

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 282

To provide that dependent care assistance benefits be made available to individuals serving in the legislative branch of the Government.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. MILLER of California (for himself, Mr. RAMSTAD, Ms. NORTON, Mrs. COLLINS of Illinois, Mr. RANGEL, Mr. TOWNS, and Mrs. SCHROEDER) introduced the following bill; which was referred to the Committee on House Administration

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## A BILL

To provide that dependent care assistance benefits be made available to individuals serving in the legislative branch of the Government.

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. DEFINITIONS.**

4       For the purpose of this Act—

5               (1) the term “individual serving in the legisla-  
6       tive branch” means any individual under section  
7       2106 or 2107 of title 5, United States Code; and

8               (2) the term “appropriate administrative au-  
9       thority” means, with respect to any individual serv-

1 ing in the legislative branch whose pay is dis-  
2 bursed—

3 (A) by the Clerk of the House of Rep-  
4 resentatives, the Director of Non-legislative and  
5 Financial Services;

6 (B) by the Secretary of the Senate, the  
7 Secretary of the Senate; and

8 (C) other than as described in subpara-  
9 graph (A) or (B), such individual's appointing  
10 authority.

11 **SEC. 2. DEPENDENT CARE ASSISTANCE PROGRAMS.**

12 (a) ESTABLISHMENT.—In order that dependent care  
13 assistance benefits be made available to individuals serving  
14 in the legislative branch, each of the appropriate adminis-  
15 trative authorities shall establish (for those individuals  
16 who are within their respective jurisdictions, as described  
17 in section 1(2)), a program meeting the specifications set  
18 forth in subsection (b).

19 (b) SPECIFICATIONS.—Each program established  
20 under this Act shall include provisions to ensure—

21 (1) that benefits under the program—

22 (A) meet the requirements for exclusion  
23 from gross income under section 129 of the In-  
24 ternal Revenue Code of 1986 (relating to de-  
25 pendent care assistance programs); and

1 (B) are provided pursuant to salary reduc-  
2 tion agreements meeting the requirements of  
3 section 125 of the Internal Revenue Code of  
4 1986 (relating to cafeteria plans) for exclusion  
5 from gross income; and

6 (2) that—

7 (A) a period of not less than 8 weeks shall  
8 be afforded before the start of each calendar  
9 year to permit—

10 (i) any individual participating in the  
11 program to elect to change the individual's  
12 salary reduction amount, or to cease par-  
13 ticipating in the program; and

14 (ii) any eligible individual who is not  
15 participating in the program to elect to  
16 begin or resume participation, as the case  
17 may be; and

18 (B) in addition to any opportunity afforded  
19 under subparagraph (A)(i), an individual par-  
20 ticipating in the program may, under conditions  
21 prescribed by the appropriate administrative au-  
22 thority, elect to change the individual's salary  
23 reduction amount, or to cease participating in  
24 the program, upon filing written application  
25 within 60 days after a change in family or em-

1           employment status, or the occurrence of any event  
2           causing a change of 50 percent or more in esti-  
3           mated dependent care costs for the year.

4           (c) ELIGIBILITY.—A determination as to an individ-  
5           ual’s eligibility to participate in a program under this Act  
6           may not take into account the individual’s age or length  
7           of previous service, or whether the individual is serving  
8           on a part-time, temporary, intermittent, or other similar  
9           basis.

10          (d) REDUCTIONS IN PAY.—Any payment of basic pay  
11          reduced by an amount determined pursuant to a salary  
12          reduction agreement under this Act is a full and complete  
13          discharge and acquittance of all claims and demands for  
14          regular services during the period covered by the payment,  
15          except the right to receive benefits pursuant to this Act.

16          **SEC. 3. INFORMATION REQUIRED TO BE MAINTAINED.**

17          Each of the appropriate administrative authorities  
18          shall maintain, on an annual basis, information relating  
19          to—

20                 (1) the number of individuals who participated  
21                 in the program established by such authority (in the  
22                 aggregate and by salary ranges) during the preced-  
23                 ing year;

1           (2) the average salary reduction elected (as an  
2 overall figure and by salary ranges) under the pro-  
3 gram during the preceding year;

4           (3) whether the total amount of salary reduc-  
5 tions under the program during the preceding year  
6 exceeded the total value of benefits provided under  
7 such program during such year and, if so, the  
8 amount of the excess; and

9           (4) any other aspect of the program's operation  
10 during the preceding year which the administrative  
11 authority considers appropriate.

12 Information under this section shall be kept available for  
13 at least 5 years following the end of the year with respect  
14 to which the information relates.

15 **SEC. 4. COMMENCEMENT.**

16 Each of the appropriate administrative authorities  
17 shall take such measures as may be necessary to ensure—

18           (1) that the first opportunity for any individual  
19 to elect to become a participant in the program es-  
20 tablished by such authority under this Act shall be  
21 afforded beginning with a period (as described in  
22 section 2(b)(2)(A)) commencing not less than 8  
23 weeks before the program first commences (as de-  
24 scribed in paragraph (3));

1           (2) that eligible individuals are given advance  
2 notice as to—

3           (A) the benefits to become available pursu-  
4 ant to this Act;

5           (B) the terms and conditions for receiving  
6 those benefits; and

7           (C) the procedures for making an election  
8 during the period described in paragraph (1);  
9 and

10          (3) that salary reductions are made and bene-  
11 fits provided (in accordance with applicable terms  
12 and conditions under the program) on and after the  
13 first day of the first calendar year beginning at least  
14 180 days after the date of enactment of this Act.

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