

109TH CONGRESS  
1ST SESSION

# H. R. 4505

To provide for a credit for certain health care benefits in determining the minimum wage for employers required to pay a minimum wage at a rate higher than the current Federal rate.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2005

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

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## A BILL

To provide for a credit for certain health care benefits in determining the minimum wage for employers required to pay a minimum wage at a rate higher than the current Federal rate.

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”.

1 **SEC. 2. MINIMUM WAGE CREDIT FOR HEALTH CARE BENE-**  
2 **FITS PROVIDED TO EMPLOYEES.**

3 (a) RULEMAKING.—Not later than 180 days after the  
4 date of enactment of this Act, the Secretary of Labor shall  
5 promulgate a rule requiring that, for any employer en-  
6 gaged in interstate commerce that is required by Federal  
7 or State law to pay a minimum wage at a rate that is  
8 higher than the minimum wage required by section 6(a)  
9 of the Fair Labor Standards Act of 1938 (29 U.S.C.  
10 206(a)) as in effect on September 1, 1997, such employer  
11 be permitted, in accordance with regulations promulgated  
12 by the Secretary, to count the value of creditable health  
13 care benefits provided by such employer to an employee  
14 in determining the wage such employer is required to pay  
15 an employee. Such rule shall include the following:

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

22 (2) VALUATION.—The Secretary shall establish  
23 a method for determining the value of such health  
24 care benefits for purposes of such credit.

25 (3) REQUIRED MINIMUM VALUE.—The Sec-  
26 retary shall determine a minimum value of such ben-

1       efits that an employer shall provide to an employee  
2       in order to include any portion of such benefits as  
3       such a credit.

4           (4) MINIMUM CASH WAGE NOTWITHSTANDING  
5       CREDIT.—In no case shall the credit permitted by  
6       the rule promulgated under this section exceed the  
7       difference between the minimum wage under section  
8       6(a) of the Fair Labor Standards Act of 1938 (29  
9       U.S.C. 206(a)) as in effect September 1, 1997, and  
10      the wage rate otherwise applicable.

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

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