

112TH CONGRESS
2D SESSION

S. 3453

To provide for an increase in the Federal minimum wage.

IN THE SENATE OF THE UNITED STATES

JULY 26, 2012

Mr. HARKIN (for himself, Ms. MIKULSKI, Mrs. MURRAY, Mr. SANDERS, Mr. MERKLEY, Mr. FRANKEN, Mr. BLUMENTHAL, Mr. LEAHY, Mr. AKAKA, Mrs. BOXER, Mr. WYDEN, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. BROWN of Ohio, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide for an increase in the Federal minimum wage.

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 “Fair Minimum Wage
5 Act of 2012”.

6 **SEC. 2. MINIMUM WAGE INCREASES.**

7 (a) MINIMUM WAGE.—

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

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

3 “(A) \$8.10 an hour, beginning on the first
4 day of the third month that begins after the
5 date of enactment of the Fair Minimum Wage
6 Act of 2012 Act;

7 “(B) \$8.95 an hour, beginning 1 year after
8 that first day;

9 “(C) \$9.80 an hour, beginning 2 years
10 after that first day; and

11 “(D) beginning on the date that is 3 years
12 after that first day, and annually thereafter, the
13 amount determined by the Secretary pursuant
14 to subsection (h);”.

15 (2) DETERMINATION BASED ON INCREASE IN
16 THE CONSUMER PRICE INDEX.—Section 6 of the
17 Fair Labor Standards Act of 1938 (29 U.S.C. 206)
18 is amended by adding at the end the following:

19 “(h)(1) Each year, by not later than the date that
20 is 90 days before a new minimum wage determined under
21 subsection (a)(1)(D) is to take effect, the Secretary shall
22 determine the minimum wage to be in effect pursuant to
23 this subsection for the subsequent 1-year period. The wage
24 determined pursuant to this subsection for a year shall
25 be—

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

3 “(B) increased from such amount by the annual
4 percentage increase in the Consumer Price Index for
5 Urban Wage Earners and Clerical Workers (United
6 States city average, all items, not seasonally ad-
7 justed), or its successor publication, as determined
8 by the Bureau of Labor Statistics; and

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

10 “(2) In calculating the annual percentage increase in
11 the Consumer Price Index for purposes of paragraph
12 (1)(B), the Secretary shall compare such Consumer Price
13 Index for the most recent month, quarter, or year avail-
14 able (as selected by the Secretary prior to the first year
15 for which a minimum wage is in effect pursuant to this
16 subsection) with the Consumer Price Index for the same
17 month in the preceding year, the same quarter in the pre-
18 ceding year, or the preceding year, respectively.”.

19 (b) BASE MINIMUM WAGE FOR TIPPED EMPLOY-
20 EES.—Section 3(m)(1) of the Fair Labor Standards Act
21 of 1938 (29 U.S.C. 203(m)(1)) is amended to read as fol-
22 lows:

23 “(1) the cash wage paid such employee, which
24 for purposes of such determination shall be not less
25 than—

1 “(A) for the 1-year period beginning on
2 the first day of the third month that begins
3 after the date of enactment of the Fair Min-
4 imum Wage Act of 2012, \$3.00 an hour;

5 “(B) for each succeeding 1-year period
6 until the hourly wage under this paragraph
7 equals 70 percent of the wage in effect under
8 section 6(a)(1) for such period, an hourly wage
9 equal to the amount determined under this
10 paragraph for the preceding year, increased by
11 the lesser of—

12 “(i) \$0.85; or

13 “(ii) the amount necessary for the
14 wage in effect under this paragraph to
15 equal 70 percent of the wage in effect
16 under section 6(a)(1) for such period,
17 rounded to the nearest multiple of \$0.05;
18 and

19 “(C) for each succeeding 1-year period
20 after the year in which the hourly wage under
21 this paragraph first equals 70 percent of the
22 wage in effect under section 6(a)(1) for the
23 same period, the amount necessary to ensure
24 that the wage in effect under this paragraph re-
25 mains equal to 70 percent of the wage in effect

1 under section 6(a)(1), rounded to the nearest
2 multiple of \$0.05; and”.

3 (c) PUBLICATION OF NOTICE.—Section 6 of the Fair
4 Labor Standards Act of 1938 (as amended by subsection
5 (a)) (29 U.S.C. 206) is further amended by adding at the
6 end the following:

7 “(i) Not later than 60 days prior to the effective date
8 of any increase in the minimum wage determined under
9 subsection (h) or required for tipped employees in accord-
10 ance with subparagraph (B) or (C) of section 3(m)(1), as
11 amended by the Fair Minimum Wage Act of 2012, the
12 Secretary shall publish in the Federal Register and on the
13 website of the Department of Labor a notice announcing
14 the adjusted required wage.”.

15 (d) EFFECTIVE DATE.—The amendments made by
16 subsections (a) and (b) shall take effect on the first day
17 of the third month that begins after the date of enactment
18 of this Act.

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