

119TH CONGRESS
2D SESSION

S. _____

To place the Federal minimum wage on a durable path toward a living wage aligned with the national median wage, to require large, highly profitable corporations to lead the transition, to end all subminimum wages, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MURPHY introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To place the Federal minimum wage on a durable path toward a living wage aligned with the national median wage, to require large, highly profitable corporations to lead the transition, to end all subminimum wages, 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 “Living Wage For All
5 Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

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

1 (1) It is a national priority that work pays a
2 living wage to all workers and that the Federal min-
3 imum wage be aligned with the actual cost of living.
4 The wage increases established by this Act, includ-
5 ing the attainment of a \$25 hourly wage, are steps
6 toward that goal and shall be followed by continued
7 adjustments to ensure that the minimum wage re-
8 mains responsive to changes in wages and economic
9 conditions over time.

10 (2) Based on the best available data, including
11 wage data from the Bureau of Labor Statistics and
12 economic projections from the Congressional Budget
13 Office, a minimum wage of at least \$25 per hour
14 represents a conservative baseline step toward align-
15 ing wages with the cost of living nationwide.

16 (3) Large, highly profitable corporations have
17 the greatest capacity to raise wages and should
18 therefore lead the transition to higher wage stand-
19 ards before smaller employers.

20 (4) A Federal minimum wage aligned with me-
21 dian wages over the long-term ensures that wage
22 standards rise with the economy, prevents future
23 erosion of purchasing power, reduces reliance on
24 public assistance, and promotes broad-based eco-
25 nomic growth.

1 (b) PURPOSE.—The purpose of this Act is to place
2 the Federal minimum wage on a durable path toward a
3 living wage that remains indexed to wage growth there-
4 after, while requiring large corporations to lead the transi-
5 tion and providing additional adjustment time for other
6 employers.

7 **SEC. 3. DEFINITION OF LARGE EMPLOYER.**

8 Section 3 of the Fair Labor Standards Act of 1938
9 (29 U.S.C. 203) is amended by adding at the end the fol-
10 lowing:

11 “(z) ‘Large employer’ means any employer that—

12 “(1) has an annual gross revenue of
13 \$1,000,000,000 or more; or

14 “(2) employs 500 or more employees through-
15 out the United States.”.

16 **SEC. 4. MINIMUM WAGE INCREASES.**

17 Section 6(a)(1) of the Fair Labor Standards Act of
18 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

19 “(1) except as otherwise provided in this sec-
20 tion—

21 “(A) for purposes of such an employer that
22 is a large employer, not less than—

23 “(i) \$12.00 per hour, beginning on
24 the effective date under section 10 of the
25 Living Wage For All Act;

1 “(ii) \$15.00 per hour, beginning 1
2 year after such effective date;

3 “(iii) \$18.00 per hour, beginning 2
4 years after such effective date;

5 “(iv) \$20.00 per hour, beginning 3
6 years after such effective date;

7 “(v) \$22.50 per hour, beginning 4
8 years after such effective date;

9 “(vi) \$25.00 per hour, beginning 5
10 years after such effective date; and

11 “(vii) beginning on the date that is 6
12 years after such effective date, and annu-
13 ally thereafter, the greater of—

14 “(I) amount in effect under this
15 subparagraph for the preceding year;

16 or

17 “(II) the amount described in
18 subsection (h); and

19 “(B) for purposes of an employer that is
20 not a large employer, not less than—

21 “(i) \$12.00 per hour, beginning on
22 the effective date under section 10 of the
23 Living Wage For All Act;

24 “(ii) \$14.00 per hour, beginning 1
25 year after such effective date;

1 “(iii) \$16.00 per hour, beginning 2
2 years after such effective date;

3 “(iv) \$18.00 per hour, beginning 3
4 years after such effective date;

5 “(v) \$20.00 per hour, beginning 4
6 years after such effective date;

7 “(vi) \$20.60 per hour, beginning 5
8 years after such effective date;

9 “(vii) \$21.20 per hour, beginning 6
10 years after such effective date;

11 “(viii) \$21.80 per hour, beginning 7
12 years after such effective date;

13 “(ix) \$22.40 per hour, beginning 8
14 years after such effective date;

15 “(x) \$23.00 per hour, beginning 9
16 years after such effective date;

17 “(xi) \$23.60 per hour, beginning 10
18 years after such effective date;

19 “(xii) \$24.20 per hour, beginning 11
20 years after such effective date;

21 “(xiii) \$25.00 per hour, beginning 12
22 years after such effective date; and

23 “(xiv) beginning on the date that is
24 13 years after such effective date, and an-
25 nually thereafter, the greater of—

1 “(I) amount in effect under this
2 subparagraph for the preceding year;
3 or
4 “(II) the amount described in
5 subsection (h).”.

6 **SEC. 5. NATIONAL MEDIAN HOURLY WAGE.**

7 Section 6 of the Fair Labor Standards Act of 1938
8 (29 U.S.C. 206) is amended by adding at the end the fol-
9 lowing:

10 “(h) DETERMINATION BASED ON THE NATIONAL
11 MEDIAN HOURLY WAGE.—

12 “(1) IN GENERAL.—The amount described in
13 this subsection is the amount published by the Sec-
14 retary under paragraph (2) for purposes of the rel-
15 evant calendar year.

16 “(2) DETERMINATION.—For each calendar year
17 beginning 6 years after the date of enactment of the
18 Living Wage For All Act, the Secretary shall pub-
19 lish, not later than October 1 of the preceding cal-
20 endar year, the amount for purposes of this sub-
21 section that is equal to two-thirds of the median
22 hourly wage for all employees as provided in the
23 most recently published Current Population Survey
24 by the Bureau of Labor Statistics as of the date of
25 publication.”.

1 **SEC. 6. 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 purposes of such an employer that
11 is a large employer—

12 “(aa) \$6.00 an hour, beginning on the
13 effective date under section 10 of the Liv-
14 ing Wage For All Act;

15 “(bb) \$9.00 an hour, beginning 1 year
16 after such effective date;

17 “(cc) \$12.00 an hour, beginning 2
18 years after such effective date;

19 “(dd) \$15.00 an hour, beginning 3
20 years after such effective date;

21 “(ee) \$18.00 an hour, beginning 4
22 years after such effective date; and

23 “(ff) beginning 5 years after such ef-
24 fective date, and annually thereafter, the
25 minimum wage in effect under section
26 6(a)(1)(A); and

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

4 (c) SCHEDULED REPEAL OF SEPARATE MINIMUM
5 WAGE FOR TIPPED EMPLOYEES.—

6 (1) TIPPED EMPLOYEES.—

7 (A) IN GENERAL.—Section 3(m)(2)(A) of
8 the Fair Labor Standards Act of 1938 (29
9 U.S.C. 203(m)(2)(A)), as amended by sub-
10 sections (a) and (b), is further amended by
11 striking the sentence beginning with “In deter-
12 mining the wage an employer is required to pay
13 a tipped employee,” and all that follows
14 through “of this subsection.” and inserting
15 “The wage required to be paid to a tipped em-
16 ployee shall be the wage set forth in section
17 6(a)(1) for the relevant employer.”.

18 (B) EFFECTIVE DATE.—The amendment
19 made by subparagraph (A) shall take effect on
20 the date that is 1 day after the date on which
21 the minimum cash wage rate required under
22 section 3(m)(2)(A)(i)(II)(bb) first equals the
23 minimum wage in effect under section
24 6(a)(1)(B).

1 (2) PUBLICATION OF NOTICE FOR LARGE EM-
2 PLOYERS.—

3 (A) IN GENERAL.—Subsection (i) of sec-
4 tion 6 of the Fair Labor Standards Act of 1938
5 (29 U.S.C. 206), as added by section 8 of the
6 Living Wage For All Act, is amended by strik-
7 ing “subclauses (I) and” and inserting “sub-
8 clause”.

9 (B) EFFECTIVE DATE.—The amendment
10 made by subparagraph (A) shall take effect on
11 the date that is 1 day after the date on which
12 the minimum cash wage rate required under
13 section 3(m)(2)(A)(i)(I)(ff) takes effect.

14 (3) PUBLICATION OF NOTICE FOR OTHER EM-
15 PLOYERS.—

16 (A) IN GENERAL.—Subsection (i) of sec-
17 tion 6 of the Fair Labor Standards Act of 1938
18 (29 U.S.C. 206), as added by section 8 of the
19 Living Wage For All Act and amended by para-
20 graph (2), is further amended by striking “or
21 in accordance with subclause (II) of section
22 3(m)(2)(A)(i)”.

23 (B) EFFECTIVE DATE.—The amendment
24 made by subparagraph (A) shall take effect on
25 the date described in paragraph (1)(B).

1 (d) PENALTIES.—Section 16 of the Fair Labor
2 Standards Act of 1938 (29 U.S.C. 216) is amended—

3 (1) in the third sentence of subsection (b), by
4 inserting “or used” after “kept”;

5 (2) in the seventh sentence of subsection (c), by
6 inserting “or used” after “kept”; and

7 (3) in the second sentence of subsection (e)(2),
8 by inserting “or used” after “kept”.

9 **SEC. 7. YOUTH WORKERS.**

10 (a) BASE MINIMUM WAGE FOR NEWLY HIRED EM-
11 PLOYEES WHO ARE LESS THAN 20 YEARS OLD.—Section
12 6(g)(1) of the Fair Labor Standards Act of 1938 (29
13 U.S.C. 206(g)(1)) is amended by striking “a wage which
14 is not less than \$4.25 an hour.” and inserting the fol-
15 lowing: “a wage at a rate that is not less than—

16 “(A) for the 1-year period beginning on the ef-
17 fective date under section 10 of the Living Wage
18 For All Act, \$6.00 an hour; and

19 “(B) for each succeeding 1-year period begin-
20 ning after the increase made pursuant to subpara-
21 graph (A)—

22 “(i) for purposes of an employer that is a
23 large employer, an hourly wage that is the less-
24 er of—

1 “(I) an hourly wage rate equal to the
2 amount determined under this clause for
3 the preceding year increased by \$1.75; or

4 “(II) the minimum wage rate in effect
5 under section 6(a)(1)(A); and

6 “(ii) for purposes of an employer that is
7 not a large employer, an hourly wage that is the
8 lesser of—

9 “(I) an hourly wage rate equal to the
10 amount determined under this clause for
11 the preceding year increased by \$1.75; or

12 “(II) the minimum wage rate in effect
13 under section 6(a)(1)(B).”.

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) of the Fair
18 Labor Standards Act of 1938 (29 U.S.C. 206(g)), as
19 amended by subsection (a), shall be repealed.

20 (2) PUBLICATION OF NOTICE.—Subsection (i)
21 of section 6 of the Fair Labor Standards Act of
22 1938 (29 U.S.C. 206), as added by section 8 of the
23 Living Wage For All Act, is amended by striking “or
24 subsection (g)(1)”.

1 (3) **EFFECTIVE DATE.**—The repeal and amend-
2 ment made by paragraphs (1) and (2), respectively,
3 shall take effect on the date that is 1 day after the
4 first date on which—

5 (A) the hourly wage under section
6 6(g)(1)(B)(i) equals the minimum wage in ef-
7 fect under section 6(a)(1)(A); and

8 (B) the hourly wage under section
9 6(g)(1)(B)(ii) equals the minimum wage in ef-
10 fect under section 6(a)(1)(B).

11 **SEC. 8. PUBLICATION OF NOTICE.**

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

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

23 **SEC. 9. EMPLOYEES WITH DISABILITIES.**

24 (a) **WAGES.**—

1 (1) TRANSITION TO LIVING WAGES FOR INDI-
2 VIDUALS WITH DISABILITIES.—Subparagraph (A) of
3 section 14(c)(1) of the Fair Labor Standards Act of
4 1938 (29 U.S.C. 214(c)(1)) is amended to read as
5 follows:

6 “(A) at a rate that is not less than—

7 “(i) \$5.00 an hour, for the 1-year period
8 beginning on the effective date under section 10
9 of the Living Wage For All Act;

10 “(ii) for each succeeding 1-year period be-
11 ginning after the increase made pursuant to
12 clause (i)—

13 “(I) for purposes of an employer that
14 is a large employer, an hourly wage that is
15 the lesser of—

16 “(aa) an hourly wage rate equal
17 to the amount determined under this
18 subclause for the preceding year in-
19 creased by \$1.75; or

20 “(bb) the minimum wage rate in
21 effect under section 6(a)(1)(A); and

22 “(II) for purposes of an employer that
23 is not a large employer, an hourly wage
24 that is the lesser of—

1 “(aa) an hourly wage rate equal
2 to the amount determined under this
3 subclause for the preceding year in-
4 creased by \$1.75; or

5 “(bb) the minimum wage rate in
6 effect under section 6(a)(1)(B); and

7 “(iii) if applicable, the wage rate in effect
8 on the day before the date of enactment of the
9 Living Wage For All Act for the employment,
10 under a special certificate issued under this
11 paragraph, of the individual for whom the wage
12 rate is being determined under this subpara-
13 graph.”.

14 (2) PROHIBITION ON NEW SPECIAL CERTIFI-
15 CATES; TRANSITION ASSISTANCE.—

16 (A) IN GENERAL.—Section 14(c) of the
17 Fair Labor Standards Act of 1938 (29 U.S.C.
18 214(c)) is amended by adding at the end the
19 following:

20 “(6) PROHIBITION ON NEW SPECIAL CERTIFI-
21 CATES.—Notwithstanding paragraph (1), the Secretary
22 shall not issue a special certificate under this subsection
23 to an employer that was not issued a special certificate
24 under this subsection before the date of enactment of the
25 Living Wage For All Act.

1 “(7) TRANSITION ASSISTANCE.—Upon request, the
2 Secretary shall provide—

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

6 “(i) assisting such employers to comply
7 with this subsection, as amended by the Living
8 Wage For All Act; and

9 “(ii) ensuring continuing employment op-
10 portunities for individuals with disabilities re-
11 ceiving a special minimum wage rate under this
12 subsection; and

13 “(B) information to individuals employed at a
14 special minimum wage rate under this subsection,
15 which may include referrals to Federal or State enti-
16 ties with expertise in competitive integrated employ-
17 ment.”.

18 (B) EFFECTIVE DATE.—The amendments
19 made by this paragraph shall take effect on the
20 date of enactment of this Act.

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

1 “(8) SUNSET.—The authority to issue special certifi-
2 cates under paragraph (1) shall expire, and no special cer-
3 tificates issued under such paragraph shall have any legal
4 effect, beginning on the date that is 1 day after the first
5 date on which—

6 “(A) the wage rate described in paragraph
7 (1)(A)(ii)(I) equals the minimum wage in effect
8 under section 6(a)(1)(A); and

9 “(B) the wage rate described in paragraph
10 (1)(A)(ii)(II) equals the minimum wage in effect
11 under section 6(a)(1)(B).”.

12 (b) PUBLICATION OF NOTICE.—

13 (1) AMENDMENT.—Subsection (i) of section 6
14 of the Fair Labor Standards Act of 1938 (29 U.S.C.
15 206), as added by section 8 of the Living Wage For
16 All Act, is amended by striking “or section
17 14(c)(1)(A)”.

18 (2) EFFECTIVE DATE.—The amendment made
19 by paragraph (1) shall take effect on the day after
20 the first date on which—

21 (A) the wage rate described in section
22 14(c)(1)(A)(ii)(I) equals the minimum wage in
23 effect under section 6(a)(1)(A); and

1 (B) the wage rate described in section
2 14(c)(1)(A)(ii)(II) equals the minimum wage in
3 effect under section 6(a)(1)(B).

4 **SEC. 10. EFFECTIVE DATE.**

5 Except as otherwise provided, this Act and the
6 amendments made by this Act shall take effect on the first
7 day of the calendar year that begins after the date of en-
8 actment of this Act.