

116TH CONGRESS  
1ST SESSION

# H. R. 1938

To amend the Internal Revenue Code of 1986 to provide a credit to small employers providing an eligible automatic contribution arrangement under a retirement savings plan.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2019

Mrs. TRAHAN (for herself and Mr. KELLY of Pennsylvania) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to provide a credit to small employers providing an eligible automatic contribution arrangement under a retirement savings plan.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Small Employer Re-  
5 tirement Savings Auto-Enrollment Credit Act”.

1 **SEC. 2. SMALL EMPLOYER RETIREMENT SAVINGS AUTO-**  
2 **MATIC ENROLLMENT CREDIT.**

3 (a) IN GENERAL.—Subpart D of part IV of sub-  
4 chapter A of chapter 1 of the Internal Revenue Code of  
5 1986 is amended by adding at the end the following new  
6 section:

7 **“SEC. 45T. AUTO-ENROLLMENT CREDIT FOR RETIREMENT**  
8 **SAVINGS OPTIONS PROVIDED BY SMALL EM-**  
9 **PLOYERS.**

10 “(a) IN GENERAL.—For purposes of section 38, in  
11 the case of an eligible employer, the retirement auto-en-  
12 rollment credit determined under this section for any tax-  
13 able year is an amount equal to—

14 “(1) \$500 for any taxable year occurring during  
15 the credit period, and

16 “(2) zero for any other taxable year.

17 “(b) CREDIT PERIOD.—For purposes of subsection  
18 (a)—

19 “(1) IN GENERAL.—The credit period with re-  
20 spect to any eligible employer is the 3-taxable-year  
21 period beginning with the first taxable year for  
22 which the employer includes an eligible automatic  
23 contribution arrangement (as defined in section  
24 414(w)(3)) in a qualified employer plan (as defined  
25 in section 4972(d)) sponsored by the employer.

1           “(2) MAINTENANCE OF ARRANGEMENT.—No  
2 taxable year with respect to an employer shall be  
3 treated as occurring within the credit period unless  
4 the arrangement described in paragraph (1) is in-  
5 cluded in the plan for such year.

6           “(c) ELIGIBLE EMPLOYER.—For purposes of this  
7 section, the term ‘eligible employer’ has the meaning given  
8 such term in section 408(p)(2)(C)(i).”.

9           (b) CREDIT TO BE PART OF GENERAL BUSINESS  
10 CREDIT.—Subsection (b) of section 38 of the Internal  
11 Revenue Code of 1986 is amended by striking “plus” at  
12 the end of paragraph (31), by striking the period at the  
13 end of paragraph (32) and inserting “, plus”, and by add-  
14 ing at the end the following new paragraph:

15           “(33) in the case of an eligible employer (as de-  
16 fined in section 45T(c)), the retirement auto-enroll-  
17 ment credit determined under section 45T(a).”.

18           (c) CLERICAL AMENDMENT.—The table of sections  
19 for subpart D of part IV of subchapter A of chapter 1  
20 of the Internal Revenue Code of 1986 is amended by in-  
21 serting after the item relating to section 45S the following  
22 new item:

“Sec. 45T. Auto-enrollment credit for retirement savings options provided by  
small employers.”.

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

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