

111TH CONGRESS  
1ST SESSION

# H. R. 3822

To permit employers to provide contributions and assistance to certain employees who purchase individual health insurance.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 15, 2009

Mr. DEAL of Georgia (for himself, Mr. BURGESS, Mr. PITTS, Mr. BLUNT, Mr. BARTON of Texas, and Mr. BUYER) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on Energy and Commerce and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To permit employers to provide contributions and assistance to certain employees who purchase individual health insurance.

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. EMPLOYER CONTRIBUTIONS AND ASSISTANCE**

4 **FOR EMPLOYEE HEALTH INSURANCE PUR-**  
5 **CHASES.**

6 (a) IN GENERAL.—An employer that does not offer  
7 health benefits coverage to its employees as of the date

1 of the enactment of this Act is permitted in accordance  
2 with law to provide tax-free defined contributions and ad-  
3 ministrative assistance to such employees who choose to  
4 purchase health insurance coverage in the individual mar-  
5 ket. The provision of such tax-free contributions and ad-  
6 ministrative assistance shall not constitute establishment  
7 or maintenance of a group health plan for purposes of ap-  
8 plying part 7 of subtitle B of title I of the Employee Re-  
9 tirement Income Security Act of 1974 or title XXVIII of  
10 the Public Health Service Act.

11 (b) CONSTRUCTION.—A State may not prohibit an  
12 employer from taking any of the actions described in sub-  
13 section (a) and may not prohibit the sale of health insur-  
14 ance coverage to employees in cases where an employer’s  
15 involvement is limited to withholding premiums from the  
16 employees’ paychecks and sending the premium payments  
17 to the health insurance issuer offering the coverage on the  
18 employees’ behalf.

19 (c) NOT TREATED AS LIST BILLING.—The provi-  
20 sions of section 702(e)(2)(ii) of title 29, Code of Federal  
21 Regulations (relating to list billing) shall not be construed  
22 to apply to actions described in subsection (a).

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