

111TH CONGRESS
1ST SESSION

H. R. 3041

To amend the Fair Labor Standards Act to provide for the calculation of the minimum wage based on the Federal poverty threshold for a family of 2, as determined by the Census Bureau.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2009

Mr. AL GREEN of Texas (for himself, Ms. LEE of California, Mr. HONDA, and Ms. VELÁZQUEZ) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Fair Labor Standards Act to provide for the calculation of the minimum wage based on the Federal poverty threshold for a family of 2, as determined by the Census Bureau.

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 “Living American Wage
5 (LAW) Act of 2009”.

6 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) In 2007, there were over 37,000,000 Ameri-
2 cans living in poverty who were separated from the
3 opportunities of the Nation by their income, their
4 housing, and their access to education, jobs, and
5 health care.

6 (2) A full-time worker earning the Federal min-
7 imum wage earns an income below the Federal pov-
8 erty threshold for a family of 2, consisting of 1 adult
9 and 1 child.

10 (3) The average fair market rent for a 1-bed-
11 room apartment is more than 60 percent of the
12 monthly income of a full-time worker earning the
13 minimum wage. In comparison, the generally accept-
14 ed definition of affordability is for a household to
15 pay not more than 30 percent of its income on hous-
16 ing.

17 (4) Two full-time workers earning the Federal
18 minimum wage earn an income below the national
19 housing wage for a 1-bedroom apartment, the
20 amount a person needs to earn to afford a 1-bed-
21 room apartment at average rent.

22 (b) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that—

24 (1) the Federal minimum wage should, as a
25 minimum, be adjusted every 4 years so that a person

1 working for such a wage may earn an annual income
2 that is not less than 15 percent higher than the
3 Federal poverty threshold for a family of 2, as deter-
4 mined by the Census Bureau;

5 (2) the minimum wage should be set at a level
6 high enough to allow 2 full-time minimum wage
7 workers to earn an income above the national hous-
8 ing wage; and

9 (3) Congress, any of the several States, the Dis-
10 trict of Columbia, any Territory or possession of the
11 United States, any Indian tribe, or any local or mu-
12 nicipal government of a State may establish a higher
13 minimum wage requirement than that established in
14 this Act.

15 **SEC. 3. MINIMUM WAGE.**

16 Section 6 of the Fair Labor Standards Act of 1938
17 is amended—

18 (1) in subsection (a)(1)—

19 (A) by striking “and” at the end of sub-
20 paragraph (B);

21 (B) by inserting “and” at the end of sub-
22 paragraph (C); and

23 (C) by inserting at the end the following:

1 “(D) not less than the amount determined
2 by the Secretary under subsection (b) beginning
3 September 1, 2011;” and

4 (2) by redesignating subsection (b) as sub-
5 section (c) and inserting after subsection (a) the fol-
6 lowing:

7 “(b)(1) Not later than June 1, 2010, and once every
8 4 years thereafter, the Secretary shall determine the min-
9 imum wage rate applicable under subsection (a)(1) based
10 on the formula described in paragraph (2). The Secretary
11 shall publish such wage rate in the Federal Register not
12 later than October 1 of each year. If such determination
13 results in a lower minimum wage than that then in effect,
14 the Secretary shall not adjust the minimum wage then in
15 effect pursuant to this subsection.

16 “(2) The minimum wage rate determined by the Sec-
17 retary under paragraph (1) shall be the minimum hourly
18 wage sufficient for a person working for such wage 40
19 hours per week, 52 weeks per year, to earn an annual in-
20 come in an amount that is 15 percent higher than the
21 Federal poverty threshold for a family of 2, with one child
22 under the age of 18, and living in the 48 contiguous
23 States, as published for each such year by the Census Bu-
24 reau.”.

○