

105TH CONGRESS
1ST SESSION

H. R. 1695

To establish a Commission on Retirement Savings.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 1997

Mr. POMEROY introduced the following bill; which was referred to the
Committee on Education and the Workforce

A BILL

To establish a Commission on Retirement Savings.

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 “Retirement Savings
5 Commission Act of 1997”.

6 **SEC. 2. ESTABLISHMENT.**

7 There is established a commission to be known as the
8 Commission on Retirement Savings (in this Act referred
9 to as the “Commission”).

10 **SEC. 3. DUTIES.**

11 (a) IN GENERAL.—The general purpose of the Com-
12 mission shall be to make a comprehensive study of private

1 pension and savings issues and to recommend policies to
2 expand access to and encourage participation in retire-
3 ment savings vehicles.

4 (b) ISSUES TO ADDRESS.—In preparation for mak-
5 ing the specific policy recommendations described in sub-
6 section (c), the Commission shall conduct a full and com-
7 plete study and review of—

8 (1) trends in coverage of American workers by
9 workplace retirement plans;

10 (2) trends in Americans' personal rates of sav-
11 ing;

12 (3) the changing nature of workplace retire-
13 ment plans, particularly the shift from defined bene-
14 fit plans to defined contribution plans;

15 (4) the workforce and demographic trends af-
16 fecting the retirement savings of future retirees;

17 (5) the increased prevalence in the workforce
18 and the special retirement needs of—

19 (A) women;

20 (B) part-time workers; and

21 (C) temporary workers;

22 (6) the amounts of retirement income that fu-
23 ture retirees will need to replace various levels of
24 preretirement income, including amounts necessary
25 to pay for medical care and long-term care;

1 (7) the various sources of retirement income
2 available to individuals in the United States;

3 (8) past legislative changes adopted by Con-
4 gress which have acted as disincentives to the cre-
5 ation of workplace retirement plans and as disincen-
6 tives to personal retirement savings;

7 (9) the most efficient and effective manner,
8 considering the needs of retirement plan sponsors
9 for simplicity, reasonable cost, and appropriate in-
10 centives, of encouraging the adoption of workplace
11 retirement plans by employers, particularly small
12 businesses;

13 (10) the amount and sources of Federal and
14 private funds, including tax expenditures (as defined
15 in section 3 of the Congressional Budget Act of
16 1974 (2 U.S.C. 622)), needed to finance both exist-
17 ing Federal incentives and programs designed to en-
18 courage and protect retirement savings and any new
19 Federal incentives or programs that the Commission
20 recommends be established;

21 (11) the proper role of tax-deferred individual
22 retirement savings vehicles (such as individual re-
23 tirement accounts and annuities) in individual and
24 national retirement planning;

1 (12) the manner in which tax expenditures de-
2 signed to encourage pension and retirement savings
3 are scored for budget purposes, specifically how to
4 reflect accurately that tax revenues on pension and
5 retirement income are not lost to the Federal Gov-
6 ernment but instead are deferred until the time
7 these funds are withdrawn; and

8 (13) the role of retirement savings in the econ-
9 omy of the United States.

10 (c) RECOMMENDATIONS.—

11 (1) IN GENERAL.—The Commission shall for-
12 mulate recommendations based on the study and re-
13 view conducted under subsection (b). These rec-
14 ommendations shall include proposals that are de-
15 signed to—

16 (A) expand workplace retirement plan cov-
17 erage among American workers;

18 (B) encourage the accumulation of ade-
19 quate retirement income;

20 (C) stimulate personal savings for retire-
21 ment;

22 (D) encourage workers with access to
23 workplace retirement plans to participate in
24 these plans;

1 (E) ensure the security of benefits accumu-
2 lated by workers who have participated in work-
3 place retirement plans;

4 (F) help low-wage workers, who often have
5 the greatest difficulty saving for retirement, ac-
6 cumulate adequate retirement savings; and

7 (G) simplify the regulatory requirements
8 associated with administration of workplace re-
9 tirement plans.

10 (2) UNANIMITY REQUIRED.—The recommenda-
11 tions of the Commission shall be adopted by unani-
12 mous vote of all 16 members. Policy proposals not
13 supported by unanimous vote of all 16 members
14 shall not be considered recommendations of the
15 Commission and shall not be included in the report
16 described in section 7.

17 (3) NO RECOMMENDATIONS REGARDING SOCIAL
18 SECURITY.—While conducting the study and review
19 outlined in subsection (b), the Commission may con-
20 sider the role of Social Security retirement benefits
21 as a source of retirement income. However, the
22 Commission shall in no circumstances make rec-
23 ommendations regarding the Social Security pro-
24 gram or reforms thereto.

1 (4) EFFECT ON FEDERAL BUDGET DEFICIT.—

2 A recommendation of the Commission for a new
3 Federal incentive or program that would result in an
4 increase in the Federal budget deficit shall not ap-
5 pear in the report required under section 7 unless it
6 is accompanied by a recommendation for offsetting
7 the increase.

8 (d) DEFINITION.—For purposes of this section, the
9 term “workplace retirement plan” means any financial ve-
10 hicle referred to in section 219(g)(5) of the Internal Reve-
11 nue Code of 1986.

12 **SEC. 4. MEMBERSHIP.**

13 (a) NUMBER AND APPOINTMENT.—

14 (1) IN GENERAL.—The Commission shall con-
15 sist of 16 members appointed not later than 90 days
16 after the date of the enactment of this Act.

17 (2) APPOINTMENTS.—The Commission shall in-
18 clude—

19 (A) 4 individuals appointed by the Presi-
20 dent, 1 of whom the President shall appoint
21 from the Congress to serve as co-chairperson of
22 the Commission;

23 (B) 4 individuals appointed by the Speaker
24 of the House of Representatives, 1 of whom the

1 Speaker shall appoint from the Congress to
2 serve as co-chairperson of the Commission;

3 (C) 4 individuals appointed by the majority
4 leader of the Senate;

5 (D) 2 individuals appointed by the minor-
6 ity leader of the House of Representatives; and

7 (E) 2 individuals appointed by the minor-
8 ity leader of the Senate.

9 (3) QUALIFICATIONS.—

10 (A) The individuals referred to in para-
11 graph (1) shall be Members of the Congress,
12 leaders of business or labor, representatives of
13 the plan sponsor and plan participant commu-
14 nities, distinguished academics, individuals with
15 technical expertise in pension administration, or
16 other individuals with distinctive qualifications
17 or experience in retirement income policy.

18 (b) TERMS.—Each member shall be appointed for the
19 life of the Commission.

20 (c) VACANCIES.—A vacancy in the Commission shall
21 be filled not later than 30 days after the date of the cre-
22 ation of the vacancy in the manner in which the original
23 appointment was made.

24 (d) COMPENSATION.—

1 (1) RATES OF PAY.—Except as provided in
2 paragraph (2), members of the Commission shall
3 serve without pay.

4 (2) TRAVEL EXPENSES.—Each member of the
5 Commission shall receive travel expenses, including
6 per diem in lieu of subsistence, in accordance with
7 sections 5702 and 5703 of title 5, United States
8 Code.

9 (e) QUORUM.—Ten members of the Commission shall
10 constitute a quorum, but 6 members may hold hearings,
11 take testimony, or receive evidence.

12 (f) MEETINGS.—The Commission shall meet at the
13 call of the co-chairpersons.

14 (g) DECISIONS.—Decisions of the Commission, other
15 than recommendations adopted pursuant to section 3,
16 shall be made by consensus when possible, or otherwise
17 according to the majority vote of those members who are
18 present and voting at a meeting called pursuant to sub-
19 section (f).

20 **SEC. 5. STAFF AND SUPPORT SERVICES.**

21 (a) RECOMMENDATIONS REGARDING STAFF.—There
22 shall be two co-directors of the staff of the Commission.
23 Each co-chairperson of the Commission shall recommend
24 an individual to serve as co-director of the staff of the
25 Commission. Each co-chairperson shall also recommend

1 such additional professional staff to serve under each co-
2 director as are required to carry out the duties of the Com-
3 mission. The 2 co-directors of the staff shall report to
4 their respective co-chairperson and shall work coopera-
5 tively to manage the day-to-day operations and staff of
6 the Commission.

7 (b) APPOINTMENT OF STAFF.—Acting upon the rec-
8 ommendations of the co-chairpersons, the Commission
9 shall appoint and fix the pay of the co-directors and any
10 additional staff.

11 (c) APPLICABILITY OF CERTAIN CIVIL SERVICE
12 LAWS.—The co-directors and staff of the Commission may
13 be appointed without regard to the provisions of title 5,
14 United States Code, governing appointments in the com-
15 petitive service, and may be paid without regard to the
16 provisions of chapter 51 and subchapter III of chapter 53
17 of that title relating to classification and General Schedule
18 pay rates.

19 (d) EXPERTS AND CONSULTANTS.—The Commission
20 may procure temporary and intermittent services under
21 section 3109(b) of title 5, United States Code, at rates
22 the Commission determines to be appropriate.

23 (e) STAFF OF FEDERAL AGENCIES.—Upon request
24 of the Commission, the head of any Federal agency may
25 detail, on a reimbursable basis, any of the personnel of

1 the agency to the Commission to assist it in carrying out
2 its duties under this Act.

3 (f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the
4 request of the Commission, the Administrator of General
5 Services shall provide to the Commission, on a reimburs-
6 able basis, the administrative support services necessary
7 for the Commission to carry out its responsibilities under
8 this Act.

9 **SEC. 6. POWERS.**

10 (a) HEARINGS AND SESSIONS.—

11 (1) IN GENERAL.—The Commission may, for
12 the purpose of carrying out this Act, hold hearings,
13 sit and act at times and places, take testimony, and
14 receive evidence as the Commission considers appro-
15 priate. The Commission may administer oaths or af-
16 firmations to witnesses appearing before it.

17 (2) PUBLIC HEARINGS.—The Commission may
18 hold public hearings to receive the views of a broad
19 spectrum of the public on the status of the private
20 retirement system of the United States.

21 (b) DELEGATION OF AUTHORITY.—Any member,
22 committee, or agent of the Commission may, if authorized
23 by the Commission, take any action which the Commission
24 is authorized to take by this section.

25 (c) INFORMATION.—

1 (1) INFORMATION FROM FEDERAL AGENCIES.—

2 (A) IN GENERAL.—The Commission may
3 secure directly from any Federal agency infor-
4 mation necessary to enable it to carry out this
5 Act. Upon request of the Commission, the head
6 of the Federal agency shall furnish the informa-
7 tion to the Commission.

8 (B) EXCEPTION.—Subparagraph (A) shall
9 not apply to any information that the Commis-
10 sion is prohibited to secure or request by an-
11 other law.

12 (2) PUBLIC SURVEYS.—The Commission may
13 conduct public surveys as necessary to enable it to
14 carry out this Act. In conducting such surveys, the
15 Commission shall not be considered an agency for
16 purposes of chapter 35 of title 44, United States
17 Code.

18 (d) MAILS.—The Commission may use the United
19 States mails in the same manner and under the same con-
20 ditions as other Federal agencies.

21 (e) CONTRACT AND PROCUREMENT AUTHORITY.—
22 The Commission may make purchases, and may contract
23 with and compensate government and private agencies or
24 persons for property or services, without regard to—

1 (1) section 3709 of the Revised Statutes (41
2 U.S.C. 5); and

3 (2) title III of the Federal Property and Ad-
4 ministrative Services Act of 1949 (41 U.S.C. 251 et
5 seq.).

6 (f) GIFTS.—The Commission may accept, use, and
7 dispose of gifts of services or property, both real and per-
8 sonal, for the purpose of assisting the work of the Com-
9 mission. Gifts of money and proceeds from sales of prop-
10 erty received as gifts shall be deposited in the Treasury
11 and shall be available for disbursement upon order of the
12 Commission. For purposes of Federal income, estate, and
13 gift taxes, property accepted under this subsection shall
14 be considered as a gift to the United States.

15 (g) VOLUNTEER SERVICES.—Notwithstanding sec-
16 tion 1342 of title 31, United States Code, the Commission
17 may accept and use voluntary and uncompensated services
18 as the Commission determines necessary.

19 **SEC. 7. REPORT.**

20 The Commission shall submit a report to the Presi-
21 dent, the majority and minority leaders of the Senate, and
22 the Speaker and minority leader of the House of Rep-
23 resentatives. The report shall review the matters that the
24 Commission is required to study under section 3, shall ex-
25 plain the Commission's analysis of these matters, and

1 shall set forth the recommendations of the Commission.

2 The Commission shall submit its report not later than 1

3 year and 90 days after the date of enactment of this Act.

4 **SEC. 8. TERMINATION.**

5 The Commission shall terminate not later than 30

6 days after the date on which the Commission submits its

7 report under section 7.

8 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated to carry out

10 this Act \$1,000,000 for fiscal year 1998. Sums appro-

11 priated under this section are authorized to remain avail-

12 able until expended.

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