

112TH CONGRESS
1ST SESSION

H. R. 42

To provide for a credit for certain health care benefits in determining the minimum wage.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2011

Mr. ISSA introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To provide for a credit for certain health care benefits in determining the 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 “Health Care Incentive
5 Act”.

6 **SEC. 2. MINIMUM WAGE CREDIT FOR HEALTH BENEFITS**

7 **PROVIDED TO EMPLOYEES.**

8 (a) RULEMAKING.—Not later than 180 days after the
9 date of enactment of this Act, the Secretary of Labor shall
10 promulgate a rule requiring that, for any employer en-

1 gaged in interstate commerce that is required by Federal
2 or State law to pay a minimum wage at a rate that is
3 higher than the minimum wage required by section 6(a)
4 of the Fair Labor Standards Act of 1938 (29 U.S.C.
5 206(a)) as in effect on September 1, 1997, such employer
6 be permitted, in accordance with regulations promulgated
7 by the Secretary, to include the value of creditable health
8 care benefits provided by such employer to an employee
9 in determining the wage such employer is required to pay
10 an employee. Such rule shall include the following:

11 (1) CREDITABLE BENEFITS.—The Secretary
12 shall define the categories of health care benefits
13 provided by an employer to employees to be consid-
14 ered creditable for purpose of this section, which
15 shall include a contribution to a health savings ac-
16 count or similar account.

17 (2) VALUATION.—The Secretary shall establish
18 a method for determining the value of such health
19 care benefits for purposes of such credit.

20 (3) REQUIRED MINIMUM VALUE.—The Sec-
21 retary shall determine a minimum value of such ben-
22 efits that an employer shall provide to an employee
23 in order to include any portion of such benefits as
24 such a credit.

1 (4) MINIMUM CASH WAGE NOTWITHSTANDING
2 CREDIT.—In no case shall the credit permitted by
3 the rule promulgated under this section exceed the
4 difference between the minimum wage under section
5 6(a) of the Fair Labor Standards Act of 1938 (29
6 U.S.C. 206(a)) as in effect September 1, 1997, and
7 the wage rate otherwise applicable.

8 (b) DEFINITIONS.—For purposes of the rule required
9 under this section, the terms “employer”, “employee”, and
10 “wage” shall have the meanings given such terms in sec-
11 tion 3 of the Fair Labor Standards Act of 1938 (29
12 U.S.C. 203).

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