

116TH CONGRESS
1ST SESSION

H. R. 3728

To amend the Fair Labor Standards Act of 1938 to provide for the adjustment of the minimum wage rate and to provide a regional minimum wage option, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2019

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

A BILL

To amend the Fair Labor Standards Act of 1938 to provide for the adjustment of the minimum wage rate and to provide a regional minimum wage option, 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 “Fight for a Modern
5 Minimum Wage Act”.

1 **SEC. 2. AMENDMENTS TO THE FAIR LABOR STANDARDS**

2 **ACT OF 1938.**

3 (a) MINIMUM WAGE RATE.—Section 6(a)(1) of the
4 Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1))
5 is amended to read as follows:

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

8 “(A) \$8.50 an hour, beginning on January
9 1, 2020; and

10 “(B) beginning on the date that is 5 years
11 after the date under subparagraph (A), and
12 quinquennially thereafter, the amount deter-
13 mined by the Secretary under subsection (h);”.

14 (b) WAGE RATE ADJUSTMENT AND REGIONAL MIN-
15 IMUM WAGE.—Section 6 of the Fair Labor Standards Act
16 of 1938 (29 U.S.C. 206) is amended by adding at the end
17 the following:

18 “(h)(1) Not later than 1 year before a new minimum
19 wage rate determined under subsection (a)(1)(B) is to
20 take effect, the Secretary shall determine the minimum
21 wage rate to be in effect pursuant to this subsection for
22 the subsequent 5-year period. The minimum wage rate de-
23 termined pursuant to this subsection for a year shall be—

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

1 “(B) increased from such amount by the annual
2 percentage increase in the Consumer Price Index
3 Research Series Using Current Methods, or its suc-
4 cessor publication, as determined by the Bureau of
5 Labor Statistics; and

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

7 “(2) In calculating the annual percentage increase in
8 the Consumer Price Index Research Series Using Current
9 Methods for the purposes of paragraph (1)(B), the Sec-
10 retary shall compare such Consumer Price Index Research
11 Series Using Current Methods for the most recent month,
12 quarter, or year available (as selected by the Secretary
13 prior to the first year for which a minimum wage is in
14 effect pursuant to this subsection) with the Consumer
15 Price Index Research Series Using Current Methods for
16 the same month in the last year in which the minimum
17 wage rate under subsection (a)(1) was updated, the same
18 quarter in such year, or such year, respectively.

19 “(i)(1) Notwithstanding subsection (a)(1), the wage
20 rate in effect under subsection (a) for a State or locality
21 shall be the regional minimum wage rate set by the Sec-
22 retary for such State or locality under paragraph (2) with
23 respect to such State or locality if—

1 “(A) such State or locality opts for such re-
2 gional minimum wage rate and notifies the Sec-
3 retary; and

4 “(B) such regional minimum wage rate is not
5 less than the wage rate in effect under subsection
6 (a)(1).

7 “(2)(A) Not later than 1 year before a new minimum
8 wage rate determined under subsection (a)(1)(B) is to
9 take effect, the Secretary shall determine the regional
10 minimum wage rate for each State and locality under this
11 subsection.

12 “(B) With respect to a State, the regional minimum
13 wage rate shall be equal to—

14 “(i) the amount to take effect under subsection
15 (a)(1)(B);

16 “(ii) adjusted by the percentage difference be-
17 tween the most recent regional price parity with re-
18 spect to such State and the national price level, pub-
19 lished by the Bureau of Economic Analysis of the
20 Department of Commerce; and

21 “(iii) rounded to the nearest multiple of \$0.05.

22 “(C) With respect to a locality, the regional minimum
23 wage rate shall be equal to—

24 “(i) the amount to take effect under (a)(1)(B);

1 “(ii) adjusted by the percentage difference be-
2 tween the most recent regional price parity with re-
3 spect to the metropolitan statistical area in which
4 such locality is located, or if the locality is not lo-
5 cated within a metropolitan statistical area, with re-
6 spect to the State in which the locality is located,
7 and the national price level, published by the Bureau
8 of Economic Analysis of the Department of Com-
9 merce; and

10 “(iii) rounded to the nearest multiple of \$0.05.

11 “(3) A locality may not opt for the regional minimum
12 wage under paragraph (1)—

13 “(A) if such locality is located in a State with
14 a law that prohibits any locality within such State
15 from adopting a minimum wage rate that is higher
16 than a specified rate; and

17 “(B) such specified rate is less than the re-
18 gional minimum wage rate for such locality deter-
19 mined by the Secretary under paragraph (2).”.

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