

112TH CONGRESS  
1ST SESSION

# H. R. 791

To amend title 37, United States Code, to provide flexible spending arrangements for members of the uniformed services, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2011

Ms. LORETTA SANCHEZ of California (for herself, Ms. FOXX, and Mrs. MCMORRIS RODGERS) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To amend title 37, United States Code, to provide flexible spending arrangements for members of the uniformed services, 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. FLEXIBLE SPENDING ARRANGEMENTS FOR**  
4 **THE UNIFORMED SERVICES.**

5 (a) FLEXIBLE SPENDING ARRANGEMENTS.—

6 (1) IN GENERAL.—Chapter 3 of title 37, United  
7 States Code, is amended by adding at the end the  
8 following new section:

1 **“§ 213. Flexible spending arrangements**

2       “(a) FLEXIBLE SPENDING ARRANGEMENTS FOR THE  
3 UNIFORMED SERVICES.—(1) Each Secretary concerned  
4 shall establish procedures to implement flexible spending  
5 arrangements with respect to basic pay under section 204  
6 of this title and compensation payable under section 206  
7 of this title for health care and dependent care on a pre-  
8 tax basis in accordance with regulations prescribed under  
9 sections 106(c) and 125 of the Internal Revenue Code of  
10 1986.

11       “(2) In establishing the procedures required by para-  
12 graph (1), each Secretary concerned shall consider life  
13 events of members of the uniformed services that are  
14 unique to them as members of the uniformed services, in-  
15 cluding changes relating to permanent changes of duty  
16 station and deployments to overseas contingency oper-  
17 ations.

18       “(b) DEDUCTIONS NOT PROHIBITED FOR ENLISTED  
19 MEMBERS.—Section 701(c) of this title, relating to as-  
20 signment of the pay of an enlisted member, may not be  
21 construed to prohibit or invalidate the flexible spending  
22 arrangements authorized by this section with respect to  
23 the pay or compensation of an enlisted member.”.

24               (2) CLERICAL AMENDMENT.—The table of sec-  
25 tions at the beginning of chapter 3 of such title is

1 amended by inserting after the item relating to sec-  
2 tion 204 the following new item:

“213. Flexible spending arrangements.”.

3 (b) IMPLEMENTATION AND SOURCE OF FUNDS.—

4 (1) IMPLEMENTATION.—Each Secretary con-  
5 cerned shall establish the procedures required by  
6 section 213(a) of title 37, United States Code, as  
7 added by subsection (a)(1) not later than 180 days  
8 after the date of the enactment of this Act.

9 (2) SOURCE OF FUNDS.—To cover the cost of  
10 establishing the procedures described in paragraph  
11 (1), each Secretary concerned shall use funds other-  
12 wise available for the operation of the Office of that  
13 Secretary.

14 (3) SECRETARY CONCERNED DEFINED.—In this  
15 subsection, the term “Secretary concerned” has the  
16 meaning given such term in section 101(5) of title  
17 37, United States Code.

18 (c) REVIEW OF APPLICABILITY TO SELECTED RE-  
19 SERVE.—

20 (1) IN GENERAL.—Not later than November 1,  
21 2011, the Secretary of Defense shall submit to the  
22 congressional defense committees recommendations  
23 on the advisability of authorizing flexible spending  
24 arrangements as described in section 212 of title 37,

1 United States Code, as added by subsection (a)(1),  
2 for members of the Selected Reserve.

3 (2) CONGRESSIONAL DEFENSE COMMITTEES  
4 DEFINED.—In this subsection, the term “congres-  
5 sional defense committees” has the meaning given  
6 such term in section 101(a) of title 10, United  
7 States Code.

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