

111TH CONGRESS  
1ST SESSION

# H. R. 77

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

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2009

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

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## 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 CARE BENE-**  
7 **FITS 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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