

113TH CONGRESS
1ST SESSION

H. R. 229

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 Bureau of the Census.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 2013

Mr. AL GREEN of Texas (for himself, Mr. HASTINGS of Florida, Ms. LEE of California, Ms. MOORE, Ms. WILSON of Florida, and Mr. CONYERS) introduced the following bill; which was referred to the Committee on Education and the Workforce

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 Bureau of the Census.

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 “Original Living Amer-
5 ican Wage (LAW) Act”.

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

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

1 (1) In 2009, there were over 43,600,000 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 65 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 Bureau of the Census;

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 (29 U.S.C. 206) 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), begin-
3 ning September 1, 2013;” and

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

7 “(b)(1) Subject to paragraph (2), not later than June
8 1, 2013, and once every 4 years thereafter, the Secretary
9 shall determine the minimum wage rate applicable under
10 subsection (a)(1) based on the formula described in para-
11 graph (3). The Secretary shall publish such wage rate in
12 the Federal Register not later than October 1 of each year.

13 “(2) If the minimum wage rate determined by the
14 Secretary under paragraph (1) would result in a lower
15 minimum wage rate than the minimum wage rate in effect
16 at the time of such determination, the Secretary shall not
17 adjust, pursuant to this subsection, the minimum wage
18 rate so in effect.

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

- 1 States, as published by the Bureau of the Census for the
- 2 year in which the wage rate is being so determined.”.

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