S. 460

To provide for an increase in the Federal minimum wage.

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2013

Mr. HARKIN (for himself, Ms. MIKULSKI, Mrs. MURRAY, Mr. SANDERS, Mr. CASEY, Mr. FRANKEN, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. MURPHY, Ms. WARREN, Mr. LEAHY, Mr. LEVIN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. WYDEN, Mr. DURBIN, Mr. REED, Mr. SCHUMER, Ms. STABENOW, Mr. LAUTENBERG, Mr. BROWN, Ms. KLOBUCHAR, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. BLUMENTHAL, and Mr. COWAN) 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fair Minimum Wage Act of 2013”.

SEC. 2. MINIMUM WAGE INCREASES.

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

“(1) except as otherwise provided in this section, not less than—

“(A) $8.20 an hour, beginning on the first day of the third month that begins after the date of enactment of the Fair Minimum Wage Act of 2013 Act;

“(B) $9.15 an hour, beginning 1 year after that first day;

“(C) $10.10 an hour, beginning 2 years after that first day; and

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

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

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

“(A) not less than the amount in effect under
subsection (a)(1) on the date of such determination;
“(B) increased from such amount by the annual
percentage increase in the Consumer Price Index for
Urban Wage Earners and Clerical Workers (United
States city average, all items, not seasonally ad-
justed), or its successor publication, as determined
by the Bureau of Labor Statistics; and
“(C) rounded to the nearest multiple of $0.05.
“(2) In calculating the annual percentage increase in
the Consumer Price Index for purposes of paragraph
(1)(B), the Secretary shall compare such Consumer Price
Index for the most recent month, quarter, or year avail-
able (as selected by the Secretary prior to the first year
for which a minimum wage is in effect pursuant to this
subsection) with the Consumer Price Index for the same
month in the preceding year, the same quarter in the pre-
ceding year, or the preceding year, respectively.”.

(b) Base Minimum Wage for Tipped Employees.—Section 3(m)(1) of the Fair Labor Standards Act
of 1938 (29 U.S.C. 203(m)(1)) is amended to read as fol-
lows:
“(1) the cash wage paid such employee, which for purposes of such determination shall be not less than—

“(A) for the 1-year period beginning on the first day of the third month that begins after the date of enactment of the Fair Minimum Wage Act of 2013, $3.00 an hour;

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

“(i) $0.95; or

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

“(C) for each succeeding 1-year period after the year in which the hourly wage under this paragraph first equals 70 percent of the wage in effect under section 6(a)(1) for the
same period, the amount necessary to ensure that the wage in effect under this paragraph remains equal to 70 percent of the wage in effect under section 6(a)(1), rounded to the nearest multiple of $0.05; and”.

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

“(i) Not later than 60 days prior to the effective date of any increase in the minimum wage determined under subsection (h) or required for tipped employees in accordance with subparagraph (B) or (C) of section 3(m)(1), as amended by the Fair Minimum Wage Act of 2013, the Secretary shall publish in the Federal Register and on the website of the Department of Labor a notice announcing the adjusted required wage.”.

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