

AMENDMENT TO H.R. 2312, AS REPORTED
OFFERED BY MR. OLSZEWSKI OF MARYLAND

Strike all after the enacting clause and insert the
following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Raise the Wage 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 Raise the
12 Wage 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) \$15.00 an hour, beginning 4 years
2 after such effective date; and

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

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

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

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

20 “(B) increased from such amount by the annual
21 percentage increase, if any, in the median hourly
22 wage of all employees as determined by the Bureau
23 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.—

15 (1) IN GENERAL.—Section 3(m)(2)(A)(i) of the
16 Fair Labor Standards Act of 1938 (29 U.S.C.
17 203(m)(2)(A)(i)) is amended to read as follows:

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 Raise the
23 Wage 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; and

3 “(IV) beginning on the date that is 3 years
4 after such effective date, and annually there-
5 after, the amount determined by the Secretary
6 under subparagraph (C);”.

7 (2) INFLATION ADJUSTMENT.—Section 3(m)(2)
8 of the Fair Labor Standards Act of 1938 (29 U.S.C.
9 203(m)(2)) is amended by adding at the end the fol-
10 lowing:

11 “(C)(i) Not later than each date that is 90
12 days before a new minimum wage determined
13 under subparagraph (A)(i)(IV) is to take effect,
14 the Secretary shall determine the minimum
15 wage to be in effect under this paragraph for
16 each period described in subparagraph
17 (A)(i)(IV). The wage determined under this
18 subsection for a year shall be—

19 “(I) not less than the amount in ef-
20 fect under subparagraph (A) on the date of
21 such determination;

22 “(II) increased from such amount by
23 the annual percentage increase, if any, in
24 the median hourly wage of all employees as

1 determined by the Bureau of Labor Statis-
2 tics; and

3 “(III) rounded up to the nearest mul-
4 tiple of \$0.05, if the amount after applying
5 subclauses (I) and (II) is not a multiple of
6 \$0.05.

7 “(ii) In calculating the annual percentage
8 increase in the median hourly wage of all em-
9 ployees for purposes of this subparagraph, the
10 Secretary, through the Bureau of Labor Statis-
11 tics, shall compile data on the hourly wages of
12 all employees to determine such a median hour-
13 ly wage and compare such median hourly wage
14 for the most recent year for which data are
15 available with the median hourly wage deter-
16 mined for the preceding year.”.

17 (b) TIPS RETAINED BY EMPLOYEES.—Section
18 3(m)(2)(A) of the Fair Labor Standards Act of 1938 (29
19 U.S.C. 203(m)(2)(A)) is amended—

20 (1) in the second sentence of the matter fol-
21 lowing clause (ii), by striking “of this subsection,
22 and all tips received by such employee have been re-
23 tained by the employee” and inserting “of this sub-
24 section. Any employee shall have the right to retain
25 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 the enactment of this Act.

