIII) for each succeeding 1-year pe-
26 riod after the increase made pursuant to

1 subclause (VII), the minimum wage in ef-
2 fect under section 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 added by section 5 and
4 amended by section 6(b)(1), is further amended by
5 striking “or in accordance with subclauses (II)
6 through (VIII) of section 3(m)(2)(A)(i),”.

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

14 (d) PENALTIES.—Section 16 of the Fair Labor
15 Standards Act of 1938 (29 U.S.C. 216) is amended by
16 striking “unlawfully kept” each place it appears and in-
17 serting “unlawfully kept or used”.

18 **SEC. 4. NEWLY HIRED EMPLOYEES WHO ARE LESS THAN 20**
19 **YEARS OLD.**

20 (a) BASE MINIMUM WAGE FOR NEWLY HIRED EM-
21 PLOYEES WHO ARE LESS THAN 20 YEARS OLD.—Section
22 6(g)(1) of the Fair Labor Standards Act of 1938 (29
23 U.S.C. 206(g)(1)) is amended by striking “a wage which
24 is not less than \$4.25 an hour.” and inserting the fol-
25 lowing: “a wage at a rate that is not less than—

1 “(A) for the 1-year period beginning on the ef-
2 fective date under section 7 of the Give America a
3 Raise Act, \$6.00 an hour;

4 “(B) for each succeeding 1-year period until the
5 hourly wage under this paragraph equals the wage
6 in effect under section 6(a)(1) for such period, an
7 hourly wage equal to the amount determined under
8 this paragraph for the preceding year, increased by
9 the lesser of—

10 “(i) \$2.00; or

11 “(ii) the amount necessary for the wage in
12 effect under this paragraph to equal the wage
13 in effect under section 6(a)(1) for such period;
14 and

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

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

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

24 (2) PUBLICATION OF NOTICE.—Subsection (i)
25 of section 6 of the Fair Labor Standards Act of

1 1938 (29 U.S.C. 206), as added by section 5 and
2 amended by sections 6(b)(1) and 3(e)(2), is further
3 amended by striking “or subparagraph (B) or (C) of
4 subsection (g)(1)”.

5 (3) EFFECTIVE DATE.—The repeal and amend-
6 ment made by paragraphs (1) and (2), respectively,
7 shall take effect on the date that is 1 day after the
8 date on which the hourly wage under subparagraph
9 (C) of section 6(g)(1) of the Fair Labor Standards
10 Act of 1938 (29 U.S.C. 206(g)(1)), as amended by
11 subsection (a), takes effect.

12 **SEC. 5. PUBLICATION OF NOTICE.**

13 Section 6 of the Fair Labor Standards Act of 1938
14 (29 U.S.C. 206), as amended by section 2(b), is further
15 amended by adding at the end the following:

16 “(i) Not later than 60 days prior to the effective date
17 of any increase in the required wage determined under
18 subsection (a)(1) or subparagraph (B) or (C) of subsection
19 (g)(1), or in accordance with subclauses (II) through
20 (VIII) of section 3(m)(2)(A)(i) or section 14(c)(1)(A)(i),
21 the Secretary shall publish in the Federal Register and
22 on the website of the Department of Labor a notice an-
23 nouncing each increase in such required wage.”.

1 **SEC. 6. PROMOTING ECONOMIC SELF-SUFFICIENCY FOR IN-**
2 **DIVIDUALS WITH DISABILITIES.**

3 (a) WAGES.—

4 (1) TRANSITION TO FAIR WAGES FOR INDIVID-
5 UALS WITH DISABILITIES.—Subparagraph (A) of
6 section 14(c)(1) of the Fair Labor Standards Act of
7 1938 (29 U.S.C. 214(c)(1)) is amended to read as
8 follows:

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

11 “(i)(I) \$5.00 an hour, beginning on the ef-
12 fective date under section 7 of the Give America
13 a Raise Act;

14 “(II) \$8.00 an hour, beginning 1 year
15 after such effective date;

16 “(III) \$11.00 an hour, beginning 2 years
17 after such effective date;

18 “(IV) \$14.00 an hour, beginning 3 years
19 after such effective date;

20 “(V) \$17.00 an hour, beginning 4 years
21 after such effective date;

22 “(VI) \$20.00 an hour, beginning 5 years
23 after such effective date; and

24 “(VII) the wage rate in effect under sec-
25 tion 6(a)(1), beginning 6 years after such effec-
26 tive date; or

1 “(ii) if applicable, the wage rate in effect
2 on the day before the date of enactment of the
3 Give America a Raise Act for the employment,
4 under a special certificate issued under this
5 paragraph, of the individual for whom the wage
6 rate is being determined under this subpara-
7 graph,”.

8 (2) PROHIBITION ON NEW SPECIAL CERTIFI-
9 CATES; TRANSITION ASSISTANCE.—

10 (A) IN GENERAL.—Section 14(c) of the
11 Fair Labor Standards Act of 1938 (29 U.S.C.
12 214(c)) is amended by adding at the end the
13 following:

14 “(6) PROHIBITION ON NEW SPECIAL CERTIFI-
15 CATES.—Notwithstanding paragraph (1), the Secretary
16 shall not issue a special certificate under this subsection
17 to an employer that was not issued a special certificate
18 under this subsection before the date of enactment of the
19 Give America a Raise Act.

20 “(7) TRANSITION ASSISTANCE.—Upon request, the
21 Secretary shall provide—

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

1 “(i) assisting such employers to comply
2 with this subsection, as amended by the Give
3 America a Raise Act; and

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

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

13 (B) EFFECTIVE DATE.—The amendments
14 made by this paragraph shall take effect on the
15 date of enactment of this Act.

16 (3) SUNSET.—Section 14(c) of the Fair Labor
17 Standards Act of 1938 (29 U.S.C. 214(c)), as
18 amended by paragraph (2), is further amended by
19 adding at the end the following:

20 “(8) SUNSET.—Beginning on the day after the date
21 on which the wage rate described in paragraph
22 (1)(A)(i)(VII) takes effect, the authority to issue special
23 certificates under paragraph (1) shall expire, and no spe-
24 cial certificates issued under paragraph (1) shall have any
25 legal effect.”.

1 (b) PUBLICATION OF NOTICE.—

2 (1) AMENDMENT.—Subsection (i) of section 6
3 of the Fair Labor Standards Act of 1938 (29 U.S.C.
4 206), as added by section 5, is amended by striking
5 “or section 14(c)(1)(A)(i)”.

6 (2) EFFECTIVE DATE.—The amendment made
7 by paragraph (1) shall take effect on the day after
8 the date on which the wage rate described in para-
9 graph (1)(A)(i)(VII) of section 14(c) of the Fair
10 Labor Standards Act of 1938 (29 U.S.C. 214(c)), as
11 amended by subsection (a)(1), takes effect.

12 **SEC. 7. GENERAL EFFECTIVE DATE.**

13 Except as otherwise provided in this Act, this Act and
14 the amendments made by this Act shall take effect on the
15 first day of the third month that begins after the date
16 of enactment of this Act.