The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BUCHANAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

FAMILY SAVINGS ACT OF 2018

Mr. KELLY of Pennsylvania. Mr. Speaker, pursuant to House Resolution 1084, I call up the bill (H.R. 6757) to amend the Internal Revenue Code of 1986 to encourage retirement and family savings, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1084, the amendment in the nature of a substitute recommended by the Committee on Ways and Means, printed in the bill, modified by the amendment printed in part B of House Report 115–985, is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 6757

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Family Savings Act of 2018''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—EXPANDING AND PRESERVING RETIREMENT SAVINGS

SEC. 101. MULTIPLE EMPLOYER PLANS; POOLED EMPLOYER PLANS.

(a) QUALIFICATION REQUIREMENTS.—

(1) IN GENERAL.—Section 413 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(e) APPLICATION OF QUALIFICATION REQUIREMENTS FOR CERTAIN MULTIPLE EMPLOYER PLANS WITH POOLED PLAN PROVIDERS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if a defined contribution plan to which subsection (c) applies—

''(A) is maintained by employers which have a common interest other than having adopted the plan, or

''(B) in the case of a plan not described in subparagraph (A), has a pooled plan provider,

then the plan shall not be treated as failing to meet the requirements under this title applicable to a plan described in section 401(a) or to a plan that consists of individual retirement accounts described in section 408 (including by reason of subsection (c) thereof), whichever is applicable, merely because one or more employers of employees covered by the plan fail to take such actions as are required of such employers for the plan to meet such requirements.

''(2) LIMITATIONS.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to any plan unless the terms of the plan provide that in the case of any employer in the plan failing to take the actions described in paragraph (1)—

''(i) the assets of the plan attributable to employees of such employer (or beneficiaries of such employees) will be transferred to a plan maintained only by such employer (or its successor), to an eligible retirement plan as defined in section 402(c)(8)(B) for each individual whose account is transferred, or to any other arrangement that the Secretary determines is appropriate, unless the Secretary determines it is in the best interests of the employees of such employer (and the beneficiaries of such employees) to retain the assets in the plan, and

''(ii) such employer (and not the plan with respect to which the failure occurred or any other employer in such plan) shall, except to the extent provided by the Secretary, be liable for any liabilities with respect to such plan attributable to employees of such employer (or beneficiaries of such employees).

''(B) FAILURES BY POOLED PLAN PROVIDERS.—If the pooled plan provider of a plan described in paragraph (1)(B) does not perform substantially all of the administrative duties which are required of the provider under paragraph (3)(A)(i) for any plan year, the Secretary may provide that the determination as to whether the plan meets the requirements under this title applicable to a plan described in section 401(a) or to a plan that consists of individual retirement accounts described in section 408 (including by reason of subsection (c) thereof), whichever is applicable, shall be made in the same manner as would be made without regard to paragraph (1).

''(3) POOLED PLAN PROVIDER.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'pooled plan provider' means, with respect to any plan, a person who—

''(i) is designated by the terms of the plan as a named fiduciary (within the meaning of section 402(a)(2) of the Employee Retirement Income Security Act of 1974), as the plan administrator, and as the person responsible to perform all administrative duties (including conducting proper testing with respect to the plan and the employees of each employer in the plan) which are reasonably necessary to ensure that—

''(I) the plan meets any requirement applicable under the Employee Retirement Income Security Act of 1974 or this title to a plan described in section 401(a) or to a plan that consists of individual retirement accounts described in section 408 (including by reason of subsection (c) thereof), whichever is applicable, and

''(II) each employer in the plan takes such actions as the Secretary or such person determines are necessary for the plan to meet the requirements described in subclause (I), including providing to such person any disclosures or other information which the Secretary may require or which such person otherwise determines are necessary to administer the plan or to allow the plan to meet such requirements,

''(ii) registers as a pooled plan provider with the Secretary, and provides such other information to the Secretary as the Secretary may require, before beginning operations as a pooled plan provider,

''(iii) acknowledges in writing that such person is a named fiduciary (within the meaning of section 402(a)(2) of the Employee Retirement Income Security Act of 1974), and the plan administrator, with respect to the plan, and

''(iv) is responsible for ensuring that all persons who handle assets of, or who are fiduciaries of, the plan are bonded in accordance with section 412 of the Employee Retirement Income Security Act of 1974.

''(B) AUDITS, EXAMINATIONS AND INVESTIGATIONS.—The Secretary may perform audits, examinations, and investigations of pooled plan providers as may be necessary to enforce and carry out the purposes of this subsection.

''(C) AGGREGATION RULES.—For purposes of this paragraph, in determining whether a person meets the requirements of this paragraph to be a pooled plan provider with respect to any plan, all persons who perform services for the plan and who are treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as one person.

''(D) TREATMENT OF EMPLOYERS AS PLAN SPONSORS.—Except with respect to the administrative duties of the pooled plan provider described in subparagraph (A)(i), each employer in a plan which has a pooled plan provider shall be treated as the plan sponsor with respect to the portion of the plan attributable to employees of such employer (or beneficiaries of such employees).

''(4) GUIDANCE.—The Secretary shall issue such guidance as the Secretary determines appropriate to carry out this subsection, including guidance—

''(A) to identify the administrative duties and other actions required to be performed by a pooled plan provider under this subsection,

''(B) which describes the procedures to be taken to terminate a plan which fails to meet the requirements to be a plan described in paragraph (1), including the proper treatment of, and actions needed to be taken by, any employer in the plan and the assets and liabilities of the plan attributable to employees of such employer (or beneficiaries of such employees), and

''(C) identifying appropriate cases to which the rules of paragraph (2)(A) will apply to employers in the plan failing to take the actions described in paragraph (1).

The Secretary shall take into account under subparagraph (C) whether the failure of an employer or pooled plan provider to provide any disclosures or other information, or to take any other action, necessary to administer a plan or to allow a plan to meet requirements applicable to the plan under section 401(a) or 408, whichever is applicable, has continued over a period

of time that demonstrates a lack of commitment to compliance.

''(5) MODEL PLAN.—The Secretary shall publish model plan language which meets the requirements of this subsection and of paragraphs (43) and (44) of section 3 of the Employee Retirement Income Security Act of 1974 and which may be adopted in order for a plan to be treated as a plan described in paragraph (1)(B).''.

(2) CONFORMING AMENDMENT.—Section 413(c)(2) of such Code is amended by striking ''section 401(a)'' and inserting ''sections 401(a) and 408(c)''.

(3) TECHNICAL AMENDMENT.—Section 408(c) of such Code is amended by inserting after paragraph (2) the following new paragraph:

''(3) There is a separate accounting for any interest of an employee or member (or spouse of an employee or member) in a Roth IRA.''.

(b) NO COMMON INTEREST REQUIRED FOR POOLED EMPLOYER PLANS.—Section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) is amended by adding at the end the following:

''(C) A pooled employer plan shall be treated as—

''(i) a single employee pension benefit plan or single pension plan; and

''(ii) a plan to which section 210(a) applies.''.

(c) POOLED EMPLOYER PLAN AND PROVIDER DEFINED.—

(1) IN GENERAL.—Section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002) is amended by adding at the end the following:

''(43) POOLED EMPLOYER PLAN.—

''(A) IN GENERAL.—The term 'pooled employer plan' means a plan—

''(i) which is an individual account plan established or maintained for the purpose of providing benefits to the employees of 2 or more employers;

''(ii) which is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code or a plan that consists of individual retirement accounts described in section 408 of such Code (including by reason of subsection (c) thereof); and

''(iii) the terms of which meet the requirements of subparagraph (B).

Such term shall not include a plan maintained by employers which have a common interest other than having adopted the plan.

''(B) REQUIREMENTS FOR PLAN TERMS.—The requirements of this subparagraph are met with respect to any plan if the terms of the plan—

''(i) designate a pooled plan provider and provide that the pooled plan provider is a named fiduciary of the plan;

''(ii) designate one or more trustees meeting the requirements of section 408(a)(2) of the Internal Revenue Code of 1986 (other than an employer in the plan) to be responsible for collecting contributions to, and holding the assets of, the plan and require such trustees to implement written contribution collection procedures that are reasonable, diligent, and systematic;

''(iii) provide that each employer in the plan retains fiduciary responsibility for—

''(I) the selection and monitoring in accordance with section 404(a) of the person designated as the pooled plan provider and any other person who, in addition to the pooled plan provider, is designated as a named fiduciary of the plan; and

''(II) to the extent not otherwise delegated to another fiduciary by the pooled plan provider and subject to the provisions of section 404(c), the investment and management of the portion of the plan's assets attributable to the employees of the employer (or beneficiaries of such employees);

''(iv) provide that employers in the plan, and participants and beneficiaries, are not subject to unreasonable restrictions, fees, or penalties with regard to ceasing participation, receipt of distributions, or otherwise transferring assets of the plan in accordance with section 208 or paragraph (44)(C)(i)(II);

''(v) require—

''(I) the pooled plan provider to provide to employers in the plan any disclosures or other information which the Secretary may require, including any disclosures or other information to facilitate the selection or any monitoring of the pooled plan provider by employers in the plan; and

''(II) each employer in the plan to take such actions as the Secretary or the pooled plan provider determines are necessary to administer the plan or for the plan to meet any requirement applicable under this Act or the Internal Revenue Code of 1986 to a plan described in section 401(a) of such Code or to a plan that consists of individual retirement accounts described in section 408 of such Code (including by reason of subsection (c) thereof), whichever is applicable, including providing any disclosures or other information which the Secretary may require or which the pooled plan provider otherwise determines are necessary to administer the plan or to allow the plan to meet such requirements; and

''(vi) provide that any disclosure or other information required to be provided under clause (v) may be provided in electronic form and will be designed to ensure only reasonable costs are imposed on pooled plan providers and employers in the plan.

''(C) EXCEPTIONS.—The term 'pooled employer plan' does not include—

''(i) a multiemployer plan; or

''(ii) a plan established before the date of the enactment of the Family Savings Act of 2018 unless the plan administrator elects that the plan will be treated as a pooled employer plan and the plan meets the requirements of this title applicable to a pooled employer plan established on or after such date.

''(D) TREATMENT OF EMPLOYERS AS PLAN SPONSORS.—Except with respect to the administrative duties of the pooled plan provider described in paragraph (44)(A)(i), each employer in a pooled employer plan shall be treated as the plan sponsor with respect to the portion of the plan attributable to employees of such employer (or beneficiaries of such employees).

''(44) POOLED PLAN PROVIDER.—

''(A) IN GENERAL.—The term 'pooled plan provider' means a person who—

''(i) is designated by the terms of a pooled employer plan as a named fiduciary, as the plan administrator, and as the person responsible for the performance of all administrative duties (including conducting proper testing with respect to the plan and the employees of each employer in the plan) which are reasonably necessary to ensure that—

''(I) the plan meets any requirement applicable under this Act or the Internal Revenue Code of 1986 to a plan described in section 401(a) of such Code or to a plan that consists of individual retirement accounts described in section 408 of such Code (including by reason of subsection (c) thereof), whichever is applicable; and

''(II) each employer in the plan takes such actions as the Secretary or pooled plan provider determines are necessary for the plan to meet the requirements described in subclause (I), including providing the disclosures and information described in paragraph (43)(B)(v)(II);

''(ii) registers as a pooled plan provider with the Secretary, and provides to the Secretary such other information as the Secretary may require, before beginning operations as a pooled plan provider;

''(iii) acknowledges in writing that such person is a named fiduciary, and the plan administrator, with respect to the pooled employer plan; and

''(iv) is responsible for ensuring that all persons who handle assets of, or who are fiduciaries of, the pooled employer plan are bonded in accordance with section 412.

''(B) AUDITS, EXAMINATIONS AND INVESTIGATIONS.—The Secretary may perform audits, examinations, and investigations of pooled plan providers as may be necessary to enforce and carry out the purposes of this paragraph and paragraph (43).

''(C) GUIDANCE.—The Secretary shall issue such guidance as the Secretary determines appropriate to carry out this paragraph and paragraph (43), including guidance—

''(i) to identify the administrative duties and other actions required to be performed by a pooled plan provider under either such paragraph; and

''(ii) which requires in appropriate cases that if an employer in the plan fails to take the actions required under subparagraph (A)(i)(II)—

''(I) the assets of the plan attributable to employees of such employer (or beneficiaries of such employees) are transferred to a plan maintained only by such employer (or its successor), to an eligible retirement plan as defined in section 402(c)(8)(B) of the Internal Revenue Code of 1986 for each individual whose account is transferred, or to any other arrangement that the Secretary determines is appropriate in such guidance; and

''(II) such employer (and not the plan with respect to which the failure occurred or any other employer in such plan) shall, except to the extent provided in such guidance, be liable for any liabilities with respect to such plan attributable to employees of such employer (or beneficiaries of such employees).

The Secretary shall take into account under clause (ii) whether the failure of an employer or pooled plan provider to provide any disclosures or other information, or to take any other action, necessary to administer a plan or to allow a plan to meet requirements described in subparagraph (A)(i)(II) has continued over a period of time that demonstrates a lack of commitment to compliance. The Secretary may waive the requirements of subclause (ii)(I) in appropriate circumstances if the Secretary determines it is in the best interests of the employees of the employer referred to in such clause (and the beneficiaries of such employees) to retain the assets in the plan with respect to which the employer's failure occurred.

''(D) AGGREGATION RULES.—For purposes of this paragraph, in determining whether a person meets the requirements of this paragraph to be a pooled plan provider with respect to any plan, all persons who perform services for the plan and who are treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as one person.''.

(2) BONDING REQUIREMENTS FOR POOLED EMPLOYER PLANS.—The last sentence of section 412(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1112(a)) is amended by inserting ''or in the case of a pooled employer plan (as defined in section 3(43))'' after ''section 407(d)(1))''.

(3) CONFORMING AND TECHNICAL AMENDMENTS.—Section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002) is amended—

(A) in paragraph (16)(B)—

(i) by striking ''or'' at the end of clause (ii); and

(ii) by striking the period at the end and inserting '', or (iv) in the case of a pooled employer plan, the pooled plan provider.''; and

(B) by striking the second paragraph (41).

(d) POOLED EMPLOYER AND MULTIPLE EMPLOYER PLAN REPORTING.—

(1) ADDITIONAL INFORMATION.—Section 103 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023) is amended—

(A) in subsection (a)(1)(B), by striking ''applicable subsections (d), (e), and (f)'' and inserting ''applicable subsections (d), (e), (f), and (g)''; and

(B) by amending subsection (g) to read as follows:

''(g) ADDITIONAL INFORMATION WITH RESPECT TO POOLED EMPLOYER AND MULTIPLE EMPLOYER PLANS.—An annual report under this section for a plan year shall include—

''(1) with respect to any plan to which section 210(a) applies (including a pooled employer plan), a list of employers in the plan, a good faith estimate of the percentage of total contributions made by such employers during the plan year, and the aggregate account balances attributable to each employer in the plan (determined as the sum of the account balances of the employees of such employer (and the beneficiaries of such employees)); and

''(2) with respect to a pooled employer plan, the identifying information for the person designated under the terms of the plan as the pooled plan provider.''.

(2) SIMPLIFIED ANNUAL REPORTS.—Section 104(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024(a)) is amended by striking paragraph (2)(A) and inserting the following:

''(2)(A) With respect to annual reports required to be filed with the Secretary under this part, the Secretary may by regulation prescribe simplified annual reports for any pension plan that—

''(i) covers fewer than 100 participants; or

''(ii) is a plan described in section 210(a) that covers fewer than 1,000 participants, but only if no single employer in the plan has 100 or more participants covered by the plan.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after December 31, 2019.

(2) RULE OF CONSTRUCTION.—Nothing in the amendments made by subsection (a) shall be construed as limiting the authority of the Secretary of the Treasury or the Secretary's delegate (determined without regard to such amendments) to provide for the proper treatment of a failure to meet any requirement applicable under the Internal Revenue Code of 1986 with respect to one employer (and its employees) in a multiple employer plan.

SEC. 102. RULES RELATING TO ELECTION OF SAFE HARBOR 401(k) STATUS.

(a) LIMITATION OF ANNUAL SAFE HARBOR NOTICE TO MATCHING CONTRIBUTION PLANS.—

(1) IN GENERAL.—Section 401(k)(12)(A) of the Internal Revenue Code of 1986 is amended by striking ''if such arrangement'' and all that follows and inserting ''if such arrangement—

''(i) meets the contribution requirements of subparagraph (B) and the notice requirements of subparagraph (D), or

''(ii) meets the contribution requirements of subparagraph (C).''.

(2) AUTOMATIC CONTRIBUTION ARRANGEMENTS.—Section 401(k)(13)(B) of such Code is amended by striking ''means'' and all that follows and inserting ''means a cash or deferred arrangement—

''(i) which is described in subparagraph (D)(i)(I) and meets the applicable requirements of subparagraphs (C) through (E), or

''(ii) which is described in subparagraph (D)(i)(II) and meets the applicable requirements of subparagraphs (C) and (D).''.

(b) NONELECTIVE CONTRIBUTIONS.—Section 401(k)(12) of such Code is amended by redesignating subparagraph (F) as subparagraph (G), and by inserting after subparagraph (E) the following new subparagraph:

''(F) TIMING OF PLAN AMENDMENT FOR EMPLOYER MAKING NONELECTIVE CONTRIBUTIONS.—

''(i) IN GENERAL.—Except as provided in clause (ii), a plan may be amended after the beginning of a plan year to provide that the requirements of subparagraph (C) shall apply to the arrangement for the plan year, but only if the amendment is adopted—

''(I) at any time before the 30th day before the close of the plan year, or

''(II) at any time before the last day under paragraph (8)(A) for distributing excess contributions for the plan year.

''(ii) EXCEPTION WHERE PLAN PROVIDED FOR MATCHING CONTRIBUTIONS.—Clause (i) shall not apply to any plan year if the plan provided at any time during the plan year that the requirements of subparagraph (B) or paragraph (13)(D)(i)(I) applied to the plan year.

''(iii) 4-PERCENT CONTRIBUTION REQUIREMENT.—Clause (i)(II) shall not apply to an arrangement unless the amount of the contributions described in subparagraph (C) which the employer is required to make under the arrangement for the plan year with respect to any employee is an amount equal to at least 4 percent of the employee's compensation.''.

(c) AUTOMATIC CONTRIBUTION ARRANGEMENTS.—Section 401(k)(13) of such Code is amended by adding at the end the following:

''(F) TIMING OF PLAN AMENDMENT FOR EMPLOYER MAKING NONELECTIVE CONTRIBUTIONS.—

''(i) IN GENERAL.—Except as provided in clause (ii), a plan may be amended after the beginning of a plan year to provide that the requirements of subparagraph (D)(i)(II) shall apply to the arrangement for the plan year, but only if the amendment is adopted—

''(I) at any time before the 30th day before the close of the plan year, or

''(II) at any time before the last day under paragraph (8)(A) for distributing excess contributions for the plan year.

''(ii) EXCEPTION WHERE PLAN PROVIDED FOR MATCHING CONTRIBUTIONS.—Clause (i) shall not apply to any plan year if the plan provided at any time during the plan year that the requirements of subparagraph (D)(i)(I) or paragraph (12)(B) applied to the plan year.

''(iii) 4-PERCENT CONTRIBUTION REQUIREMENT.—Clause (i)(II) shall not apply to an arrangement unless the amount of the contributions described in subparagraph (D)(i)(II) which the employer is required to make under the arrangement for the plan year with respect to any employee is an amount equal to at least 4 percent of the employee's compensation.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2018.

SEC. 103. CERTAIN TAXABLE NON-TUITION FELLOWSHIP AND STIPEND PAYMENTS TREATED AS COMPENSATION FOR IRA PURPOSES.

(a) IN GENERAL.—Section 219(f)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following: ''The term 'compensation' shall include any amount included in gross income and paid to an individual to aid the individual in the pursuit of graduate or postdoctoral study.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2018.

SEC. 104. REPEAL OF MAXIMUM AGE FOR TRADITIONAL IRA CONTRIBUTIONS.

(a) IN GENERAL.—Section 219(d) of the Internal Revenue Code of 1986 is amended by striking paragraph (1).

(b) CONFORMING AMENDMENT.—Section 408A(c) of the Internal Revenue Code of 1986 is amended by striking paragraph (4) and by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made for taxable years beginning after December 31, 2018.

SEC. 105. QUALIFIED EMPLOYER PLANS PROHIBITED FROM MAKING LOANS THROUGH CREDIT CARDS AND OTHER SIMILAR ARRANGEMENTS.

(a) IN GENERAL.—Section 72(p)(2) of the Internal Revenue Code of 1986 is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

''(D) PROHIBITION OF LOANS THROUGH CREDIT CARDS AND OTHER SIMILAR ARRANGEMENTS.—Notwithstanding subparagraph (A), paragraph (1) shall apply to any loan which is made through the use of any credit card or any other similar arrangement.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to loans made after the date of the enactment of this Act.

SEC. 106. PORTABILITY OF LIFETIME INCOME INVESTMENTS.

(a) IN GENERAL.—Section 401(a) of the Internal Revenue Code of 1986 is amended by inserting after paragraph (37) the following new paragraph:

''(38) PORTABILITY OF LIFETIME INCOME INVESTMENTS.—

''(A) IN GENERAL.—Except as may be otherwise provided by regulations, a trust forming part of a defined contribution plan shall not be treated as failing to constitute a qualified trust under this section solely by reason of allowing—

''(i) qualified distributions of a lifetime income investment, or

''(ii) distributions of a lifetime income investment in the form of a qualified plan distribution annuity contract,

on or after the date that is 90 days prior to the date on which such lifetime income investment is no longer authorized to be held as an investment option under the plan.

''(B) DEFINITIONS.—For purposes of this subsection—

''(i) the term 'qualified distribution' means a direct trustee-to-trustee transfer described in paragraph (31)(A) to an eligible retirement plan (as defined in section 402(c)(8)(B)),

''(ii) the term 'lifetime income investment' means an investment option which is designed to provide an employee with election rights—

''(I) which are not uniformly available with respect to other investment options under the plan, and

''(II) which are to a lifetime income feature available through a contract or other arrangement offered under the plan (or under another eligible retirement plan (as so defined), if paid by means of a direct trustee-to-trustee transfer described in paragraph (31)(A) to such other eligible retirement plan),

''(iii) the term 'lifetime income feature' means—

''(I) a feature which guarantees a minimum level of income annually (or more frequently) for at least the remainder of the life of the employee or the joint lives of the employee and the employee's designated beneficiary, or

''(II) an annuity payable on behalf of the employee under which payments are made in substantially equal periodic payments (not less frequently than annually) over the life of the employee or the joint lives of the employee and the employee's designated beneficiary, and

''(iv) the term 'qualified plan distribution annuity contract' means an annuity contract purchased for a participant and distributed to the participant by a plan or contract described in subparagraph (B) of section 402(c)(8) (without regard to clauses (i) and (ii) thereof).''.

(b) CASH OR DEFERRED ARRANGEMENT.—

(1) IN GENERAL.—Section 401(k)(2)(B)(i) of such Code is amended by striking ''or'' at the end of subclause (IV), by striking ''and'' at the end of subclause (V) and inserting ''or'', and by adding at the end the following new subclause:

''(VI) except as may be otherwise provided by regulations, with respect to amounts invested in a lifetime income investment (as defined in subsection (a)(38)(B)(ii)), the date that is 90 days prior to the date that such lifetime income investment may no longer be held as an investment option under the arrangement, and''.

(2) DISTRIBUTION REQUIREMENT.—Section 401(k)(2)(B) of such Code, as amended by paragraph (1), is amended by striking ''and'' at the end of clause (i), by striking the semicolon at the end of clause (ii) and inserting '', and'', and by adding at the end the following new clause:

''(iii) except as may be otherwise provided by regulations, in the case of amounts described in clause (i)(VI), will be distributed only in the

form of a qualified distribution (as defined in subsection (a)(38)(B)(i)) or a qualified plan distribution annuity contract (as defined in subsection (a)(38)(B)(iv)),''.

(c) SECTION 403(b) PLANS.—

(1) ANNUITY CONTRACTS.—Section 403(b)(11) of such Code is amended by striking ''or'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', or'', and by inserting after subparagraph (C) the following new subparagraph:

''(D) except as may be otherwise provided by regulations, with respect to amounts invested in a lifetime income investment (as defined in section 401(a)(38)(B)(ii))—

''(i) on or after the date that is 90 days prior to the date that such lifetime income investment may no longer be held as an investment option under the contract, and

''(ii) in the form of a qualified distribution (as defined in section 401(a)(38)(B)(i)) or a qualified plan distribution annuity contract (as defined in section 401(a)(38)(B)(iv)).''.

(2) CUSTODIAL ACCOUNTS.—Section 403(b)(7)(A) of such Code is amended by striking ''if—'' and all that follows and inserting ''if the amounts are to be invested in regulated investment company stock to be held in that custodial account, and under the custodial account—

''(i) no such amounts may be paid or made available to any distributee (unless such amount is a distribution to which section 72(t)(2)(G) applies) before—

''(I) the employee dies,

''(II) the employee attains age 59½,

''(III) the employee has a severance from employment,

''(IV) the employee becomes disabled (within the meaning of section 72(m)(7)),

''(V) in the case of contributions made pursuant to a salary reduction agreement (within the meaning of section 3121(a)(5)(D)), the employee encounters financial hardship, or

''(VI) except as may be otherwise provided by regulations, with respect to amounts invested in a lifetime income investment (as defined in section 401(a)(38)(B)(ii)), the date that is 90 days prior to the date that such lifetime income investment may no longer be held as an investment option under the contract, and

''(ii) in the case of amounts described in clause (i)(VI), such amounts will be distributed only in the form of a qualified distribution (as defined in section 401(a)(38)(B)(i)) or a qualified plan distribution annuity contract (as defined in section 401(a)(38)(B)(iv)).''.

(d) ELIGIBLE DEFERRED COMPENSATION PLANS.—

(1) IN GENERAL.—Section 457(d)(1)(A) of such Code is amended by striking ''or'' at the end of clause (ii), by inserting ''or'' at the end of clause (iii), and by adding after clause (iii) the following:

''(iv) except as may be otherwise provided by regulations, in the case of a plan maintained by an employer described in subsection (e)(1)(A), with respect to amounts invested in a lifetime income investment (as defined in section 401(a)(38)(B)(ii)), the date that is 90 days prior to the date that such lifetime income investment may no longer be held as an investment option under the plan,''.

(2) DISTRIBUTION REQUIREMENT.—Section 457(d)(1) of such Code is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by inserting after subparagraph (C) the following new subparagraph:

''(D) except as may be otherwise provided by regulations, in the case of amounts described in subparagraph (A)(iv), such amounts will be distributed only in the form of a qualified distribution (as defined in section 401(a)(38)(B)(i)) or a qualified plan distribution annuity contract (as defined in section 401(a)(38)(B)(iv)).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2018.

SEC. 107. TREATMENT OF CUSTODIAL ACCOUNTS ON TERMINATION OF SECTION 403(b) PLANS.

(a) IN GENERAL.—Section 403(b)(7) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(D) TREATMENT OF CUSTODIAL ACCOUNT UPON PLAN TERMINATION.—

''(i) IN GENERAL.—If—

''(I) an employer terminates the plan under which amounts are contributed to a custodial account under subparagraph (A), and

''(II) the person holding the assets of the account has demonstrated to the satisfaction of the Secretary under section 408(a)(2) that the person is qualified to be a trustee of an individual retirement plan,

then, as of the date of the termination, the custodial account shall be deemed to be an individual retirement plan for purposes of this title.

''(ii) TREATMENT AS ROTH IRA.—Any custodial account treated as an individual retirement plan under clause (i) shall be treated as a Roth IRA only if the custodial account was a designated Roth account.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to plan terminations occurring after December 31, 2018.

SEC. 108. CLARIFICATION OF RETIREMENT INCOME ACCOUNT RULES RELATING TO CHURCH-CONTROLLED ORGANIZATIONS.

(a) IN GENERAL.—Section 403(b)(9)(B) of the Internal Revenue Code of 1986 is amended by inserting ''(including an employee described in section 414(e)(3)(B))'' after ''employee described in paragraph (1)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to plan years beginning after December 31, 2008.

SEC. 109. EXEMPTION FROM REQUIRED MINIMUM DISTRIBUTION RULES FOR INDIVIDUALS WITH CERTAIN ACCOUNT BALANCES.

(a) IN GENERAL.—Section 401(a)(9) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(H) EXCEPTION FROM REQUIRED MINIMUM DISTRIBUTIONS DURING LIFE OF EMPLOYEE WHERE ASSETS DO NOT EXCEED $50,000.—

''(i) IN GENERAL.—If on the last day of any calendar year the aggregate value of an employee's entire interest under all applicable eligible retirement plans does not exceed $50,000, then the requirements of subparagraph (A) with respect to any distribution relating to such year shall not apply with respect to such employee.

''(ii) APPLICABLE ELIGIBLE RETIREMENT PLAN.—For purposes of this subparagraph, the term 'applicable eligible retirement plan' means an eligible retirement plan (as defined in section 402(c)(8)(B)) other than a defined benefit plan.

''(iii) LIMIT ON REQUIRED MINIMUM DISTRIBUTION.—The required minimum distribution determined under subparagraph (A) for an employee under all applicable eligible retirement plans shall not exceed an amount equal to the excess of—

''(I) the aggregate value of an employee's entire interest under such plans on the last day of the calendar year to which such distribution relates, over

''(II) the dollar amount in effect under clause (i) for such calendar year.

The Secretary in regulations or other guidance may provide how such amount shall be distributed in the case of an individual with more than one applicable eligible retirement plan.

''(iv) INFLATION ADJUSTMENT.—In the case of any calendar year beginning after 2019, the $50,000 amount in clause (i) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost of living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2018' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

Any increase determined under this clause shall be rounded to the next lowest multiple of $5,000.

''(v) PLAN ADMINISTRATOR RELIANCE ON EMPLOYEE CERTIFICATION.—An applicable eligible retirement plan described in clause (iii), (iv), (v), or (vi) of section 402(c)(8)(B) shall not be treated as failing to meet the requirements of this paragraph in the case of any failure to make a required minimum distribution for a calendar year if—

''(I) the aggregate value of an employee's entire interest under all applicable eligible retirement plans of the employer on the last day of the calendar year to which such distribution relates does not exceed the dollar amount in effect for such year under clause (i), and

''(II) the employee certifies that the aggregate value of the employee's entire interest under all applicable eligible retirement plans on the last day of the calendar year to which such distribution relates did not exceed the dollar amount in effect for such year under clause (i).

''(vi) AGGREGATION RULE.—All employers treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer for purposes of clause (v).''.

(b) PLAN ADMINISTRATOR REPORTING.—Section 6047 of such Code is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) ACCOUNT BALANCE FOR PARTICIPANTS WHO HAVE ATTAINED AGE 69.—

''(1) IN GENERAL.—Not later than January 31 of each year, the plan administrator (as defined in section 414(g)) of each applicable eligible retirement plan (as defined in section 401(a)(9)(H)) shall make a return to the Secretary with respect to each participant of such plan who has attained age 69 as of the end of the preceding calendar year which states—

''(A) the name and plan number of the plan,

''(B) the name and address of the plan administrator,

''(C) the name, address, and taxpayer identification number of the participant, and

''(D) the account balance of such participant as of the end of the preceding calendar year.

''(2) STATEMENT FURNISHED TO PARTICIPANT.—Every person required to make a return under paragraph (1) with respect to a participant shall furnish a copy of such return to such participant.

''(3) APPLICATION TO INDIVIDUAL RETIREMENT PLANS AND ANNUITIES.—In the case of an applicable eligible retirement plan described in clause (i) or (ii) of section 402(c)(8)(B)—

''(A) any reference in this subsection to the plan administrator shall be treated as a reference to the trustee or issuer, as the case may be, and

''(B) any reference in this subsection to the participant shall be treated as a reference to the individual for whom such account or annuity is maintained.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions required to be made in calendar years beginning more than 120 days after the date of the enactment of this Act.

SEC. 110. CLARIFICATION OF TREATMENT OF CERTAIN RETIREMENT PLAN CONTRIBUTIONS PICKED UP BY GOVERNMENTAL EMPLOYERS FOR NEW OR EXISTING EMPLOYEES.

(a) IN GENERAL.—Section 414(h)(2) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''For purposes of paragraph (1)'' and inserting the following:

''(A) IN GENERAL.—For purposes of paragraph (1)'', and

(2) by adding at the end the following new subparagraph:

''(B) TREATMENT OF ELECTIONS BETWEEN ALTERNATIVE BENEFIT FORMULAS.—For purposes of subparagraph (A), a contribution shall not fail to be treated as picked up by an employing unit merely because the employee may make an irrevocable election between the application of two

alternative benefit formulas involving the same or different levels of employee contributions.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to plan years beginning after the date of the enactment of this Act.

SEC. 111. ELECTIVE DEFERRALS BY MEMBERS OF THE READY RESERVE OF A RESERVE COMPONENT OF THE ARMED FORCES.

(a) IN GENERAL.—Section 402(g) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(9) ELECTIVE DEFERRALS BY MEMBERS OF READY RESERVE.—

''(A) IN GENERAL.—In the case of a qualified ready reservist for any taxable year, the limitations of subparagraphs (A) and (C) of paragraph (1) shall be applied separately with respect to—

''(i) elective deferrals of such qualified ready reservist with respect to compensation described in subparagraph (B), and

''(ii) all other elective deferrals of such qualified ready reservist.

''(B) QUALIFIED READY RESERVIST.—For purposes of this paragraph, the term 'qualified ready reservist' means any individual for any taxable year if such individual received compensation for service as a member of the Ready Reserve of a reserve component (as defined in section 101 of title 37, United States Code) during such taxable year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to plan years beginning after December 31, 2018.

TITLE II—ADMINISTRATIVE IMPROVEMENTS

SEC. 201. PLAN ADOPTED BY FILING DUE DATE FOR YEAR MAY BE TREATED AS IN EFFECT AS OF CLOSE OF YEAR.

(a) IN GENERAL.—Section 401(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''RETROACTIVE CHANGES IN PLAN.—A stock bonus'' and inserting ''PLAN AMENDMENTS.—

''(1) CERTAIN RETROACTIVE CHANGES IN PLAN.—A stock bonus'', and

(2) by adding at the end the following new paragraph:

''(2) ADOPTION OF PLAN.—If an employer adopts a stock bonus, pension, profit-sharing, or annuity plan after the close of a taxable year but before the time prescribed by law for filing the employer's return of tax for the taxable year (including extensions thereof), the employer may elect to treat the plan as having been adopted as of the last day of the taxable year.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to plans adopted for taxable years beginning after December 31, 2018.

SEC. 202. MODIFICATION OF NONDISCRIMINATION RULES TO PROTECT OLDER, LONGER SERVICE PARTICIPANTS.

(a) IN GENERAL.—Section 401 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating subsection (o) as subsection (p), and

(2) by inserting after subsection (n) the following new subsection:

''(o) SPECIAL RULES FOR APPLYING NONDISCRIMINATION RULES TO PROTECT OLDER, LONGER SERVICE AND GRANDFATHERED PARTICIPANTS.—

''(1) TESTING OF DEFINED BENEFIT PLANS WITH CLOSED CLASSES OF PARTICIPANTS.—

''(A) BENEFITS, RIGHTS, OR FEATURES PROVIDED TO CLOSED CLASSES.—A defined benefit plan which provides benefits, rights, or features to a closed class of participants shall not fail to satisfy the requirements of subsection (a)(4) by reason of the composition of such closed class or the benefits, rights, or features provided to such closed class, if—

''(i) for the plan year as of which the class closes and the 2 succeeding plan years, such benefits, rights, and features satisfy the requirements of subsection (a)(4) (without regard to this subparagraph but taking into account the rules of subparagraph (I)),

''(ii) after the date as of which the class was closed, any plan amendment which modifies the closed class or the benefits, rights, and features provided to such closed class does not discriminate significantly in favor of highly compensated employees, and

''(iii) the class was closed before April 5, 2017, or the plan is described in subparagraph (C).

''(B) AGGREGATE TESTING WITH DEFINED CONTRIBUTION PLANS PERMITTED ON A BENEFITS BASIS.—

''(i) IN GENERAL.—For purposes of determining compliance with subsection (a)(4) and section 410(b), a defined benefit plan described in clause (iii) may be aggregated and tested on a benefits basis with 1 or more defined contribution plans, including with the portion of 1 or more defined contribution plans which—

''(I) provides matching contributions (as defined in subsection (m)(4)(A)),

''(II) provides annuity contracts described in section 403(b) which are purchased with matching contributions or nonelective contributions, or

''(III) consists of an employee stock ownership plan (within the meaning of section 4975(e)(7)) or a tax credit employee stock ownership plan (within the meaning of section 409(a)).

''(ii) SPECIAL RULES FOR MATCHING CONTRIBUTIONS.—For purposes of clause (i), if a defined benefit plan is aggregated with a portion of a defined contribution plan providing matching contributions—

''(I) such defined benefit plan must also be aggregated with any portion of such defined contribution plan which provides elective deferrals described in subparagraph (A) or (C) of section 402(g)(3), and

''(II) such matching contributions shall be treated in the same manner as nonelective contributions, including for purposes of applying the rules of subsection (l).

''(iii) PLANS DESCRIBED.—A defined benefit plan is described in this clause if—

''(I) the plan provides benefits to a closed class of participants,

''(II) for the plan year as of which the class closes and the 2 succeeding plan years, the plan satisfies the requirements of section 410(b) and subsection (a)(4) (without regard to this subparagraph but taking into account the rules of subparagraph (I)),

''(III) after the date as of which the class was closed, any plan amendment which modifies the closed class or the benefits provided to such closed class does not discriminate significantly in favor of highly compensated employees, and

''(IV) the class was closed before April 5, 2017, or the plan is described in subparagraph (C).

''(C) PLANS DESCRIBED.—A plan is described in this subparagraph if, taking into account any predecessor plan—

''(i) such plan has been in effect for at least 5 years as of the date the class is closed, and

''(ii) during the 5-year period preceding the date the class is closed, there has not been a substantial increase in the coverage or value of the benefits, rights, or features described in subparagraph (A) or in the coverage or benefits under the plan described in subparagraph (B)(iii) (whichever is applicable).

''(D) DETERMINATION OF SUBSTANTIAL INCREASE FOR BENEFITS, RIGHTS, AND FEATURES.—In applying subparagraph (C)(ii) for purposes of subparagraph (A)(iii), a plan shall be treated as having had a substantial increase in coverage or value of the benefits, rights, or features described in subparagraph (A) during the applicable 5-year period only if, during such period—

''(i) the number of participants covered by such benefits, rights, or features on the date such period ends is more than 50 percent greater than the number of such participants on the first day of the plan year in which such period began, or

''(ii) such benefits, rights, and features have been modified by 1 or more plan amendments in such a way that, as of the date the class is closed, the value of such benefits, rights, and features to the closed class as a whole is substantially greater than the value as of the first day of such 5-year period, solely as a result of such amendments.

''(E) DETERMINATION OF SUBSTANTIAL INCREASE FOR AGGREGATE TESTING ON BENEFITS BASIS.—In applying subparagraph (C)(ii) for purposes of subparagraph (B)(iii)(IV), a plan shall be treated as having had a substantial increase in coverage or benefits during the applicable 5-year period only if, during such period—

''(i) the number of participants benefitting under the plan on the date such period ends is more than 50 percent greater than the number of such participants on the first day of the plan year in which such period began, or

''(ii) the average benefit provided to such participants on the date such period ends is more than 50 percent greater than the average benefit provided on the first day of the plan year in which such period began.

''(F) CERTAIN EMPLOYEES DISREGARDED.—For purposes of subparagraphs (D) and (E), any increase in coverage or value or in coverage or benefits, whichever is applicable, which is attributable to such coverage and value or coverage and benefits provided to employees—

''(i) who became participants as a result of a merger, acquisition, or similar event which occurred during the 7-year period preceding the date the class is closed, or

''(ii) who became participants by reason of a merger of the plan with another plan which had been in effect for at least 5 years as of the date of the merger,

shall be disregarded, except that clause (ii) shall apply for purposes of subparagraph (D) only if, under the merger, the benefits, rights, or features under 1 plan are conformed to the benefits, rights, or features of the other plan prospectively.

''(G) RULES RELATING TO AVERAGE BENEFIT.—For purposes of subparagraph (E)—

''(i) the average benefit provided to participants under the plan will be treated as having remained the same between the 2 dates described in subparagraph (E)(ii) if the benefit formula applicable to such participants has not changed between such dates, and

''(ii) if the benefit formula applicable to 1 or more participants under the plan has changed between such 2 dates, then the average benefit under the plan shall be considered to have increased by more than 50 percent only if—

''(I) the total amount determined under section 430(b)(1)(A)(i) for all participants benefitting under the plan for the plan year in which the 5-year period described in subparagraph (E) ends, exceeds

''(II) the total amount determined under section 430(b)(1)(A)(i) for all such participants for such plan year, by using the benefit formula in effect for each such participant for the first plan year in such 5-year period, by more than 50 percent.

In the case of a CSEC plan (as defined in section 414(y)), the normal cost of the plan (as determined under section 433(j)(1)(B)) shall be used in lieu of the amount determined under section 430(b)(1)(A)(i).

''(H) TREATMENT AS SINGLE PLAN.—For purposes of subparagraphs (E) and (G), a plan described in section 413(c) shall be treated as a single plan rather than as separate plans maintained by each employer in the plan.

''(I) SPECIAL RULES.—For purposes of subparagraphs (A)(i) and (B)(iii)(II), the following rules shall apply:

''(i) In applying section 410(b)(6)(C), the closing of the class of participants shall not be treated as a significant change in coverage under section 410(b)(6)(C)(i)(II).

''(ii) 2 or more plans shall not fail to be eligible to be aggregated and treated as a single plan solely by reason of having different plan years.

''(iii) Changes in the employee population shall be disregarded to the extent attributable to individuals who become employees or cease to be employees, after the date the class is closed, by reason of a merger, acquisition, divestiture, or similar event.

''(iv) Aggregation and all other testing methodologies otherwise applicable under subsection (a)(4) and section 410(b) may be taken into account.

The rule of clause (ii) shall also apply for purposes of determining whether plans to which subparagraph (B)(i) applies may be aggregated and treated as 1 plan for purposes of determining whether such plans meet the requirements of subsection (a)(4) and section 410(b).

''(J) SPUN-OFF PLANS.—For purposes of this paragraph, if a portion of a defined benefit plan described in subparagraph (A) or (B)(iii) is spun off to another employer and the spun-off plan continues to satisfy the requirements of—

''(i) subparagraph (A)(i) or (B)(iii)(II), whichever is applicable, if the original plan was still within the 3-year period described in such subparagraph at the time of the spin off, and

''(ii) subparagraph (A)(ii) or (B)(iii)(III), whichever is applicable,

the treatment under subparagraph (A) or (B) of the spun-off plan shall continue with respect to such other employer.

''(2) TESTING OF DEFINED CONTRIBUTION PLANS.—

''(A) TESTING ON A BENEFITS BASIS.—A defined contribution plan shall be permitted to be tested on a benefits basis if—

''(i) such defined contribution plan provides make-whole contributions to a closed class of participants whose accruals under a defined benefit plan have been reduced or eliminated,

''(ii) for the plan year of the defined contribution plan as of which the class eligible to receive such make-whole contributions closes and the 2 succeeding plan years, such closed class of participants satisfies the requirements of section 410(b)(2)(A)(i) (determined by applying the rules of paragraph (1)(I)),

''(iii) after the date as of which the class was closed, any plan amendment to the defined contribution plan which modifies the closed class or the allocations, benefits, rights, and features provided to such closed class does not discriminate significantly in favor of highly compensated employees, and

''(iv) the class was closed before April 5, 2017, or the defined benefit plan under clause (i) is described in paragraph (1)(C) (as applied for purposes of paragraph (1)(B)(iii)(IV)).

''(B) AGGREGATION WITH PLANS INCLUDING MATCHING CONTRIBUTIONS.—

''(i) IN GENERAL.—With respect to 1 or more defined contribution plans described in subparagraph (A), for purposes of determining compliance with subsection (a)(4) and section 410(b), the portion of such plans which provides make-whole contributions or other nonelective contributions may be aggregated and tested on a benefits basis with the portion of 1 or more other defined contribution plans which—

''(I) provides matching contributions (as defined in subsection (m)(4)(A)),

''(II) provides annuity contracts described in section 403(b) which are purchased with matching contributions or nonelective contributions, or

''(III) consists of an employee stock ownership plan (within the meaning of section 4975(e)(7)) or a tax credit employee stock ownership plan (within the meaning of section 409(a)).

''(ii) SPECIAL RULES FOR MATCHING CONTRIBUTIONS.—Rules similar to the rules of paragraph (1)(B)(ii) shall apply for purposes of clause (i).

''(C) SPECIAL RULES FOR TESTING DEFINED CONTRIBUTION PLAN FEATURES PROVIDING MATCHING CONTRIBUTIONS TO CERTAIN OLDER, LONGER SERVICE PARTICIPANTS.—In the case of a defined contribution plan which provides benefits, rights, or features to a closed class of participants whose accruals under a defined benefit plan have been reduced or eliminated, the plan shall not fail to satisfy the requirements of subsection (a)(4) solely by reason of the composition of the closed class or the benefits, rights, or features provided to such closed class if the defined contribution plan and defined benefit plan otherwise meet the requirements of subparagraph (A) but for the fact that the make-whole contributions under the defined contribution plan are made in whole or in part through matching contributions.

''(D) SPUN-OFF PLANS.—For purposes of this paragraph, if a portion of a defined contribution plan described in subparagraph (A) or (C) is spun off to another employer, the treatment under subparagraph (A) or (C) of the spun-off plan shall continue with respect to the other employer if such plan continues to comply with the requirements of clauses (ii) (if the original plan was still within the 3-year period described in such clause at the time of the spin off) and (iii) of subparagraph (A), as determined for purposes of subparagraph (A) or (C), whichever is applicable.

''(3) DEFINITIONS.—For purposes of this subsection—

''(A) MAKE-WHOLE CONTRIBUTIONS.—Except as otherwise provided in paragraph (2)(C), the term 'make-whole contributions' means nonelective allocations for each employee in the class which are reasonably calculated, in a consistent manner, to replace some or all of the retirement benefits which the employee would have received under the defined benefit plan and any other plan or qualified cash or deferred arrangement under subsection (k)(2) if no change had been made to such defined benefit plan and such other plan or arrangement. For purposes of the preceding sentence, consistency shall not be required with respect to employees who were subject to different benefit formulas under the defined benefit plan.

''(B) REFERENCES TO CLOSED CLASS OF PARTICIPANTS.—References to a closed class of participants and similar references to a closed class shall include arrangements under which 1 or more classes of participants are closed, except that 1 or more classes of participants closed on different dates shall not be aggregated for purposes of determining the date any such class was closed.

''(C) HIGHLY COMPENSATED EMPLOYEE.—The term 'highly compensated employee' has the meaning given such term in section 414(q).''.

(b) PARTICIPATION REQUIREMENTS.—Section 401(a)(26) of such Code is amended by adding at the end the following new subparagraph:

''(I) PROTECTED PARTICIPANTS.—

''(i) IN GENERAL.—A plan shall be deemed to satisfy the requirements of subparagraph (A) if—

''(I) the plan is amended—

''(aa) to cease all benefit accruals, or

''(bb) to provide future benefit accruals only to a closed class of participants,

''(II) the plan satisfies subparagraph (A) (without regard to this subparagraph) as of the effective date of the amendment, and

''(III) the amendment was adopted before April 5, 2017, or the plan is described in clause (ii).

''(ii) PLANS DESCRIBED.—A plan is described in this clause if the plan would be described in subsection (o)(1)(C), as applied for purposes of subsection (o)(1)(B)(iii)(IV) and by treating the effective date of the amendment as the date the class was closed for purposes of subsection (o)(1)(C).

''(iii) SPECIAL RULES.—For purposes of clause (i)(II), in applying section 410(b)(6)(C), the amendments described in clause (i) shall not be treated as a significant change in coverage under section 410(b)(6)(C)(i)(II).

''(iv) SPUN-OFF PLANS.—For purposes of this subparagraph, if a portion of a plan described in clause (i) is spun off to another employer, the treatment under clause (i) of the spun-off plan shall continue with respect to the other employer.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act, without regard to whether any plan modifications referred to in such amendments are adopted or effective before, on, or after such date of enactment.

(2) SPECIAL RULES.—

(A) ELECTION OF EARLIER APPLICATION.—At the election of the plan sponsor, the amendments made by this section shall apply to plan years beginning after December 31, 2013.

(B) CLOSED CLASSES OF PARTICIPANTS.—For purposes of paragraphs (1)(A)(iii), (1)(B)(iii)(IV), and (2)(A)(iv) of section 401(o) of the Internal Revenue Code of 1986 (as added by this section), a closed class of participants shall be treated as being closed before April 5, 2017, if the plan sponsor's intention to create such closed class is reflected in formal written documents and communicated to participants before such date.

(C) CERTAIN POST-ENACTMENT PLAN AMENDMENTS.—A plan shall not be treated as failing to be eligible for the application of section 401(o)(1)(A), 401(o)(1)(B)(iii), or 401(a)(26) of such Code (as added by this section) to such plan solely because in the case of—

(i) such section 401(o)(1)(A), the plan was amended before the date of the enactment of this Act to eliminate 1 or more benefits, rights, or features, and is further amended after such date of enactment to provide such previously eliminated benefits, rights, or features to a closed class of participants, or

(ii) such section 401(o)(1)(B)(iii) or section 401(a)(26), the plan was amended before the date of the enactment of this Act to cease all benefit accruals, and is further amended after such date of enactment to provide benefit accruals to a closed class of participants. Any such section shall only apply if the plan otherwise meets the requirements of such section and in applying such section, the date the class of participants is closed shall be the effective date of the later amendment.

SEC. 203. FIDUCIARY SAFE HARBOR FOR SELECTION OF LIFETIME INCOME PROVIDER.

Section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104) is amended by adding at the end the following:

''(e) SAFE HARBOR FOR ANNUITY SELECTION.—

''(1) IN GENERAL.—With respect to the selection of an insurer for a guaranteed retirement income contract, the requirements of subsection (a)(1)(B) will be deemed to be satisfied if a fiduciary—

''(A) engages in an objective, thorough, and analytical search for the purpose of identifying insurers from which to purchase such contracts;

''(B) with respect to each insurer identified under subparagraph (A)—

''(i) considers the financial capability of such insurer to satisfy its obligations under the guaranteed retirement income contract; and

''(ii) considers the cost (including fees and commissions) of the guaranteed retirement income contract offered by the insurer in relation to the benefits and product features of the contract and administrative services to be provided under such contract; and

''(C) on the basis of such consideration, concludes that—

''(i) at the time of the selection, the insurer is financially capable of satisfying its obligations under the guaranteed retirement income contract; and

''(ii) the relative cost of the selected guaranteed retirement income contract as described in subparagraph (B)(ii) is reasonable.

''(2) FINANCIAL CAPABILITY OF THE INSURER.—A fiduciary will be deemed to satisfy the requirements of paragraphs (1)(B)(i) and (1)(C)(i) if—

''(A) the fiduciary obtains written representations from the insurer that—

''(i) the insurer is licensed to offer guaranteed retirement income contracts;

''(ii) the insurer, at the time of selection and for each of the immediately preceding 7 plan years—

''(I) operates under a certificate of authority from the insurance commissioner of its domiciliary State which has not been revoked or suspended;

''(II) has filed audited financial statements in accordance with the laws of its domiciliary State under applicable statutory accounting principles;

''(III) maintains (and has maintained) reserves which satisfies all the statutory requirements of all States where the insurer does business; and

''(IV) is not operating under an order of supervision, rehabilitation, or liquidation;

''(iii) the insurer undergoes, at least every 5 years, a financial examination (within the meaning of the law of its domiciliary State) by the insurance commissioner of the domiciliary State (or representative, designee, or other party approved by such commissioner); and

''(iv) the insurer will notify the fiduciary of any change in circumstances occurring after the provision of the representations in clauses (i), (ii), and (iii) which would preclude the insurer from making such representations at the time of issuance of the guaranteed retirement income contract; and

''(B) after receiving such representations and as of the time of selection, the fiduciary has not received any notice described in subparagraph (A)(iv) and is in possession of no other information which would cause the fiduciary to question the representations provided.

''(3) NO REQUIREMENT TO SELECT LOWEST COST.—Nothing in this subsection shall be construed to require a fiduciary to select the lowest cost contract. A fiduciary may consider the value of a contract, including features and benefits of the contract and attributes of the insurer (including, without limitation, the insurer's financial strength) in conjunction with the cost of the contract.

''(4) TIME OF SELECTION.—

''(A) IN GENERAL.—For purposes of this subsection, the time of selection is—

''(i) the time that the insurer and the contract are selected for distribution of benefits to a specific participant or beneficiary; or

''(ii) if the fiduciary periodically reviews the continuing appropriateness of the conclusion described in paragraph (1)(C) with respect to a selected insurer, taking into account the considerations described in such paragraph, the time that the insurer and the contract are selected to provide benefits at future dates to participants or beneficiaries under the plan.

Nothing in the preceding sentence shall be construed to require the fiduciary to review the appropriateness of a selection after the purchase of a contract for a participant or beneficiary.

''(B) PERIODIC REVIEW.—A fiduciary will be deemed to have conducted the periodic review described in subparagraph (A)(ii) if the fiduciary obtains the written representations described in clauses (i), (ii), and (iii) of paragraph (2)(A) from the insurer on an annual basis, unless the fiduciary receives any notice described in paragraph (2)(A)(iv) or otherwise becomes aware of facts that would cause the fiduciary to question such representations.

''(5) LIMITED LIABILITY.—A fiduciary which satisfies the requirements of this subsection shall not be liable following the distribution of any benefit, or the investment by or on behalf of a participant or beneficiary pursuant to the selected guaranteed retirement income contract, for any losses that may result to the participant or beneficiary due to an insurer's inability to satisfy its financial obligations under the terms of such contract.

''(6) DEFINITIONS.—For purposes of this subsection—

''(A) INSURER.—The term 'insurer' means an insurance company, insurance service, or insurance organization, including affiliates of such companies.

''(B) GUARANTEED RETIREMENT INCOME CONTRACT.—The term 'guaranteed retirement income contract' means an annuity contract for a fixed term or a contract (or provision or feature thereof) which provides guaranteed benefits annually (or more frequently) for at least the remainder of the life of the participant or the joint lives of the participant and the participant's designated beneficiary as part of an individual account plan.''.

TITLE III—OTHER SAVINGS PROVISIONS

SEC. 301. UNIVERSAL SAVINGS ACCOUNTS.

(a) IN GENERAL.—Subchapter F of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

''PART IX—UNIVERSAL SAVINGS ACCOUNTS

''Sec. 530U. Universal Savings Accounts.

''SEC. 530U. UNIVERSAL SAVINGS ACCOUNTS.

''(a) GENERAL RULE.—A Universal Savings Account shall be exempt from taxation under this subtitle. Notwithstanding the preceding sentence, such account shall be subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable organizations).

''(b) UNIVERSAL SAVINGS ACCOUNT.—For purposes of this section, the term 'Universal Savings Account' means a trust created or organized in the United States by an individual for the exclusive benefit of such individual and which is designated (in such manner as the Secretary may prescribe) at the time of the establishment of the trust as a Universal Savings Account, but only if the written governing instrument creating the trust meets the following requirements:

''(1) Except in the case of a qualified rollover contribution described in subsection (d)—

''(A) no contribution will be accepted unless it is in cash, and

''(B) contributions will not be accepted for the taxable year in excess of the contribution limit specified in subsection (c)(2).

''(2) No distribution will be made unless it is—

''(A) cash, or

''(B) property that—

''(i) has a readily ascertainable fair market value, and

''(ii) is identified by the Secretary in regulations or other guidance as property to which this subparagraph applies.

''(3) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which that person will administer the trust will be consistent with the requirements of this section.

''(4) No part of the trust assets will be invested in life insurance contracts or collectibles (as defined in section 408(m)).

''(5) The interest of an individual in the balance of his account is nonforfeitable.

''(6) The assets of the trust shall not be commingled with other property except in a common trust fund or common investment fund.

''(c) TREATMENT OF DISTRIBUTIONS AND CONTRIBUTIONS.—

''(1) DISTRIBUTIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any distribution from a Universal Savings Account shall not be includible in gross income.

''(B) NET INCOME ATTRIBUTABLE TO EXCESS CONTRIBUTIONS.—Any distribution of net income described in section 4973(i)(2) shall be includible in the gross income of the account holder in the taxable year in which the contribution to which such net income relates was made.

''(2) CONTRIBUTION LIMIT.—

''(A) IN GENERAL.—The aggregate amount of contributions (other than qualified rollover contributions described in subsection (d)) for any taxable year to all Universal Savings Accounts maintained for the benefit of an individual shall not exceed the lesser of—

''(i) $2,500, or

''(ii) an amount equal to the compensation (within the meaning of section 219) includible in such individual's gross income for such taxable year.

''(B) NO CONTRIBUTIONS FOR DEPENDENTS.—In the case of an individual who is a dependent of another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins, the dollar amount under subparagraph (A) for such individual's taxable year shall be zero.

''(C) SPECIAL RULE IN CASE OF JOINT RETURN.—

''(i) IN GENERAL.—In the case of an individual to whom this clause applies, the amount determined under subparagraph (A)(ii) with respect to such individual for the taxable year shall not be less than an amount equal to the sum of—

''(I) the compensation of such individual includible in gross income for the taxable year, plus

''(II) the compensation of such individual's spouse includible in gross income for the taxable year reduced (but not below zero) by the amount contributed for the taxable year to all Universal Savings Accounts maintained for the benefit of such spouse.

''(ii) INDIVIDUAL TO WHOM CLAUSE (i) APPLIES.—Clause (i) shall apply to any individual—

''(I) who files a joint return for the taxable year, and

''(II) whose compensation includible in gross income for the taxable year is less than the compensation of such individual's spouse includible in gross income for the taxable year.

''(D) COST-OF-LIVING ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2019, the $2,500 amount under subparagraph (A)(i) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2018' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

If any amount after adjustment under the preceding sentence is not a multiple of $100, such amount shall be rounded to the next lower multiple of $100.

''(d) QUALIFIED ROLLOVER CONTRIBUTION.—For purposes of this section, the term 'qualified rollover contribution' means a contribution to a Universal Savings Account from another such account of the same individual, but only if such amount is contributed not later than the 60th day after the distribution from such other account.

''(e) TREATMENT OF ACCOUNT UPON DEATH.—Upon death of any account holder of a Universal Savings Account—

''(1) SPOUSE.—In the case of the account holder's surviving spouse acquiring such account holder's interest in such account by reason of the death of the account holder, such account shall be treated as if the spouse were the account holder.

''(2) OTHER CASES.—In any other case—

''(A) all amounts in such account shall be treated as distributed on the date of such individual's death, and

''(B) such account shall cease to be treated as a Universal Savings Account.

''(f) OTHER SPECIAL RULES.—

''(1) COMMUNITY PROPERTY LAWS.—This section shall be applied without regard to any community property laws.

''(2) LOSS OF TAXATION EXEMPTION OF ACCOUNT WHERE INDIVIDUAL ENGAGES IN PROHIBITED TRANSACTION; EFFECT OF PLEDGING ACCOUNT AS SECURITY.—Rules similar to the rules

of paragraphs (2) and (4) of section 408(e) shall apply to any Universal Savings Account.

''(g) REPORTS.—The trustee of a Universal Savings Account shall make such reports regarding such account to the Secretary and to the account holder with respect to contributions, distributions, and such other matters as the Secretary may require. Such reports shall be—

''(1) filed at such time and in such manner as the Secretary provides, and

''(2) furnished to account holders—

''(A) not later than January 31 of the calendar year following the calendar year to which such reports relate, and

''(B) in such manner as the Secretary provides.''.

(b) TAX ON EXCESS CONTRIBUTIONS.—

(1) IN GENERAL.—Section 4973(a) of such Code is amended by striking ''or'' at the end of paragraph (5), by inserting ''or'' at the end of paragraph (6), and by inserting after paragraph (6) the following new paragraph:

''(7) a Universal Savings Account (as defined in section 530U),''.

(2) EXCESS CONTRIBUTION.—Section 4973 of such Code is amended by adding at the end the following new subsection:

''(i) EXCESS CONTRIBUTIONS TO UNIVERSAL SAVINGS ACCOUNTS.—For purposes of this section—

''(1) IN GENERAL.—In the case of Universal Savings Accounts (within the meaning of section 530U), the term 'excess contributions' means the sum of—

''(A) the amount (if any) by which the amount contributed for the taxable year to such accounts (other than qualified rollover contributions (as defined in section 530U(d))) exceeds the contribution limit under section 530U(c)(2) for such taxable year, and

''(B) the amount determined under this subsection for the preceding taxable year, reduced by the sum of—

''(i) the distributions out of the account for the taxable year, and

''(ii) the amount (if any) by which the maximum amount allowable as a contribution under section 530U(c)(2) for the taxable year exceeds the amount contributed to the accounts for the taxable year.

''(2) SPECIAL RULE.—A contribution shall not be taken into account under paragraph (1) if such contribution (together with the amount of net income attributable to such contribution) is distributed to the account holder on or before the due date of the account holder's return of tax for such taxable year.''.

(c) TAX ON PROHIBITED TRANSACTIONS.—Section 4975(e)(1) of such Code is amended by striking ''or'' at the end of subparagraph (F), by striking the period at the end of subparagraph (G) and inserting '', or'', and by adding at the end the following new subparagraph:

''(H) a Universal Savings Account (as defined in section 530U).''.

(d) FAILURE TO PROVIDE REPORTS ON UNIVERSAL SAVINGS ACCOUNTS.—Section 6693(a)(2) of such Code is amended by striking ''and'' at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting '', and'', and by inserting after subparagraph (F) the following new subparagraph:

''(G) section 530U(g) (relating to Universal Savings Accounts).''.

(e) CONFORMING AMENDMENT.—The table of parts for subchapter F of chapter 1 of such Code is amended by adding at the end the following new item:

''PART IX. UNIVERSAL SAVINGS ACCOUNTS''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2018.

SEC. 302. EXPANSION OF SECTION 529 PLANS.

(a) DISTRIBUTIONS FOR CERTAIN EXPENSES ASSOCIATED WITH REGISTERED APPRENTICESHIP PROGRAMS.—Section 529(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(8) TREATMENT OF CERTAIN EXPENSES ASSOCIATED WITH REGISTERED APPRENTICESHIP PROGRAMS.—Any reference in this subsection to the term 'qualified higher education expense' shall include a reference to expenses for fees, books, supplies, and equipment required for the participation of a designated beneficiary in an apprenticeship program registered and certified with the Secretary of Labor under section 1 of the National Apprenticeship Act (29 U.S.C. 50).''.

(b) DISTRIBUTIONS FOR CERTAIN HOMESCHOOLING EXPENSES.—Section 529(c)(7) of such Code is amended by striking ''include a reference to'' and all that follows and inserting ''include a reference to—

''(A) expenses for tuition in connection with enrollment or attendance of a designated beneficiary at an elementary or secondary public, private, or religious school, and

''(B) expenses, with respect to a designated beneficiary, for—

''(i) curriculum and curricular materials,

''(ii) books or other instructional materials,

''(iii) online educational materials,

''(iv) tuition for tutoring or educational classes outside of the home (but only if the tutor or class instructor is not related (within the meaning of section 152(d)(2)) to the student),

''(v) dual enrollment in an institution of higher education, and

''(vi) educational therapies for students with disabilities,

in connection with a homeschool (whether treated as a homeschool or a private school for purposes of applicable State law).''.

(c) DISTRIBUTIONS FOR QUALIFIED EDUCATION LOAN REPAYMENTS.—

(1) IN GENERAL.—Section 529(c) of such Code, as amended by subsection (a), is amended by adding at the end the following new paragraph:

''(9) TREATMENT OF QUALIFIED EDUCATION LOAN REPAYMENTS.—

''(A) IN GENERAL.—Any reference in this subsection to the term 'qualified higher education expense' shall include a reference to amounts paid as principal or interest on any qualified education loan (as defined in section 221(d)) of the designated beneficiary or a sibling of the designated beneficiary.

''(B) LIMITATION.—The amount of distributions treated as a qualified higher education expense under this paragraph with respect to the loans of any individual shall not exceed $10,000 (reduced by the amount of distributions so treated for all prior taxable years).

''(C) SPECIAL RULES FOR SIBLINGS OF THE DESIGNATED BENEFICIARY.—

''(i) SEPARATE ACCOUNTING.—For purposes of subparagraph (B) and subsection (d), amounts treated as a qualified higher education expense with respect to the loans of a sibling of the designated beneficiary shall be taken into account with respect to such sibling and not with respect to such designated beneficiary.

''(ii) SIBLING DEFINED.—For purposes of this paragraph, the term 'sibling' means an individual who bears a relationship to the designated beneficiary which is described in section 152(d)(2)(B).''.

(2) COORDINATION WITH DEDUCTION FOR STUDENT LOAN INTEREST.—Section 221(e)(1) of such Code is amended by adding at the end the following: ''The deduction otherwise allowable under subsection (a) (prior to the application of subsection (b)) to the taxpayer for any taxable year shall be reduced (but not below zero) by so much of the distributions treated as a qualified higher education expense under section 529(c)(9) with respect to loans of the taxpayer as would be includible in gross income under section 529(c)(3)(A) for such taxable year but for such treatment.''.

(d) DISTRIBUTIONS FOR CERTAIN ELEMENTARY AND SECONDARY SCHOOL EXPENSES IN ADDITION TO TUITION.—Section 529(c)(7)(A), as amended by subsection (b), is amended to read as follows:

''(A) expenses described in section 530(b)(3)(A)(i) in connection with enrollment or attendance of a designated beneficiary at an elementary or secondary public, private, or religious school, and''.

(e) UNBORN CHILDREN ALLOWED AS ACCOUNT BENEFICIARIES.—Section 529(e) is amended by adding at the end the following new paragraph:

''(6) TREATMENT OF UNBORN CHILDREN.—

''(A) IN GENERAL.—Nothing shall prevent an unborn child from being treated as a designated beneficiary or an individual under this section.

''(B) UNBORN CHILD.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'unborn child' means a child in utero.

''(ii) CHILD IN UTERO.—The term 'child in utero' means a member of the species homo sapiens, at any stage of development, who is carried in the womb.''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to distributions made after December 31, 2018.

(2) UNBORN CHILDREN ALLOWED AS ACCOUNT BENEFICIARIES.—The amendment made by subsection (e) shall apply to contributions made after December 31, 2018.

SEC. 303. PENALTY-FREE WITHDRAWALS FROM RETIREMENT PLANS FOR INDIVIDUALS IN CASE OF BIRTH OF CHILD OR ADOPTION.

(a) IN GENERAL.—Section 72(t)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(H) DISTRIBUTIONS FROM RETIREMENT PLANS IN CASE OF BIRTH OF CHILD OR ADOPTION.—

''(i) IN GENERAL.—Any qualified birth or adoption distribution.

''(ii) LIMITATION.—The aggregate amount which may be treated as qualified birth or adoption distributions by any individual with respect to any birth or adoption shall not exceed $7,500.

''(iii) QUALIFIED BIRTH OR ADOPTION DISTRIBUTION.—For purposes of this subparagraph—

''(I) IN GENERAL.—The term 'qualified birth or adoption distribution' means any distribution from an applicable eligible retirement plan to an individual if made during the 1-year period beginning on the date on which a child of the individual is born or on which the legal adoption by the individual of an eligible child is finalized.

''(II) ELIGIBLE CHILD.—The term 'eligible child' means any individual (other than a child of the taxpayer's spouse) who has not attained age 18 or is physically or mentally incapable of self-support.

''(iv) TREATMENT OF PLAN DISTRIBUTIONS.—

''(I) IN GENERAL.—If a distribution to an individual would (without regard to clause (ii)) be a qualified birth or adoption distribution, a plan shall not be treated as failing to meet any requirement of this title merely because the plan treats the distribution as a qualified birth or adoption distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $7,500.

''(II) CONTROLLED GROUP.—For purposes of subclause (I), the term 'controlled group' means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

''(v) AMOUNT DISTRIBUTED MAY BE REPAID.—

''(I) IN GENERAL.—Any individual who receives a qualified birth or adoption distribution may make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an applicable eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), as the case may be.

''(II) LIMITATION ON CONTRIBUTIONS TO APPLICABLE ELIGIBLE RETIREMENT PLANS OTHER THAN

IRAs.—The aggregate amount of contributions made by an individual under subclause (I) to any applicable eligible retirement plan which is not an individual retirement plan shall not exceed the aggregate amount of qualified birth or adoption distributions which are made from such plan to such individual. Subclause (I) shall not apply to contributions to any applicable eligible retirement plan which is not an individual retirement plan unless the individual is eligible to make contributions (other than those described in subclause (I)) to such applicable eligible retirement plan.

''(III) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM APPLICABLE ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—If a contribution is made under subclause (I) with respect to a qualified birth or adoption distribution from an applicable eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received such distribution in an eligible rollover distribution (as defined in section 402(c)(4)) and as having transferred the amount to the applicable eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

''(IV) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—If a contribution is made under subclause (I) with respect to a qualified birth or adoption distribution from an individual retirement plan, then, to the extent of the amount of the contribution, such distribution shall be treated as a distribution described in section 408(d)(3) and as having been transferred to the applicable eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

''(vi) DEFINITION AND SPECIAL RULES.—For purposes of this subparagraph—

''(I) APPLICABLE ELIGIBLE RETIREMENT PLAN.—The term 'applicable eligible retirement plan' means an eligible retirement plan (as defined in section 402(c)(8)(B)) other than a defined benefit plan.

''(II) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405, a qualified birth or adoption distribution shall not be treated as an eligible rollover distribution.

''(III) TAXPAYER MUST INCLUDE TIN.—A distribution shall not be treated as a qualified birth or adoption distribution with respect to any child or eligible child unless the taxpayer includes the name, age, and TIN of such child or eligible child on the taxpayer's return of tax for the taxable year.

''(IV) DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—Any qualified birth or adoption distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after December 31, 2018.

TITLE IV—BUDGETARY EFFECTS

SEC. 401. BUDGETARY EFFECTS.

(a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The gentleman from Pennsylvania (Mr. KELLY) and the gentleman from Texas (Mr. DOGGETT) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. KELLY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6757, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KELLY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume and thank leadership for bringing this bill to the floor.

Mr. Speaker, today, I rise in support of H.R. 6757, the Family Savings Act, which will make it easier for American families and individuals to save for their future, whether it is retirement, education, or healthcare, helping them to make sure that they are keeping more of their hard-earned income, more of their own money, and planning for their future.

This bill will also help local businesses provide retirement plans to their workers and help workers participate more in all those plans.

Now, according to the Department of Labor and the Federal Reserve, about 69 million American workers have formal retirement plans, which, together, have almost $14 trillion in savings for them.

This bill will incentivize hard-working American taxpayers to continue to put away more of their own money for their future.

One of the things I remember so clearly from growing up is my parents talking to us all the time and saying: The one thing we never want to be for you kids is a burden. We never want to be a hardship for you as we go into our senior years.

I thought to myself at that time: How could anybody look across the table at people who had worked so hard, had come through the Great Depression, had come through World War II, had come through the Korean war, had gone through all kinds of difficulties and had always provided for us and think that? How in the world could they ever think that they would be a burden to me or to my brothers and sisters?

It was unimaginable for me, but that is what they thought. That is what they worried about. They never wanted to be a burden to anybody.

Just think about that for a minute. That generation, often described as the Greatest Generation, was telling us, the next generation, that they never wanted to be a burden.

What we are talking about today is relieving the burden on the next generation by making it easier for people to go into their retirement feeling that they have enough income to actually enjoy their golden years.

H.R. 6757 would allow for every American worker, at all income levels, to save money in universal savings accounts, in which those earnings would be tax-free and could be taken out at any time without a penalty. How unique to be able to take your own money out and use it without being penalized by the Federal Government.

It would also allow Americans to use their 529 plans to pay for costs associated with home schooling, apprenticeships, just like they now can for primary and secondary schools thanks to the Tax Cuts and Jobs Act.

And if one sibling has more money in a 529 account than he or she needs, another sibling can use some of that money to help pay down their student loans.

This bill would allow younger taxpayers to take out some of their own money in their retirement account without penalty when they have a new baby or have an opportunity to adopt a child. This way, younger Americans will feel secure in starting to save for their retirement, knowing that the money could still be there for them at one of the most expensive times in their lives.

H.R. 6757 would also make it easier for small employers to pull together and offer retirement plans to their team, to the folks they work with, their associates. This would help bridge that divide between what benefits large employers might be able to offer to their employees but smaller employers may only wish to be able to do but really can't.

The bill also allows for older Americans to continue saving in their IRAs if they choose to continue working in their later years, and it allows them to keep their own money in their IRAs if those accounts are relatively modest.

For those workers who want their savings accounts to be in conservative investments, such as annuities, this bill reduces the cost of doing that.

Finally, this bill would also help our brave men and women in the Reserves put away more of their retirement by letting them contribute the maximum amount to their military retirement accounts while also contributing to a retirement account from the private sector.

Mr. Speaker, let me tell you why we are really here today. We are really here today because of the overwhelming success of the Tax Cuts and Jobs Act. It has worked. It is incredible, the growth in our economy.

The number one priority from the beginning of everything we did was about pro-growth legislation that actually made it easier on hardworking American families. You know what, despite what you may hear and the rattle from the other side, it worked, and it is working every day. We can see it in every measurable event of what is happening in America.

Thanks to tax reform, middle-income families in western Pennsylvania and across America are seeing bigger paychecks, more take-home money. How

odd that we allow them to keep more of their own money. That is just who we are as Americans.

Democrats have chosen to distort this success. Republicans are choosing to secure the success by making the tax cuts for middle-income families permanent. We keep hearing: Yeah, yeah, but you are not really taking care of them.

The idea that we use identity politics every day in every way in this House is absolutely deplorable. Tax reform 2.0 is all about that. The truth of the Tax Cuts and Jobs Act is its success.

The saddest part of it all is not one of our Democratic colleagues voted for it. For that, they will continue to distort the future and use identity politics.

Mr. Speaker, I think we have other people who want to talk on this, but for now, I reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, America does, in fact, face a retirement crisis. Nearly half of Americans approaching retirement years have absolutely no retirement savings. There is not much gold in their golden years.

Four out of 10 Americans in a recent survey indicated that they are living paycheck to paycheck. They are barely making ends meet. They had little or nothing available in reserve.

When they were asked if they could meet a sudden, unexpected $400 medical emergency, 4 out of 10 Americans said they could not even do that.

□ 1445

Those are the individuals who certainly do not have the resources to save enough to set up a standard of living in retirement comparable to what they had before retiring.

So, as usual, our Republican colleagues are masters at naming bills. It is just what they put in the bills that is a problem.

Now, this bill is a good example. This is the Family Savings Act, but whose family gets the savings? Well, if you are out there listening, probably not your family. For families that have little or nothing in savings, this bill does nothing.

Much like the bloated Republican tax scam and its sorry sequel that AARP condemned this very day, this Republican bill is all about helping those at the top and doing little or nothing for those who are struggling to have a golden year in retirement.

There are, in fact, some modest measures that they have got tucked in this bill that I support and that AARP supports. And I agree with AARP that we should encourage more small employers to offer retirement plans. I am all for the little good parts in the bill. It is just the giant omissions that I oppose.

The first of those omissions is the almost half of Americans that they forgot about, that they left out of this bill.

As usual, the second big problem is they haven't got the slightest care about how this bill is paid for. They are going to go out and borrow more money from the Saudis and the Chinese and anybody else we can beg for to pay for the debt in order to pay for this. They don't pay for a penny of it. That is consistent with their approach, the proud success of this past year, adding trillions of dollars to the public debt because they don't care about it anymore. All their budget deficit hawks, they flew south for the winter, and they stayed there.

The people who can't save at the moment for retirement, they are the folks who rely on one of the most important programs and set of programs that this Congress ever approved, and that is, of course, Social Security and Medicare—over Republican objection.

Now everybody seems to be for those programs, but they are jeopardized when you add trillions of additional dollars to our debt, and that is what this bill contributes to. It adds $21 billion in debt. Nearly half of its cost is for what they call ''universal savings accounts.'' They should be better known as universal tax shelters. And they will do little to increase retirement savings. Rather, they will be universally exploited by people who are already saving to get a little bit more tax benefit.

Over the next five years, existing tax incentives—before this bill is ever approved, those that are already in the law—for retirement savings will cost us over $1 trillion. One study found that two-thirds of the benefits of this $1 trillion of tax expenditures goes to the top 20 percent of Americans.

I don't begrudge any of them. One of them is me. One of them is every Member of this Congress. I think we need to encourage Members of Congress and all Americans to save more.

I expect that those of us who are using these tax-advantaged accounts now don't need a great deal of additional incentive to use them to the maximum. What we do need is to help those Americans who couldn't afford that $400 emergency or who have nothing in retirement savings except their Social Security check. It is not that they don't want to save. It is that, if you can't pay $400 for a doctor bill you didn't expect, you are not going to have very much saved when it comes time to retire.

Now, surely this Congress can do more for these families. I must say, I don't really mean this Congress. I mean the one that is coming in January that cares about the retirement crisis we have now, not the one that has shown indifference to half of Americans.

What we get today, instead, is just another tax incentive for shifting retirement savings around.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DOGGETT. Mr. Speaker, I yield myself an additional 2 minutes.

Mr. Speaker, to take full advantage of this bill, you need to have about $100,000 in income. If you even look at this bill, as the Joint Committee on Taxation has done, you will see that two out of three Americans are not expected to use it at all because it doesn't help them.

And what about the one-third who will use it? They are the people, like me, like the other Members of Congress, who earn, on average, twice the median income in this country.

So it does help those of us who have been successful, those at the very top who are the wealthiest. It doesn't help the rest of America.

For those with the resources, the Joint Committee on Taxation looked at the huge price tag on this bill, and they said that what we are basically looking at, and I quote it, is it ''derives from taxpayers shifting savings that are allocated to other types of taxable accounts into a universal savings account'', so just moving the money around.

And we now have a study that really shows what a great job these guys have done with reference to this concept. It is a study that shows, for every dollar of additional debt you get—a little bit of a similar program that was studied—you get 1 penny of additional savings. That is the bargain they are offering us today, really. Spend a dollar, borrow a dollar from the Chinese, and you will generate 1 cent of additional savings.

So under this so-called universal tax shelter, the earning returns from their investment portfolio allow them to avoid some capital gains tax, cost the Treasury, but the Republican universe just doesn't include many ordinary Americans.

It is those who don't have retirement savings in tax-advantaged accounts, who rely on Medicare and Social Security, we need to protect that basic framework for retirement for, and you don't protect it by borrowing ourselves into further debt.

Mr. Speaker, I reserve the balance of my time.

Mr. KELLY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I remind my friends on the other side that a rising tide lifts all boats. There happens to be 6.9 million jobs now looking for somebody to fill them.

And when we talk about going into retirement, could we please stop trying to divide, divide, divide America? Could we please start being the United States of America instead of the divided States of America?

Every single American benefits from the Tax Cuts and Jobs Act. That is the fact. I am sorry you didn't sign on for it. We are going to give you a second chance today to show your true colors, which needs to red, white, and blue, not just blue.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. RENACCI).

Mr. RENACCI. Mr. Speaker, I rise in support of my good friend Representative MIKE KELLY's H.R. 6757, the Family Savings Act.

Mr. KELLY and I have been champions of helping more Americans gain access to retirement savings since coming to Congress in 2011, and I am proud of the bill before us today. Included in this legislation is the bipartisan Retirement Security for American Workers Act that I introduced along with my friends Representatives BUCHANAN, NEAL, and KIND for the past two Congresses.

Unfortunately, there are still too many Americans who do not have access to a retirement savings plan through their employer. In fact, nearly a third of the private-sector workforce lacks access to an employer-sponsored plan, with even less Americans having access if they work for a small business.

Not having access to an employer-sponsored plan significantly increases the chances that an individual fails to put aside money for retirement. For many Americans, this means that they are vastly unprepared to retire comfortably.

From an employer's perspective, not being able to offer a retirement plan makes it much more difficult to recruit and retain employees.

I heard from CBIZ, a financial services and business consulting company headquartered in Cleveland, Ohio, that too often small businesses want to provide retirement plans to their employees but that the cost and administrative burden are significant roadblocks when making this decision. That is why it is important that Congress act to remove some of the red tape under current law that makes it difficult for business owners to provide retirement savings.

The Retirement Security for American Workers Act that is included in this bill before us today will help do just that. This provision will allow two or more companies that may be in the same industry to join together in order to offer either a defined contribution retirement plan or an IRA, often referred to as open multiple employer plans.

Under current law and Department of Labor interpretation, employers who do not have a nexus are not able to ban together and provide a pooled retirement plan. By eliminating this Department of Labor requirement, this bill will allow more companies to provide retirement plans by allowing businesses—especially small businesses—to take advantage of cost and administrative efficiencies that often prevent businesses from offering a 401(k).

Additionally, the open MEP's language in the bill will provide relief from the one bad apple rule that punishes all employees in a pooled retirement plan if just one employer fails to meet requirements. This legislation will incentivize more businesses to join together and provide retirement plans to their employees.

These commonsense proposals, along with the other provisions within the Family Savings Act, will unlock the opportunity for more persons to save for their future.

I thank my friend, Mr. KELLY, for his leadership in bringing this legislation to the floor today. I encourage my colleagues to support this legislation.

Mr. DOGGETT. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, before yielding to Mr. DAVIS, let me say this is not about lifting all boats; It is about lifting all yachts. And the 40, 50 percent of Americans who have only a leaky rowboat going into retirement don't get a dime out of this bill.

As to the tax bill as a whole, Republicans came out and bragged, the President put it in writing: You will get $4,000 in additional income trickling down to you every year from this corporate tax cut. Now we know that only 4.4 percent of Americans have gotten a dime of additional compensation as a result of this tax bill. If you have got anyone in Ohio, in Pennsylvania, or in Texas who got their $4,000, I hope you will call us, because I am looking for the first person.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. DANNY K. DAVIS), a distinguished member of our committee.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I thank my colleague.

Mr. Speaker, only 39 percent of Americans have enough savings to cover an emergency costing $1,000. The median savings of workers earning the median income of $54,000 in my congressional district is only around $2,000. The median savings of women is $2,000. The median savings of African Americans is $1,000, and of Latinos, it is $1,500. Yet this bill bestows tremendous tax benefits on the wealthy who can stockpile tens of thousands of dollars in multiple savings accounts, leaving the working class out in the cold.

When hard work in one or two jobs isn't enough for most Americans to escape poverty because wages have stagnated for decades and because recovery from the Great Recession is concentrated in the small percentage of Americans who invest in the stock market, when we know that low- and moderate-income families have a harder time saving for college because they have less extra cash available to put away in a savings account, the Republican solution embraces the privileged and fails the working families.

What is absent from this bill is telling.

The 529 plan does not cover childcare for apprentices, one of the number one costs they face with training. This bill throws crumbs to apprentices by allowing 529 plans to cover minor training expenses like books and supplies.

Given that employers pay for the coursework of apprentices, the remaining education costs are relatively small. That is why apprentice advocates asked for and why the original bill included coverage for childcare, yet childcare is not covered in this bill.

What also is absent is the Jenkins-Kind provision to help middle-class families save for college by allowing employers to match up to $600 a year in 529 contributions, which could help families who can't afford to put much aside for college or increase their savings.

I cannot understand how, when our citizens are struggling under crushing student loan debt, the Republican solution is to allow the elite, with impressive 529 plans, to pay off their student debt while leaving the working class out in the cold.

Absent is a true investment in helping working and middle-class families pay for college. Rather than helping working families, this Republican bill additionally, ideologically attacks the reproductive freedom of women by unnecessarily defining unborn children as beneficiaries of 529s.

I agree that we should help families cover the cost of needed health services to help students learn, such as speech and language services, occupational therapy, or physical therapy.

□ 1500

Yet, rather than requiring that insurance companies cover these health services that help students learn, the Republican solution is to allow the privileged, with thousands of dollars in savings, to pay for these costs, while working and middle-class families must forego the services for lack of funds.

When 67 percent of Americans say that they will outlive their retirement savings, the Republican solution to helping families pay for expenses associated with a new child or adoption is to undermine these families' retirement security. The Republican tax approach gives corporations and millionaires tens of thousands of dollars directly, but working Americans must take money from their retirement.

Government should strengthen the economic security of working and middle-class Americans whose wages have stagnated, not the very wealthiest. This bill fails that charge.

Mr. KELLY of Pennsylvania. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. WENSTRUP).

Mr. WENSTRUP. Mr. Speaker, I stand here today in support of Mr. KELLY's bill.

Our colleague across the aisle just gave us some very sad statistics that so many of our fellow Americans have when it comes to savings in their lives, so I am surprised that they would want to keep things the same.

You see, tax reform has brought opportunity and hope and a positive energy to America. Our national economy is booming. Wages are on the rise. Americans are taking home bigger paychecks, and businesses are investing more in their employees.

But how can we help families invest in their future, invest for their retirement?

The opportunity is now. With wages up, now is the time.

Today, 40 percent of Americans say they cannot cover an unexpected expense of $400. Many Americans are unprepared for upcoming retirements, awaiting a Social Security check that may be smaller than they ever expected. Others may be unprepared for a medical emergency.

Sadly, 32 years ago, when I started my business, almost $200,000 in debt, I was advised to pay off my student loans, pay off my debt and, as I looked down the road, don't count on Social Security to even be there.

We need to use the economic success that we are seeing today to alleviate the widespread savings crisis in American communities and in American families. The Family Savings Act of 2018, on the floor today as part of Tax Reform 2.0, is one opportunity to do just that.

Millions of Americans would gain access to new savings vehicles: Universal Savings Accounts offering withdrawals at any time, in any amount, for any purpose; joint small business 401(k) plans; expanded 529 education accounts to pay for apprenticeships, homeschooling, or student loan debt.

This is an opportunity to break down the barriers that limit businesses' ability to offer retirement plans and individuals' ability to save is enhanced.

By eliminating the maximum age limit for IRA contributions and exempting individuals with small retirement accounts from making mandatory distributions, this legislation encourages workers to save and enables them to do so.

These reforms offer flexibility for families to save, when able, and spend, when needed; and they offer options for employers—to help local businesses provide retirement plans for their employees. Let's help our fellow Americans be on the path to financial security, especially during our later years.

Mr. DOGGETT. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND), who has been a leader on retirement issues and was one of the sponsors of the original form of this bill, which has changed a good bit, and on other retirement legislation.

Mr. KIND. Mr. Speaker, I thank my friend from Texas for yielding me this time.

I am an original sponsor of the original bill, which became the basis of this bill, the Retirement Enhancement Security Act.

Unfortunately, today this bill is not that bill. A lot has changed, a lot was taken out, and a lot was removed from it because the process is broken. We didn't have hearings. We didn't have consultation. We didn't have the back-and-forth that is needed to build bipartisan support for an important measure such as this.

We do have a retirement savings in this country. We can be doing more to make it easier for individuals and small businesses to offer retirement savings plans for their employees.

I have been proud to work with my friend from Pennsylvania, Mr. KELLY, on legislation to try to correct it. Part of the original bill, the RESA bill, it has been called, was based on legislation that I have offered for years with my friend and colleague from Washington State, Mr. REICHERT, another Member of the committee.

In fact, the original RESA bill, when it was up before the Senate Finance Committee, passed 26–0. That is how controversial it was. But unfortunately, again, this bill does not reflect what was done there.

An important provision that would have provided PBGC premium pension relief from rural electric co-ops, from nonprofits, like the Boys and Girls Club of America, or the Jewish Federation of North America, the Christian Schools International, was mysteriously stripped from this legislation with very little explanation. That is a problem that we could easily fix right now, as just one example.

Another problem we have is that the pay-for that was recognized and identified in a bipartisan manner, the so-called stretch IRAs that we could be shutting down to help pay for this legislation, was also stripped.

Now, I get the fact that fiscal responsibility is out the door with the majority party. They don't believe in paying for things. But when we come up with a bipartisan pay-for, after vetting it and getting feedback from the various stakeholders, and they still can't accept it, that tells me that, not only don't they care about fiscal responsibility but they are hostile to fiscal responsibility.

This is one of three bills now that the Ways and Means Committee is bringing to the floor, with no opportunity for amendments or other Members to contribute to help form this legislation. They are here before us in what is called a closed rule; no amendment opportunity, and none of the bills will be paid for which, according to the Joint Committee on Taxation, will, when these three bills are implemented, cost our Nation over $3 trillion in new debt; $3 trillion. And this comes on the heels of the tax cut 1.0 that passed late last year which, again, wasn't paid for, which will add $2.3 trillion to other national debt.

Now, I don't know about you, but you give me the opportunity to write $5 trillion worth of hot checks, and I will give you the illusion of wealth and growth in this country.

But there is a day of reckoning that will come from all this because this is happening at the wrong time. When we have got growth, we have got virtually full employment, and you guys can't throw enough fiscal stimulus at this economy. You are taking our fiscal tools away from us.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DOGGETT. I yield an additional 2 minutes to the gentleman from Wisconsin.

Mr. KIND. You are taking all the fiscal tools away from us, so when there is another recession, and there will be, unless somehow we repeal the economic cycle in this country, the Federal Reserve will be the only institution standing that can actually take corrective action, probably with extraordinary measures, which we all hated in 2008 and 2009.

But this bill, and the three bills this week that are before us are here for three reasons and three reasons only: Because of the election calendar, with the midterms coming up in early November, and vulnerable Members' names being attached to these bills, so that they can do their ads and they can do their press releases back home, knowing that it is not going to go anywhere in the Senate.

Then finally, we are here this week because tax cut 1.0 went over like a wet blanket with the American people because they know what that was about; where 83 percent of that tax cut is going to large corporations and the wealthiest 1 percent of our Nation. The American people get that.

And what did these corporations do with their huge tax windfall? They are doing exactly what they said they would do, share buybacks, dividend distribution, executive compensation salaries. They are all buying private jets because of the additional money that they have for their executives right now. Very little has gone into increased wages or salary increases, and this is what corporate America said they would do, so no one should be surprised by that.

So I say, let's slow down here. Let's think about the fiscal future of our country, more importantly, the fiscal future of our children and grandchildren because right now we have 10,000 baby boomers retiring every day. When these three bills are fully implemented, all 70 million baby boomers will be completely vested in the retirement system, drawing on Social Security and Medicare. And we have set those programs up for failure with these reckless tax cuts that aren't paid for and are going to leave a legacy of debt, which will invariably lead to huge cuts to Social Security and Medicare, because, guess what? We don't have money anymore to support those programs.

That is what is going on around here right now. But we still have time to correct it because the Senate is not going to take it up.

Let's vote ''no''. Let's do this the right way.

Mr. KELLY of Pennsylvania. Mr. Speaker, I share my colleague's concerns over the debt. In fact, I started to really become alarmed with it under the Obama administration when we went from being $10.6 trillion in debt to nearly $20 trillion in debt. I just wonder, where were you when this was going on? And why was there not any alarm sounding then?

But again, it is just politics masquerading as fiscal discipline.

Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. ESTES), a good friend of mine.

Mr. ESTES of Kansas. Mr. Speaker, I rise in support of H.R. 6757, the Family Savings Act.

Since the Tax Cuts and Jobs Act was implemented and signed into law, our country has seen historic economic growth and millions of families now have more money in their pockets.

In fact, in Kansas, a middle-class family of four will get to keep $2,144 of their hard-earned money of this year. Thanks to the law, families from the heartland in Kansas and around the country are better off now. But we know there is more to do.

With historically low unemployment and more and more Americans going to work, now is the time to continue growing our economy and to help families prepare for the future.

As my colleagues have mentioned earlier, far too many Americans have struggled to save for their key life events such as retirement, an emergency, or education. This bill makes savings a reality for these Americans.

As part of the tax cuts reform 2.0, this Family Savings Act will help families save for all of these events by expanding access to new and existing savings methods.

To help businesses provide retirement plans for workers, the bill allows small businesses to join together to create 401(k) plans more affordably. It gives employers more time to put new retirement plans in place, and simplifies the rules for participation in employer plans.

It also includes reforms to help workers participate in retirement plans such as: exempting small retirement accounts from mandatory payouts; eliminating the age limits on IRA contributions; and allowing military reservists to maximize their retirement contributions.

In addition, the bill allows provisions that help families start saving earlier and save more throughout their lives, including creating a new Universal Savings Account, a USA account, to offer a flexible savings tool that families can use any time that is right for them.

It expands 529 education accounts by providing families with flexibility to use their education savings to pay for apprenticeships, homeschooling, and help pay off student loans.

As the former Kansas State Treasurer, I can attest to the value of helping parents save for their children's education.

And it creates new baby savings, allowing families to access their retirement accounts on a penalty-free basis when welcoming a new child into the family, whether by birth or adoption.

All together, these measures will help families in Kansas and around our country prepare for retirement and save for education. I urge my colleagues to support this bill.

Mr. DOGGETT. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. JUDY CHU), a valued member of our committee.

Ms. JUDY CHU of California. Mr. Speaker, I rise today in strong opposition to H.R. 6757, the Family Savings Act. It is outrageous that, after our markup, a provision was snuck into the bill, behind closed doors, through a manager's amendment that seeks to further an extreme anti-choice agenda and has no place in this tax bill.

Chairman BRADY's manager's amendment, offered behind closed doors in the Rules Committee, has added language that would allow parents to open 529 college savings accounts for unborn children. The term ''unborn children'' is defined as a child ''in utero'' at any stage of development carried in the womb. This provision is completely unnecessary because, under current law, parents are already able to open 529 savings plans for future children in their own name, and then change the name of the beneficiary after the birth of their child.

The implications of this insertion, however, is serious. In the landmark Supreme Court decision in Roe v. Wade, the Court declared that ''the word person, as used in the 14th Amendment, does not include the unborn.''

So let me say, there is no ambiguity here. This is a thinly-veiled attempt to circumvent the Supreme Court's decision by inserting the words ''unborn child'' in, of all places, the Tax Code, so that codifies in law a legal concept of the unborn child, therefore, establishing the fetus is protected separately from the mother.

□ 1515

This is the same language that anti-choice advocates tried to insert into the GOP tax scam bill 1.0, but where the language was ultimately stripped out.

At that time, a spokesperson for the anti-choice March for Life group stated that H.R. 1, the GOP tax scam bill, ''. . . we hope that this is the first step in expanding the child tax credit to include unborn children as well.''

This language is, therefore, obviously, an attempt to lay the legal groundwork to undermine a woman's constitutional right to an abortion, plain and simple. Based on this language alone, women's groups NARAL and Planned Parenthood are opposing this bill.

This is nothing more than a political gimmick conducted in secret in order to score political points for Republicans trying to placate their extreme base.

Mr. Speaker, I strongly urge my colleagues to reject this bill and vote ''no''.

Mr. KELLY of Pennsylvania. Mr. Speaker, I yield 3 minutes the gentleman from Texas (Mr. BRADY), chairman of the Ways and Means Committee, the hero of the Tax Cuts and Jobs Act.

Mr. BRADY of Texas. Mr. Speaker, I rise in support of the Promoting Family Savings Act of 2018, and thank Congressman KELLY for leading this important bill that helps families save earlier and save more throughout their life, something each party should be in support of.

Far too many have struggled to save for key life events such as for retirement, for education, or for unexpected emergencies. In fact, I know, back home, almost 40 percent of Americans say they wouldn't even be able to carry and cover a $400 emergency expense.

The Promoting Family Savings Act will help more middle-class Americans and younger workers save for key life events by expanding access to new and existing savings vehicles.

For example, the bill includes expanded education savings accounts, 529 accounts, as we use in our family, to give families the flexibility to use their education savings to pay for apprenticeship fees for those trade schools; to cover the costs of homeschooling; and to help pay off, for the first time, student debt with their own savings.

It also includes new universal savings accounts, called USAs, which offer fully flexible savings tools that families can use any time for what is right for them. We think this is very important to millennials in entering the savings culture.

This bill will also help families by allowing them to access their own retirement accounts on a penalty-free basis to use when welcoming a new child in the family, whether by birth or adoption, allowing them to replenish those retirement accounts in the future.

It seems to me that we have heard two complaints today. One is that this small provision adds to the debt. But I ask you: Where were the Democrats when they and President Obama doubled America's national debt?

They added $2 trillion to the debt in 1 year, but that was adding debt when they were spending your money.

But now under tax reform, when we allow families and small businesses to keep more of what they earn, all of a sudden, they are concerned about the national debt.

They are really not worried about tax cuts for the wealthy. They are worried about tax cuts for middle-class Americans, because if your earnings and your dreams come first, Democrats' dreams and Washington's dreams come second.

So this is a small investment to help families, small businesses, and younger workers save. But it does more than that.

The gentlewoman from California is confused. This bill is extremely family friendly, and one of the ways we do it is the education savings accounts, which we use for our two boys, is expanded.

This amendment simply makes clear that families can set up a 529 account and designate an unborn child as a beneficiary. So the moment you know ''we are pregnant,'' you can begin saving.

The SPEAKER pro tempore (Mr. BYRNE). The time of the gentleman has expired.

Mr. KELLY of Pennsylvania. Mr. Speaker, I yield an additional 1 minute to the gentleman.

Mr. BRADY of Texas. Mr. Speaker, you would think it would be a bipartisan thing to start saving early. We think starting to save early is a good thing. This amendment simplifies it for families.

Right now, when you learn those magic words, ''We are pregnant,'' and you want to begin saving, we actually force families to set up an account for someone else and then later they transfer it to the child after birth. All this does is eliminate that extra step, reduces the paperwork, and makes savings for family and that new addition, whether it is by birth or by adoption, in our case, it makes it easier to do.

The savings bill by Mr. KELLY for the first time allows families who welcome that new child to access their retirement if there are extra medical costs, or if your child has special needs and needs new equipment, or if you want to simply stay home sometime with your family. Maybe the business you work for can't afford to pay you. For the first time, millions of American families will have a Tax Code that works for their young family, not against them.

Mr. Speaker, you would think that would be supported by both parties. I urge Members of Congress to set aside this silly partisanship and join together to help families save more.

Mr. KELLY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume to engage in a colloquy with the chairman.

Mr. Speaker, one topic that has been discussed in the context of the savings and retirement bill is the level of premiums paid to the Pension Benefit Guaranty Corporation, the PBGC, by rural electric co-ops and by charitable organizations.

I know the Ways and Means Committee included a study that was intended to provide information relevant to the proper level of PBGC premiums. That study was removed by the manager's amendment.

Could the chairman provide some insights about how this issue will be resolved as we move forward?

Mr. BRADY of Texas. Will the gentleman yield?

Mr. KELLY of Pennsylvania. I yield to the gentleman from Texas.

Mr. BRADY of Texas. Mr. Speaker, I will be glad to provide my perspective. The gentleman from Pennsylvania (Mr. KELLY) is correct. The study was removed.

The question of PBGC premium levels is not directly within the jurisdiction of the Ways and Means Committee. Here, in the House, the committee of jurisdiction is the Education and the Workforce Committee.

I have had numerous discussions with the excellent chairwoman of the committee, Dr. FOXX of North Carolina. She knows our interest in determining the proper premium levels for these organizations. Premiums, as you know, that are too low threaten the ability of the PBGC to provide protections for the workers and beneficiaries.

At the same time, if premiums are set too high, they really impose an inappropriate burden on pension plans and the workers who participate in them.

This issue will come up again as we negotiate a final agreement with the Senate on the overall retirement and savings package, because many Senators, too, are also interested in finding the right level of premiums.

So I would say to the gentleman that I have full confidence that Chairwoman FOXX and her colleagues as the committee of jurisdiction will be engaged in working on the overall retirement security agreement and will work to provide appropriate input in determining the right outcome.

Mr. KELLY of Pennsylvania. Mr. Speaker, I thank the chairman, as always, for his insights and his clarity, and I reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, I have no further speakers, so I will close at this time and initially yield myself 5 minutes.

Mr. Speaker, the Republican tax bill has given us trillions of dollars of additional debt, and so, tomorrow, they propose to freeze in some additional provisions that will add hundreds of billions of additional debt to what they have already incurred.

They would depart for the elections, carefully timed with tomorrow's debate, so that the last thing the voter hears is that the Republicans have passed another tax bill.

Of course, none of its provisions will affect any American for 7 years. That is what they have to offer us: freeze in some inefficient provisions that are not really targeted to ordinary American families that have a special provision in there specifically for Donald Trump and other real estate magnates, a provision they hid and tucked in the conference committee and then put in the final law, one special interest provision after another. They want to freeze all of that in and offer the American people the mirage of relief in 7 years.

This bill that they signed into law as their big tax deal will cost this generation and future generations a huge amount of money just paying the interest on the debt that they have achieved, and having done nothing in this Congress to advance retirement security, having done nothing in this Congress to encourage more savings by more Americans.

They come here on the eve of our departure for the elections with this big family savings account bill. It also proposes to borrow more. It has a great new universal savings account in it. The only problem is that two-thirds of Americans won't take advantage of this universal savings account because it offers them no advantage whatsoever.

As usual, those Americans have been excluded from the Republican version of what the universe of Americans really is.

The cost of doing this is not only in terms of new debt, but a very inefficient approach where you pay, as indicated by the study of a similar program, you have $1 lost, $1 cost in this borrowing, and you get 1 penny of additional real savings.

Now, I am amused a little bit to hear my colleagues come and agree with me about the challenge that American families face of not having $400 to meet an emergency medical expense. How in the world are any of those Americans going to benefit in the slightest from this proposal?

It advantages people who have $100,000 or more with the universal savings account. They are not in that category. If they can't afford a $400 medical expense, exactly how much savings do you expect them to have under this bill? A big zero is what we are talking about.

It is a big zero in large measure because, despite this great tax bill they approved, real wages in America have remained stagnant during the Trump administration.

He has not been able to raise real wages because he continues to engage in supporting programs, just like the one before us today, that are aimed at those at the top and think somehow the benefits will trickle down to everyone else.

It is those people who will not benefit from today's legislation, who are excluded from the great universe that Republicans see. It is those people who rely on Social Security and Medicare, which Republicans have proposed changes in, in their budget proposals, have discussed a variety of ways to trim them, that we can't afford them in their current form.

Well, what, precisely, have Republicans accomplished about Medicare in this Congress? Well, they have a rather significant accomplishment that I have to note. As a result of their tax bill, they have reduced the solvency of the Medicare trust fund by 3 years, 3 years taken right off the Medicare trust fund's future as a result of their tax bill—by a variety of independent sources that have evaluated the impact.

Meanwhile, they are using that tax bill and the debt they have accumulated with reference to the amount of money that we have for Pell grants and other student financial assistance, for Medicaid and the role that it plays, and for other vital services saying: We just can't afford them because we borrowed these trillions of dollars from abroad, and we don't have the resources to meet our other needs.

With every tax policy that they propose, Republicans seem to insist on leaving working families behind. And they have the gall then to turn around and tell those same working families: You have to pay for it in interest, in cuts to Medicare and Medicaid, and other services.

Now, there is another really important point about this, which Mr. KIND addressed, because just like the bill we will take up tomorrow, just like the bill we are taking up right now, just like this huge Republican tax sham, there is much in common. The number one thing in common is that not one official in any of the departments in the Trump administration had the guts to come over and face our committee and answer questions about it.

They did not bring a single Trump administration official to discuss, explain, justify, how any of this conforms with all his ridiculous campaign promises. There was none of that on any of these bills.

They kept their bills in secret until the last minute after having no public hearings, inviting no businesses, no academic experts from around the country. They plopped these bills out and rushed them through just as quickly as possible, so there will be as little consideration as possible.

Then they talk about the desire for bipartisan comity after doing this kind of thing. Well, there are many bipartisan ideas out there that could have been considered. Mr. KIND's proposal is designed to help poor people, working people save for college or retirement, and give them some incentive for that. That is an idea that could have been considered.

□ 1530

Mr. NEAL, the ranking member of our committee, has advanced some other important ideas concerning savings to expand the savers credit that would help many of these working families get the savings that they need to prepare for their golden years.

Mr. LARSON, another member of our committee, has worked on cutting taxes for many people under Social Security with modest incomes and seeing that those who have been more successful pay the same rate on all their income that those who are not at the top of the economic ladder pay on theirs. He has a plan to ensure that Social Security will be solvent through the end of this century.

Those are the kind of creative proposals that we have advanced, but we can't get a hearing on them. We can't get an opportunity under today's bills or any of these others to offer an amendment to add them. The only way we are going to have an opportunity to address those creative proposals and do something for a universe that we define as including all Americans, not just those perched up comfortably on the top of the economic ladder, the only way we will do that is with a new Congress of caring, concerned people who are willing to listen, regardless of whether they agree to divergent views, and try to come up with a truly American answer to resolve this retirement security problem.

I believe that those Americans who are working out there today, trying to make ends meet, who won't benefit from this bill are worried about the tax breaks that have gone to those up at the top, how they will threaten all that they have worked and paid for in their future, and the callous indifference it shows to their children and their grandchildren, who will be saddled with this Republican debt for decades.

The late Texas Senator Ralph Yarborough, a distinguished servant of our State, talked about putting the jam on the lower shelf so that everybody could reach it. Well, this bill puts the jam at the top for the one-third of Americans up there at the top who might use some portion of this bill, but it leaves out the two-thirds who can't reach quite that high.

This bill is not what America needs to achieve retirement savings. In so many ways, Republicans are ignoring the needs of working families.

They are ignoring prescription price gouging, doing nothing about it, and they are ignoring our healthcare needs. In fact, their tax bill actually weakens, significantly, access to healthcare and jeopardizes Americans with higher premiums as a result of a healthcare provision that they snuck into their tax bill.

They show no concern for a living wage for Americans. This bill is just part of that same narrow-mindedness and that same refusal to look at a universe that applies to all Americans. They are leaving families that are struggling to make ends meet behind. They are certainly not letting them reach the jam that they deserve to be able to access, as Senator Yarborough talked about.

Let's reject this bill and look forward to a day, a very hopeful day, for Americans in which all Americans can have their say and we can get a Congress that will resist the injustices of the Trump administration and will reach out to support a better future for our country.

Mr. Speaker, I urge rejection of this bill, and I yield back the balance of my time.

Mr. KELLY of Pennsylvania. Mr. Speaker, I yield myself the balance of my time.

I include in the RECORD a letter from AARP in strong support of H.R. 6757.

AARP®,
September 27, 2018.

Hon. PAUL D. RYAN,
House of Representatives,
Washington, DC.
Hon. NANCY PELOSI,
House of Representatives,
Washington, DC.

DEAR SPEAKER RYAN AND LEADER PELOSI: AARP writes to support H.R. 6757, the Family Savings Act of 2018 that will promote a more secure retirement. AARP, with its nearly 38 million members in all 50 States, the District of Columbia, and the U.S. territories, is a nonpartisan, nonprofit, nationwide organization that helps empower people to choose how they live as they age, strengthens communities, and fights for the issues that matter most to families, such as healthcare, employment and income security, retirement planning, affordable utilities and protection from financial abuse.

Notably, the Family Savings Act seeks to encourage more employers, especially small employers, to provide retirement savings opportunities for American families, a goal AARP shares. Small employers have lagged in offering retirement plans to their employees. The U.S. private employer-based retirement system, which supplements Social Security, has not significantly expanded coverage for decades. Only half of all employers, primarily large employers, offer retirement plans to their workers, and only half of all employees are saving for retirement. In recent years, new industry practices and technology have made the savings process simpler. AARP encourages Congress to adopt tested ideas to make supplemental savings easy and affordable for both employers and employees.

The Family Savings Act includes a promising retirement savings initiative, known as a multiple employer or pooled provider plan—a single plan operated by a group provider who will act as a fiduciary, making it easier for small employers to offer a plan and providing workers with prudently selected retirement investments. AARP is hopeful that qualified firms will be willing to create pooled arrangements that enroll and assist interested employers and employees. Small employers are not retirement experts and need an impartial advisor to take responsibility for automatic payroll contributions and negotiating with and monitoring investment firms.

In addition, the bill contains several other helpful retirement savings improvements for the military, graduate students and older investors. We also are pleased that the bill preserves ready access to paper documentation of important retirement plan documents.

We appreciate your efforts to encourage improvements in our retirement system, and look forward to working with Committee members on further bill refinements and enhancements as the bill moves forward to conference. If you have any questions or need additional information, please feel free to contact me.

Sincerely,

NANCY A. LEAMOND,
Executive Vice President and
Chief Advocacy and Engagement Officer.

Mr. KELLY of Pennsylvania. Mr. Speaker, it is interesting to be here in the people's House on the floor hearing two differing views of America. I really appreciate about putting the jam on the lower shelf. We have actually put it on the table with the lid off so that every single American has benefited.

I know that sometimes we look at things, and people are entitled to their own opinion, but what they are not entitled to are their own facts. The fact is that, under the Tax Cuts and Jobs Act, every single American has benefited.

This is not just about Democrats and Republicans; this is about Americans. I am hoping that Americans are watching what is going on here right now, where the game plan is always: If we can divide them, we can win. If we don't have any facts, let's just come up with anything and throw it out there and think that maybe the way we use the Gruber effect in the healthcare plan, we are going to rely on Americans not to really look beyond what is going on.

Well, I will tell you what. In every segment of our society right now, we are seeing the lowest unemployment in

history. It doesn't matter if these are hyphenated Americans—I don't know why we have to be this way, because I look at people as being red, white, and blue Americans, not White, not Black, not tan, not yellow. I am talking about red, white, and blue Americans, the same people who provide every single penny to run this marvelous government of ours.

And now what we are proposing today is to allow these same hardworking people the opportunity not to have to rely on a government program, but to be able to rely on their own hard-earned savings. What an incredible, unusual idea to come out of this House.

Look, we know that it is absolutely crucial that, as more and more Americans enter their golden years, they have the security and peace of mind to enjoy those years and not have to worry about whether they have saved enough money. We should be doing everything we can to help them save more of their hard-earned money—it is their own money, by the way—for themselves and for their families. H.R. 6757 does that by giving every single American the tools that he or she needs to help them save for their future and to save for their retirement.

I have heard today the tax sham. I have heard today about growing deficits. I have heard today about the rich, the elite, the people who have private boats, and the people who have jets. But what I haven't heard today is how this incredible piece of legislation, the Tax Cuts and Jobs Act, has increased and how our economy has taken off.

Now, you can say anything you want, and I understand why you are upset. Not one of you could vote for this. So if you couldn't vote for it and you couldn't be part of the team that won, what you have to be now is the team that says: Do you know what? We could have done it better.

My question is: Where the heck were you in the previous administration? Where were you in all those years when the debt grew from $10 trillion to $20 trillion?

Now, all of a sudden, the light comes on: Oh, my God, the debt is increasing. It is these doggone Republicans. Do you know what they are trying to do? They want hardworking American taxpayers to be able to keep more of their own money. That is just not the way Washington works.

I thank God every day that I didn't start off as a local politician, then move into a county position, then move into a State position, and then wander into D.C. using that same philosophy that we are going to put this on the backs of our taxpayers. We never tell these people that the hand they feel in their back pocket is the government taking their wallet out. Then we decry this fact that: Oh, my goodness, how could we ignore the debt?

Thanks for waking up. Where were you when it was $10 trillion? Why did you let it get to $20 trillion before the bells went off?

Look, there is so much in this bill that just makes sense. This bill was not crafted for Democrats. It wasn't crafted for Republicans. It was crafted for Americans, hardworking Americans, who put all their life into a job, who look forward to retirement. We are giving them that opportunity not to rely on some government program that may or may not be there when they reach retirement.

We are telling them: Do you know what? You get to keep more of your own money now. You get to put it away in a lot of pretax opportunities. You get to know that you can draw down on some of that money without being heavily taxed for needing it.

And while we decry all these inequities, and when we continue to divide Americans and say, ''It is always about the rich; it is always about the elite; it is all about those who have more than you do,'' that is not what it is about. It is about helping every American get to retirement.

Good Lord, how did we get to this position? How did we get to this point in America's history that we will pick and choose and we will decry anybody who has been successful and always label them as the rich, the elite, these horrible, horrible people who have done so much with their life. They just don't deserve that.

Well, do you know what? This is America. There are more stories in this country and throughout our history of people who started with absolutely nothing but an opportunity, an equal opportunity, not guaranteed an equal outcome, but guaranteed an equal opportunity.

What we are doing today is guaranteeing for every hardworking American out there that they can put more of their own hard-earned money into a retirement plan that serves them.

Now, every time we come on this floor, I hear this: divide, divide, divide. We can't possibly be the America that 1.4 million of our fellow citizens died to protect. No, no, no. This is not about America's future. This is about midterm elections. We are more worried about getting reelected than changing the direction of this country.

I would ask my colleagues on the other side, look, I know you are sorry you didn't vote for the Tax Cuts and Jobs Act. That is why you throw it down all the time and say this is horrible. What did happen is that we are giving you another chance to hop on this train.

I have only been here 8 years, but I will tell you what. I have heard enough in 8 years, coming from the private sector where you have to make it on your own every single day. You have to make payroll. You have to put food on the table and a roof over the heads of your children.

I don't want a government program that does that for me. I want a government program that allows me to save my own money, take less of my hard-earned money and allow me to save for my wife, for my kids, for my grandchildren, and for my great-grandchildren.

That is what this is all about today, Mr. Speaker. It is plain and simple.

One group thinks that the whole idea of government is to make each and every citizen rely on them and depend on them for their very existence. We are offering a chance for every single American—I don't care where they are from, I don't care the color of their skin, the shape of their eyes, or how they vote. What I do care about is that they can go into their retirement knowing that their hard-earned money over the years is going to be accessible to them.

That is what this is all about. I am hoping America is watching.

I will go back to what I said in the beginning. I remember very clearly my mom and my dad sitting there and saying: The one thing we pray for is that we are never a burden for you and your brothers and your sisters.

And I will repeat what I said today. I could not believe that the people who raised me, who fed me, who clothed me, who gave me a future, thought that somehow they would ever be a burden to me, my brothers, or my sisters. The one thing I know that they were sure of: They could save on their own, and they could get ready for their future and for their retirement years.

That is all we are trying to do today. We are trying to make sure that every single hardworking American gets to keep more of his or her money for their own retirement without the government taking advantage of them.

Mr. Speaker, I have no further speakers, but I do still have the passion to bring this forward, and I have the passion and I have the belief that, if you can get beyond politics and talk about people, that you can come to a conclusion that this is a solid bill that helps our fellow Americans go into their retirement.

I know that is in your heart. I know you can't speak it sometimes because we are so polarized. Isn't that a shame?

But I will say this. Today we have the opportunity, and what you can show it on—there will be a big screen up there. It will have everybody's name. And you can put a green ''yes'' on there, which says: I am voting for America's future. I am voting for America's retirees. I am voting to make people have peace of mind. Or you can put a red up there and say: Do you know what? I would have voted for it, but it wasn't our bill. And if it is not my bill, if it is not my party's bill, I can't vote for that because there is an election coming up and we have got to polarize this.

Mr. Speaker, I know I am out of time, but I am not out of breath, and I will tell you what, I am sure as hell not out of passion. I know what this country means for everybody, and we are making it possible for them every day in every way.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1084, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. THOMPSON of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of the bill will be followed by a 5-minute vote on passage of H.R. 6756.

The vote was taken by electronic device, and there were—yeas 240, nays 177, not voting 11, as follows:

[Roll No. 411]

YEAS—240

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Balderson
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blum
Bost
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Cloud
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Correa
Costello (PA)
Cramer
Crawford
Cuellar
Culberson
Curbelo (FL)
Curtis
Davidson
Davis, Rodney
Denham
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Estes (KS)
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Frelinghuysen
Gaetz
Gallagher
Garrett
Gianforte
Gibbs
Gohmert
Goodlatte
Gosar
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Handel
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamb
Lamborn
Lance
Latta
Lesko
Lewis (MN)
Lipinski
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (FL)
Noem
Norman
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Poe (TX)
Poliquin
Polis
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—177

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Costa
Courtney
Crist
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Engel
Espaillat
Esty (CT)
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gomez
Gonzalez (TX)
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Loebsack
Lofgren
Lowenthal
Lowey
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Nadler
Napolitano
Neal
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—11

Blackburn
Ellison
Eshoo
Harper
Jones
Lujan Grisham, M.
Newhouse
Nolan
Rooney, Thomas J.
Rush
Walz

□ 1610

Mr. McEACHIN changed his vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMERICAN INNOVATION ACT OF 2018

The SPEAKER pro tempore. The unfinished business is the vote on passage of the bill (H.R. 6756) to amend the Internal Revenue Code of 1986 to promote new business innovation, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 260, nays 156, not voting 12, as follows:

[Roll No. 412]

YEAS—260

Abraham
Aderholt
Aguilar
Allen
Amash
Amodei
Arrington
Babin
Bacon
Balderson
Banks (IN)
Barletta
Barr
Barton
Bera
Bergman
Biggs
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blum
Bost
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Brownley (CA)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carbajal
Carter (GA)
Carter (TX)
Cartwright
Chabot
Cheney
Cloud
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Correa
Costello (PA)
Cramer
Crawford
Crist
Cuellar
Culberson
Curbelo (FL)
Curtis
Davidson
Davis, Rodney
Delaney
Denham
DesJarlais
Diaz-Balart
Donovan
Doyle, Michael F.
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Estes (KS)
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Frelinghuysen
Gaetz
Gallagher
Garamendi
Garrett
Gianforte
Gibbs
Gohmert
Goodlatte
Gosar
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Handel
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kuster (NH)
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamb
Lamborn
Lance
Latta
Lawson (FL)
Lesko
Lewis (MN)
Lipinski
LoBiondo
Loebsack
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Maloney, Sean
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (FL)
Noem
Norman
Nunes
O'Halleran
O'Rourke
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (NY)
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis