

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3069

To provide for each American the opportunity to provide for his or her retirement through a S.A.F.E. account, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2005

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

---

## A BILL

To provide for each American the opportunity to provide for his or her retirement through a S.A.F.E. account, and for other purposes.

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

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Savings Account for Every American Act of 2005”.

6 (b) **TABLE OF CONTENTS.**—The table of contents is  
7 as follows:

Sec. 1. Short title and table of contents.

## TITLE I—PERSONAL RETIREMENT PROGRAM

- Sec. 101. Definitions.  
 Sec. 102. S.A.F.E. account payroll deduction programs.  
 Sec. 103. Designation of S.A.F.E. accounts.  
 Sec. 104. Self-employed individuals.  
 Sec. 105. Elective participation.  
 Sec. 106. Penalties.  
 Sec. 107. Federal civilian and military personnel.

## TITLE II—TAX-EXEMPT S.A.F.E. ACCOUNTS

- Sec. 201. S.A.F.E. accounts.  
 Sec. 202. Effective date.

## TITLE III—CONFORMING AMENDMENTS TO THE SOCIAL SECURITY ACT AND THE INTERNAL REVENUE CODE OF 1986

- Sec. 301. Reductions in and exemptions from FICA taxes and SECA taxes with respect to eligible individuals.  
 Sec. 302. Exclusion of eligible individuals from old-age, survivors, and disability insurance coverage.  
 Sec. 303. Information provided in social security account statements.

1                   **TITLE I—PERSONAL**  
 2                   **RETIREMENT PROGRAM**

3   **SEC. 101. DEFINITIONS.**

4       For purposes of this title—

5               (1) **ACCOUNT HOLDER.**—The term “account  
 6       holder” means, with respect to any S.A.F.E. ac-  
 7       count, the individual for whose benefit such account  
 8       is maintained.

9               (2) **BUSINESS DAY.**—The term “business day”  
 10      means any day other than a Saturday, Sunday, or  
 11      legal holiday in the area involved.

12              (3) **COVERED EMPLOYER.**—The term “covered  
 13      employer” means, for any calendar year, a person  
 14      for whom an eligible individual is engaged in em-  
 15      ployment during the year.

1           (4) ELIGIBLE INDIVIDUAL.—The term “eligible  
2 individual” means any individual with respect to  
3 whom there is in effect an election under section  
4 105(a).

5           (5) EMPLOYMENT.—The term “employment”  
6 has the meaning provided in section 210 of the So-  
7 cial Security Act.

8           (6) PRESCRIBED EMPLOYEE CONTRIBUTION.—  
9 The term “prescribed employee contribution” means,  
10 with respect to any eligible individual who is en-  
11 gaged in employment for a covered employer during  
12 any calendar year, an amount equal to 6.2 percent  
13 of the wages received by such employee with respect  
14 to such employment, to the extent that such wages  
15 do not exceed, for such calendar year, the contribu-  
16 tion and benefit base for such calendar year under  
17 section 230 of the Social Security Act.

18           (7) PRESCRIBED SELF-EMPLOYMENT CON-  
19 TRIBUTION.—The term “prescribed self-employment  
20 contribution” means, with respect to the self-employ-  
21 ment income of an eligible individual for any cal-  
22 endar year, the excess (if any) of—

23           (A) 6.2 percent of the amount of such self-  
24 employment income for such calendar year, to  
25 the extent that such self-employment income

1 does not exceed, for such calendar year, the  
2 contribution and benefit base for such calendar  
3 year under section 230 of the Social Security  
4 Act, over

5 (B) the total of all prescribed employee  
6 contributions and prescribed employer contribu-  
7 tions payable with respect to such eligible indi-  
8 vidual for such calendar year.

9 Effective with the commencement of the 16th cal-  
10 endar year for which the eligible individual's election  
11 under section 105 is in effect, "12.4 percent" shall  
12 be substituted for "6.2 percent" in subparagraph  
13 (A).

14 (8) PRESCRIBED EMPLOYER CONTRIBUTION.—  
15 The term "prescribed employer contribution" means,  
16 with respect to any eligible individual who is en-  
17 gaged in employment for a covered employer during  
18 any calendar year, an amount equal to 6.2 percent  
19 of the wages received by such employee with respect  
20 to such employment, to the extent that such wages  
21 do not exceed, for such calendar year, the contribu-  
22 tion and benefit base for such calendar year under  
23 section 230 of the Social Security Act.

1           (9) S.A.F.E. ACCOUNT.—The term “S.A.F.E.  
2           account” has the meaning provided in section 222(c)  
3           of the Internal Revenue Code of 1986.

4           (10) SELF-EMPLOYMENT INCOME.—The term  
5           “self-employment income” has the meaning provided  
6           in section 211(b) of the Social Security Act.

7           (11) WAGES.—The term “wages” has the  
8           meaning provided in section 209 of the Social Secu-  
9           rity Act.

10 **SEC. 102. S.A.F.E. ACCOUNT PAYROLL DEDUCTION PRO-**  
11 **GRAMS.**

12           (a) IN GENERAL.—Each person who is a covered em-  
13           ployer for any calendar year shall have in effect through-  
14           out such calendar year a S.A.F.E. account payroll deduc-  
15           tion program for such person’s employees who are eligible  
16           individuals.

17           (b) REQUIREMENTS.—For purposes of this Act, the  
18           term “S.A.F.E. account payroll deduction program”  
19           means a written program maintained by a covered em-  
20           ployer if—

21           (1) under such program, the prescribed em-  
22           ployee contribution is deducted from the wages of  
23           each employee who is an eligible individual and paid  
24           as a contribution on behalf of the employee to a

1 S.A.F.E. account of such employee designated in ac-  
2 cordance with section 103,

3 (2) under such program, the covered em-  
4 ployer—

5 (A) makes timely payment of the amount  
6 so deducted as a contribution to the designated  
7 S.A.F.E. account, and

8 (B) effective upon receipt from the eligible  
9 individual of certification (in accordance with  
10 regulations which shall be prescribed by the  
11 Commissioner of Social Security) of the com-  
12 mencement of the 16th calendar year for which  
13 the eligible employee's election under section  
14 105 has been in effect, makes timely payment,  
15 together with the amount so deducted, of the  
16 prescribed employer contribution with respect to  
17 the eligible individual,

18 under regulations of the Commissioner of Social Se-  
19 curity applying the same principles relating to the  
20 timeliness of payment as are applicable under chap-  
21 ter 62 of the Internal Revenue Code of 1986 with  
22 respect to taxes under chapter 21 of such Code, and

23 (3) the employer receives no compensation for  
24 the cost of administering such program.

1           (c) AMOUNTS OTHERWISE PAYABLE MAY BE ACCU-  
2 MULATED BY EMPLOYER IN CERTAIN CASES.—If, under  
3 the terms of the governing instruments creating a  
4 S.A.F.E. account designated under section 103, contribu-  
5 tions below a specified amount will not be accepted, the  
6 requirements of subsection (b)(2) shall be treated as met  
7 if amounts deducted from the wages of an employee who  
8 is an eligible individual, together with prescribed employer  
9 contributions (if any), are accumulated by the covered em-  
10 ployer and paid to such account otherwise in accordance  
11 with subsection (b)(2) with reference to the first day on  
12 which the accumulated amount exceeds such specified  
13 amount.

14 **SEC. 103. DESIGNATION OF S.A.F.E. ACCOUNTS.**

15           (a) IN GENERAL.—Except as provided in subsection  
16 (b), a S.A.F.E. account to which contributions with re-  
17 spect to any employee who is an eligible individual are re-  
18 quired to be paid under section 102 shall be such an ac-  
19 count designated by such employee to such employer not  
20 later than 10 business days after the date on which such  
21 employee becomes an employee of such employer. Any  
22 such designation shall be made in such form and manner  
23 as may be prescribed in regulations of the Commissioner  
24 of Social Security.

1 (b) DESIGNATION IN ABSENCE OF TIMELY DESIGNA-  
2 TION BY EMPLOYEE.—In any case in which no timely des-  
3 ignation of a S.A.F.E. account is made, the covered em-  
4 ployer shall designate such account in accordance with  
5 regulations of the Commissioner of Social Security.

6 (c) SUBSEQUENT SUBSTITUTION OF ACCOUNTS.—  
7 The Commissioner of Social Security shall provide by reg-  
8 ulation for subsequent designation of a S.A.F.E. account  
9 by an account holder in lieu of an account previously des-  
10 ignated by such account holder under this section.

11 **SEC. 104. SELF-EMPLOYED INDIVIDUALS.**

12 (a) IN GENERAL.—In the case of an eligible indi-  
13 vidual who has self-employment income for any calendar  
14 year, such individual shall make timely payments to a  
15 S.A.F.E. account designated by such individual of the pre-  
16 scribed self-employment contribution with respect to such  
17 individual for such calendar year in accordance with regu-  
18 lations of the Commissioner of Social Security, applying  
19 the same principles relating to timeliness of payment as  
20 are applicable under chapter 62 of the Internal Revenue  
21 Code of 1986 with respect to taxes under chapter 2 of  
22 such Code.

23 (b) DESIGNATION OF ACCOUNT.—The designation of  
24 a S.A.F.E. account for payment of prescribed self-employ-  
25 ment contributions shall be made in such form and man-



1 ner as may be prescribed in regulations of the Commis-  
2 sioner of Social Security.

3 (c) PERIODIC PAYMENT.—The Commissioner of So-  
4 cial Security shall provide by regulation for periodic in-  
5 stallment payments during the calendar year of prescribed  
6 self-employment contributions for each eligible individual,  
7 taking into account, as appropriate for each period, pre-  
8 scribed employee contributions for such individual.

9 **SEC. 105. ELECTIVE PARTICIPATION.**

10 (a) ELECTION.—Any individual who has been as-  
11 signed a social security account number under section  
12 205(c)(2)(B) of the Social Security Act and has been paid  
13 wages or has derived self-employment income, may, on or  
14 after January 1, 2006, elect under this section to be an  
15 eligible individual for purposes of this Act. Any such elec-  
16 tion shall be made by filing with each employer (if any)  
17 of the individual, the Commissioner of Social Security, and  
18 the Secretary of the Treasury, in such form and manner  
19 as shall be prescribed in regulations of the Commissioner  
20 (in consultation with the Secretary of the Treasury), a  
21 written and signed declaration of such individual's inten-  
22 tion to be treated as an eligible individual for purposes  
23 of this Act. An election under this section shall be effective  
24 with respect to wages paid, and self-employment income

1 derived, on or after January 1 following the date of the  
2 filing of the election.

3 (b) ELECTION INEFFECTIVE IF ENTITLED TO SO-  
4 CIAL SECURITY BENEFITS.—Any election under this sec-  
5 tion shall not take effect if, as of the effective date of the  
6 election, the individual is entitled to an old-age insurance  
7 benefit under section 202(a) of the Social Security Act or  
8 to a disability insurance benefit under section 223 of such  
9 Act.

10 (c) IRREVOCABILITY SUBJECT TO GRACE PERIOD.—

11 (1) IN GENERAL.—Unless revoked in accord-  
12 ance with paragraph (2), an election under this sec-  
13 tion shall be irrevocable.

14 (2) FIVE-YEAR GRACE PERIOD.—

15 (A) IN GENERAL.—An individual may re-  
16 voke an election under this section by filing  
17 with each employer (if any) of the individual,  
18 the Commissioner of Social Security, and the  
19 Secretary of the Treasury, in such form and  
20 manner as shall be prescribed in regulations of  
21 the Commissioner (in consultation with the Sec-  
22 retary of the Treasury), a written and signed  
23 revocation of the election at any time before the  
24 end of the five-year period beginning with the  
25 effective date of the election. A revocation

1 under this subsection shall take effect January  
2 1 following the date of the filing of the revoca-  
3 tion, except that a revocation filed during the  
4 90-day period beginning with the date of the fil-  
5 ing of the election shall take effect as of the ef-  
6 fective date of the election. Upon the effective  
7 date of a revocation under this subsection, enti-  
8 tlement to benefits under title II of the Social  
9 Security Act shall be determined as if the re-  
10 voked election had not occurred, except that, for  
11 purposes of any such entitlement, wages paid,  
12 and self-employment income derived, during the  
13 period for which the election was in effect shall  
14 not be taken into account. No subsequent elec-  
15 tion under this section may take effect with re-  
16 spect to an individual who has filed a revocation  
17 under this subsection (except a revocation filed  
18 during the 90-day period beginning with the  
19 date of the filing of the election).

20 (B) REDUCTION IN BENEFITS.—The pri-  
21 mary insurance amount, as determined under  
22 section 215 of the Social Security Act, of any  
23 individual who has filed a revocation under this  
24 subsection before the end of the five-year period  
25 described in subparagraph (A) (and after the

1 90-day period referred to in subparagraph (A))  
 2 shall be reduced (except for purposes of deter-  
 3 mining benefits under section 223 of such Act,  
 4 and before any application of section 215(i) of  
 5 such Act) by the applicable percentage specified  
 6 in the following table:

<b>If the first calendar year for which the revocation is effective is:</b>	<b>The applicable per- centage is:</b>
The first, second, or third calendar year of such five- year period .....	20 percent
The fourth calendar year of such five-year period .....	40 percent
The fifth calendar year of such five-year period .....	60 percent
The calendar year following such five-year period .....	80 percent.

7 **SEC. 106. PENALTIES.**

8 (a) **FAILURE TO ESTABLISH S.A.F.E. ACCOUNT PAY-**  
 9 **ROLL DEDUCTION PROGRAM.**—Any covered employer who  
 10 fails to meet the requirements of section 102 for any cal-  
 11 endar year shall be subject to a civil penalty of not to ex-  
 12 ceed—

13 (1) \$250,000, in the case of an employer who  
 14 is an individual, or

15 (2) \$500,000, in any other case.

16 (b) **FAILURE TO MAKE DEDUCTIONS REQUIRED**  
 17 **UNDER PROGRAM.**—Any covered employer who fails to  
 18 timely deduct in full the amount from the wages of an  
 19 employee who is an eligible individual as required under  
 20 an applicable S.A.F.E. account payroll deduction program

1 shall be subject to a civil penalty for each such failure  
2 of not to exceed—

3 (1) \$250,000, in the case of an employer who  
4 is an individual, or

5 (2) \$500,000, in any other case.

6 (c) FAILURE TO PAY DEDUCTED WAGES TO S.A.F.E.  
7 ACCOUNT.—If an amount deducted under a S.A.F.E. ac-  
8 count payroll deduction program from the wages of an em-  
9 ployee who is an eligible individual is not timely paid in  
10 full to the designated S.A.F.E. account in accordance with  
11 section 102, the covered employer failing to make such  
12 payment—

13 (1) shall be subject to a civil penalty for each  
14 such failure of not to exceed—

15 (A) \$250,000, in the case of an employer  
16 who is an individual, or

17 (B) \$500,000, in any other case, and

18 (2) shall be liable to the employee for interest  
19 on the unpaid amount at a rate equal to 10 percent-  
20 age points in excess of the Federal short-term rate  
21 under section 1274(d)(1) of the Internal Revenue  
22 Code of 1986, calculated from the last day by which  
23 such amount was required to be so paid to the date  
24 on which such amount is paid into the designated  
25 S.A.F.E. account.

1 (d) FAILURE TO PAY PRESCRIBED SELF-EMPLOY-  
2 MENT CONTRIBUTIONS TO S.A.F.E. ACCOUNT.—Any eli-  
3 gible individual failing to timely pay in full a prescribed  
4 self-employment contribution to a designated S.A.F.E. ac-  
5 count as required under section 104 shall be subject to  
6 a civil penalty for each such failure of not to exceed  
7 \$250,000, plus interest on the unpaid amount at a rate  
8 equal to 10 percentage points in excess of the Federal  
9 short-term rate under section 1274(d)(1) of the Internal  
10 Revenue Code of 1986, calculated from the last day by  
11 which such amount was required to be so paid to the date  
12 on which such amount is paid into the designated  
13 S.A.F.E. account.

14 (e) RULES FOR APPLICATION OF SECTION.—

15 (1) PENALTIES ASSESSED BY COMMISSIONER  
16 OF SOCIAL SECURITY.—Any civil penalty assessed by  
17 this section shall be imposed by the Commissioner of  
18 Social Security and collected in a civil action.

19 (2) COMPROMISES.—The Commissioner may  
20 compromise the amount of any civil penalty imposed  
21 by this section.

22 (3) AUTHORITY TO WAIVE PENALTY IN CER-  
23 TAIN CASES.—The Commissioner may waive the ap-  
24 plication of this section with respect to any failure  
25 if the Commissioner determines that such failure is

1 due to reasonable cause and not to intentional dis-  
2 regard of rules and regulations.

3 **SEC. 107. FEDERAL CIVILIAN AND MILITARY PERSONNEL.**

4 (a) IN GENERAL.—Not later than December 31,  
5 2005, the Office of Personnel Management, after appro-  
6 priate study, shall submit to the President and each House  
7 of Congress a written report containing recommendations  
8 on how to provide for the application of this Act with re-  
9 spect to Federal civilian and military personnel.

10 (b) REQUIREMENTS.—The report—

11 (1) shall be prepared in consultation with the  
12 Social Security Administration, the Securities and  
13 Exchange Commission, and other appropriate agen-  
14 cies; and

15 (2) shall be accompanied by draft legislation  
16 which, if enacted, would carry out the recommenda-  
17 tions contained in such report.

18 (c) PROVISIONS RELATING TO THE CONTINUED OP-  
19 ERATION OF EXISTING RETIREMENT SYSTEMS.—To the  
20 extent that the report and draft legislation relate to provi-  
21 sions of law in effect before the date of enactment of this  
22 Act, each shall address at least the following:

23 (1) FEDERAL EMPLOYEES' RETIREMENT SYS-  
24 TEM.—

1 (A) Section 8401(11) of title 5, United  
2 States Code (relating to the definition of an  
3 “employee”), which includes the requirement  
4 that the individual concerned be someone whose  
5 civilian service is employment for the purposes  
6 of title II of the Social Security Act and chap-  
7 ter 21 of the Internal Revenue Code of 1986.

8 (B) Section 8421 of such title (relating to  
9 annuity supplement), which includes provisions  
10 incorporating the notion of the period of time  
11 for which the individual is or would be entitled  
12 to old-age insurance benefits under title II of  
13 the Social Security Act, and provisions for com-  
14 puting the amount of such supplement based on  
15 the amount of certain benefits to which the in-  
16 dividual would be entitled under such Act.

17 (C) Section 8442 of such title (relating to  
18 rights of a widow or widower), which includes  
19 provisions under which a supplementary annu-  
20 ity for a widow or widower is not payable to  
21 anyone who would not be entitled to certain  
22 benefits under the Social Security Act, and pro-  
23 visions for the computation of any such annuity  
24 based on the amount of certain benefits which



1 would be payable to that individual under the  
2 Social Security Act.

3 (D) Section 8443 of such title (relating to  
4 rights of a child), which includes provisions  
5 under which, as part of the formula for com-  
6 puting the amount of a survivor annuity for a  
7 child, there is incorporated the notion of the  
8 amount of child's insurance benefits which are  
9 or would be payable under title II of the Social  
10 Security Act.

11 (2) CIVIL SERVICE RETIREMENT SYSTEM.—

12 (A) Section 8334(k) of such title (relating  
13 to special rules for determining deductions and  
14 contributions for individuals subject to “offset-  
15 83” treatment), which incorporates the notion  
16 of the OASDI contribution made from Federal  
17 wages of the individual concerned.

18 (B) Section 8349 of such title (relating to  
19 offset based on certain benefits under the Social  
20 Security Act), which incorporates notions relat-  
21 ing to actual or constructive eligibility for bene-  
22 fits under the Social Security Act, and the  
23 amount of those benefits.

24 (3) COORDINATION PROVISIONS.—Provisions of  
25 law involving a reduction or other adjustment in re-

1       tirement benefits (or eligibility therefor), based on  
2       any individual's eligibility for benefits under title II  
3       of the Social Security Act.

4               (4) OTHER RETIREMENT SYSTEMS.—Similar  
5       provisions of law under other retirement systems  
6       covering Federal civilian or military personnel.

7       (d) PROVISIONS RELATING TO THE NEW SYSTEM.—  
8       To the extent that the report and draft legislation relate  
9       to the implementation of any other title of this Act, each  
10      shall address at least the following:

11              (1) What the specifications for the S.A.F.E. ac-  
12      count payroll deduction program or programs cov-  
13      ering Federal civilian and military personnel shall be  
14      or, alternatively, how those specifications shall be de-  
15      veloped.

16              (2) Which agencies or instrumentalities of the  
17      Federal Government shall be responsible for oper-  
18      ating or maintaining which aspects of the program  
19      or programs referred to in paragraph (1).

20              (3) Which penalty provisions are appropriate or  
21      inappropriate with respect to the Federal Govern-  
22      ment in its capacity as a “covered employer”, sub-  
23      ject to what modifications (if any).

1     **TITLE II—TAX-EXEMPT S.A.F.E.**  
2                     **ACCOUNTS**

3     **SEC. 201. S.A.F.E. ACCOUNTS.**

4             (a) IN GENERAL.—Part VII of subchapter B of chap-  
5     ter 1 of the Internal Revenue Code of 1986 (relating to  
6     additional itemized deductions for individuals) is amended  
7     by redesignating section 222 as section 223 and by insert-  
8     ing after section 221 the following new section:

9     **“SEC. 222. S.A.F.E. ACCOUNTS.**

10            “(a) DEDUCTION ALLOWED.—In the case of an indi-  
11     vidual, there shall be allowed as a deduction the aggregate  
12     amount paid in cash during the taxable year by or on be-  
13     half of such individual to a S.A.F.E. account of such indi-  
14     vidual.

15            “(b) LIMITATION.—The amount allowable as a de-  
16     duction under subsection (a) for any taxable year shall not  
17     exceed 6.2 percent of the lesser of—

18                 “(1) the contribution and benefit base (as de-  
19     termined under section 230 of the Social Security  
20     Act) for the calendar year which ends with or within  
21     such taxable year, or

22                 “(2) the sum of—

23                         “(A) the amount of wages (as defined in  
24                         section 3121(a)) received during such calendar  
25                         year, and

1           “(B) the amount of the self-employment  
2           income (as defined in section 1402) of such in-  
3           dividual for the taxable year.

4   Effective with the commencement of the 16th calendar  
5   year for which the individual’s election under section 105  
6   of the Savings Account for Every American Act of 2005  
7   is effective, the limitation under the preceding sentence  
8   shall be increased by any prescribed employer contribution  
9   paid to a personal retirement account of such individual  
10  pursuant to section 102(b)(2)(B) of such Act and the por-  
11  tion of any prescribed self-employment contribution paid  
12  to such an account which is attributable to the increase  
13  in such contribution required by the last sentence of sec-  
14  tion 101(7) of such Act.

15       “(c) S.A.F.E. ACCOUNT.—For purposes of this sec-  
16  tion, the term ‘S.A.F.E. account’ means a trust created  
17  or organized in the United States exclusively for the ben-  
18  efit of an individual or his beneficiaries, but only if the  
19  written governing instrument creating the trust meets the  
20  following requirements:

21           “(1) Except in the case of rollover contributions  
22           from another S.A.F.E. account of such individual—  
23           “(A) no contribution will be accepted un-  
24           less it is in cash,

1           “(B) contributions will not be accepted for  
2           the taxable year in excess of 6.2 percent of the  
3           contribution and benefit base (as determined  
4           under section 230 of the Social Security Act)  
5           for the calendar year which ends with or within  
6           such taxable year, and

7           “(C) any contributions with respect to an  
8           account holder which are not accepted pursuant  
9           to this paragraph are promptly refunded di-  
10          rectly to the account holder.

11          In the case of any such individual, effective for tax-  
12          able years beginning with or after the 16th calendar  
13          year for which the individual’s election under section  
14          105 of the Savings Account for Every American Act  
15          of 2005 is effective, ‘12.4 percent’ shall be sub-  
16          stituted for ‘6.2 percent’ in subparagraph (B).

17          “(2) The trustee is a bank (as defined in sec-  
18          tion 408(n)) or such other person who demonstrates  
19          to the satisfaction of the Secretary that the manner  
20          in which such other person will administer the trust  
21          will be consistent with the requirements of this sec-  
22          tion.

23          “(3) No part of the trust funds will be invested  
24          in life insurance contracts.

1           “(4) The interest of an individual in the bal-  
2           ance in his account is nonforfeitable.

3           “(5) The assets of the trust will not be commin-  
4           gled with other property except in a common trust  
5           fund or common investment fund.

6           “(d) TAX TREATMENT OF DISTRIBUTIONS.—

7           “(1) IN GENERAL.—Except as otherwise pro-  
8           vided in this subsection, any amount distributed out  
9           of a S.A.F.E. account shall be included in gross in-  
10          come of the distributee for the taxable year in which  
11          the distribution is received. Notwithstanding any  
12          other provision of this title (including chapters 11  
13          and 12), the basis of any person in such an account  
14          is zero.

15          “(2) EXCEPTIONS FOR DISTRIBUTIONS AFTER  
16          AGE 59½ OR DEATH.—Paragraph (1) shall not  
17          apply to any distribution out of a S.A.F.E. ac-  
18          count—

19                 “(A) made on or after the date on which  
20                 the account beneficiary attains age 59½, or

21                 “(B) made to the account beneficiary (or  
22                 to the estate of the beneficiary) on or after the  
23                 death of the account beneficiary.

24          “(3) EXCEPTIONS FOR DISTRIBUTIONS TO PUR-  
25          CHASE CERTAIN INSURANCE.—Paragraph (1) shall

1 not apply to any distribution out of a S.A.F.E. ac-  
2 count to the account beneficiary to the extent such  
3 distributions do not exceed the sum of the expenses  
4 paid or incurred during the taxable year for—

5 “(A) any qualified long-term care insur-  
6 ance contract (but only to the extent of eligible  
7 long-term care premiums (as defined in section  
8 213(d)(10)),

9 “(B) disability insurance, or

10 “(C) term life insurance.

11 “(4) EXCEPTIONS FOR CERTAIN OTHER DIS-  
12 TRIBUTIONS.—Rules similar to the rules of para-  
13 graphs (3), (4), (5), and (6) of section 408(d) shall  
14 apply for purposes of this section.

15 “(e) TAX TREATMENT OF ACCOUNTS.—

16 “(1) EXEMPTION FROM TAX.—A S.A.F.E. ac-  
17 count is exempt from taxation under this subtitle  
18 unless such account has ceased to be a S.A.F.E. ac-  
19 count by reason of paragraph (2). Notwithstanding  
20 the preceding sentence, any such account is subject  
21 to the taxes imposed by section 511 (relating to im-  
22 position of tax on unrelated business income of char-  
23 itable, etc. organizations).

24 “(2) ACCOUNT TERMINATIONS.—Rules similar  
25 to the rules of paragraphs (2) and (4) of section

1 408(e) shall apply to S.A.F.E. accounts, and any  
2 amount treated as distributed under such rules shall  
3 be treated as not used to pay expenses described in  
4 subsection (d)(3).

5 “(f) ADDITIONAL TAX ON AMOUNTS INCLUDED IN  
6 GROSS INCOME.—If any distribution from a S.A.F.E. ac-  
7 count is includible in gross income of the account bene-  
8 ficiary, the tax liability of such beneficiary under this  
9 chapter for the taxable year in which the distribution is  
10 received shall be increased by an amount equal to 20 per-  
11 cent of the amount of the distribution.

12 “(g) OTHER DEFINITION AND SPECIAL RULES.—

13 “(1) ACCOUNT BENEFICIARY.—For purposes of  
14 this section, the term ‘account beneficiary’ means  
15 the individual for whose benefit the S.A.F.E. ac-  
16 count was established.

17 “(2) CERTAIN RULES TO APPLY.—Rules similar  
18 to the following rules shall apply for purposes of this  
19 section:

20 “(A) Section 219(d)(2) (relating to no de-  
21 duction for rollovers).

22 “(B) Section 219(f)(3) (relating to time  
23 when contributions deemed made).

24 “(C) Section 219(f)(5) (relating to em-  
25 ployer payments).



1           “(D) Section 408(g) (relating to commu-  
2           nity property laws).

3           “(E) Section 408(h) (relating to custodial  
4           accounts).

5           “(h) REPORTS.—The trustee of a S.A.F.E. account  
6 shall make such reports regarding such account to the  
7 Secretary and to the individual for whose benefit the ac-  
8 count is maintained with respect to contributions, dis-  
9 tributions, and such other matters as the Secretary may  
10 require under regulations. The reports required by this  
11 subsection shall be filed at such time and in such manner  
12 and furnished to such individuals at such time and in such  
13 manner as may be required by those regulations.”.

14           (b) DEDUCTION ALLOWED IN ARRIVING AT AD-  
15 JUSTED GROSS INCOME.—Subsection (a) of section 62 of  
16 such Code is amended by inserting after paragraph (17)  
17 the following new paragraph:

18           “(18) S.A.F.E. ACCOUNT CONTRIBUTIONS.—  
19           The deduction allowed by section 222.”.

20           (c) TAX ON EXCESS CONTRIBUTIONS.—

21           (1) Subsection (a) of section 4973 of such Code  
22           (relating to tax on excess contributions to individual  
23           retirement accounts, etc.) is amended by striking  
24           “or” at the end of paragraph (3), by inserting “or”

1 at the end of paragraph (4), and by inserting after  
2 paragraph (4) the following new paragraph:

3 “(5) a S.A.F.E. account (within the meaning of  
4 section 222(c)),”.

5 (2) Section 4973 of such Code is amended by  
6 adding at the end the following new subsection:

7 “(g) EXCESS CONTRIBUTIONS TO S.A.F.E. AC-  
8 COUNTS.—For purposes of this section, in the case of  
9 S.A.F.E. accounts (within the meaning of section 222(c)),  
10 the term ‘excess contributions’ means the sum of—

11 “(1) the excess (if any) of—

12 “(A) the aggregate amount contributed for  
13 the taxable year to the accounts (other than  
14 rollover contributions), over

15 “(B) the amount allowable as a deduction  
16 under section 222 for such contributions, and

17 “(2) the amount determined under this sub-  
18 section for the preceding taxable year, reduced by  
19 the sum of—

20 “(A) the distributions out of the accounts  
21 which were included in gross income under  
22 rules similar to the rules of section 408(d)(5)  
23 which apply to such accounts by reason of sec-  
24 tion 222(d)(4), and

25 “(B) the excess (if any) of—

1           “(i) the maximum amount allowable  
2           as a deduction under section 222(b) for  
3           the taxable year, over

4           “(ii) the amount contributed to the  
5           accounts for the taxable year.

6           For purposes of this subsection, any contribution  
7           which is distributed out of the S.A.F.E. account in  
8           a distribution to which the rules similar to the rules  
9           of section 408(d)(4) which apply to such accounts by  
10          reason of section 222(d)(4) shall be treated as an  
11          amount not contributed.”.

12          (d) TAX ON PROHIBITED TRANSACTIONS.—

13           (1) IN GENERAL.—Paragraph (1) of section  
14           4975(e) of such Code (relating to prohibited trans-  
15           actions) is amended by striking “or” at the end of  
16           subparagraph (E), by redesignating subparagraph  
17           (F) as subparagraph (G), and by inserting after sub-  
18           paragraph (E) the following new subparagraph:

19                   “(F) a S.A.F.E. account described in sec-  
20                   tion 222(e), or”.

21           (2) SPECIAL RULE.—Subsection (c) of section  
22           4975 of such Code is amended by adding at the end  
23           the following new paragraph:

24                   “(6) SPECIAL RULE FOR S.A.F.E. ACCOUNTS.—  
25           An individual for whose benefit a S.A.F.E. account

1 is established shall be exempt from the tax imposed  
 2 by this section with respect to any transaction con-  
 3 cerning such account (which would otherwise be tax-  
 4 able under this section) if section 222(e)(2) applies  
 5 with respect to such transaction.”.

6 (e) FAILURE TO PROVIDE REPORTS ON S.A.F.E. AC-  
 7 COUNTS.—Paragraph (2) of section 6693(a) of such Code  
 8 (relating to failure to provide reports on individual retire-  
 9 ment accounts or annuities) is amended by striking “and”  
 10 at the end of subparagraph (C), by striking the period at  
 11 the end of subparagraph (D) and inserting “, and”, and  
 12 by adding at the end the following new subparagraph:

13 “(E) Section 222(h) (relating to S.A.F.E.  
 14 accounts).”.

15 (f) CLERICAL AMENDMENTS.—

16 (1) The table of sections for part VII of sub-  
 17 chapter B of chapter 1 of such Code is amended by  
 18 striking the item relating to section 222 and insert-  
 19 ing the following new items:

“Sec. 222. S.A.F.E. accounts.

“Sec. 223. Cross references.”.

20 (2) The table of sections for chapter 43 of such  
 21 Code is amended by striking the item relating to sec-  
 22 tion 4973 and inserting the following new item:

“Sec. 4973. Tax on excess contributions to certain tax-favored accounts and  
 annuities, etc.”.

1 **SEC. 202. EFFECTIVE DATE.**

2 The amendments made by this title shall apply to  
3 contributions made for taxable years beginning after De-  
4 cember 31, 2005.

5 **TITLE III—CONFORMING**  
6 **AMENDMENTS TO THE SO-**  
7 **CIAL SECURITY ACT AND THE**  
8 **INTERNAL REVENUE CODE**  
9 **OF 1986**

10 **SEC. 301. REDUCTIONS IN AND EXEMPTIONS FROM FICA**  
11 **TAXES AND SECA TAXES WITH RESPECT TO**  
12 **ELIGIBLE INDIVIDUALS.**

13 (a) FICA TAX ON EMPLOYEES.—Section 3101 of the  
14 Internal Revenue Code of 1986 (relating to OASDI tax  
15 on employees) is amended—

16 (1) in subsection (a), by striking “In addition”  
17 and inserting “Subject to subsection (c), in addi-  
18 tion”;

19 (2) by redesignating subsection (c) as sub-  
20 section (d); and

21 (3) by inserting after subsection (b) the fol-  
22 lowing new subsection:

23 “(c) EXEMPTION FROM OASDI TAX FOR ELIGIBLE  
24 INDIVIDUALS.—Subsection (a) shall not apply with re-  
25 spect to wages received by an eligible individual (as de-

1 fined in section 101(4) of the Savings Account for Every  
2 American Act of 2005).”

3 (b) FICA TAX ON EMPLOYERS.—Section 3111 of  
4 such Code (relating to OASDI tax on employees) is  
5 amended—

6 (1) in subsection (a), by striking “In addition”  
7 and inserting “Subject to subsection (c), in addi-  
8 tion”;

9 (2) by redesignating subsection (c) as sub-  
10 section (d); and

11 (3) by inserting after subsection (b) the fol-  
12 lowing new subsection:

13 “(c) EXEMPTION FROM OASDI TAX WITH RESPECT  
14 TO ELIGIBLE INDIVIDUALS.—In the case of an eligible in-  
15 dividual (as defined in section 101(4) of the Savings Ac-  
16 count for Every American Act of 2005), effective with the  
17 16th calendar year for which such individual’s election  
18 under section 105 of such Act is effective, subsection (a)  
19 shall not apply with respect to wages received by such indi-  
20 vidual.”

21 (c) REDUCTION IN AND EXEMPTION FROM SELF-EM-  
22 PLOYMENT TAX.—Subsection (a) of section 1401 of such  
23 Code (relating to OASDI tax on self-employment income)  
24 is amended—

1           (1) in subsection (a), by striking “In addition”  
2           and inserting “Subject to subsection (c), in addi-  
3           tion”;

4           (2) by redesignating subsection (c) as sub-  
5           section (d); and

6           (3) by inserting after subsection (b) the fol-  
7           lowing new subsection:

8           “(c) ADJUSTMENT TO OASDI TAX.—

9           “(1) REDUCTION.—In the case of an eligible in-  
10          dividual (as defined in section 101(4) of the Savings  
11          Account for Every American Act of 2005), for tax-  
12          able years beginning with or during the 1st 15 cal-  
13          endar years for which such individual’s election is in  
14          effect under section 105 of such Act, the rate of tax  
15          under subsection (a) shall be 6.20 percent.

16          “(2) EXEMPTION.—In the case of such an eligi-  
17          ble individual, effective for taxable years beginning  
18          with or during the 16th calendar year for which  
19          such individual’s election under such section 105 is  
20          effective, subsection (a) shall not apply.”

21          (d) EFFECTIVE DATE.—The amendments made by  
22          this section shall apply with respect to wages received  
23          after December 31, 2006, and with respect to self-employ-  
24          ment income for taxable years beginning after such date.

1 **SEC. 302. EXCLUSION OF ELIGIBLE INDIVIDUALS FROM**  
2 **OLD-AGE, SURVIVORS, AND DISABILITY IN-**  
3 **SURANCE COVERAGE.**

4 (a) MONTHLY INSURANCE BENEFITS UNDER SEC-  
5 TION 202.—Section 202 of the Social Security Act (42  
6 U.S.C. 402) is amended by adding at the end the following  
7 new subsection:

8 “Limitation on Payment to Eligible Individuals Under  
9 Savings Account for Every American Act of 2005

10 “(z)(1) Notwithstanding any other provision of this  
11 title, no monthly benefits shall be paid under this section  
12 based on the wages and self-employment income of an eli-  
13 gible individual (as defined in section 101(4) of the Sav-  
14 ings Account for Every American Act of 2005).

15 “(2) Determinations of entitlement to hospital insur-  
16 ance benefits under section 226 or 226A shall be made  
17 without regard to paragraph (1).”.

18 (b) DISABILITY INSURANCE BENEFITS UNDER SEC-  
19 TION 223.—Section 223 of such Act (42 U.S.C. 423) is  
20 amended by adding at the end the following new sub-  
21 section:

22 “Limitation on Payment to Eligible Individuals Under  
23 Savings Account for Every American Act of 2005

24 “(k)(1) Notwithstanding any other provision of this  
25 title, no monthly benefits shall be paid under this section  
26 based on the wages and self-employment income of an eli-



1 gible individual (as defined in section 101(4) of the Sav-  
2 ings Account for Every American Act of 2005).

3 “(2) Determinations of entitlement to hospital insur-  
4 ance benefits under section 226 or 226A shall be made  
5 without regard to paragraph (1).”.

6 **SEC. 303. INFORMATION PROVIDED IN SOCIAL SECURITY**  
7 **ACCOUNT STATEMENTS.**

8 (a) IN GENERAL.—Section 1143 of the Social Secu-  
9 rity Act (42 U.S.C. 1320b–13) is amended to read as fol-  
10 lows:

11 “SOCIAL SECURITY ACCOUNT STATEMENT

12 “Provision of Annual Statements

13 “SEC. 1143. (a) The Commissioner of Social Security  
14 shall provide an annual social security account statement  
15 (hereinafter in this section referred to as the ‘statement’)  
16 to each eligible individual who is not receiving benefits  
17 under title II and for whom a mailing address can be de-  
18 termined through such methods as the Commissioner de-  
19 termines to be appropriate.

20 “Contents of Statement

21 “(b) Each statement shall contain—

22 “(1) the amount of wages paid to and self-em-  
23 ployment income derived by the eligible individual as  
24 shown by the records of the Commissioner;

25 “(2) an estimate of the aggregate of the em-  
26 ployer, employee, and self-employment contributions

1 of the eligible individual for old-age, survivors, and  
2 disability insurance as shown by the records of the  
3 Commissioner;

4 “(3) a separate estimate of the aggregate of the  
5 employer, employee, and self-employment contribu-  
6 tions of the eligible individual for hospital insurance  
7 as shown by the records of the Commissioner; and

8 “(4) an estimate of the potential monthly re-  
9 tirement, disability, survivor, and auxiliary benefits  
10 payable on the eligible individual’s account together  
11 with a description of the benefits payable under the  
12 medicare program of title XVIII.

13 “Eligible Individual

14 “(c) For purposes of this section, the term ‘eligible  
15 individual’ means an individual who—

16 “(1) has a social security account number, and

17 “(2) has wages or net earnings from self-em-  
18 ployment.”.

19 (b) EFFECTIVE DATE.—The amendment made by  
20 subsection (a) shall apply with respect to statements pro-  
21 vided on or after October 1, 2006.

○