

113TH CONGRESS  
1ST SESSION

# S. 460

To provide for an increase in the Federal minimum wage.

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## 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

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## 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 2013”.

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) \$8.20 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 2013 Act;

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

12           “(C) \$10.10 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 2013, \$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) \$0.95; 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 the Fair Minimum Wage Act of 2013, the  
15 Secretary shall publish in the Federal Register and on the  
16 website of the Department of Labor a notice announcing  
17 the adjusted required 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.

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