

112TH CONGRESS
2D SESSION

H. R. 6211

To amend the fair Labor Standards Act of 1938 to provide for increases in the minimum wage consistent with inflation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2012

Mr. GEORGE MILLER of California (for himself, Mr. HOLT, Mr. TIERNEY, Mr. GRIJALVA, Ms. FUDGE, Ms. SCHAKOWSKY, Mr. HINCHEY, Mr. LARSON of Connecticut, Mr. KILDEE, Mr. KUCINICH, Ms. CHU, Ms. EDWARDS, Ms. NORTON, Ms. MOORE, Mr. MCGOVERN, Ms. WOOLSEY, Mr. ELLISON, Mr. SERRANO, Ms. MCCOLLUM, Mr. ANDREWS, Mr. TOWNS, Mr. BRADY of Pennsylvania, Mr. McDERMOTT, Ms. LEE of California, Mr. CONYERS, Mr. RANGEL, Ms. ESHOO, Mr. FRANK of Massachusetts, Mr. BLUMENAUER, Ms. PINGREE of Maine, Mr. AL GREEN of Texas, Mr. STARK, Mr. FILNER, Mr. COHEN, Mrs. MALONEY, Mrs. NAPOLITANO, Mr. WELCH, Ms. LINDA T. SÁNCHEZ of California, Mr. MARKEY, Mr. FARR, Mr. HONDA, Mr. OLVER, Mrs. DAVIS of California, Mr. MEEKS, Ms. SEWELL, Ms. DELAURO, Ms. BROWN of Florida, Ms. BERKLEY, Ms. BASS of California, Mr. ROTHMAN of New Jersey, Mr. GUTIERREZ, Mr. DINGELL, Mr. NEAL, Ms. VELÁZQUEZ, Mr. BECERRA, Mr. SARBANES, Mr. MORAN, Mr. CLARKE of Michigan, Ms. DEGETTE, Ms. CASTOR of Florida, Mr. HASTINGS of Florida, Mr. CAPUANO, Mr. PALLONE, Ms. ZOE LOFGREN of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FATTAH, Mr. LEVIN, Mr. DEFazio, Mr. HIGGINS, Mr. PASTOR of Arizona, Mr. CUMMINGS, Mr. HOLDEN, Mr. BUTTERFIELD, Ms. RICHARDSON, Mr. KEATING, Mr. CLAY, Mr. LYNCH, Mr. SMITH of Washington, Mr. CARNAHAN, Ms. BALDWIN, Ms. KAPTUR, Mr. DAVIS of Illinois, Ms. ROYBAL-ALLARD, Mr. LEWIS of Georgia, Ms. TSONGAS, Mr. JOHNSON of Georgia, Mr. CICILLINE, Ms. SCHWARTZ, Ms. HAHN, Mr. SCHIFF, Mr. LANGEVIN, Ms. CLARKE of New York, Mr. PASCRELL, Mr. SHERMAN, Mr. DEUTCH, Mr. MURPHY of Connecticut, Mr. CLEAVER, Ms. MATSUI, Mrs. CHRISTENSEN, Ms. WILSON of Florida, Mr. WAXMAN, Ms. WATERS, Mr. RYAN of Ohio, Mr. LOEBSACK, and Mr. BERMAN) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the fair Labor Standards Act of 1938 to provide for increases in the minimum wage consistent with inflation, and for other purposes.

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:

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

13 “(A) \$8.10 an hour, beginning on the first
14 day of the third month that begins after the
15 date of enactment of the Fair Minimum Wage
16 Act of 2012;

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

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

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

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

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

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

18 “(B) increased from such amount by the annual
19 percentage increase in the Consumer Price Index for
20 Urban Wage Earners and Clerical Workers (United
21 States city average, all items, not seasonally ad-
22 justed), or its successor publication, as determined
23 by the Bureau of Labor Statistics; and

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

1 “(2) In calculating the annual percentage increase in
 2 the Consumer Price Index for purposes of paragraph
 3 (1)(B), the Secretary shall compare such Consumer Price
 4 Index for the most recent month, quarter, or year avail-
 5 able (as selected by the Secretary prior to the first year
 6 for which a minimum wage is in effect pursuant to this
 7 subsection) with the Consumer Price Index for the same
 8 month in the preceding year, the same quarter in the pre-
 9 ceding year, or the preceding year, respectively.”.

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

14 “(1) the cash wage paid such employee, which
 15 for purposes of such determination shall be not less
 16 than—

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

21 “(B) for each succeeding 1-year period
 22 until the hourly wage under this paragraph
 23 equals 70 percent of the wage in effect under
 24 section 6(a)(1) for such period, an hourly wage
 25 equal to the amount determined under this

1 paragraph for the preceding year, increased by
2 the lesser of—

3 “(i) \$0.85; or

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

10 “(C) for each succeeding 1-year period
11 after the year in which the hourly wage under
12 this paragraph first equals 70 percent of the
13 wage in effect under section 6(a)(1) for the
14 same period, the amount necessary to ensure
15 that the wage in effect under this paragraph re-
16 mains equal to 70 percent of the wage in effect
17 under section 6(a)(1), rounded to the nearest
18 multiple of \$0.05; and”.

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

23 “(i) Not later than 60 days prior to the effective date
24 of any increase in the minimum wage determined under
25 subsection (h) or required for tipped employees in accord-

1 ance with subparagraph (B) or (C) of section 3(m)(1), as
2 amended by the Fair Minimum Wage Act of 2012, the
3 Secretary shall publish in the Federal Register and on the
4 website of the Department of Labor a notice announcing
5 the adjusted required wage.”.

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

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