

104TH CONGRESS
1ST SESSION

H. R. 2584

To amend the Internal Revenue Code of 1986 to provide for the establishment of simple retirement accounts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 1995

Mr. PORTMAN (for himself and Mr. CARDIN) 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 provide for the establishment of simple retirement accounts, 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. ESTABLISHMENT OF SAVINGS INCENTIVE**
4 **MATCH PLANS FOR EMPLOYEES OF SMALL**
5 **EMPLOYERS.**

6 (a) IN GENERAL.—Section 408 of the Internal Reve-
7 nue Code of 1986 (relating to individual retirement ac-
8 counts) is amended by redesignating subsection (p) as
9 subsection (q) and by inserting after subsection (o) the
10 following new subsection:

1 “(p) SIMPLE RETIREMENT ACCOUNTS.—

2 “(1) IN GENERAL.—For purposes of this title,
3 the term ‘simple retirement account’ means an indi-
4 vidual retirement plan—

5 “(A) with respect to which the require-
6 ments of paragraphs (3), (4), and (5) are met;
7 and

8 “(B) with respect to which the only con-
9 tributions allowed are contributions under a
10 qualified salary reduction arrangement.

11 “(2) QUALIFIED SALARY REDUCTION ARRANGE-
12 MENT.—

13 “(A) IN GENERAL.—For purposes of this
14 subsection, the term ‘qualified salary reduction
15 arrangement’ means a written arrangement of
16 an eligible employer under which—

17 “(i) an employee eligible to participate
18 in the arrangement may elect to have the
19 employer make payments—

20 “(I) as elective employer con-
21 tributions to a simple retirement ac-
22 count on behalf of the employee, or

23 “(II) to the employee directly in
24 cash,

1 “(ii) the amount which an employee
2 may elect under clause (i) for any year is
3 required to be expressed as a percentage of
4 compensation and may not exceed a total
5 of \$6,000 for any year,

6 “(iii) the employer is required to make
7 a matching contribution to the simple re-
8 tirement account for any year in an
9 amount equal to so much of the amount
10 the employee elects under clause (i)(I) as
11 does not exceed the applicable percentage
12 of compensation for the year, and

13 “(iv) no contributions may be made
14 other than contributions described in
15 clause (i) or (iii).

16 “(B) DEFINITIONS.—For purposes of this
17 subsection—

18 “(i) ELIGIBLE EMPLOYER.—The term
19 ‘eligible employer’ means an employer who
20 normally employs 100 or fewer employees
21 on any day during the year.

22 “(ii) APPLICABLE PERCENTAGE.—

23 “(I) IN GENERAL.—The term
24 ‘applicable percentage’ means 3 per-
25 cent.

1 “(II) ELECTION OF LOWER PER-
2 CENTAGE.—An employer may elect to
3 apply a lower percentage (not less
4 than 1 percent) for any year for all
5 employees eligible to participate in the
6 plan for such year if the employer no-
7 tifies the employees of such lower per-
8 centage within a reasonable period of
9 time before the 60-day election period
10 for such year under paragraph (5)(C).
11 An employer may not elect a lower
12 percentage under this subclause for
13 any year if that election would result
14 in the applicable percentage being
15 lower than 3 percent in more than 2
16 of the years in the 5-year period end-
17 ing with such year.

18 “(III) SPECIAL RULE FOR YEARS
19 ARRANGEMENT NOT IN EFFECT.—If
20 any year in the 5-year period de-
21 scribed in subclause (II) is a year
22 prior to the first year for which any
23 qualified salary reduction arrange-
24 ment is in effect with respect to the
25 employer (or any predecessor), the

1 employer shall be treated as if the
2 level of the employer matching con-
3 tribution was at 3 percent of com-
4 pensation for such year.

5 “(C) ARRANGEMENT MAY BE ONLY PLAN
6 OF EMPLOYER.—

7 “(i) IN GENERAL.—An arrangement
8 shall not be treated as a qualified salary
9 reduction arrangement for any year if the
10 employer (or any predecessor employer)
11 maintained a qualified plan with respect to
12 which contributions were made, or benefits
13 were accrued, for service in any year in the
14 period beginning with the year such ar-
15 rangement became effective and ending
16 with the year for which the determination
17 is being made.

18 “(ii) QUALIFIED PLAN.—For purposes
19 of this subparagraph, the term ‘qualified
20 plan’ means a plan, contract, pension, or
21 trust described in subparagraph (A) or (B)
22 of section 219(g)(5).

23 “(D) NO FEE OR PENALTY ON EMPLOY-
24 EE’S INITIAL INVESTMENT DETERMINATION.—
25 An arrangement shall not be treated as a quali-

1 fied salary reduction arrangement unless it pro-
2 vides that no fee or penalty will be imposed on
3 an employee's initial determination with respect
4 to the investment of any contribution.

5 “(E) COST-OF-LIVING ADJUSTMENT.—The
6 Secretary shall adjust the \$6,000 amount under
7 subparagraph (A)(ii) at the same time and in
8 the same manner as under section 415(d), ex-
9 cept that the base period taken into account
10 shall be the calendar quarter ending September
11 30, 1995, and any increase under this subpara-
12 graph which is not a multiple of \$500 shall be
13 rounded to the next lower multiple of \$500.

14 “(3) VESTING REQUIREMENTS.—The require-
15 ments of this paragraph are met with respect to a
16 simple retirement account if the employee's rights to
17 any contribution to the simple retirement account
18 are nonforfeitable. For purposes of this paragraph,
19 the rules similar to the rules of subsection (k)(4)
20 shall apply.

21 “(4) PARTICIPATION REQUIREMENTS.—

22 “(A) IN GENERAL.—The requirements of
23 this paragraph are met with respect to any sim-
24 ple retirement account for a year only if, under

1 the qualified salary reduction arrangement, all
2 employees of the employer who—

3 “(i) received at least \$5,000 in com-
4 pensation from the employer during each
5 of the 2 preceding years, and

6 “(ii) who are reasonably expected to
7 receive at least \$5,000 in compensation
8 during the year,

9 are eligible to make the election under para-
10 graph (2)(A)(i).

11 “(B) EXCLUDABLE EMPLOYEES.—An em-
12 ployer may elect to exclude from the require-
13 ment under subparagraph (A) employees de-
14 scribed in section 410(b)(3).

15 “(5) ADMINISTRATIVE REQUIREMENTS.—The
16 requirements of this paragraph are met with respect
17 to any simplified retirement account if, under the
18 qualified salary reduction arrangement—

19 “(A) an employer must—

20 “(i) make the elective employer con-
21 tributions under paragraph (2)(A)(i) not
22 later than the close of the 30-day period
23 following the last day of the month with
24 respect to which the contributions are to
25 be made, and

1 “(ii) make the matching contributions
2 under paragraph (2)(A)(iii) not later than
3 the date described in section
4 404(m)(2)(B),

5 “(B) an employee may elect to terminate
6 participation in such arrangement at any time
7 during the year, except that if an employee so
8 terminates, the arrangement may provide that
9 the employee may not elect to resume participa-
10 tion until the beginning of the next year, and

11 “(C) each employee eligible to participate
12 may elect, during the 60-day period before the
13 beginning of any year, to participate in the ar-
14 rangement, or to modify the amounts subject to
15 such arrangement, for such year.

16 “(6) DEFINITIONS.—For purposes of this sub-
17 section—

18 “(A) COMPENSATION.—

19 “(i) IN GENERAL.—The term ‘com-
20 pensation’ means amounts described in
21 paragraphs (3) and (8) of section 6051(a).

22 “(ii) SELF-EMPLOYED.—In the case
23 of an employee described in subparagraph
24 (B), compensation means net earnings
25 from self-employment determined under

1 section 1402(a) without regard to any con-
2 tribution under this subsection.

3 “(B) EMPLOYEE.—The term ‘employee’ in-
4 cludes an employee as defined in section
5 401(c)(1).

6 “(C) YEAR.—The term ‘year’ means the
7 calendar year.”.

8 (b) SIMPLE RETIREMENT ACCOUNTS NOT TREATED
9 AS PENSION PLANS.—Notwithstanding any other provi-
10 sion of law, a simplified retirement account or qualified
11 salary reduction arrangement under section 408(p) of the
12 Internal Revenue Code of 1986 shall not be treated as an
13 employee benefit plan or pension plan for purposes of the
14 Employee Retirement Income Security Act of 1974.

15 (c) TAX TREATMENT OF SIMPLE RETIREMENT AC-
16 COUNTS.—

17 (1) DEDUCTIBILITY OF CONTRIBUTIONS BY EM-
18 PLOYEES.—

19 (A) Section 219(b) of such Code (relating
20 to maximum amount of deduction) is amended
21 by adding at the end the following new para-
22 graph:

23 “(4) SPECIAL RULE FOR SIMPLE RETIREMENT
24 ACCOUNTS.—This section shall not apply with re-

1 spect to any amount contributed to a simple retire-
2 ment account established under section 408(p).”.

3 (B) Section 219(g)(5)(A) of such Code
4 (defining active participant) is amended by
5 striking “or” at the end of clause (iv) and by
6 adding at the end the following new clause:

7 “(vi) any simple retirement account
8 (within the meaning of section 408(p)),
9 or”.

10 (2) DEDUCTIBILITY OF EMPLOYER CONTRIBU-
11 TIONS.—Section 404 of such Code (relating to de-
12 ductions for contributions of an employer to pension,
13 etc. plans) is amended by adding at the end the fol-
14 lowing new subsection:

15 “(m) SPECIAL RULES FOR SIMPLE RETIREMENT AC-
16 COUNTS.—

17 “(1) IN GENERAL.—Employer contributions to
18 a simple retirement account shall be treated as if
19 they are made to a plan subject to the requirements
20 of this section.

21 “(2) TIMING.—

22 “(A) DEDUCTION.—Contributions de-
23 scribed in paragraph (1) shall be deductible in
24 the taxable year of the employer with or within

1 which the calendar year for which the contribu-
2 tions were made ends.

3 “(B) CONTRIBUTIONS AFTER END OF
4 YEAR.—For purposes of this subsection, con-
5 tributions shall be treated as made for a taxable
6 year if they are made on account of the taxable
7 year and are made not later than the time pre-
8 scribed by law for filing the return for the tax-
9 able year (including extensions thereof).”.

10 (3) CONTRIBUTIONS AND DISTRIBUTIONS.—

11 (A) Section 402 of such Code (relating to
12 taxability of beneficiary of employees’ trust) is
13 amended by adding at the end the following
14 new subsection:

15 “(k) TREATMENT OF SIMPLE RETIREMENT AC-
16 COUNTS.—Rules similar to the rules of paragraphs (1)
17 and (3) of subsection (h) shall apply to contributions and
18 distributions with respect to a simple retirement account
19 under section 408(p).”.

20 (B) Section 408(d)(3) of such Code is
21 amended by adding at the end the following
22 new subparagraph:

23 “(G) SIMPLE RETIREMENT ACCOUNTS.—
24 This paragraph shall not apply to any amount
25 paid or distributed out of a simple retirement

1 account (as defined in section 408(p)) unless it
2 is paid into another simple retirement ac-
3 count.”.

4 (C) Clause (i) of section 457(c)(2)(B) of
5 such Code is amended by striking “section
6 402(h)(1)(B)” and inserting “section
7 402(h)(1)(B) or (k)”.

8 (4) PENALTIES.—

9 (A) EARLY WITHDRAWALS.—Section 72(t)
10 of such Code (relating to additional tax in early
11 distributions) is amended by adding at the end
12 the following new paragraph:

13 “(6) SPECIAL RULES FOR SIMPLE RETIREMENT
14 ACCOUNTS.—In the case of any amount received
15 from a simple retirement account (within the mean-
16 ing of section 408(p)) during the 2-year period be-
17 ginning on the date such individual first participated
18 in any qualified salary reduction arrangement main-
19 tained by the individual’s employer under section
20 408(p)(2), paragraph (1) shall be applied by sub-
21 stituting ‘25 percent’ for ‘10 percent’.”.

22 (B) FAILURE TO REPORT.—Section 6693
23 of such Code is amended by redesignating sub-
24 section (c) as subsection (d) and by inserting

1 after subsection (b) the following new sub-
2 section:

3 “(c) PENALTIES RELATING TO SIMPLE RETIREMENT
4 ACCOUNTS.—

5 “(1) EMPLOYER PENALTIES.—An employer who
6 fails to provide 1 or more notices required by section
7 408(l)(2)(C) shall pay a penalty of \$50 for each day
8 on which such failures continue.

9 “(2) TRUSTEE PENALTIES.—A trustee who
10 fails—

11 “(A) to provide 1 or more statements re-
12 quired by the last sentence of section 408(i)
13 shall pay a penalty of \$50 for each day on
14 which such failures continue, or

15 “(B) to provide 1 or more summary de-
16 scriptions required by section 408(l)(2)(B) shall
17 pay a penalty of \$50 for each day on which
18 such failures continue.

19 “(3) REASONABLE CAUSE EXCEPTION.—No
20 penalty shall be imposed under this subsection with
21 respect to any failure which the taxpayer shows was
22 due to reasonable cause.”.

23 (5) REPORTING REQUIREMENTS.—

1 (A)(i) Section 408(l) of such Code is
2 amended by adding at the end the following
3 new paragraph:

4 “(2) SIMPLE RETIREMENT ACCOUNTS.—

5 “(A) NO EMPLOYER REPORTS.—Except as
6 provided in this paragraph, no report shall be
7 required under this section by an employer
8 maintaining a qualified salary reduction ar-
9 rangement under subsection (p).

10 “(B) SUMMARY DESCRIPTION.—The trust-
11 ee of any simple retirement account established
12 pursuant to a qualified salary reduction ar-
13 rangement under subsection (p) shall provide to
14 the employer maintaining the arrangement,
15 each year a description containing the following
16 information:

17 “(i) The name and address of the em-
18 ployer and the trustee.

19 “(ii) The requirements for eligibility
20 for participation.

21 “(iii) The benefits provided with re-
22 spect to the arrangement.

23 “(iv) The time and method of making
24 elections with respect to the arrangement.

1 “(v) The procedures for, and effects
2 of, withdrawals from the arrangement.

3 “(C) EMPLOYEE NOTIFICATION.—The em-
4 ployer shall notify each employee immediately
5 before the period for which an election de-
6 scribed in subsection (p)(5)(C) may be made of
7 the employee’s opportunity to make such elec-
8 tion. Such notice shall include a copy of the de-
9 scription described in subparagraph (B).”.

10 (ii) Section 408(l) of such Code is amend-
11 ed by striking “An employer” and inserting—
12 “(1) IN GENERAL.—An employer”.

13 (B) Section 408(i) of such Code is amend-
14 ed by adding at the end the following new flush
15 sentence:

16 “In the case of a simple retirement account under sub-
17 section (p), only one report under this subsection shall be
18 required to be submitted each calendar year to the Sec-
19 retary (at the time provided under paragraph (2)) but, in
20 addition to the report under this subsection, there shall
21 be furnished, within 30 days after each calendar year, to
22 the individual on whose behalf the account is maintained
23 a statement with respect to the account balance as of the
24 close of, and the account activity during, such calendar
25 year.”.

1 (6) EXEMPTION FROM TOP-HEAVY PLAN
2 RULES.—Section 416(g)(4) of such Code (relating to
3 special rules for top-heavy plans) is amended by
4 adding at the end the following new subparagraph:

5 “(G) SIMPLE RETIREMENT ACCOUNTS.—
6 The term ‘top-heavy plan’ shall not include a
7 simple retirement account under section
8 408(p).”.

9 (7) CONFORMING AMENDMENTS.—

10 (A) Section 280G(b)(6) of such Code is
11 amended by striking “or” at the end of sub-
12 paragraph (B), by striking the period at the
13 end of subparagraph (C) and inserting “, or”
14 and by adding after subparagraph (C) the fol-
15 lowing new subparagraph:

16 “(D) a simple retirement account described
17 in section 408(p).”.

18 (B) Section 402(g)(3) of such Code is
19 amended by striking “and” at the end of sub-
20 paragraph (B), by striking the period at the
21 end of subparagraph (C) and inserting “, and”,
22 and by adding after subparagraph (C) the fol-
23 lowing new subparagraph:

24 “(D) any elective employer contribution
25 under section 408(p)(2)(A)(i).”.

1 (C) Subsections (b), (c), (m)(4)(B), and
 2 (n)(3)(B) of section 414 of such Code are each
 3 amended by inserting “408(p),” after
 4 “408(k),”.

5 (D) Section 4972(d)(1)(A) of such Code is
 6 amended by striking “and” at the end of clause
 7 (ii), by striking the period at the end of clause
 8 (iii) and inserting “, and”, and by adding after
 9 clause (iii) the following new clause:

10 “(iv) any simple retirement account
 11 (within the meaning of section 408(p)).”.

12 (d) EFFECTIVE DATE.—The amendments made by
 13 this section shall apply to taxable years beginning after
 14 December 31, 1995.

15 **SEC. 2. EXTENSION OF SIMPLE PLAN TO 401(k) ARRANGE-**
 16 **MENTS.**

17 (a) ALTERNATIVE METHOD OF SATISFYING SECTION
 18 401(k) NONDISCRIMINATION TESTS.—Section 401(k) of
 19 the Internal Revenue Code of 1986 (relating to cash or
 20 deferred arrangements) is amended by adding at the end
 21 the following new paragraph:

22 “(11) ADOPTION OF SIMPLE PLAN TO MEET
 23 NONDISCRIMINATION TESTS.—

24 “(A) IN GENERAL.—A cash or deferred ar-
 25 rangement maintained by an eligible employer

1 shall be treated as meeting the requirements of
2 paragraph (3)(A)(ii) if such arrangement
3 meets—

4 “(i) the contribution requirements of
5 subparagraph (B),

6 “(ii) the exclusive benefit require-
7 ments of subparagraph (C), and

8 “(iii) the vesting requirements of sec-
9 tion 408(p)(3).

10 “(B) CONTRIBUTION REQUIREMENTS.—
11 The requirements of this subparagraph are met
12 if, under the arrangement—

13 “(i) an employee may elect to have
14 the employer make elective contributions
15 for the year on behalf of the employee to
16 a trust under the plan in an amount which
17 is expressed as a percentage of compensa-
18 tion of the employee but which in no event
19 exceeds \$6,000,

20 “(ii) the employer is required to make
21 a matching contribution to the trust for
22 the year in an amount equal to so much of
23 the amount the employee elects under
24 clause (i) as does not exceed 3 percent of
25 compensation for the year, and

1 “(iii) no other contributions may be
2 made other than contributions described in
3 clause (i) or (ii).

4 “(C) EXCLUSIVE BENEFIT.—The require-
5 ments of this subparagraph are met for any
6 year to which this paragraph applies if no con-
7 tributions were made, or benefits were accrued,
8 for services during such year under any quali-
9 fied plan of the employer on behalf of any em-
10 ployee eligible to participate in the cash or de-
11 ferred arrangement, other than contributions
12 described in subparagraph (B).

13 “(D) DEFINITIONS AND SPECIAL RULE.—

14 “(i) DEFINITIONS.—For purposes of
15 this paragraph, any term used in this
16 paragraph which is also used in section
17 408(p) shall have the meaning given such
18 term by such section.

19 “(ii) COORDINATION WITH TOP-HEAVY
20 RULES.—A plan meeting the requirements
21 of this paragraph for any year shall not be
22 treated as a top-heavy plan under section
23 416 for such year.”.

24 (b) ALTERNATIVE METHODS OF SATISFYING SEC-
25 TION 401(m) NONDISCRIMINATION TESTS.—Section

1 401(m) of such Code (relating to nondiscrimination test
 2 for matching contributions and employee contributions) is
 3 amended by redesignating paragraph (10) as paragraph
 4 (11) and by adding after paragraph (9) the following new
 5 paragraph:

6 “(10) ALTERNATIVE METHOD OF SATISFYING
 7 TESTS.—A defined contribution plan shall be treated
 8 as meeting the requirements of paragraph (2) with
 9 respect to matching contributions if the plan—

10 “(A) meets the contribution requirements
 11 of subparagraph (B) of subsection (k)(11),

12 “(B) meets the exclusive benefit require-
 13 ments of subsection (k)(11)(C), and

14 “(C) meets the vesting requirements of
 15 section 408(p)(3).”.

16 (c) EFFECTIVE DATE.—The amendments made by
 17 this section shall apply to plan years beginning after De-
 18 cember 31, 1995.

19 **SEC. 3. CREDIT FOR PENSION PLAN START-UP COSTS OF**
 20 **SMALL EMPLOYERS.**

21 (a) ALLOWANCE OF CREDIT.—Section 38(b) of the
 22 Internal Revenue Code of 1986 (defining current year
 23 business credit) is amended by striking “plus” at the end
 24 of paragraph (10), by striking the period at the end of

1 paragraph (11), and inserting “, plus”, and by adding at
 2 the end the following new paragraph:

3 “(12) the small employer pension plan start-up
 4 cost credit.”.

5 (b) SMALL EMPLOYER PENSION PLAN START-UP
 6 COST CREDIT.—Subpart D of part IV of subchapter A
 7 of chapter 1 of such Code (relating to business related
 8 credits), as amended by this Act is amended by adding
 9 at the end the following new section:

10 **“SEC. 45C. SMALL EMPLOYER PENSION PLAN START-UP**
 11 **COST CREDIT.**

12 “(a) AMOUNT OF CREDIT.—For purposes of section
 13 38—

14 “(1) IN GENERAL.—The small employer pen-
 15 sion plan start-up cost credit for any taxable year is
 16 an amount equal to 50 percent of the qualified start-
 17 up costs of an eligible employer in establishing a
 18 qualified pension plan.

19 “(2) AGGREGATE LIMITATION.—The amount of
 20 the credit under paragraph (1) for any taxable year
 21 shall not exceed \$500, reduced by the aggregate
 22 amount determined under this section for all preced-
 23 ing taxable years of the taxpayer.

24 “(b) QUALIFIED START-UP COSTS; QUALIFIED PEN-
 25 SION PLAN.—For purposes of this section—

1 “(1) QUALIFIED START-UP COSTS.—The term
2 ‘qualified start-up costs’ means any ordinary and
3 necessary expenses of an eligible employer which—

4 “(A) are paid or incurred in connection
5 with the establishment of a qualified pension
6 plan, and

7 “(B) are of a nonrecurring nature.

8 “(2) QUALIFIED PENSION PLAN.—The term
9 ‘qualified pension plan’ means—

10 “(A) a qualified salary reduction arrange-
11 ment described in section 408(p) (relating to
12 simple retirement accounts), or

13 “(B) an arrangement described in section
14 401(k)(11).

15 “(c) ELIGIBLE EMPLOYER.—For purposes of this
16 section—

17 “(1) IN GENERAL.—The term ‘eligible em-
18 ployer’ means an employer which did not make any
19 contributions on behalf of any employee to—

20 “(A) a qualified pension plan,

21 “(B) a plan described in section 401(a)
22 which includes a trust exempt from tax under
23 section 501(a), or

24 “(C) a simplified employee pension (as de-
25 fined in section 408(k)),

1 during the 2 taxable years immediately preceding
2 the taxable year.

3 “(2) PROFESSIONAL SERVICE EMPLOYERS EX-
4 CLUDED.—Such term shall not include an employer
5 substantially all of the activities of which involve the
6 performance of services in the fields of health, law,
7 engineering, architecture, accounting, actuarial
8 science, performing arts, financial services, or con-
9 sulting.

10 “(d) SPECIAL RULES.—For purposes of this sec-
11 tion—

12 “(1) AGGREGATION RULES.—All persons treat-
13 ed as a single employer under subsection (a) or (b)
14 of section 52 or subsection (n) or (o) of section 414
15 shall be treated as one person.

16 “(2) DISALLOWANCE OF DEDUCTION.—No de-
17 duction shall be allowable under this chapter for any
18 qualified start-up costs for which a credit is allow-
19 able under subsection (a).”.

20 (c) CONFORMING AMENDMENTS.—

21 (1) Section 39(d) of such Code is amended by
22 adding at the end the following new paragraph:

23 “(7) NO CARRYBACK OF PENSION CREDIT.—No
24 portion of the unused business credit for any taxable
25 year which is attributable to the small employer pen-

1 sion plan start-up cost credit determined under sec-
2 tion 45C may be carried back to a taxable year end-
3 ing before the date of the enactment of section
4 45C.”.

5 (2) The table of sections for subpart D of part
6 IV of subchapter A of chapter 1 of such Code is
7 amended by adding at the end the following new
8 item:

“Sec. 45C. Small employer pension plan start-up cost credit.”.

9 (d) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to costs incurred after the date
11 of the enactment of this Act in taxable years ending after
12 such date.

○

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