

## HR 3249

To recognize small employer benefit arrangements as employers, and for other purposes.

**Congress:** 112 (2011–2013, Ended)

**Chamber:** House

**Policy Area:** Labor and Employment

**Introduced:** Oct 24, 2011

**Current Status:** Referred to the Subcommittee on Health, Employment, Labor, and Pensions.

**Latest Action:** Referred to the Subcommittee on Health, Employment, Labor, and Pensions. (Nov 18, 2011)

**Official Text:** <https://www.congress.gov/bill/112th-congress/house-bill/3249>

### Sponsor

**Name:** Rep. Andrews, Robert E. [D-NJ-1]

**Party:** Democratic • **State:** NJ • **Chamber:** House

### Cosponsors

*No cosponsors are listed for this bill.*

### Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Referred to	Nov 18, 2011
Energy and Commerce Committee	House	Referred to	Oct 28, 2011
Ways and Means Committee	House	Referred To	Oct 24, 2011

### Subjects & Policy Tags

#### Policy Area:

Labor and Employment

### Related Bills

*No related bills are listed.*

Amends the Internal Revenue Code, the Employee Retirement and Income Security Act (ERISA), and the Patient Protection and Affordable Care Act to treat certain small employer benefit arrangements (SEBAs) as employers for the purpose of providing qualified retirement and accident and health plans or group-term life insurance.

Defines a SEBA as a member owned, democratically controlled cooperative organization that: (1) has at least 21 shareholders of whom 90% percent are in the same or similar line of business; (2) sponsors an accident and health plan for shareholder-members and any of their employees; (3) sponsors a qualified retirement plan meeting specified requirements and available to shareholder-members and their employees; (4) provides employee benefits pursuant to a written agreement; and (5) requires all benefit eligible employees of a shareholder-member to participate according to the same statutory eligibility criteria normally accorded them.

Treats the shareholder-members of a SEBA as employers for purposes of administering and allocating items of income, credits, deductions, or exclusions associated with the provision of employee benefits.

Prohibits treatment as a SEBA of any organization or related entity that is owned, in whole or in part, or managed or controlled in whole or in part, by any management agreement or certificates of indebtedness, directly or indirectly, or by: (1) any agents, brokers or providers of a health, life, or disability insurer; (2) a retirement plan service provider; (3) claim administrators; or (4) investment advisors.

Requires any group health plan established or maintained by a SEBA to be fully insured (thus prohibiting self-insurance).

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### **Actions Timeline**

- **Nov 18, 2011:** Referred to the Subcommittee on Health, Employment, Labor, and Pensions.
- **Oct 24, 2011:** Introduced in House
- **Oct 24, 2011:** Referred to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and Energy and Commerce, 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.