

114TH CONGRESS  
1ST SESSION

# H. R. 506

To amend the Internal Revenue Code of 1986 to expand personal saving and retirement savings coverage by enabling employees not covered by qualifying retirement plans to save for retirement through automatic IRA arrangements, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 22, 2015

Mr. NEAL introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Internal Revenue Code of 1986 to expand personal saving and retirement savings coverage by enabling employees not covered by qualifying retirement plans to save for retirement through automatic IRA 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; REFERENCE.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Automatic IRA Act of 2015”.

1 (b) AMENDMENT OF 1986 CODE.—Except as other-  
2 wise expressly provided, whenever in this Act an amend-  
3 ment or repeal is expressed in terms of an amendment  
4 to, or repeal of, a section or other provision, the reference  
5 shall be considered to be made to a section or other provi-  
6 sion of the Internal Revenue Code of 1986.

7 **SEC. 2. EMPLOYEES NOT COVERED BY QUALIFYING RE-**  
8 **TIREMENT PLANS OR ARRANGEMENTS ENTI-**  
9 **TLED TO PARTICIPATE IN AUTOMATIC IRA**  
10 **ARRANGEMENTS.**

11 (a) IN GENERAL.—Subpart A of part I of subchapter  
12 D of chapter 1 (relating to pension, profit-sharing, stock  
13 bonus plans, etc.) is amended by inserting after section  
14 408A the following new section:

15 **“SEC. 408B. RIGHT TO AUTOMATIC IRA ARRANGEMENTS AT**  
16 **WORK.**

17 “(a) REQUIREMENT TO PROVIDE AUTOMATIC IRA  
18 ARRANGEMENT.—Each covered employer shall make  
19 available to each qualifying employee of the employer for  
20 the calendar year an automatic IRA arrangement.

21 “(b) COVERED EMPLOYER.—For purposes of this  
22 section—

23 “(1) IN GENERAL.—Except as otherwise pro-  
24 vided in this subsection or subsection (c)(2), the  
25 term ‘covered employer’ means, with respect to any

1 year, an employer which does not maintain a quali-  
2 fying plan or arrangement described in section  
3 219(g)(5) for the calendar year.

4 “(2) EXCLUDED PLANS.—A qualifying plan or  
5 arrangement shall not be taken into account for pur-  
6 poses of paragraph (1) if—

7 “(A) the plan or arrangement is frozen as  
8 of the first day of the preceding calendar year,  
9 or

10 “(B) in the case of a plan or arrangement  
11 under which the only contributions are discre-  
12 tionary on the part of the employer or other  
13 plan sponsor, no employer contribution has  
14 been made to the plan or arrangement for the  
15 2-plan-year period ending with the last plan  
16 year ending in the second preceding calendar  
17 year and it is not reasonable to assume that an  
18 employer contribution will be made for the last  
19 plan year ending in the preceding calendar  
20 year.

21 “(3) EXCEPTION FOR CERTAIN SMALL AND  
22 NEW EMPLOYERS.—

23 “(A) IN GENERAL.—The term ‘covered em-  
24 ployer’ does not include an employer for a cal-  
25 endar year if the employer either—

1 “(i) did not employ more than 10 em-  
2 ployees who received at least \$5,000 of  
3 compensation (as defined in section  
4 3401(a)) from the employer for the pre-  
5 ceding calendar year,

6 “(ii) did not normally employ more  
7 than 10 employees on a typical business  
8 day of the preceding calendar year, or

9 “(iii) was not in existence at all times  
10 during the calendar year and the preceding  
11 calendar year.

12 “(B) OPERATING RULES.—In determining  
13 the number of employees for purposes of sub-  
14 paragraph (A)—

15 “(i) rules consistent with any rules  
16 applicable in determining the number of  
17 employees for purposes of section  
18 408(p)(2)(C) and section 4980B(d) shall  
19 apply,

20 “(ii) all members of the same family  
21 (within the meaning of section 318(a)(1))  
22 shall be treated as 1 individual, and

23 “(iii) any reference to an employer  
24 shall include a reference to any predecessor  
25 employer.

1           “(4) EXCEPTION FOR GOVERNMENTS AND  
2 CHURCHES.—The term ‘covered employer’ does not  
3 include—

4           “(A) a government or entity described in  
5 section 414(d), or

6           “(B) a church or a convention or associa-  
7 tion of churches which is exempt from tax  
8 under section 501.

9           “(5) AGGREGATION RULE.—All persons treated  
10 as a single employer under subsection (a) or (b) of  
11 section 52 or subsection (m) or (o) of section 414  
12 shall be treated as a single employer.

13          “(c) QUALIFYING EMPLOYEE.—For purposes of this  
14 section—

15          “(1) IN GENERAL.—The term ‘qualifying em-  
16 ployee’ means any employee of the employer who is  
17 not an excluded employee.

18          “(2) PLAN SPONSOR’S EMPLOYEES.—If—

19               “(A) an employer maintains one or more  
20 qualifying plans or arrangements described in  
21 section 219(g)(5), and

22               “(B) the employees of a subsidiary, divi-  
23 sion, or other major business unit are generally  
24 not eligible to participate in any such qualifying  
25 plan or arrangement,

1 then, for purposes of this section, the employer shall  
2 be treated as a covered employer with respect to  
3 such employees (other than excluded employees),  
4 and such employees (other than excluded employees)  
5 shall be treated as qualifying employees, but only if  
6 there are 50 or more ineligible employees of such  
7 subsidiary, division or other major business unit con-  
8 stituting at least 10 percent of the employees of the  
9 employer (other than excludable employees).

10 “(3) EXCLUDED EMPLOYEES.—

11 “(A) IN GENERAL.—The term ‘excluded  
12 employee’ means an employee of the employer  
13 who is an excludable employee and who is in a  
14 class or category that the employer excludes  
15 from treatment as qualifying employees.

16 “(B) EXCLUDABLE EMPLOYEE.—The term  
17 ‘excludable employee’ means—

18 “(i) any employee described in section  
19 410(b)(3),

20 “(ii) any employee who has not at-  
21 tained the age of 18 before the beginning  
22 of the calendar year,

23 “(iii) any employee who has not com-  
24 pleted at least 3 months of service with the  
25 employer,

1           “(iv) in the case of an employer that  
2 maintains a qualifying plan or arrange-  
3 ment which excludes employees who have  
4 not satisfied the minimum age and service  
5 requirements for participation in the plan,  
6 any employee who has not satisfied such  
7 requirements,

8           “(v) in the case of an employer that  
9 maintains a section 403(b) annuity con-  
10 tract (including a custodial account or re-  
11 tirement income account), any employee  
12 who is permitted to be excluded from any  
13 salary reduction arrangement under the  
14 contract pursuant to section 403(b)(12),

15           “(vi) in the case of an employer that  
16 maintains an arrangement described in  
17 section 408(p), any employee who is not  
18 required to be eligible to participate in the  
19 arrangement under section 408(p)(4), and

20           “(vii) in the case of an employer that  
21 maintains a simplified employee pension  
22 described in section 408(k), any employee  
23 who is permitted to be excluded from par-  
24 ticipation under section 408(k)(2).

1           “(4) GUIDANCE.—The Secretary shall issue  
2 regulations or other guidance to carry out this sub-  
3 section, including—

4                   “(A) guidelines for determining the classes  
5 or categories of employees to be covered by an  
6 automatic IRA arrangement,

7                   “(B) if an employer excludes employees  
8 from the automatic IRA arrangement, guide-  
9 lines providing that the employer shall specify  
10 the classification or categories of employees who  
11 are so excluded, and

12                   “(C) rules to prevent avoidance of the re-  
13 quirements of this section.

14           “(d) AUTOMATIC IRA ARRANGEMENT.—For pur-  
15 poses of this section—

16                   “(1) IN GENERAL.—The term ‘automatic IRA  
17 arrangement’ means an arrangement of an employer  
18 (determined without regard to whether the employer  
19 is required to maintain the arrangement)—

20                           “(A) which covers each qualifying employee  
21 of the covered employer for the calendar year,

22                           “(B) under which a qualifying employee—

23                                   “(i) may elect—

24   “(I) to contribute to an indi-  
25 vidual retirement plan, or to purchase

1 a qualified retirement bond on behalf  
2 of the employee, by having the em-  
3 ployer deposit payroll deduction  
4 amounts or make other periodic direct  
5 deposits (including electronic pay-  
6 ments) to the plan or to be invested in  
7 retirement bonds (whether to the Sec-  
8 retary of the Treasury or to a des-  
9 ignated trustee or other agent for that  
10 purpose), or

11 “(II) to have such payments paid  
12 to the employee directly in cash,

13 “(ii) is treated as having made the  
14 election under clause (i)(I) in the amount  
15 specified in paragraph (4) until the indi-  
16 vidual specifically elects not to have such  
17 contributions or purchases made (or spe-  
18 cifically elects to have such contributions  
19 or purchases made at a different percent-  
20 age or in a different amount), and

21 “(iii) may elect to modify the manner  
22 in which such amounts are invested for  
23 such year,

1           “(C) which meets the administrative re-  
2           quirements of paragraph (2), including the no-  
3           tice requirement of paragraph (2)(C), and

4           “(D) which does not charge unreasonable  
5           additional fees solely on the basis that the bal-  
6           ance in an automatic IRA is small.

7           “(2) ADMINISTRATIVE REQUIREMENTS.—

8           “(A) PAYMENTS.—The requirements of  
9           this paragraph are met with respect to any  
10          automatic IRA arrangement if the employer  
11          makes the payments elected or treated as elect-  
12          ed under paragraph (1)(B)—

13                  “(i) on or before the last day of the  
14                  month following the month in which the  
15                  compensation otherwise would have been  
16                  payable to the employee in cash, or

17                  “(ii) before such later deadline pre-  
18                  scribed by the Secretary for making such  
19                  payments, but not later than the due date  
20                  for the deposit of tax required to be de-  
21                  ducted and withheld under chapter 24 (re-  
22                  lating to collection of income tax at source  
23                  on wages) for the payroll period to which  
24                  such payments relate.

1           “(B) TERMINATION OF EMPLOYEE PAR-  
2           TICIPATION.—Subject to a requirement for rea-  
3           sonable notice, an employee may elect to termi-  
4           nate participation in the arrangement at any  
5           time during a calendar year, except that if an  
6           employee so terminates, the arrangement may  
7           provide that the employee may not elect to re-  
8           sume participation until the beginning of the  
9           next calendar year.

10           “(C) NOTICE OF ELECTION PERIOD.—The  
11           requirements of this paragraph shall not be  
12           treated as met with respect to any year unless  
13           the employer notifies each employee eligible to  
14           participate, within a reasonable period of time  
15           before the 30th day before the beginning of  
16           such year (and, for the first year the employee  
17           is so eligible, the 30th day before the first day  
18           such employee is so eligible), of—

19                   “(i) the payments that may be elected  
20                   or treated as elected under paragraph  
21                   (1)(B),

22                   “(ii) the opportunity to make the elec-  
23                   tion to terminate participation in the ar-  
24                   rangement under paragraph (2)(B),

1           “(iii) the opportunity to make the  
2           election under paragraph (1)(B)(ii) to have  
3           contributions or purchases made at a dif-  
4           ferent percentage or in a different amount,  
5           and

6           “(iv) the opportunity under paragraph  
7           (1)(B)(iii) to modify the manner in which  
8           such amounts are invested for such year.

9           “(D) EMPLOYER MAY PERMIT EMPLOYEES  
10          TO CHOOSE IRA.—Subject to subsection (f), if  
11          the employer so elects, the arrangement pro-  
12          vides that an employee may elect to have con-  
13          tributions made to any individual retirement  
14          plan specified by the employee.

15          “(E) EMPLOYER MAY PERMIT EMPLOYEES  
16          TO CHOOSE RETIREMENT BOND.—Subject to  
17          subsection (f), if the employer so elects, the ar-  
18          rangement provides that an employee may elect  
19          to have payments applied toward the purchase  
20          of retirement bonds.

21          “(3) DEFAULT INVESTMENTS.—If an employee  
22          is treated under clause (ii) of paragraph (1)(B) as  
23          having made an election to participate in an auto-  
24          matic IRA arrangement—

1           “(A) the employee shall be deemed to have  
2           made an election to make contributions and  
3           payments in the amount determined under such  
4           clause,

5           “(B) such contributions shall—

6                   “(i) if the employer has made an elec-  
7                   tion under subsection (f)(2), be transferred  
8                   to an individual retirement plan of the des-  
9                   ignated trustee or issuer but only if the  
10                  contributions are invested as provided in  
11                  paragraph (5), or

12                   “(ii) be applied toward the purchase  
13                  of a retirement bond.

14           “(4) AMOUNT OF CONTRIBUTIONS AND PAY-  
15           MENTS.—

16                   “(A) IN GENERAL.—The amount specified  
17                  in this paragraph is—

18                           “(i) 3 percent of compensation, or

19                           “(ii) such other percentage of com-  
20                          pensation as is specified in regulations pre-  
21                          scribed by the Secretary which is not less  
22                          than 2 percent or more than 6 percent.

23                   “(B) AUTHORITY TO PROVIDE FOR PERI-  
24                  ODIC INCREASES.—In the case of qualifying em-  
25                  ployees under an automatic IRA arrangement

1 for 2 or more consecutive years, the Secretary  
2 may by regulation provide for periodic (not  
3 more frequent than annual) increases in the  
4 percentage of compensation an employee is  
5 deemed to have elected under subparagraph  
6 (A). The considerations the Secretary shall take  
7 into account in issuing any regulations under  
8 this subparagraph and subparagraph (A) shall  
9 include the potential effects on lower-income  
10 employees as well as on adequacy of savings.

11 “(C) PERMITTED ADDITIONAL PROCE-  
12 DURES TO LIMIT CONTRIBUTIONS.—An em-  
13 ployer—

14 “(i) shall have no responsibility for  
15 any calendar year for determining whether,  
16 or ensuring that, the contributions with re-  
17 spect to any employee do not exceed the  
18 deductible amount in effect for taxable  
19 years beginning in the calendar year under  
20 section 219(b)(5) (determined without re-  
21 gard to subparagraph (B) thereof), and

22 “(ii) shall not be treated as failing to  
23 satisfy the requirements of this section or  
24 any other provision of this title merely be-  
25 cause the employer chooses to limit the

1 contributions under this subsection on be-  
2 half of a qualifying employee for any cal-  
3 endar year in a manner reasonably de-  
4 signed to avoid exceeding such deductible  
5 amount.

6 “(5) REQUIRED INVESTMENTS.—

7 “(A) IN GENERAL.—Amounts contributed  
8 under paragraph (3)(B)(i) shall be invested  
9 only in the class of assets or funds described in  
10 subparagraph (B) unless the employer elects a  
11 class of assets or funds described in subpara-  
12 graph (C), (D), (E), or (F).

13 “(B) TARGET DATE/LIFECYCLE OPTION.—

14 The class of assets or funds described in this  
15 subparagraph is the class of assets or funds  
16 that constitutes a qualified default investment  
17 alternative under Department of Labor regula-  
18 tion section 2550.404c-5(e)(4)(i).

19 “(C) PRINCIPAL PRESERVATION.—The

20 class of assets or funds described in this sub-  
21 paragraph is the class of assets or funds that  
22 is designed to protect the principal of the indi-  
23 vidual on an ongoing basis, including passbook  
24 savings, certificates of deposit, insurance con-  
25 tracts, mutual funds, United States savings

1 bonds (which may be indexed for inflation), and  
2 similar assets specified in regulations.

3 “(D) BALANCED OPTION.—The class of  
4 assets or funds described in this subparagraph  
5 is the class of assets or funds that constitutes  
6 a qualified default investment alternative under  
7 Department of Labor regulation section  
8 2550.404e-5(e)(4)(ii).

9 “(E) GUARANTEED LIFETIME INCOME OP-  
10 TION OR EQUIVALENT.—The class of assets or  
11 funds described in this subparagraph is the  
12 class of assets or funds that is designed to pro-  
13 vide an employee with the right to elect to re-  
14 ceive distributions as a defined level of income  
15 annually (or more frequently) for at least the  
16 remainder of the life of the employee or the  
17 joint lives of the employee and the employee’s  
18 designated beneficiary. No later than 12  
19 months after the date of enactment of this Act,  
20 the Secretary of Labor and the Secretary shall  
21 issue guidance defining a guaranteed lifetime  
22 income or equivalent.

23 “(F) OTHER.—Any other class of assets or  
24 funds determined by the Secretary to be a

1 qualified investment for purposes of this sec-  
2 tion.

3 “(6) COORDINATION WITH WITHHOLDING.—

4 The Secretary shall modify the withholding exemp-  
5 tion certificate under section 3402(f) so that, in the  
6 case of any qualifying employee covered under an  
7 automatic IRA arrangement, any notice and election  
8 requirements with respect to the arrangement may  
9 be met through the use of an attachment to such  
10 certificate or other modifications of the withholding  
11 exemption procedures.

12 “(7) TREATMENT AS IRA.—A qualifying em-  
13 ployee for whom an automatic IRA is established  
14 under paragraph (1) may elect, at such time and in  
15 such manner and form as the Secretary may pre-  
16 scribe, whether to treat the individual retirement  
17 plan as described, or not described, in section 408A.  
18 If no such election is made, the plan shall be treated  
19 as described in section 408A and shall meet the re-  
20 quirements of section 408A.

21 “(8) EMPLOYER’S OPTION TO OBTAIN AFFIRMA-  
22 TIVE ELECTIONS FROM EMPLOYEES INSTEAD OF  
23 AUTOMATIC ENROLLMENT.—As an alternative to  
24 automatic enrollment, an employer may choose to  
25 comply with subsection (d)(1)(B)(ii) by notifying

1 employees that the employer wishes to obtain from  
2 each qualifying employee an affirmative election ei-  
3 ther to contribute or not to contribute to an auto-  
4 matic IRA, provided that any qualifying employee  
5 who fails to make such an election is treated in the  
6 manner provided under subsection (d)(1)(B)(ii).

7 “(e) AUTOMATIC IRA CONTRIBUTIONS AND RETIRE-  
8 MENT BOND PURCHASES TREATED LIKE OTHER CON-  
9 TRIBUTIONS TO INDIVIDUAL RETIREMENT PLANS.—

10 “(1) TAX TREATMENT UNAFFECTED.—The fact  
11 that a contribution to an individual retirement plan  
12 or purchase of a retirement bond is made on behalf  
13 of an employee under an automatic IRA arrange-  
14 ment instead of being made directly by the employee  
15 shall not affect the deductibility or other tax treat-  
16 ment of the contribution or of other amounts under  
17 this title.

18 “(2) PAYROLL SAVINGS CONTRIBUTIONS TAKEN  
19 INTO ACCOUNT.—Any contribution to an individual  
20 retirement plan or purchase of a retirement bond  
21 made on behalf of an employee under an automatic  
22 IRA arrangement shall be taken into account in ap-  
23 plying the limitations on contributions to individual  
24 retirement plans and the other provisions of this  
25 title applicable to individual retirement plans as if

1 the contribution or purchase had been made directly  
2 by the employee.

3 “(f) DEPOSITS TO PLANS OF A DESIGNATED TRUST-  
4 EE OR ISSUER AND FOR RETIREMENT BONDS.—

5 “(1) IN GENERAL.—An employer shall not be  
6 treated as failing to satisfy the requirements of this  
7 section or any other provision of this title merely be-  
8 cause the employer makes all contributions (or all  
9 contributions on behalf of employees who do not  
10 specify an individual retirement plan, trustee, or  
11 issuer to receive the contributions) to individual re-  
12 tirement plans specified in paragraph (2) or to the  
13 Secretary or his agent for the purchase of retirement  
14 bonds specified in paragraph (3).

15 “(2) INDIVIDUAL RETIREMENT PLANS OTHER  
16 THAN THOSE SELECTED BY EMPLOYEE.—An em-  
17 ployer may elect to have contributions for all quali-  
18 fying employees participating in an automatic IRA  
19 arrangement made to individual retirement plans of  
20 a trustee or issuer under the arrangement that has  
21 been designated by the employer. The preceding sen-  
22 tence shall not apply unless each participant is noti-  
23 fied in writing that the participant’s balance may be  
24 transferred without cost or penalty to another indi-

1       vidual retirement plan established by or on behalf of  
2       the participant.

3               “(3) RETIREMENT BONDS.—

4                       “(A) IN GENERAL.—The Secretary shall  
5       provide that contributions deposited under sub-  
6       paragraph (B) shall be applied to the purchase  
7       of a retirement bond in the name of each appli-  
8       cable employee.

9                       “(B) PAYROLL DEPOSIT FEATURES.—The  
10       Secretary shall establish procedures so that con-  
11       tributions may be applied to the purchase of re-  
12       tirement bonds without undue administrative or  
13       paperwork requirements on participating em-  
14       ployers. Such procedures shall ensure that only  
15       1 such retirement bond of each type (traditional  
16       or Roth) is issued for each TIN.

17               “(4) PAYROLL TAX DEPOSIT PROCEDURE.—The  
18       procedures the Secretary shall establish may include  
19       a procedure under which an employer—

20                       “(A) may include with each deposit of tax  
21       required to be deducted and withheld under  
22       chapter 24 the aggregate amounts, for the pe-  
23       riod covered by the deposit, which qualifying  
24       employees have designated under clause (i)(I) of  
25       subsection (d)(1)(B) (or are deemed to have

1 designated under clause (ii) of such subsection)  
2 as contributions to purchase retirement bonds  
3 on behalf of the employees under paragraph  
4 (3), and

5 “(B) specifies, in such manner as the Sec-  
6 retary may prescribe, information needed to  
7 purchase retirement bonds on behalf of each ap-  
8 plicable employee for whom a contribution is to  
9 be made, including—

10 “(i) the employee’s name and TIN,

11 and

12 “(ii) the amount of the contribution.

13 “(5) PURPOSES.—The purposes of the retire-  
14 ment bond program established under this sub-  
15 section and subsection (g) include—

16 “(A) providing new savers a convenient,  
17 low-cost investment option suitable for the ini-  
18 tial accumulation of small automatic IRA con-  
19 tributions,

20 “(B) to reflect the intent that the long-  
21 term investment of automatic IRA funds for  
22 most savers be in the private market rather  
23 than in retirement bonds, encouraging and as-  
24 sisting individuals who accumulate larger  
25 amounts in retirement bonds to transfer those

1 funds to individual retirement plans in the pri-  
2 vate market, while

3 “(C) permitting individuals to remain in-  
4 vested in retirement bonds if they choose to do  
5 so.

6 “(6) REGULATIONS.—The Secretary may issue  
7 such regulations as are necessary to carry out the  
8 purposes of this subsection and subsection (g), in-  
9 cluding—

10 “(A) establishment of procedures to com-  
11 municate to individuals the importance of in-  
12 vestment diversification and the transfer option  
13 described in subparagraph (B),

14 “(B) simplified procedures under which  
15 holders of retirement bonds may periodically  
16 choose to have the bonds or their proceeds  
17 transferred to available individual retirement  
18 plans, and

19 “(C) means by which individuals may elect  
20 (or be treated as electing) whether to have re-  
21 tirement bonds or their proceeds so transferred.

22 Any such transfer shall be treated as a rollover con-  
23 tribution for purposes of section 408(d)(3) (other  
24 than subparagraph (B) thereof).

25 “(g) RETIREMENT BOND.—

1           “(1) RETIREMENT BOND.—The term ‘retire-  
2           ment bond’ means a bond issued under chapter 31  
3           of title 31, which by its terms, or by regulations pre-  
4           scribed by the Secretary under such chapter—

5                   “(A) provides for interest to be credited at  
6           rates that take into account the expected dura-  
7           tion of the funds invested in retirement bonds  
8           and at rates determined or adjusted in a man-  
9           ner and with sufficient frequency to provide  
10          substantial protection from inflation,

11                   “(B) is not transferable, and

12                   “(C) is designed for investment for retire-  
13          ment under automatic IRA arrangements or  
14          other savings vehicles.

15           “(2) INDIVIDUAL RETIREMENT PLAN RULES AP-  
16          PLICABLE.—The provisions of this title applicable to  
17          an individual retirement plan (as defined in section  
18          7701(a)(37)), including provisions relating to con-  
19          tributions, holding and distributions, shall apply to  
20          a retirement bond, except as determined by the Sec-  
21          retary.

22           “(3) ANNUAL STATEMENT.—As soon as prac-  
23          ticable after the close of the calendar year, the Sec-  
24          retary shall make available an annual statement to  
25          each participant setting forth—

1           “(A) payments made by or on behalf of the  
2 participant for the retirement bond,

3           “(B) amounts earned by the retirement  
4 bond,

5           “(C) the value of the account as of the  
6 close of such calendar year,

7           “(D) the importance of diversifying retire-  
8 ment savings,

9           “(E) the benefits of a well-balanced and di-  
10 versified investment portfolio,

11           “(F) a notice of the internet website of the  
12 Department of Labor for sources of information  
13 on individual investing and diversification,

14           “(G) the procedures for redeeming a re-  
15 tirement bond and directly transferring the re-  
16 deemed amount into an individual retirement  
17 plan,

18           “(H) other factors affecting retirement  
19 savings decisions, and

20           “(I) such other information as the Sec-  
21 retary determines necessary or appropriate.

22           “(h) MODEL NOTICE.—The Secretary shall—

23           “(1) provide a model notice, written in a man-  
24 ner calculated to be understandable to the average  
25 worker, that is simple for employers to use—

1           “(A) to notify employees of the require-  
2           ment under this section for the employer to pro-  
3           vide certain employees with the opportunity to  
4           participate in an automatic IRA arrangement,  
5           and

6           “(B) to satisfy the requirements of sub-  
7           section (d)(2)(C),

8           “(2) provide uniform forms for enrollment, in-  
9           cluding automatic enrollment, in an automatic IRA  
10          arrangement, and

11          “(3) establish a website or other electronic  
12          means that small employers can access and use to  
13          obtain information on automatic IRA arrangements  
14          and to obtain required notices and forms.

15          The information referred to in paragraph (3) shall  
16          be provided in a manner designed to assist employ-  
17          ers and providers by facilitating the identification by  
18          employers of private-sector providers of individual  
19          retirement plans and associated investment options  
20          that are appropriate for use in automatic IRA ar-  
21          rangements.

22          “(i) CROSS REFERENCE.—For provision preempting  
23          conflicting State laws, see section 2(k) of the Automatic  
24          IRA Act of 2015.”.

1 (b) MANDATORY TRANSFERS.—Section  
2 401(a)(31)(B) is amended—

3 (1) by inserting “(including an automatic IRA  
4 arrangement)” after “individual retirement plan”  
5 each place it appears, and

6 (2) by adding at the end the following new sen-  
7 tence: “Any amount so transferred (and any earn-  
8 ings thereon) shall be invested in a default invest-  
9 ment described in section 408B(d)(5).”.

10 (c) PENALTY FOR FAILURE TO TIMELY REMIT CON-  
11 TRIBUTIONS TO AUTOMATIC IRA ARRANGEMENTS.—Sec-  
12 tion 4975(c) is amended by adding at the end the fol-  
13 lowing new paragraph:

14 “(7) SPECIAL RULE FOR AUTOMATIC IRA AR-  
15 RANGEMENTS.—For purposes of paragraph (1), if  
16 an employer is required under an automatic IRA ar-  
17 rangement under section 408B to deposit amounts  
18 withheld from an employee’s compensation into an  
19 automatic IRA or toward the purchase of a retire-  
20 ment bond but fails to do so within the time pre-  
21 scribed under section 408B(d)(2)(A), such amounts  
22 shall be treated as assets of the automatic IRA.”.

23 (d) COORDINATION WITH EMPLOYEE RETIREMENT  
24 INCOME SECURITY ACT OF 1974.—

25 (1) EXEMPTION.—

1 (A) IN GENERAL.—Section 3(2) of the  
2 Employee Retirement Income Security Act of  
3 1974 (29 U.S.C. 1002(2)) is amended—

4 (i) by inserting “or (C)” after “sub-  
5 paragraph (B)” in subparagraph (A), and

6 (ii) by adding at the end the following  
7 new subparagraph:

8 “(C) An automatic IRA arrangement de-  
9 scribed in section 408B(d) of the Internal Rev-  
10 enue Code of 1986 shall not be treated as an  
11 employee pension benefit plan or pension plan  
12 if, under the arrangement, contributions are to  
13 be made to an automatic IRA the provider of  
14 which is included in the website list established  
15 under section 408B(h)(3) of such Code, are to  
16 be made to an individual retirement plan des-  
17 ignated by the employee, or are to be invested  
18 in retirement bonds (whether to the Secretary  
19 of the Treasury or to a designated trustee or  
20 other agent for that purpose).”.

21 (B) CUSTOMER IDENTIFICATION PRO-  
22 GRAM.—Notwithstanding the amendment made  
23 by subparagraph (A), an individual retirement  
24 plan established pursuant to an automatic IRA  
25 arrangement described in section 408B(d) of

1 the Internal Revenue Code of 1986 shall, for  
2 purposes of any customer identification pro-  
3 gram established under section 5318(l) of title  
4 31, United States Code, be treated as an ac-  
5 count opened for the purpose of participating in  
6 an employee benefit plan established under the  
7 Employee Retirement Income Security Act of  
8 1974.

9 (2) FIDUCIARY DUTIES.—Section 404(c)(2) of  
10 such Act is amended—

11 (A) by inserting the following sentence be-  
12 fore the last sentence: “In the case of an auto-  
13 matic IRA under section 408B of such Code  
14 that is not exempt under section 3(2)(C), a par-  
15 ticipant or beneficiary shall, for purposes of  
16 paragraph (1), be treated as exercising control  
17 over the assets in the account on and after the  
18 7th day after notice has been given to an em-  
19 ployee that such automatic IRA has been estab-  
20 lished on behalf of the employee.”, and

21 (B) by inserting “or with respect to an  
22 automatic IRA under section 408B of such  
23 Code” after “arrangement” in the last sen-  
24 tence.

1 (e) NOTICE OF AVAILABILITY OF INVESTMENT  
2 GUIDELINES.—

3 (1) IN GENERAL.—Section 408(i) (relating to  
4 reports) is amended by adding at the end the fol-  
5 lowing new sentences: “Any report furnished under  
6 paragraph (2) to an individual shall include notice of  
7 the internet website of the Department of Labor for  
8 sources of information on individual investing and  
9 diversification.”.

10 (2) UPDATE INFORMATION.—Such information  
11 shall be modified (or updated) by the Secretary of  
12 Labor in consultation with the Secretary of the  
13 Treasury and the Chairman of the Securities and  
14 Exchange Commission to address needed changes  
15 due to the creation of automatic IRAs.

16 (f) FAILURE TO PROVIDE ACCESS TO PAYROLL SAV-  
17 INGS ARRANGEMENTS.—Chapter 43 (relating to qualified  
18 pension, etc., plans) is amended by adding at the end the  
19 following new section:

20 **“SEC. 4980J. REQUIREMENTS FOR COVERED EMPLOYERS**  
21 **TO PROVIDE EMPLOYEES ACCESS TO AUTO-**  
22 **MATIC IRA ARRANGEMENTS.**

23 “(a) GENERAL RULE.—There is hereby imposed a  
24 tax on any failure by a covered employer (as defined in

1 section 408B) to meet the requirements of subsection (d)  
2 for a calendar year.

3 “(b) AMOUNT.—

4 “(1) IN GENERAL.—The amount of the tax im-  
5 posed by subsection (a) on any failure for any cal-  
6 endar year shall be \$100 with respect to each em-  
7 ployee to whom such failure relates.

8 “(2) TAX NOT TO APPLY WHERE FAILURE NOT  
9 DISCOVERED AND REASONABLE DILIGENCE EXER-  
10 CISED.—No tax shall be imposed by subsection (a)  
11 on any failure during any period for which it is es-  
12 tablished to the satisfaction of the Secretary that the  
13 employer subject to liability for the tax did not know  
14 that the failure existed and exercised reasonable dili-  
15 gence to meet the requirements of subsection (d).

16 “(3) TAX NOT TO APPLY TO FAILURES COR-  
17 RECTED WITHIN 90 DAYS.—No tax shall be imposed  
18 by subsection (a) on any failure if—

19 “(A) the employer subject to liability for  
20 the tax under subsection (a) exercised reason-  
21 able diligence to meet the requirements of sub-  
22 section (d), and

23 “(B) the employer provides the automatic  
24 IRA arrangement described in section 408B to  
25 each employee eligible to participate in the ar-

1           rangement by the end of the 90-day period be-  
2           ginning on the first date the employer knew, or  
3           exercising reasonable diligence would have  
4           known, that such failure existed.

5           “(4) WAIVER BY SECRETARY.—In the case of a  
6           failure which is due to reasonable cause and not to  
7           willful neglect, the Secretary may waive part or all  
8           of the tax imposed by subsection (a) to the extent  
9           that the payment of such tax would be excessive or  
10          otherwise inequitable relative to the failure involved.

11          “(c) PROCEDURES FOR NOTICE.—The Secretary may  
12         prescribe and implement procedures for obtaining con-  
13         firmation that employers are in compliance with the re-  
14         quirements of subsection (d). The Secretary, in the Sec-  
15         retary’s discretion, may prescribe that the confirmation  
16         shall be obtained on an annual or less frequent basis, and  
17         may use for this purpose the annual report or quarterly  
18         report for employment taxes, or such other means as the  
19         Secretary may deem advisable.

20          “(d) REQUIREMENT TO PROVIDE EMPLOYEE ACCESS  
21         TO AUTOMATIC IRA ARRANGEMENTS.—The requirements  
22         of this subsection are met if the employer meets the re-  
23         quirements of section 408B.”.

24          (g) WAIVER OF EARLY WITHDRAWAL PENALTY FOR  
25         CERTAIN DISTRIBUTIONS FOLLOWING INITIAL ELECTION

1 TO PARTICIPATE IN AUTOMATIC IRA ARRANGEMENT.—  
2 Section 72(t) is amended by adding at the end the fol-  
3 lowing new paragraph:

4           “(11) DISTRIBUTION FOLLOWING INITIAL  
5 ELECTION TO PARTICIPATE IN AUTOMATIC IRA AR-  
6 RANGEMENT.—Paragraph (1) shall not apply in the  
7 case of a distribution to a qualifying employee made  
8 not later than 90 days after the initial election  
9 under section 408B(d)(1)(B)(ii).”.

10 (h) BANKRUPTCY.—Section 522 of title 11, United  
11 States Code, is amended—

12           (1) in subsection (d)(12) by inserting “408B,”  
13 after “408A,”, and

14           (2) in subsection (n) by inserting “, or in an  
15 automatic IRA arrangement described in section  
16 408B,”.

17 (i) AUTOMATIC IRA ADVISORY GROUP.—

18           (1) IN GENERAL.—Not later than 60 days after  
19 the date of the enactment of this Act, the Secretary  
20 of the Treasury and the Secretary of Labor shall  
21 jointly establish an Automatic IRA Advisory Group  
22 (in this subsection referred to as the “Advisory  
23 Group”). The purpose of the Advisory Group shall  
24 be to make recommendations regarding the auto-  
25 matic IRA investment options described in section

1 408B(d)(5) of the Internal Revenue Code of 1986  
2 and the website described in section 408B(h)(3) of  
3 such Code, including, with respect to automatic IRA  
4 arrangements, the disclosure of information regard-  
5 ing fees and expenses, the use of low-cost investment  
6 options, the appropriate use of electronic methods to  
7 provide notice and disclosure, and such other related  
8 matters as may be determined by the Secretaries.

9 (2) MEMBERSHIP.—The Advisory Group shall  
10 consist of not more than 15 members and shall be  
11 composed of—

12 (A) such persons as the Secretaries of the  
13 Treasury and Labor may consider appropriate  
14 to provide expertise regarding investments for  
15 retirement, including providers of individual re-  
16 tirement accounts and individual retirement an-  
17 nuities described in section 408 or 408A of  
18 such Code, and

19 (B) one or more representatives of the De-  
20 partment of Labor and of the Department of  
21 the Treasury.

22 (3) COMPENSATION.—The members of the Ad-  
23 visory Group shall serve without compensation.

24 (4) ADMINISTRATIVE SUPPORT.—The Depart-  
25 ment of the Treasury and the Department of Labor

1 shall jointly provide appropriate administrative sup-  
2 port to the Advisory Group, including technical as-  
3 sistance. The Advisory Group may use the services  
4 and facilities of such Departments, with or without  
5 reimbursement, as jointly determined by such De-  
6 partments.

7 (5) REPORT BY ADVISORY GROUP.—Not later  
8 than 12 months after the date of the enactment of  
9 this Act, the Advisory Group shall submit to the  
10 Secretary of Labor and the Secretary of the Treas-  
11 ury a report containing its recommendations. The  
12 Secretaries may request that the Advisory Group  
13 submit subsequent reports.

14 (j) CONFORMING AMENDMENTS.—

15 (1) The table of sections for subpart A of part  
16 I of subchapter D of chapter 1 is amended by insert-  
17 ing after the item relating to section 408A the fol-  
18 lowing new item:

“Sec. 408B. Right to automatic IRA arrangements at work.”.

19 (2) The table of sections for chapter 43 is  
20 amended by adding at the end the following new  
21 item:

“Sec. 4980J. Requirements for employers to provide employees access to auto-  
matic IRA arrangements.”.

22 (k) PREEMPTION OF CONFLICTING STATE LAWS.—

23 The amendments made by this section shall supersede any

1 law of a State that would directly or indirectly prohibit  
2 or restrict the establishment or operation of an automatic  
3 IRA arrangement meeting the requirements of section  
4 408B of the Internal Revenue Code of 1986. Nothing in  
5 such amendments shall be construed to impair or super-  
6 sede any State law to the extent it provides a remedy for  
7 the failure to make payroll deposit payments under any  
8 such automatic IRA arrangement within the period re-  
9 quired under such section 408B.

10 (l) EFFECTIVE DATE.—The amendments made by  
11 this section shall apply to calendar years beginning after  
12 December 31, 2016.

13 **SEC. 3. CREDIT FOR SMALL EMPLOYERS MAINTAINING**  
14 **AUTOMATIC IRA ARRANGEMENTS.**

15 (a) IN GENERAL.—Subpart D of part IV of sub-  
16 chapter A of chapter 1 (relating to business related cred-  
17 its) is amended by adding at the end the following new  
18 section:

19 **“SEC. 45S. SMALL EMPLOYER AUTOMATIC IRA ARRANGE-**  
20 **MENT.**

21 “(a) GENERAL RULE.—For purposes of section 38,  
22 in the case of an eligible employer maintaining an auto-  
23 matic IRA arrangement meeting the requirements of sec-  
24 tion 408B (without regard to whether the employer is re-  
25 quired to maintain the arrangement), the small employer

1 automatic IRA arrangement credit determined under this  
2 section for any taxable year is the amount determined  
3 under subsection (b).

4 “(b) AMOUNT OF CREDIT.—

5 “(1) IN GENERAL.—The amount of the credit  
6 determined under this section for any taxable year  
7 with respect to an eligible employer shall be the sum  
8 of—

9 “(A) \$25 multiplied by the number of  
10 qualifying employees (within the meaning of  
11 section 408B(c)) for whom contributions are  
12 made under the automatic IRA arrangement re-  
13 ferred to in subsection (a) for the calendar year  
14 in which the taxable year begins, plus

15 “(B) \$500 for the taxable year which be-  
16 gins in the first calendar year, and \$250 for the  
17 taxable year which begins in the second cal-  
18 endar year, in which the eligible employer main-  
19 tains an automatic IRA arrangement meeting  
20 the requirements of section 408B.

21 “(2) LIMITATION.—No more than 10 qualifying  
22 employees may be taken into account under para-  
23 graph (1)(A) for a taxable year.

24 “(3) DURATION OF CREDIT.—The credit de-  
25 scribed in paragraph (1)(A) shall apply only for a

1 taxable year which begins in the first 6 calendar  
2 years in which the eligible employer maintains an  
3 automatic IRA arrangement meeting the require-  
4 ments of section 408B.

5 “(4) COORDINATION WITH SMALL EMPLOYER  
6 STARTUP CREDIT.—

7 “(A) No credit shall be allowed under this  
8 section to the employer for any taxable year if  
9 a credit is determined under section 45E with  
10 respect to the employer for the taxable year.

11 “(B) If the eligible employer maintains an  
12 automatic IRA arrangement meeting the re-  
13 quirements of section 408B with respect to any  
14 of the first three calendar years for which the  
15 employer could adopt such an arrangement and  
16 subsequently adopts an eligible employer plan  
17 for its employees for any of those years which  
18 it maintains for such third taxable year, then  
19 section 45E(b)(1) shall be applied with respect  
20 to the eligible employer by replacing ‘2 taxable  
21 years’ with ‘3 taxable years’.

22 “(c) ELIGIBLE EMPLOYER.—For purposes of this  
23 section, the term ‘eligible employer’ means, with respect  
24 to any calendar year in which the taxable year begins, an  
25 employer which—

1           “(1) maintains an automatic IRA arrangement  
2 meeting the requirements of section 408B,

3           “(2) on each day during the preceding calendar  
4 year, had no more than 100 employees, and

5           “(3) did not maintain a qualifying plan or ar-  
6 rangement (described in section 408B(b)) during the  
7 portion of the calendar year preceding the adoption  
8 of the automatic IRA arrangement and the 2 pre-  
9 ceding calendar years.

10          “(d) OTHER RULES.—For purposes of this section,  
11 the rules of section 45E(e) shall apply.”.

12          (b) CREDIT ALLOWED AS PART OF GENERAL BUSI-  
13 NESS CREDIT.—Section 38(b) is amended by striking  
14 “plus” at the end of paragraph (35), by striking the period  
15 at the end of paragraph (36) and inserting “, plus”, and  
16 by adding at the end the following new paragraph:

17           “(37) in the case of an eligible employer (as de-  
18 fined in section 45S(c)) maintaining an automatic  
19 IRA arrangement meeting the requirements of sec-  
20 tion 408B, the small employer automatic IRA ar-  
21 rangement credit determined under section 45S(a).”.

22          (c) CLERICAL AMENDMENT.—The table of sections  
23 for subpart D of part IV of subchapter A of chapter 1  
24 is amended by adding at the end the following new item:

“Sec. 45S. Small employer automatic IRA arrangement.”.

1 (d) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply to taxable years beginning after  
3 December 31, 2016.

4 **SEC. 4. STUDIES.**

5 (a) IN GENERAL.—The Secretary of the Treasury  
6 and the Secretary of Labor shall jointly conduct a separate  
7 study of the feasibility and desirability of each of the fol-  
8 lowing:

9 (1) Extending to automatic IRA arrangements  
10 spousal consent requirements similar to, or based  
11 on, those that apply under the Federal Employees'  
12 Thrift Savings Plan, including consideration of  
13 whether modifications of such requirements are nec-  
14 essary to apply them to automatic IRA arrange-  
15 ments.

16 (2) Establishing procedures under which  
17 amounts saved by employees in retirement bonds  
18 would be automatically transferred into alternative  
19 diversified investments provided by the private sector  
20 when employees' automatic IRA balances reach a  
21 certain dollar level as well as procedures facilitating  
22 employees' ability to transfer into such private sector  
23 investments.

24 (b) STUDY OF CONSOLIDATION OF INDIVIDUAL RE-  
25 TIREMENT PLANS.—The Secretary of the Treasury and



1           (1) prescribe administrative guidance estab-  
2           lishing conditions under which an employer partici-  
3           pating in a plan described in section 413(c) of the  
4           Internal Revenue Code of 1986 shall not have any  
5           liability under title I of the Employee Retirement In-  
6           come Security Act of 1974 with respect to the acts  
7           or omissions of one or more other participating em-  
8           ployers, which regulations may require that the por-  
9           tion of the plan attributable to such participating  
10          employers be spun off to plans maintained by such  
11          employers,

12          (2) prescribe administrative guidance estab-  
13          lishing conditions under which a plan described in  
14          section 413(c) of such Code may be treated as satis-  
15          fying the qualification requirements of sections  
16          401(a) and 413(c) of such Code despite the violation  
17          of such requirements by one or more participating  
18          employers, including requiring, if appropriate, that  
19          the portion of the plan attributable to such partici-  
20          pating employers be spun off to plans maintained by  
21          such employers, and

22          (3) prescribe administrative guidance providing  
23          simplified means by which plans described in section  
24          413(c) of such Code may satisfy the requirements of

1 section 103 of the Employee Retirement Income Se-  
2 curity Act of 1974.

3 **SEC. 6. INCREASE IN CREDIT LIMITATION FOR SMALL EM-**  
4 **PLOYER PENSION PLAN STARTUP COSTS.**

5 (a) IN GENERAL.—Section 45E(b)(1) is amended to  
6 read as follows:

7 “(1) for the first credit year and each of the 2  
8 taxable years immediately following the first credit  
9 year, the greater of—

10 “(A) \$500, or

11 “(B) the lesser of—

12 “(i) \$250 for each employee of the eli-  
13 gible employer who is not a highly com-  
14 pensated employee (as defined in section  
15 415(q)) and who is eligible to participate  
16 in the eligible employer plan maintained by  
17 the eligible employer, or

18 “(ii) \$5,000, and”.

19 (b) EFFECTIVE DATE.—The amendment made by  
20 this section shall apply to taxable years beginning after  
21 December 31, 2015.

○