

AMENDMENT TO H.R. 2312, AS REPORTED
OFFERED BY MS. HOYLE OF OREGON

Strike all after the enacting clause and insert the
following:

1 SEC. 1. SHORT TITLE.

2 This Act may be cited as the “Wage Fairness Act
3 of 2026”.

4 SEC. 2. MINIMUM WAGE INCREASES.

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

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

10 “(A) \$9.50 an hour, beginning on the ef-
11 fective date under section 4 of the Wage Fair-
12 ness Act of 2026;

13 “(B) \$11.00 an hour, beginning 1 year
14 after such effective date;

15 “(C) \$12.50 an hour, beginning 2 years
16 after such effective date;

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

1 “(E) \$15.50 an hour, beginning 4 years
2 after such effective date;

3 “(F) \$17.00 an hour, beginning 5 years
4 after such effective date; and

5 “(G) beginning on the date that is 6 years
6 after such effective date, and annually there-
7 after, the amount determined by the Secretary
8 under subsection (h);”.

9 (b) DETERMINATION BASED ON INCREASE IN THE
10 MEDIAN HOURLY WAGE OF ALL EMPLOYEES.—Section
11 6 of the Fair Labor Standards Act of 1938 (29 U.S.C.
12 206) is amended by adding at the end the following:

13 “(h)(1) Not later than each date that is 90 days be-
14 fore a new minimum wage determined under subsection
15 (a)(1)(G) is to take effect, the Secretary shall determine
16 the minimum wage to be in effect under this subsection
17 for each period described in subsection (a)(1)(G). The
18 wage determined under this subsection for a year shall
19 be—

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

22 “(B) increased from such amount by the annual
23 percentage increase, if any, in the median hourly
24 wage of all employees as determined by the Bureau
25 of Labor Statistics; and

1 “(C) rounded up to the nearest multiple of
2 \$0.05, if the amount after applying subparagraphs
3 (A) and (B) is not a multiple of \$0.05.

4 “(2) In calculating the annual percentage increase in
5 the median hourly wage of all employees for purposes of
6 paragraph (1)(B), the Secretary, through the Bureau of
7 Labor Statistics, shall compile data on the hourly wages
8 of all employees to determine such a median hourly wage
9 and compare such median hourly wage for the most recent
10 year for which data are available with the median hourly
11 wage determined for the preceding year.”.

12 **SEC. 3. TIPPED EMPLOYEES.**

13 (a) BASE MINIMUM WAGE FOR TIPPED EMPLOYEES
14 AND TIPS RETAINED BY EMPLOYEES.—Section
15 3(m)(2)(A)(i) of the Fair Labor Standards Act of 1938
16 (29 U.S.C. 203(m)(2)(A)(i)) is amended to read as fol-
17 lows:

18 “(i) the cash wage paid such employee, which
19 for purposes of such determination shall be not less
20 than—

21 “(I) for the 1-year period beginning on the
22 effective date under section 4 of the Wage Fair-
23 ness Act of 2026, \$6.00 an hour;

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

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

3 “(IV) \$12.00 an hour, beginning 3 years
4 after such effective date;

5 “(V) \$13.50 an hour, beginning 4 years
6 after such effective date;

7 “(VI) \$15.00 an hour, beginning 5 years
8 after such effective date;

9 “(VII) \$17.00 an hour, beginning 6 years
10 after such effective date; and

11 “(VIII) for each succeeding 1-year period
12 after the increase made pursuant to subclause
13 (VII), the minimum wage in effect under sec-
14 tion 6(a)(1); and”.

15 (b) TIPS RETAINED BY EMPLOYEES.—Section
16 3(m)(2)(A) of the Fair Labor Standards Act of 1938 (29
17 U.S.C. 203(m)(2)(A)) is amended—

18 (1) in the second sentence of the matter fol-
19 lowing clause (ii), by striking “of this subsection,
20 and all tips received by such employee have been re-
21 tained by the employee” and inserting “of this sub-
22 section. Any employee shall have the right to retain
23 any tips received by such employee”; 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.—Section 3(m)(2)(A)
7 of the Fair Labor Standards Act of 1938 (29 U.S.C.
8 203(m)(2)(A)), as amended by subsections (a) and
9 (b), is further amended by striking the sentence be-
10 ginning with “In determining the wage an employer
11 is required to pay a tipped employee,” and all that
12 follows through “of this subsection.” and inserting
13 “The wage required to be paid to a tipped employee
14 shall be the wage set forth in section 6(a)(1).”.

15 (2) PUBLICATION OF NOTICE.—Subsection (i)
16 of section 6 of the Fair Labor Standards Act of
17 1938 (29 U.S.C. 206), as added by section 5 and
18 amended by section 6(b)(1), is further amended by
19 striking “or in accordance with subclause (II) or
20 (III) of section 3(m)(2)(A)(i),”.

21 (3) EFFECTIVE DATE.—The amendments made
22 by paragraphs (1) and (2) shall take effect on the
23 date that is 1 day after the date on which the hourly
24 wage under subclause (VIII) of section 3(m)(2)(A)(i)
25 of the Fair Labor Standards Act of 1938 (29 U.S.C.

1 203(m)(2)(A)(i)), as amended by subsection (a),
2 takes effect.

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

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

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

9 **SEC. 4. GENERAL EFFECTIVE DATE.**

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

