

103^D CONGRESS
1ST SESSION

H. R. 719

To amend the Internal Revenue Code of 1986 to allow individuals an exclusion for contributions made pursuant to a salary reduction arrangement to accounts established pursuant to employer-provided family and medical leave plan.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 1993

Mr. GRANDY (for himself, Mr. ORTON, Mr. GOODLING, Ms. DUNN, Ms. PRYCE of Ohio, Mr. ROGERS, and Mr. KOLBE) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to allow individuals an exclusion for contributions made pursuant to a salary reduction arrangement to accounts established pursuant to employer-provided family and medical leave plan.

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 “Family and Medical
5 Leave Account Act of 1993”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—The Congress finds that—

1 (1) the number of single-parent households and
2 two-parent households in which the single parent or
3 both parents work is increasing significantly;

4 (2) employers are increasingly crafting pro-
5 grams and practices to address the work and family
6 conflicts of their employees; and

7 (3) there have been some cases of inadequate
8 job protection for some employees who have serious
9 health conditions that prevent them from working
10 for temporary periods.

11 (b) PURPOSES.—The Congress therefore declares
12 that the purposes of this Act are—

13 (1) to balance the demands of the workplace
14 with the needs of families, to promote stability and
15 economic security in families, and to promote Fed-
16 eral interests in preserving family integrity;

17 (2) to promote increased opportunities for em-
18 ployees to take reasonable leave for situations where
19 they are physically unable to perform work, or to
20 care for an immediate family member that is seri-
21 ously ill, without loss of employment or employment-
22 related benefits; and

23 (3) to accomplish such purposes in a manner
24 which accommodates the legitimate interests of em-
25 ployers, promotes the development of creative poli-

1 cies and related benefit programs which are pre-
2 ferred by employees and which take into account the
3 needs of both work and family.

4 **SEC. 3. FAMILY AND MEDICAL LEAVE ACCOUNTS.**

5 (a) IN GENERAL.—Part III of subchapter B of chap-
6 ter 1 of the Internal Revenue Code of 1986 (relating to
7 items specifically excluded from gross income) is amended
8 by redesignating section 137 as section 138 and by insert-
9 ing after section 136 the following new section:

10 **“SEC. 137. FAMILY AND MEDICAL LEAVE ACCOUNTS.**

11 “(a) GENERAL RULE.—For purposes of this subtitle,
12 no amount shall be included in the gross income of an
13 employee—

14 “(1) by reason of an employer contribution to
15 a family and medical leave account for the benefit of
16 such employee (whether pursuant to a salary reduc-
17 tion arrangement or otherwise), or

18 “(2) because the employee has an election
19 whether salary reduction contributions will be made
20 by such employer to such an account or received by
21 the employee in cash.

22 “(b) LIMITATION.—The amount excluded from gross
23 income under subsection (a) for any taxable year shall not
24 exceed the amount which, when added to the amount in
25 the account as of the beginning of the taxable year, will

1 equal 1/2 of the employee's compensation (as defined in
2 section 414(q)(7)) from such employer for the calendar
3 year ending with or within such taxable year. In applying
4 the preceding sentence, compensation in excess of \$50,000
5 shall not be taken into account.

6 “(c) DEFINITIONS.—For purposes of this section—

7 “(1) FAMILY AND MEDICAL LEAVE ACCOUNT.—

8 The term ‘family and medical leave account’ means
9 an account maintained by the employer exclusively
10 for the benefit of the individual for whose benefit the
11 account is established, but only if—

12 “(A) the account is established pursuant to
13 a qualified family and medical leave plan of
14 such employer and such plan meets the require-
15 ments of subsection (d), and

16 “(B) the written governing instrument cre-
17 ating the account meets the following require-
18 ments:

19 “(i) No contribution will be accepted
20 unless it is in cash and contributions will
21 not be accepted for any taxable year in ex-
22 cess of the limitation under subsection (b).

23 “(ii) Distributions from the account
24 may be made only by the employer and
25 only if—

1 “(I) the distribution is a qualified
2 distribution (as defined in subsection
3 (e)(2)(B)),

4 “(II) the employee dies or sepa-
5 rates from service, or

6 “(III) the employee elects (as
7 provided in subsection (h)(1)) to dis-
8 continue participation in the qualified
9 family and medical leave plan of such
10 employer.

11 “(iii) No part of the account assets
12 will be invested in life insurance contracts.

13 “(iv) The interest of the individual in
14 the balance of his account is nonforfeit-
15 able.

16 “(v) The assets of the account will not
17 be commingled with other property except
18 in a common trust fund or common invest-
19 ment fund.

20 “(2) SALARY REDUCTION CONTRIBUTION.—The
21 term ‘salary reduction contribution’ means any em-
22 ployer contribution made pursuant to a salary reduc-
23 tion arrangement with an employee.

24 “(3) EMPLOYEE; EMPLOYER.—The rules of
25 paragraphs (1) and (4) of section 401(c) shall apply

1 for purposes of this section. Section 1372 shall not
2 apply for purposes of this section.

3 “(d) REQUIREMENTS.—The requirements of this sub-
4 section are met if the requirements of each of the following
5 paragraphs are met.

6 “(1) ELIGIBILITY REQUIREMENTS.—

7 “(A) IN GENERAL.—A qualified family and
8 medical leave plan of an employer satisfies the
9 requirements of this paragraph for any year
10 only if each employee who has performed at
11 least 1 year of service (as defined in section
12 411(a)(5)) for such employer is eligible to enter
13 into a salary reduction arrangement with such
14 employer for purposes of having contributions
15 made to a family and medical leave account.

16 “(B) EXCLUDED EMPLOYEES.—For pur-
17 poses of subparagraph (A), there shall be ex-
18 cluded—

19 “(i) employees described in subpara-
20 graph (A) or (C) of section 410(b)(3),

21 “(ii) employees who normally work
22 less than 17½ hours per week, and

23 “(iii) employees who elect under sub-
24 section (h)(1) to discontinue participation
25 in such plan.

1 “(2) NONDISCRIMINATION REQUIREMENTS FOR
2 MATCHING CONTRIBUTIONS (IF ANY).—In the case of
3 an employer who makes contributions to the family
4 and medical leave account of any employee in addi-
5 tion to salary reduction contributions to such ac-
6 count, the qualified family and medical leave plan of
7 such employer satisfies the requirements of this
8 paragraph for any year only if—

9 “(A) such additional contributions are
10 made on behalf of each employee who elects to
11 have such salary reduction contributions made,
12 and

13 “(B) the amount of such additional con-
14 tributions for each employee is determined
15 using the same percentage of the salary reduc-
16 tion contributions.

17 “(e) TREATMENT OF DISTRIBUTIONS.—

18 “(1) IN GENERAL.—Except as otherwise pro-
19 vided in this subsection, any amount paid or distrib-
20 uted out of a family and medical leave account shall
21 be included in the gross income of the individual for
22 whose benefit such account was established. The
23 basis of the individual in such account shall be zero.

24 “(2) ADDITIONAL TAX ON CERTAIN
25 AMOUNTS.—

1 “(A) IN GENERAL.—If any distribution
2 which is not a qualified distribution is made
3 from a family and medical leave account during
4 any taxable year, the tax under this chapter for
5 such taxable year of the individual for whose
6 benefit such account was established shall be
7 increased by an amount equal to 10 percent of
8 the amount of such distribution.

9 “(B) QUALIFIED DISTRIBUTION.—For
10 purposes of subparagraph (A), the term ‘quali-
11 fied distribution’ means any distribution—

12 “(i) which is made by the employer
13 during a period of qualified family or medi-
14 cal leave (as defined in section 426), and

15 “(ii) the amount of which, when
16 added to the other qualified distributions
17 made to the individual during such period,
18 does not exceed the excess of—

19 “(I) the amount which would be
20 the compensation of such individual
21 from the employer for such period
22 (determined on the basis of the aver-
23 age rate of compensation for such in-
24 dividual), over

1 “(II) the compensation (if any)
2 received (or to be received) by to such
3 individual from such employer for
4 such period.

5 Such term shall not include any distribution
6 made during the 1-year period beginning on the
7 date such account was established.

8 “(3) EXCESS CONTRIBUTIONS RETURNED BE-
9 FORE DUE DATE OF RETURN.—Paragraphs (1) and
10 (2) shall not apply to the distribution of any con-
11 tribution paid during a taxable year to a family and
12 medical leave account to the extent that such con-
13 tribution exceeds the amount excludable under sub-
14 section (a) if—

15 “(A) such distribution is received on or be-
16 fore the day prescribed by law (including exten-
17 sions of time) for filing such individual’s return
18 for such taxable year,

19 “(B) no exclusion is allowed under sub-
20 section (a) with respect to such excess contribu-
21 tion, and

22 “(C) such distribution is accompanied by
23 the amount of net income attributable to such
24 excess contribution.

1 Any net income described in subparagraph (C) shall
2 be included in the gross income of the individual for
3 the taxable year in which it is received.

4 “(f) TAX TREATMENT OF ACCOUNTS.—

5 “(1) EXEMPTION FROM TAX.—A family and
6 medical leave account shall be exempt from taxation
7 under this subtitle unless such account has ceased to
8 be a family and medical leave account by reason of
9 paragraph (2). Notwithstanding the preceding sen-
10 tence, such an account shall be subject to the taxes
11 imposed by section 511 (relating to imposition of tax
12 on unrelated business income of charitable, etc. or-
13 ganizations).

14 “(2) EFFECT OF PLEDGING ACCOUNT AS SECUR-
15 RITY.—If, during any taxable year, the individual for
16 whose benefit a family and medical leave account
17 was established uses the account or any portion
18 thereof as security for a loan, the portion so used is
19 treated as distributed to that individual during a pe-
20 riod which is not a period of qualified family or
21 medical leave.

22 “(g) SPECIAL RULES.—

23 “(1) ELECTION TO DISCONTINUE PARTICIPA-
24 TION IN QUALIFIED FAMILY AND MEDICAL LEAVE
25 PLAN.—Each employee who is a participant in a

1 qualified family and medical leave plan of the em-
2 ployer may elect to discontinue participation in such
3 plan. If such election is made—

4 “(A) the employer shall distribute to the
5 employee the balance in any family and medical
6 leave account of such employee which is held by
7 the employer, and

8 “(B) such employee may not participate in
9 the qualified family and medical leave plan of
10 such employer during the 2-year period begin-
11 ning on the date of such distribution.

12 “(2) TREATMENT OF ACCOUNT ON SEPARATION
13 FROM SERVICE.—In the case of an employee who
14 separates from service—

15 “(A) paragraphs (1) and (2) of subsection
16 (e) shall not apply to any transfer from any
17 family and medical leave account of such em-
18 ployee to another family and medical leave ac-
19 count of such employee (and subsection (b)
20 shall not apply to the receipt of such transfer
21 by such other account) if such transfer is made
22 not later than the 180th day after the date of
23 separation, and

24 “(B) if all amounts in any family and med-
25 ical leave account with respect to the former

1 employer is not so transferred during such 180-
2 day period, the employer shall distribute to the
3 employee the balance in such account as of the
4 close of such period.

5 Any amount distributed to the employee under sub-
6 paragraph (B) may be rolled into an individual re-
7 tirement plan of such employee notwithstanding any
8 other provision of law.

9 “(3) TREATMENT OF ACCOUNT ON DEATH.—In
10 the case of the death of an employee, the employer
11 shall distribute the balance of any family and medi-
12 cal leave account of such employee to the designated
13 beneficiaries of such employee.

14 “(4) COMMUNITY PROPERTY LAWS.—This sec-
15 tion shall be applied without regard to any commu-
16 nity property laws.

17 “(h) REPORTS.—The employer maintaining any fam-
18 ily and medical leave account shall make such reports re-
19 garding such account to the Secretary and to the individ-
20 ual for whose benefit the account is maintained with re-
21 spect to contributions, distributions, and such other mat-
22 ters as the Secretary may require under regulations. The
23 reports required by this subsection shall be filed at such
24 time and in such manner and furnished to such individuals

1 at such time and in such manner as may be required by
2 those regulations.”

3 **SEC. 4. QUALIFIED FAMILY AND MEDICAL LEAVE PLANS.**

4 (a) IN GENERAL.—Subchapter D of chapter 1 of the
5 Internal Revenue Code of 1986 (relating to deferred com-
6 pensation, etc.) is amended by adding at the end thereof
7 the following new part:

8 **“PART III—QUALIFIED FAMILY AND MEDICAL**
9 **LEAVE PLANS.**

“Sec. 426. Qualified family and medical leave plans.

“Sec. 427. Certification requirements.

“Sec. 428. Employment and benefits protection.

10 **“SEC. 426. QUALIFIED FAMILY AND MEDICAL LEAVE PLANS.**

11 “(a) IN GENERAL.—For purposes of this title, the
12 term ‘qualified family and medical leave plan’ means any
13 plan which is maintained by an employer for the purpose
14 of providing employees with family or medical leave and
15 which meets the requirements of sections 427 and 428.

16 “(b) QUALIFIED FAMILY OR MEDICAL LEAVE.—For
17 purposes of this section, the term ‘qualified family or med-
18 ical leave’ means any period of leave under a qualified
19 family or medical leave plan of an employee (irrespective
20 of whether, or the extent to which, pay is provided there-
21 under together with such leave) for 1 or more of the fol-
22 lowing reasons:

23 “(1) Because of the physical incapacitation of
24 the employee resulting from the employee’s own seri-

1 ous health condition, including medical disability as-
2 sociated with the birth of a son or daughter of the
3 employee.

4 “(2) In order to care for the employee’s son,
5 daughter, spouse, or parent who has a serious health
6 condition.

7 “(3) In order to care for a newborn son or
8 daughter or a newly adopted son or daughter under
9 the age of 6.

10 “(c) SERIOUS HEALTH CONDITION.—For purposes of
11 this section, the term ‘serious health condition’ means a
12 condition caused by an accident, disease, or health condi-
13 tion which—

14 “(1) poses imminent danger of death;

15 “(2) requires hospitalization relating to the
16 birth of a child or involving an organ transplant,
17 limb amputation, or other procedure of similar se-
18 verity; or

19 “(3) a mental or physical condition which re-
20 quires constant in-home care.

21 “(d) SON OR DAUGHTER.—For purposes of this sec-
22 tion, the term ‘son or daughter’ of an employee means a
23 biological, adopted, or foster child of the employee, a step-
24 child of the employee, or a child of which the employee
25 has legal guardianship of the person, who is—

1 “(1) under 18 years of age, or

2 “(2) 18 years of age or older and incapable of
3 self-care because of mental or physical disability or
4 required complete bed rest.

5 “(e) PARENT.—For purposes of this section, the term
6 ‘parent’ means the biological parent of the child or an indi-
7 vidual who has legal guardianship of the person of the
8 child when the child is a son or daughter.

9 **“SEC. 427. CERTIFICATION REQUIREMENTS.**

10 “(a) IN GENERAL.—A family and medical leave plan
11 shall not be treated as meeting the requirements of this
12 section unless the plan provides—

13 “(1) that the employer may require that a claim
14 for leave described in paragraph (1) or (2) of section
15 426(b) be supported by certification issued by the
16 health care provider of the employee or of the em-
17 ployee’s son, daughter, spouse, or parent, whichever
18 is appropriate, and

19 “(2) that the employee must provide a copy of
20 such certification to the employer.

21 “(b) SUFFICIENT CERTIFICATION.—Such certifi-
22 cation shall be treated as sufficient if it states—

23 “(1) the date on which the serious health condi-
24 tion commenced,

25 “(2) the probable duration of the condition,

1 “(3) the appropriate medical facts within the
2 provider’s knowledge regarding the condition, and

3 “(4)(A) for purposes of leave described in sec-
4 tion 426(b)(1), a statement that the employee is un-
5 able to perform the functions of the employee’s posi-
6 tion, and

7 “(B) for purposes of leave described in section
8 426(b)(2), an estimate of the amount of time that
9 the eligible employee is needed to care for the son,
10 daughter, spouse, or parent.

11 “(c) SECOND OPINION.—A family and medical leave
12 plan shall not be treated as meeting the requirements of
13 this section unless the plan provides—

14 “(1) that, in any case in which the employer
15 has reason to doubt the validity of the certification
16 provided in accordance with subsection (a) for leave
17 described in paragraph (1) or (2) of section 426(b),
18 the employer may require, at its own expense, that
19 the employee obtain the opinion of a second health
20 care provider designated or approved by the em-
21 ployer concerning any information certified in ac-
22 cordance with subsection (a) for such leave, and

23 “(2) that any health care provider designated or
24 approved pursuant to paragraph (1) may not be em-
25 ployed on a regular basis by the employer.

1 “(d) RESOLUTION OF CONFLICTING OPINIONS.—A
2 family and medical leave plan shall not be treated as meet-
3 ing the requirements of this section unless the plan pro-
4 vides—

5 “(1) that, in any case in which the second opin-
6 ion described in subsection (c) differs from the origi-
7 nal certification provided under subsection (a), the
8 employer may require, at its own expense, that the
9 employee obtain the opinion of a third health care
10 provider designated or approved jointly by the em-
11 ployer and the employee concerning the information
12 certified in accordance with subsection (a), and

13 “(2) that the opinion of the third health care
14 provider concerning the information certified in ac-
15 cordance with subsection (a) will be considered to be
16 final and will be binding on the employer and the
17 employee.

18 “(e) HEALTH CARE PROVIDER.—For purposes of
19 this section, the term ‘health care provider’ means a doc-
20 tor of medicine or osteopathy legally authorized to practice
21 medicine and surgery by the State in which the doctor per-
22 forms such function or action.

23 **“SEC. 428. EMPLOYMENT AND BENEFITS PROTECTION.**

24 “(a) RESTORATION TO POSITION.—

1 “(1) IN GENERAL.—A family and medical leave
2 plan shall not be treated as meeting the require-
3 ments of this section unless, under the plan—

4 “(A) any employee who takes leave under
5 the plan for its intended purpose is entitled,
6 upon return from such leave—

7 “(i) to be restored by the employer to
8 the position of employment held by the em-
9 ployee when the leave commenced, or

10 “(ii) to be restored to an equivalent
11 position with equivalent employment bene-
12 fits, pay, and other terms and conditions of
13 employment, and

14 “(B) the taking of leave under the plan
15 does not result in the loss of any employment
16 benefit earned before the date on which the
17 leave commenced.

18 “(2) Nothing in this subsection shall be con-
19 strued to require a family and medical leave plan to
20 provide for the entitlement of any restored employee
21 to—

22 “(A) the accrual of any seniority or em-
23 ployment benefits during any period of leave, or

24 “(B) any right, benefit, or position of em-
25 ployment other than any right, benefit, or posi-

1 tion to which the employee would have been en-
2 titled had the employee not taken the leave.

3 “(3) As a condition to restoration under the
4 plan pursuant to paragraph (1)(A), the plan shall
5 not be treated as meeting the requirements of this
6 section unless the plan provides that the employer
7 may have a policy that requires each employee to re-
8 ceive certification from the employee’s health care
9 provider that the employee is able to resume work,
10 except that nothing in this paragraph shall super-
11 seede a valid State or local law or a collective bar-
12 gaining agreement that governs the return to work
13 of employees taking leave under section 426(b).

14 “(b) MAINTENANCE OF HEALTH BENEFITS.—

15 “(1) IN GENERAL.—A family and medical leave
16 plan shall not be treated as meeting the require-
17 ments of this section unless, under the plan, during
18 any period an eligible employee takes leave under a
19 family and medical leave plan, if such employee is
20 also covered under a group health plan maintained
21 by the employer at the time such leave commences,
22 the employer must maintain coverage under such
23 group health plan for the duration of such leave at
24 the level and under the conditions coverage would
25 have been provided if the employee had continued in

1 employment continuously from the date the em-
2 ployee commenced the leave until the date the em-
3 ployee is restored under the family and medical leave
4 plan pursuant to subsection (a).

5 “(2) REIMBURSEMENT OF EMPLOYER FOR PRO-
6 VIDING CONTINUED HEALTH COVERAGE.—In any
7 case in which—

8 “(A) an employee is a participant in a
9 group health plan maintained by the employer
10 and there is in effect an election by the em-
11 ployee to participate in a family and medical
12 leave plan, and

13 “(B) under such family and medical leave
14 plan the employer is required to make at least
15 a matching employer contribution to the plan
16 with respect to each employee contribution of
17 such employee,

18 nothing in this Act or title I of the Employee Retire-
19 ment Income Security Act of 1974 shall be con-
20 strued to preclude such family and medical leave
21 plan from providing for reimbursement to the em-
22 ployer for the cost to the employer of coverage of
23 such employee maintained under such group health
24 plan for the duration of the leave taken by such em-
25 ployee.

1 “(c) NO BAR TO AGREEMENT CONCERNING ALTER-
2 NATIVE EMPLOYMENT.—

3 “(1) IN GENERAL.—Nothing in this part or
4 title I of the Employee Retirement Income Security
5 Act of 1974 or any family and medical leave plan
6 shall be construed to prohibit an employer maintain-
7 ing such a plan and an employee covered under such
8 plan from mutually agreeing to alternative employ-
9 ment of the employee throughout the period during
10 which the employee would be entitled to leave under
11 such plan. A family and medical leave plan shall not
12 be treated as meeting the requirements of this sec-
13 tion unless, under the plan, any such period of alter-
14 native employment does not cause a reduction in the
15 period of temporary leave to which the employee is
16 entitled under the plan pursuant to section 426(b).

17 “(2) The employer may request that, for pur-
18 poses of paragraph (1), certification required under
19 the plan pursuant to section 427(a) that is issued in
20 any case involving leave described in section
21 426(b)(1) include an explanation of the extent to
22 which the eligible employee is unable to perform the
23 functions of the employee’s position.”

1 **SEC. 5. TECHNICAL AMENDMENTS.**

2 (a) TAX ON EXCESS CONTRIBUTIONS.—Section 4973
3 of the Internal Revenue Code of 1986 (relating to tax on
4 excess contributions to individual retirement accounts, cer-
5 tain section 403(b) contracts, and certain individual re-
6 tirement annuities) is amended—

7 (1) by inserting “**FAMILY AND MEDICAL**
8 **LEAVE ACCOUNTS,**” after “**ACCOUNTS,**” in the
9 heading of such section,

10 (2) by redesignating paragraph (2) of sub-
11 section (a) as paragraph (3) and by inserting after
12 paragraph (1) the following:

13 “(2) a family and medical leave account (within
14 the meaning of section 220(c)),”,

15 (3) by striking “or” at the end of paragraph
16 (1) of subsection (a), and

17 (4) by adding at the end thereof the following
18 new subsection:

19 “(d) EXCESS CONTRIBUTIONS TO FAMILY AND MED-
20 ICAL LEAVE ACCOUNTS.—For purposes of this section, in
21 the case of a family and medical leave account, the term
22 ‘excess contributions’ means the amount by which the
23 amount contributed for the taxable year to the account
24 exceeds the amount excludable under section 220 for such
25 taxable year. For purposes of this subsection, any con-
26 tribution which is distributed out of the family and medi-

1 cal leave account in a distribution to which section
2 220(e)(3) applies shall be treated as an amount not con-
3 tributed.”

4 (b) FAILURE TO PROVIDE REPORTS ON FAMILY AND
5 MEDICAL LEAVE ACCOUNTS.—Section 6693 of such Code
6 (relating to failure to provide reports on individual retire-
7 ment account or annuities) is amended—

8 (1) by inserting “**OR ON FAMILY AND MEDI-**
9 **CAL LEAVE ACCOUNTS**” after “**ANNUITIES**” in
10 the heading of such section, and

11 (2) by adding at the end of subsection (a) the
12 following: “The person required by section 220(i) to
13 file a report regarding a family and medical leave
14 account at the time and in the manner required by
15 such section shall pay a penalty of \$50 for each fail-
16 ure unless it is shown that such failure is due to rea-
17 sonable cause.”

18 (c) CLERICAL AMENDMENTS.—

19 (1) The table of sections for part III of sub-
20 chapter B of chapter 1 of such Code is amended by
21 striking the item relating to section 137 and insert-
22 ing the following:

“Sec. 137. Family and medical leave accounts.

“Sec. 138. Cross references to other Acts.”

1 (2) The table of sections for chapter 43 of such
2 Code is amended by striking the item relating to sec-
3 tion 4973 and inserting the following:

 “Sec. 4973. Tax on excess contributions to individual retirement
 accounts, family and medical leave accounts, certain
 403(b) contracts, and certain individual retirement
 annuities.”

4 (3) The table of sections for subchapter B of
5 chapter 68 of such Code is amended by inserting “or
6 on family and medical leave accounts” after “annu-
7 ities” in the item relating to section 6693.

8 (4) The table of parts for subchapter D of
9 chapter 1 of such Code is amended by adding at the
10 end thereof the following new item:

 “Part III—Qualified family and medical leave plans”.

11 **SEC. 6. EFFECTIVE DATE.**

12 The amendments made by this Act shall apply to tax-
13 able years beginning after December 31, 1992.

○

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