

**Calendar No. 80**

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**S. 846**

To provide fair wages for America's workers.

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IN THE SENATE OF THE UNITED STATES

APRIL 19, 2005

Mr. DURBIN introduced the following bill; which was read the first time

APRIL 20, 2005

Read the second time and placed on the calendar

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**A BILL**

To provide fair wages for America's workers.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **TITLE I—OVERTIME RIGHTS**

4 **PROTECTION**

5 **SEC. 101. CLARIFICATION OF REGULATIONS RELATING TO**

6 **OVERTIME COMPENSATION.**

7 Section 13 of the Fair Labor Standards Act of 1938  
8 (29 U.S.C. 213) is amended by adding at the end the fol-

9 lowing:

1       “(k)(1) Notwithstanding the provisions of subchapter  
2 II of chapter 5 and chapter 7 of title 5, United States  
3 Code (commonly referred to as the Administrative Proce-  
4 dures Act) or any other provision of law, any portion of  
5 the final rule promulgated on April 23, 2004, revising part  
6 541 of title 29, Code of Federal Regulations, that exempts  
7 from the overtime pay provision of section 7 of this Act  
8 any employee who would not otherwise be exempt if the  
9 regulations in effect on March 31, 2003, remained in ef-  
10 fect, shall have no force or effect and that portion of such  
11 regulations (as in effect on March 31, 2003) that would  
12 prevent such employee from being exempt shall be rein-  
13 stated.

14       “(2) The Secretary shall adjust the minimum salary  
15 level for exemption under section 13(a)(1) in the following  
16 manner:

17               “(A) Not later than 60 days after the date of  
18 enactment of this subsection, the Secretary shall in-  
19 crease the minimum salary level for exemption under  
20 subsection (a)(1) for executive, administrative, and  
21 managerial occupations from the level of \$155 per  
22 week in 1975 to \$591 per week (an amount equal  
23 to the increase in the Employment Cost Index (pub-  
24 lished by the Bureau of Labor Statistics) for execu-

1       tive, administrative, and managerial occupations be-  
2       tween 1975 and 2005).

3               “(B) Not later than December 31 of the cal-  
4       endar year following the increase required in sub-  
5       paragraph (A), and each December 31 thereafter,  
6       the Secretary shall increase the minimum salary  
7       level for exemption under subsection (a)(1) by an  
8       amount equal to the increase in the Employment  
9       Cost Index for executive, administrative, and mana-  
10      gerial occupations for the year involved.”.

## 11   **TITLE II—FAIR MINIMUM WAGE**

### 12   **SEC. 111. MINIMUM WAGE.**

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

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

18                       “(A) \$5.85 an hour, beginning on the 60th  
19                       day after the date of enactment of this para-  
20                       graph;

21                       “(B) \$6.55 an hour, beginning 12 months  
22                       after that 60th day; and

23                       “(C) \$7.25 an hour, beginning 24 months  
24                       after that 60th day;”.

1 (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) shall take effect 60 days after the date of  
3 enactment of this Act.

4 **TITLE III—SENSE OF THE SEN-**  
5 **ATE REGARDING MULTIEM-**  
6 **PLOYER PENSION PLANS**

7 **SEC. 121. SENSE OF THE SENATE REGARDING MULTIEM-**  
8 **PLOYER PENSION PLANS.**

9 (a) FINDINGS.—The Senate makes the following  
10 findings:

11 (1) Multiemployer pension plans have been a  
12 major force in the delivery of employee benefits to  
13 active and retired American workers and their de-  
14 pendents for over half a century.

15 (2) There are approximately 1,700 multiem-  
16 ployer defined benefit pension plans in which ap-  
17 proximately 9,700,000 workers and retirees partici-  
18 pate.

19 (3) Three-quarters of the approximately 60,000  
20 to 65,000 employers that participate in multiem-  
21 ployer plans have fewer than 100 employees.

22 (4) Multiemployer plans allow for greater access  
23 and affordability for smaller employers and pension  
24 portability for their employees as they move from  
25 one job to another, and permit workers to earn a

1 pension where they might otherwise not be able to  
2 do so.

3 (5) The 2000–2002 drop in the stock market  
4 and decline in equity values has affected all inves-  
5 tors, including multiemployer plans.

6 (6) The decline in value sustained by multiem-  
7 ployer defined benefit pension plans have threatened  
8 the stability of this private sector source of secure  
9 retirement income.

10 (7) Participating employers could face onerous  
11 excise taxes and other penalties as a result of the se-  
12 rious, adverse financial impact due to these market  
13 losses.

14 (8) In 2004, the United States Senate recog-  
15 nized the severity of this situation and passed by an  
16 overwhelmingly, large bipartisan margin of 86 to 9  
17 temporary relief provisions for single and multiem-  
18 ployer defined benefit pension plans.

19 (b) SENSE OF THE SENATE.—It is the sense of the  
20 Senate that the Senate—

21 (1) expresses its strong support for multiem-  
22 ployer defined benefit pension plans;

23 (2) recognizes the importance of an environ-  
24 ment in which multiemployer plans can continue

1 their vital role in providing benefits to working men  
2 and women;

3 (3) recognizes that multiemployer pension plan  
4 relief must be designed for the multiemployer labor-  
5 relations environment that supports the plans; and

6 (4) supports legislation to strengthen and pro-  
7 tect the viability of multiemployer pension plans for  
8 the continued benefit of current and retired mem-  
9 bers, and their families and survivors, and to  
10 strengthen the ability of all plans to address funding  
11 problems that occur.



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