

(H.R. 33) to amend the Securities Act of 1933 to specify when certain securities issued in connection with church plans are treated as exempted securities for purposes of that Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Church Plan Investment Clarification Act”.

SEC. 2. SECURITIES ACT OF 1933 AMENDMENT.

Section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2)) is amended—

(1) by inserting “(other than a retirement income account described in section 403(b)(9) of the Internal Revenue Code of 1986, to the extent that the interest or participation in such single trust fund or collective trust fund is issued to a church, a convention or association of churches, or an organization described in section 414(e)(3)(A) of such Code establishing or maintaining the retirement income account or to a trust established by any such entity in connection with the retirement income account)” after “403(b) of such Code”; and

(2) by inserting “(other than a person participating in a church plan who is described in section 414(e)(3)(B) of the Internal Revenue Code of 1986)” after “section 401(c)(1) of such Code”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Indiana (Mr. CARSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to add extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 33, the Church Plan Investment Clarification Act. I would like to thank my colleagues on the Financial Services Committee for their support of this legislation. I would also like to thank Mr. CARSON of Indiana for managing the bill for the other side of the aisle.

H.R. 33, the Church Plan Investment Clarification Act, is a technical corrections bill to amend Public Law 108-359, the Church Pension Fairness Act. It clarifies an exemption in current law to allow church pension plans, like secular pension plans, to invest in collective trusts.

Due to a technical error included in the 2004 law, the necessary exemption from the Securities Act of 1933 was not provided to give church pension plans access to collective trusts. Collective trusts allow pension plans to pool their assets, diversify their investments, and share risk and transaction costs with other pension plans, thereby reaping the benefits of collective buying power. Again, H.R. 33 clarifies that church pension plans, like secular plans, may invest in collective trusts.

On June 22, 2011, the House Committee on Financial Services by voice vote unanimously approved H.R. 33. This bill is similar to the original Church Pension Fairness Act bill, H.R. 1533, which the House passed in 2003 by a vote of 397-0.

Finally, the bill is supported by a number of organizations, including the Church Alliance; the General Board of Pension and Health Benefits of the United Methodist Church; the YMCA Retirement Fund; Everence Financial on behalf of the Mennonite Retirement Trust, the retirement plan for the Mennonite Church USA; the Seventh-Day Adventist Church in North America; Church Pension Group, on behalf of the Church Pension Fund, an independent agency of the Episcopal Church; the Ministers and Missionaries Benefit Board of the American Baptist Churches in the USA; the Board of Pensions of the Evangelical Lutheran Church in America; and the Pensions Board of the United Church of Christ.

With that, I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. CARSON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill would permit church pension plans to invest in collective trusts by correcting a technical error that resulted from the interaction of the securities laws and the Tax Code. In 2003, Mr. Speaker, Congress passed legislation that was intended to accomplish this goal, but the final law did not make the necessary corrections to the Securities Act of 1933. As such, IRS regulations currently prevent collective trusts from allowing investments by church plans.

This bill will make it more cost-efficient for a religious organization to manage its pension plans by allowing the plan to manage its assets through a collective trust mechanism alongside the assets of other pension plans. Church pension plans will no longer have to be managed separately, which creates greater costs to the plan and its participants. The bill, Mr. Speaker, effectively provides another option for church pension plans and allows them to be managed much more like other kinds of pension plans, and will minimize costs.

This bill is supported by the Church Alliance, a coalition of 37 denominational benefit programs that provide pensions and health benefits to more than 1 million clergy across this country, lay workers, and their family members.

Mr. Speaker, I urge adoption of this bill.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 33, “The Church Plan Investment Clarification Act.” This legislation will allow church pension plans to participate in collective trusts.

Collective trusts allow pension plans to combine assets to invest in various stock and non stock options. This provides pension plans an opportunity to diversify investment portfolios,

while sharing risks and transaction costs with other pension plans.

Under current law, thousands of church pension plans are denied participation in collective trusts, rendering them unable to pool their assets and reap the benefits of collective buying power. Many churches, as a result, experience difficulties and incur expenses when diversifying pension plan investments.

I support the Church Plan Investment Clarifications Act to amend the Securities Act of 1933. Amending current securities legislation will broaden the existing exemption to collective trusts to include church pension plans. This bill will clarify that clergy and lay workers are able to invest in collective trusts, despite their unique tax status. The Act affords church pension plans the same securities law treatment that is extended to governmental plans.

Churches provide invaluable services to our communities. Across the Nation, church pension plans will benefit from this bipartisan bill, including churches in Houston, Texas, where I represent the 18th Congressional District. Churches such as the Belfort Seventh Day Adventist Church, New Light Christian Church and the Community of Faith Church. This legislation will be of great significance to the Wheeler Avenue Baptist Church, the St. John Missionary Baptist Church on Dowling, the Brooks Hollow Baptist Church, and Houses of worship throughout our community and Nation.

These faith institutions in Houston, as well as throughout the country, will no longer have to individually bear the burden of high fees on investment transactions for their retirement plans. The clergy and lay workers that will benefit from this legislation have spent their entire careers serving others. The least we can offer in return is the opportunity for these pension plans to pool their resources in order to decrease costs associated with funding their retirement plans.

This bill is also supported by The Church Alliance, the Seventh Day Adventist Church, the YMCA Retirement Fund, the Church Pension Group, and others. I thank my friend from Illinois for sponsoring this important legislation, and urge my colleagues to work together to pass the Church Plan Investment Clarification Act.

Mr. CARSON of Indiana. I yield back the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 33, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. BIGGERT. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 7 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SMITH of Nebraska) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: the motion to suspend on H.R. 33; and approval of the Journal, if ordered.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

CHURCH PLAN INVESTMENT CLARIFICATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 33) to amend the Securities Act of 1933 to specify when certain securities issued in connection with church plans are treated as exempted securities for purposes of that Act, as amended, 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 motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 310, nays 1, not voting 120, as follows:

[Roll No. 601]

YEAS—310

Ackerman	Buerkle	Crenshaw
Adams	Burgess	Critz
Aderholt	Butterfield	Cuellar
Alexander	Canseco	Culberson
Altmire	Cantor	Cummings
Austria	Capito	Davis (IL)
Baca	Carnahan	Davis (KY)
Bachus	Carney	DeLauro
Baldwin	Carson (IN)	Denham
Barletta	Cassidy	DesJarlais
Bartlett	Chabot	Deutch
Barton (TX)	Chaffetz	Diaz-Balart
Bass (CA)	Chandler	Dold
Bass (NH)	Chu	Donnelly (IN)
Becerra	Cicilline	Doyle
Benishek	Clarke (MI)	Dreier
Berg	Clarke (NY)	Duffy
Berkley	Cleaver	Duncan (SC)
Biggert	Clyburn	Duncan (TN)
Bilbray	Coffman (CO)	Edwards
Bishop (UT)	Cohen	Elmers
Blackburn	Cole	Engel
Bonner	Conaway	Farenthold
Boustany	Connolly (VA)	Fincher
Brady (TX)	Conyers	Fitzpatrick
Braley (IA)	Cooper	Fleischmann
Brown (GA)	Courtney	Fleming
Brown (FL)	Crawford	Flores

Fox	Latham	Rogers (KY)
Frank (MA)	LaTourette	Rogers (MI)
Franks (AZ)	Latta	Rooney
Frelinghuysen	Levin	Ros-Lehtinen
Fudge	Lewis (CA)	Roskam
Gallegly	Lewis (GA)	Ross (AR)
Garamendi	LoBiondo	Ross (FL)
Gardner	Long	Roybal-Allard
Garrett	Lowey	Royce
Gibbs	Lucas	Runyan
Gibson	Luetkemeyer	Ruppersberger
Gohmert	Lujan	Ryan (OH)
Gonzalez	Lummis	Ryan (WI)
Goodlatte	Lungren, Daniel E.	Sánchez, Linda T.
Gosar	Maloney	Sarbanes
Gowdy	Graves (GA)	Scalise
Green, Al	Green, Al	Schiff
Green, Gene	Matheson	Schilling
Griffin (AR)	Matsui	Schmidt
Griffith (VA)	McCarthy (CA)	Schock
Grimm	McCarthy (NY)	Schwartz
Guinta	McClintock	Schweikert
Guthrie	McGovern	Scott (SC)
Hall	McIntyre	Scott (VA)
Hanabusa	McKinley	Scott, Austin
Hanna	McMorris	Scott, David
Harper	Rodgers	Sensenbrenner
Hartzler	Meehan	Serrano
Hastings (FL)	Mica	Sessions
Hayworth	Miller (FL)	Sewell
Heck	Miller (MI)	Sherman
Hensarling	Miller (NC)	Shuler
Herger	Moore	Sires
Herrera Beutler	Moran	Smith (NE)
Higgins	Murphy (CT)	Smith (NJ)
Himes	Murphy (PA)	Smith (TX)
Hinojosa	Myrick	Southerland
Hirono	Nadler	Stark
Hochul	Napolitano	Stearns
Holden	Neal	Stivers
Holt	Neugebauer	Sullivan
Honda	Noem	Sutton
Hoyer	Nugent	Terry
Huelskamp	Nunes	Thompson (CA)
Huizenga (MI)	Olson	Thompson (MS)
Hunter	Pallone	Thompson (PA)
Hurt	Pastor (AZ)	Thornberry
Inslee	Paul	Tierney
Israel	Payne	Tipton
Jackson (IL)	Pearce	Tonko
Jackson Lee (TX)	Pelosi	Towns
Jenkins	Peters	Turner
Johnson (GA)	Peterson	Upton
Johnson (OH)	Petri	Van Hollen
Johnson, E. B.	Pitts	Velázquez
Johnson, Sam	Platts	Visclosky
Jones	Polis	Walden
Jordan	Posey	Walsh (IL)
Keating	Price (GA)	Walz (MN)
Kelly	Price (NC)	Wasserman
Kildee	Quigley	Schultz
Kind	Rahall	Waxman
King (IA)	Rangel	Webster
King (NY)	Reed	Welch
Kingston	Rehberg	West
Kissell	Reichert	Westmoreland
Kline	Renacci	Whitfield
Kucinich	Reyes	Wilson (SC)
Lamborn	Ribble	Wittman
Lance	Richardson	Wolf
Landry	Richmond	Womack
Langevin	Rigell	Woodall
Lankford	Rivera	Woolsey
Larsen (WA)	Roby	Yarmuth
Larson (CT)	Roe (TN)	Yoder
	Rogers (AL)	Young (IN)

NAYS—1

Amash

NOT VOTING—120

Burton (IN)	DeGette
Calvert	Dent
Camp	Dicks
Campbell	Dingell
Capps	Doggett
Capuano	Ellison
Cardoza	Emerson
Carter	Eshoo
Castor (FL)	Farr
Clay	Fattah
Coble	Filner
Costa	Flake
Costello	Forbes
Cravatack	Fortenberry
Crowley	Gerlach
Davis (CA)	Giffords
DeFazio	Gingrey (GA)

Granger	McCollum	Rohrabacher
Graves (MO)	McCotter	Rokita
Grijalva	McDermott	Rothman (NJ)
Gutierrez	McHenry	Rush
Harris	McKeon	Sanchez, Loretta
Hastings (WA)	McNerney	Schakowsky
Heinrich	Meeks	Schrader
Hinchey	Michaud	Shimkus
Hultgren	Miller, Gary	Shuster
Issa	Miller, George	Simpson
Johnson (IL)	Mulvaney	Slaughter
Kaptur	Nunnelee	Smith (WA)
Kinzing (IL)	Olver	Speier
Labrador	Owens	Stutzman
Lee (CA)	Palazzo	Tiberi
Lipinski	Pascarell	Tsongas
Loeb sack	Paulsen	Walberg
Lofgren, Zoe	Pence	Waters
Lynch	Perlmutter	Watt
Mack	Pingree (ME)	Wilson (FL)
Manzullo	Poe (TX)	Wu
Marchant	Pompeo	Young (AK)
McCaul	Quayle	Young (FL)

□ 1858

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 601, I was unable to vote due to previous commitments in my district. Had I been present, I would have voted "yes."

Mr. HARRIS. Mr. Speaker, on rollcall No. 601, I was unavoidably detained from arriving before the close of the vote. Had I been present, I would have voted "aye."

Mrs. BLACK. Mr. Speaker, on rollcall No. 601, for final passage of H.R. 33, I was previously detained for a family matter. Had I been present, I would have voted "aye."

Ms. WILSON of Florida. Mr. Speaker, I was unable to attend to votes in the House today. Had I been present, I would have voted "aye" on final passage of H.R. 33, the Church Plan Investment Clarification Act.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 244, nays 56, answered "present" 1, not voting 130, as follows:

[Roll No. 602]

YEAS—244

Ackerman	Alexander	Bachus
Adams	Austria	Barletta
Aderholt	Baca	Bartlett