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(Original Signature of Member)

112TH CONGRESS
2D SESSION

H. R.

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

Mr. GEORGE MILLER of California introduced the following bill; which was referred to the Committee on _____

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.—

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

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

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

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

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

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

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

22 “(h)(1) Each year, by not later than the date that
23 is 90 days before a new minimum wage determined under
24 subsection (a)(1)(D) is to take effect, the Secretary shall
25 determine the minimum wage to be in effect pursuant to

1 this subsection for the subsequent 1-year period. The wage
2 determined pursuant to this subsection for a year shall
3 be—

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

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

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

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

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

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

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

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

15 “(i) \$0.85; or

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

22 “(C) for each succeeding 1-year period
23 after the year in which the hourly wage under
24 this paragraph first equals 70 percent of the
25 wage in effect under section 6(a)(1) for the

1 same period, the amount necessary to ensure
2 that the wage in effect under this paragraph re-
3 mains equal to 70 percent of the wage in effect
4 under section 6(a)(1), rounded to the nearest
5 multiple of \$0.05; and”.

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

10 “(i) Not later than 60 days prior to the effective date
11 of any increase in the minimum wage determined under
12 subsection (h) or required for tipped employees in accord-
13 ance with subparagraph (B) or (C) of section 3(m)(1), as
14 amended by section 261 of the , the Secretary shall pub-
15 lish in the Federal Register and on the website of the De-
16 partment of Labor a notice announcing the adjusted re-
17 quired wage.”.

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