

116TH CONGRESS  
2D SESSION

# H. R. 7666

To amend the Internal Revenue Code of 1986 to provide flexibility for families with health flexible spending arrangements and dependent care flexible spending arrangements, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2020

Mr. WENSTRUP (for himself, Mrs. AXNE, and Mr. KELLY of Pennsylvania) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to provide flexibility for families with health flexible spending arrangements and dependent care flexible spending arrangements, and for other purposes.

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 Savings Flexi-  
5 bility Act”.

1 **SEC. 2. INCREASE IN CARRYOVER FOR HEALTH FLEXIBLE**  
2 **SPENDING ARRANGEMENTS.**

3 (a) IN GENERAL.—A plan or other arrangement that  
4 otherwise satisfies all of the applicable requirements of  
5 sections 106 and 125 of the Internal Revenue Code of  
6 1986 (including any rules or regulations thereunder) shall  
7 not fail to be treated as a cafeteria plan or health flexible  
8 spending arrangement merely because such plan or ar-  
9 rangement permits participants to carry over an amount  
10 not in excess of \$2,750 of unused benefits or contributions  
11 remaining in a health flexible spending arrangement from  
12 the plan year ending in 2020 to the plan year ending in  
13 2021.

14 (b) DEFINITIONS.—Any term used in this section  
15 which is also used in section 106 or 125 of the Internal  
16 Revenue Code of 1986 or the rules or regulations there  
17 under shall have the same meaning as when used in such  
18 section or rules or regulations.

19 **SEC. 3. CARRYOVER FOR DEPENDENT CARE FLEXIBLE**  
20 **SPENDING ARRANGEMENTS.**

21 (a) IN GENERAL.—A plan or other arrangement that  
22 otherwise satisfies all applicable requirements of sections  
23 106, 125, and 129 of the Internal Revenue Code of 1986  
24 (including any rules or regulations thereunder) shall not  
25 fail to be treated as a cafeteria plan or dependent care  
26 flexible spending arrangement merely because such plan

1 or arrangement permits participants to carry over (under  
2 rules similar to the rules applicable to health flexible  
3 spending arrangements) an amount, not in excess of the  
4 amount in effect under section 129(a)(2)(A) of such Code,  
5 of unused benefits or contributions remaining in a depend-  
6 ent care flexible spending arrangement from the plan year  
7 ending in 2020 to the plan year ending in 2021.

8 (b) DEFINITIONS.—Any term used in this section  
9 which is also used in section 106, 125, or 129 of the Inter-  
10 nal Revenue Code of 1986 or the rules or regulations  
11 thereunder shall have the same meaning as when used in  
12 such section or rules or regulations.

13 **SEC. 4. MAXIMUM CONTRIBUTION LIMIT TO HEALTH SAV-**  
14 **INGS ACCOUNT INCREASED TO AMOUNT OF**  
15 **DEDUCTIBLE AND OUT-OF-POCKET LIMITA-**  
16 **TION.**

17 (a) SELF-ONLY COVERAGE.—Section 223(b)(2)(A)  
18 of the Internal Revenue Code of 1986 is amended by strik-  
19 ing “\$2,250” and inserting “the amount in effect under  
20 subsection (c)(2)(A)(ii)(I)”.

21 (b) FAMILY COVERAGE.—Section 223(b)(2)(B) of  
22 such Code is amended by striking “\$4,500” and inserting  
23 “the amount in effect under subsection (c)(2)(A)(ii)(II)”.

1 (c) CONFORMING AMENDMENT.—Section 223(g)(1)  
2 of such Code is amended by striking “subsections (b)(2)  
3 and” both places it appears and inserting “subsection”.

4 (d) EFFECTIVE DATE.—The amendments made by  
5 this section shall apply to taxable years beginning after  
6 December 31, 2019.

7 **SEC. 5. INCREASE IN EXCLUSION FOR EMPLOYER-PRO-**  
8 **VIDED DEPENDENT CARE ASSISTANCE.**

9 (a) IN GENERAL.—Section 129(a)(2) of the Internal  
10 Revenue Code of 1986 is amended by striking “\$5,000  
11 (\$2,500” and inserting “\$10,000 (\$5,000”.

12 (b) EFFECTIVE DATE.—The amendment made by  
13 this section shall apply to taxable years beginning after  
14 December 31, 2019.

15 (c) RETROACTIVE PLAN AMENDMENTS.—A plan or  
16 other arrangement that otherwise satisfies all applicable  
17 requirements of sections 106, 125, and 129 of the Internal  
18 Revenue Code of 1986 (including any rules or regulations  
19 thereunder) shall not fail to be treated as a cafeteria plan  
20 or dependent care flexible spending arrangement merely  
21 because such plan or arrangement is amended pursuant  
22 to a provision under this section and such amendment is  
23 retroactive, if—

1           (1) such amendment is adopted no later than  
2           the last day of the plan year in which the amend-  
3           ment is effective, and

4           (2) the plan or arrangement is operated con-  
5           sistent with the terms of such amendment during  
6           the period beginning on the effective date of the  
7           amendment and ending on the date the amendment  
8           is adopted.

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