

115TH CONGRESS
2D SESSION

H. R. 6540

To increase portability of and access to retirement savings, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2018

Ms. BONAMICI (for herself, Mr. MESSER, and Mr. BANKS of Indiana) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, 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 increase portability of and access to retirement savings,
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.**

4 This Act may be cited as the “Retirement Savings
5 Lost and Found Act of 2018”.

6 **SEC. 2. RETIREMENT SAVINGS LOST AND FOUND.**

7 (a) ESTABLISHMENT.—

1 (1) IN GENERAL.—Not later than 2 years after
2 the date of the enactment of this Act, the Commis-
3 sioner of Social Security and the Secretary of the
4 Treasury in cooperation shall establish an online
5 mechanism to be known as the “Retirement Savings
6 Lost and Found”, to be managed by the Director of
7 the Retirement Savings Lost and Found established
8 under section 4 of this Act—

9 (A) to allow an individual to search for in-
10 formation that enables the individual to locate
11 the plan administrator of any plans with re-
12 spect to which the individual is a participant or
13 beneficiary, and to provide contact information
14 for the plan administrator of any plan described
15 in paragraph (2) with respect to which the indi-
16 vidual may be entitled to a benefit;

17 (B) to allow such Director to assist such
18 an individual in locating any plan of the indi-
19 vidual; and

20 (C) to allow such Director to make any
21 necessary changes to contact information on
22 record for the plan administrator based on any
23 changes to the plan due to merger or consolida-
24 tion of the plan with any other plan, division of
25 the plan into two or more plans, bankruptcy,

1 termination, change in name of the plan,
2 change in name or address of the plan adminis-
3 trator, or other causes.

4 The Retirement Savings Lost and Found established
5 under this paragraph shall contain the information
6 obtained by the Commissioner of Social Security re-
7 garding deferred vested benefits under section 6057
8 of the Internal Revenue Code of 1986 (including in-
9 formation so obtained before the date of the enact-
10 ment of this Act). Such information shall be re-
11 tained in the Retirement Savings Lost and Found in
12 perpetuity.

13 (2) PLANS DESCRIBED.—A plan described in
14 this paragraph is a plan to which the vesting stand-
15 ards of section 203 of part 2 of subtitle B of title
16 I of the Employee Retirement Income Security Act
17 of 1974 apply.

18 (b) ADMINISTRATION.—The Retirement Savings Lost
19 and Found established under subsection (a) shall provide
20 individuals described in subsection (a)(1) only with the
21 ability to view contact information for the plan adminis-
22 trator of any plan with respect to which the individual is
23 a participant or beneficiary, sufficient to allow the indi-
24 vidual to locate the individual's plan.

25 (c) CURRENT INFORMATION.—

1 (1) IN GENERAL.—Paragraph (2) of section
2 6057(a) of the Internal Revenue Code of 1986 is
3 amended—

4 (A) in subparagraph (C)—

5 (i) by striking “during such plan
6 year” in clause (i) and inserting “during
7 the plan year immediately preceding such
8 plan year”;

9 (ii) by adding “and” at the end of
10 clause (i); and

11 (iii) by striking clause (iii);

12 (B) by redesignating subparagraph (E) as
13 subparagraph (G);

14 (C) by striking “and” at the end of sub-
15 paragraph (D); and

16 (D) by inserting after subparagraph (D)
17 the following new subparagraphs:

18 “(E) the name and taxpayer identifying
19 number of each participant or former partici-
20 pant in the plan—

21 “(i) who, during any previous plan
22 year, was reported under subparagraph
23 (C), and with respect to whom the benefits
24 described in subparagraph (C)(ii) were
25 fully paid during the plan year,

1 “(ii) with respect to whom any
 2 amount was distributed under section
 3 401(a)(31)(B) during the plan year, or

4 “(iii) with respect to whom a deferred
 5 annuity contract was distributed during
 6 the plan year,

7 “(F) in the case of a participant or former
 8 participant to whom subparagraph (E) ap-
 9 plies—

10 “(i) in the case of a participant de-
 11 scribed in clause (ii) thereof, the name and
 12 address of the designated trustee or issuer
 13 described in section 401(a)(31)(B)(i) and
 14 the account number of the individual re-
 15 tirement plan to which the amount was
 16 distributed, and

17 “(ii) in the case of a participant de-
 18 scribed in clause (iii) thereof, the name
 19 and address of the issuer of such annuity
 20 contract and the contract or certificate
 21 number, and”.

22 (2) RULES RELATING TO DIRECT TRUSTEE-TO-
 23 TRUSTEE TRANSFERS.—

24 (A) IN GENERAL.—Paragraph (6) of sec-
 25 tion 402(e) of such Code is amended—

1 (i) by striking “TRANSFERS.—Any”

2 and inserting “TRANSFERS.—

3 “(A) IN GENERAL.—Any”; and

4 (ii) by adding at the end the following
5 new subparagraph:

6 “(B) NOTIFICATION OF TRUSTEE.—In the
7 case of a distribution under section
8 401(a)(31)(B), the plan administrator shall no-
9 tify the designated trustee or issuer described
10 in clause (i) thereof that the transfer is a man-
11 datory distribution required by such section.”.

12 (B) PENALTY.—Subsection (i) of section
13 6652 of such Code is amended—

14 (i) by striking “TO RECIPIENTS” in
15 the heading and inserting “OR NOTIFICA-
16 TION”;

17 (ii) by striking “402(f),” and insert-
18 ing “402(f) or a notification as required by
19 section 402(e)(6)(B),”; and

20 (iii) by striking “such written expla-
21 nation” and inserting “such written expla-
22 nation or notification”.

23 (C) REPORTS.—Subsection (i) of section
24 408 of such Code is amended—

1 (i) by redesignating subparagraphs
 2 (A) and (B) of paragraph (2) as clauses (i)
 3 and (ii), respectively, and by moving such
 4 clauses 2 ems to the right;

5 (ii) by redesignating paragraphs (1)
 6 and (2) as subparagraphs (A) and (B), re-
 7 spectively, and by moving such subpara-
 8 graphs 2 ems to the right;

9 (iii) by striking “as the Secretary pre-
 10 scribes” in subparagraph (B)(ii), as so re-
 11 designated, and all that follows through “a
 12 simple retirement account” and inserting
 13 “as the Secretary prescribes.

14 “(3) SIMPLE RETIREMENT ACCOUNTS.—In the
 15 case of a simple retirement account”;

16 (iv) by striking “REPORTS.—The
 17 trustee of” and inserting “REPORTS.—

18 “(1) IN GENERAL.—The trustee of”;

19 (v) by striking “under paragraph (2)”
 20 in paragraph (3), as redesignated by clause
 21 (iii), and inserting “under paragraph
 22 (1)(B)”;

23 (vi) by inserting after paragraph
 24 (1)(B)(ii), as redesignated by the pre-

1 ceding clauses, the following new para-
 2 graph:

3 “(2) MANDATORY DISTRIBUTIONS.—In the case
 4 of an account, contract, or annuity to which a trans-
 5 fer under section 401(a)(31)(B) is made (including
 6 a transfer from the individual retirement plan to
 7 which the original transfer under such section was
 8 made to another individual retirement plan), the re-
 9 port required by this subsection for the year of the
 10 transfer shall—

11 “(A) identify such transfer as a mandatory
 12 distribution required by such section,

13 “(B) include the name, address, and tax-
 14 payer identifying number of the trustee or
 15 issuer of the individual retirement plan to which
 16 the amount is transferred, and

17 “(C) be filed with the Director of the Re-
 18 tirement Savings Lost and Found established
 19 under section 2(a) of the Retirement Savings
 20 Lost and Found Act of 2018 as well as with the
 21 Secretary.”.

22 (3) NOTIFICATION OF PARTICIPANTS UPON SEP-
 23 ARATION.—Subsection (e) of section 6057 of such
 24 Code is amended by inserting “, and a notice of the
 25 availability of the Retirement Savings Lost and

1 Found established under section 2(a) of the Retire-
 2 ment Savings Lost and Found Act of 2018” before
 3 the period at the end of the second sentence.

4 (4) EFFECTIVE DATE.—The amendments made
 5 by this subsection shall apply to distributions made
 6 in, and returns and reports relating to, years begin-
 7 ning after the second December 31 occurring after
 8 the date of the enactment of this Act.

9 (d) COORDINATION WITH DISTRIBUTION REQUIRE-
 10 MENTS, FIDUCIARY DUTIES, ETC.—

11 (1) AMENDMENT OF INTERNAL REVENUE CODE
 12 OF 1986.—Paragraph (9) of section 401(a) of the In-
 13 ternal Revenue Code of 1986 is amended by adding
 14 at the end the following new subparagraph:

15 “(H) COORDINATION WITH RETIREMENT
 16 SAVINGS LOST AND FOUND.—

17 “(i) IN GENERAL.—With respect to
 18 any lost or missing participant of a plan,
 19 the plan shall not be treated as failing to
 20 satisfy the requirements of this paragraph
 21 or any other requirement of this title which
 22 cannot be satisfied due to the plan’s inabil-
 23 ity to locate the participant.

24 “(ii) LOST OR MISSING PARTICI-
 25 PANT.—For purposes of subclause (i), the

1 term ‘lost or missing participant’ means
2 any employee or the beneficiary of an em-
3 ployee with respect to whom the plan ad-
4 ministrator or other responsible party (in-
5 cluding a plan service provider or trustee
6 or issuer of an individual retirement plan
7 receiving a transfer described in section
8 401(a)(31)(B)) has—

9 “(I) satisfied the requirements of
10 section 6057(a),

11 “(II) made at least one unsuc-
12 cessful attempt to contact the indi-
13 vidual at the most recent address
14 maintained for the individual in the
15 records of the plan, by certified mail
16 or other similar delivery service if the
17 most recent address is a physical ad-
18 dress, and by electronic mail or other
19 electronic communication if the only
20 address on record is an electronic ad-
21 dress, and

22 “(III) has taken at least one
23 (two, in the case of an individual for
24 whom the plan records contain only
25 an electronic address) of the addi-

1 tional measures described in clause
2 (iii) to attempt to locate the indi-
3 vidual.

4 “(iii) ADDITIONAL MEASURES.—The
5 additional measures described in this
6 clause are the following, when taken by a
7 plan administrator or other responsible
8 party:

9 “(I) Checked with the adminis-
10 trator of a related plan or checked the
11 plan sponsor’s records for an updated
12 address.

13 “(II) Made at least one unsuc-
14 cessful attempt to contact the individ-
15 ual’s designated plan beneficiary, by
16 the methods described in clause
17 (ii)(II).

18 “(III) Performed at least one
19 search using free electronic search
20 tools.

21 “(IV) Attempted to locate the
22 participant using a commercial locator
23 service.

24 “(iv) CESSATION OF STATUS.—An in-
25 dividual shall cease to be treated as a lost

1 or missing participant during any period
 2 the plan administrator has actual knowl-
 3 edge of the individual's whereabouts and
 4 how to contact the individual, except that
 5 the requirements of this paragraph and
 6 any other requirement of this title which
 7 cannot be satisfied if the plan is unable to
 8 locate a participant shall be waived for the
 9 180-day period beginning on the date the
 10 plan administrator first had such actual
 11 knowledge.

12 “(v) JOINT REGULATORY AUTHOR-
 13 ITY.—Any temporary, proposed, or final
 14 regulation or other guidance of general ap-
 15 plicability under this subparagraph shall be
 16 issued jointly by the Internal Revenue
 17 Service, Department of the Treasury, the
 18 Employee Benefits Security Administra-
 19 tion, Department of Labor, and the Pen-
 20 sion Benefit Guaranty Corporation.”.

21 (2) AMENDMENT OF EMPLOYEE RETIREMENT
 22 INCOME SECURITY ACT OF 1974.—

23 (A) IN GENERAL.—Section 404 of the Em-
 24 ployee Retirement Income Security Act of 1974

1 (29 U.S.C. 1104) is amended by adding at the
2 end the following new subsection:

3 “(e) COORDINATION WITH RETIREMENT SAVINGS
4 LOST AND FOUND.—

5 “(1) IN GENERAL.—With respect to any lost or
6 missing participant of a plan, a fiduciary of the plan
7 shall not be treated as failing to satisfy any require-
8 ment to search for or attempt to locate, or to pro-
9 vide any document or information to, such indi-
10 vidual, or any other requirement of this title which
11 cannot be satisfied due to the plan’s inability to lo-
12 cate the participant.

13 “(2) LOST OR MISSING PARTICIPANT.—For
14 purposes of paragraph (1), the term ‘lost or missing
15 participant’ means any participant or former partici-
16 pant, or the beneficiary of any such individual, with
17 respect to whom the plan administrator or other re-
18 sponsible party (including a plan service provider or
19 trustee or issuer of an individual retirement plan re-
20 ceiving a transfer described in section
21 401(a)(31)(B)) has—

22 “(A) satisfied the requirements of section
23 6057(a) of the Internal Revenue Code of 1986,

24 “(B) made at least one unsuccessful at-
25 tempt to contact the individual at the most re-

1 cent address maintained for the individual in
2 the records of the plan, by certified mail or
3 other similar delivery service if the most recent
4 address is a physical address, and by electronic
5 mail or other electronic communication if the
6 only address on record is an electronic address,
7 and

8 “(C) has taken at least one (two, in the
9 case of an individual for whom the plan records
10 contain only an electronic address) of the addi-
11 tional measures described in paragraph (3) to
12 attempt to locate the individual.

13 “(3) ADDITIONAL MEASURES.—The additional
14 measures described in this paragraph are the fol-
15 lowing, when taken by a plan administrator or other
16 responsible party:

17 “(A) Checked with the administrator of a
18 related plan or checked the plan sponsor’s
19 records for an updated address.

20 “(B) Made at least one unsuccessful at-
21 tempt to contact the individual’s designated
22 plan beneficiary, by the methods described in
23 paragraph (2)(B).

24 “(C) Performed at least one search using
25 free electronic search tools.

1 “(D) Attempted to locate the participant
2 using a commercial locator service.

3 “(4) CESSATION OF STATUS.—An individual
4 shall cease to be treated as a lost or missing partici-
5 pant during any period the plan administrator has
6 actual knowledge of the individual’s whereabouts
7 and how to contact the individual, except that the
8 requirements described in paragraph (1) shall be
9 waived for the 180-day period beginning on the date
10 the plan administrator first had such actual knowl-
11 edge.

12 “(5) JOINT REGULATORY AUTHORITY.—Any
13 temporary, proposed, or final regulation or other
14 guidance of general applicability under this sub-
15 section shall be issued jointly by the Internal Rev-
16 enue Service, Department of the Treasury, the Em-
17 ployee Benefits Security Administration, Depart-
18 ment of Labor, and the Pension Benefit Guaranty
19 Corporation.”.

20 (B) CONFORMING AMENDMENTS.—Section
21 4050(a)(1) of the Employee Retirement Income
22 Security Act of 1974 (29 U.S.C. 1350(a)(1)) is
23 amended—

24 (i) in subparagraph (B)—

1 (I) by striking “provides” and in-
2 serting “either—

3 “(i) provides”;

4 (II) by striking the period at the
5 end and inserting “; or”; and

6 (III) by adding at the end the
7 following new clause:

8 “(ii) satisfies the requirements of sec-
9 tion 6057(a) of the Internal Revenue Code
10 of 1986.”; and

11 (ii) by adding at the end the following
12 flush language:

13 “Any temporary, proposed, or final regulation or
14 other guidance of general applicability under this
15 subsection shall be issued jointly by the Internal
16 Revenue Service, Department of the Treasury, the
17 Employee Benefits Security Administration, Depart-
18 ment of Labor, and the Pension Benefit Guaranty
19 Corporation.”.

20 (e) REQUIREMENT OF ELECTRONIC FILING.—

21 (1) IN GENERAL.—Paragraph (2) of section
22 6011(e) of the Internal Revenue Code of 1986 is
23 amended—

1 (A) by redesignating subparagraphs (A)
 2 and (B) as clauses (i) and (ii), respectively, and
 3 by moving such clauses 2 ems to the right;

4 (B) by striking “the requirements of such
 5 regulations” and all that follows through “the
 6 Secretary shall require” and inserting “the re-
 7 quirements of such regulations.

8 “(B) CERTAIN PARTNERSHIPS.—Notwith-
 9 standing subparagraph (A), the Secretary shall
 10 require”;

11 (C) by striking “REGULATIONS.—In pre-
 12 scribing” and inserting “REGULATIONS.—

13 “(A) IN GENERAL.—In prescribing”; and

14 (D) by adding at the end the following new
 15 subparagraph:

16 “(C) EXCEPTIONS.—Notwithstanding sub-
 17 paragraph (A), the Secretary shall require re-
 18 turns or reports required under—

19 “(i) sections 6057, 6058, and 6059,
 20 and

21 “(ii) sections 408(i), 6041, and 6047
 22 to the extent such return or report relates
 23 to the tax treatment of a distribution from
 24 a plan, account, contract, or annuity,

1 to be filed on magnetic media, but only with re-
2 spect to persons who are required to file at
3 least 50 returns during the calendar year which
4 includes the first day of the plan year to which
5 such returns or reports relate.”.

6 (2) EFFECTIVE DATE.—The amendments made
7 by this subsection shall apply to returns and reports
8 relating to years beginning after the second Decem-
9 ber 31 occurring after the date of the enactment of
10 this Act.

11 (f) SAFEGUARDING PARTICIPANT PRIVACY AND SE-
12 CURITY.—In establishing the Retirement Savings Lost
13 and Found under subsection (a), the Commissioner of So-
14 cial Security and the Secretary of the Treasury shall take
15 all necessary and proper precautions, including consulting
16 with the Secretary of Health and Human Services, to en-
17 sure that individuals’ plan information maintained by the
18 Retirement Savings Lost and Found is protected and that
19 persons other than the individual cannot fraudulently
20 claim the benefits to which any individual is entitled, and
21 to allow any individual to opt out of inclusion in the Lost
22 and Found at the election of the individual.

23 (g) CONFORMING AMENDMENT.—Subparagraph (B)
24 of section 6103(l)(1) of the Internal Revenue Code of
25 1986 is amended by striking “responsibility under section

1 1131 of the Social Security Act” and inserting “respon-
 2 sibilities under section 1131 of the Social Security Act and
 3 section 2(a)(1) of the Retirement Savings Lost and Found
 4 Act of 2018”.

5 (h) AUTHORIZATION OF APPROPRIATIONS.—There
 6 are authorized to be appropriated such sums as may be
 7 necessary to carry out the purposes of this section.

8 **SEC. 3. MANDATORY TRANSFERS OF ROLLOVER DISTRIBUTIONS.**
 9

10 (a) INVESTMENT OPTIONS.—

11 (1) IN GENERAL.—Subparagraph (B) of section
 12 404(c)(3) of the Employee Retirement Income Security
 13 Act of 1974 (29 U.S.C. 1104(c)(3)) is amended
 14 by striking the period at the end and inserting “,
 15 and, to the extent the Secretary provides in guidance
 16 or regulations issued after the enactment of the Retirement
 17 Savings Lost and Found Act of 2018, is
 18 made to—

19 “(i) a target date or life cycle fund
 20 held under such account;

21 “(ii) as described in section
 22 2550.404a–2 of title 29, Code of Federal
 23 Regulations, an investment product held
 24 under such account designed to preserve

1 principal and provide a reasonable rate of
2 return;

3 “(iii) the Director of the Retirement
4 Savings Lost and Found in accordance
5 with section 4(b)(1) of the Retirement Sav-
6 ings Lost and Found Act of 2018 or an in-
7 dividual retirement account (as defined in
8 section 408(a) of the Internal Revenue
9 Code of 1986) established by the Secretary
10 of the Treasury on behalf of the partici-
11 pant or beneficiary, but only if all applica-
12 ble reporting requirements are met with re-
13 spect to such transfer; or

14 “(iv) such other option as the Sec-
15 retary may so provide.”.

16 (2) REGULATIONS.—Not later than 270 days
17 after the date of the enactment of this Act, the Sec-
18 retary of Labor shall promulgate regulations identi-
19 fying the target date or life cycle funds, or speci-
20 fying the characteristics of such a fund, that will be
21 deemed to meet the requirements of section
22 404(c)(3)(B)(i) of the Employee Retirement Income
23 Security Act of 1974 (29 U.S.C. 1104(c)(3)(B)), as
24 amended by paragraph (1).

1 (b) EXPANSION OF CAP; AUTHORITY TO TRANSFER
 2 LESSER AMOUNTS.—

3 (1) CAP.—Sections 401(a)(31)(B)(ii) and
 4 411(a)(11)(A) of the Internal Revenue Code of 1986
 5 and section 203(e)(1) of the Employee Retirement
 6 Income Security Act of 1974 are each amended by
 7 striking “\$5,000” and inserting “\$6,000”.

8 (2) LESSER AMOUNTS.—Subparagraph (B) of
 9 section 401(a)(31) of such Code is amended by add-
 10 ing at the end the following new clauses:

11 “(iii) TREATMENT OF LESSER
 12 AMOUNTS.—In the case of a trust which is
 13 part of an eligible plan, such trust shall
 14 not be a qualified trust under this section
 15 unless such plan provides that, if a partici-
 16 pant in the plan separates from the service
 17 covered by the plan and the nonforfeitable
 18 accrued benefit described in clause (ii) is
 19 not in excess of \$1,000, the plan adminis-
 20 trator shall (either separately or as part of
 21 the notice under section 402(f)) notify the
 22 participant that the participant is entitled
 23 to such benefit or attempt to pay the ben-
 24 efit directly to the participant.

1 “(iv) TRANSFERS TO RETIREMENT
2 SAVINGS LOST AND FOUND OR TREAS-
3 URY.—If, after a plan administrator takes
4 the action required under clause (iii), the
5 participant does not—

6 “(I) within 6 months of the noti-
7 fication under such clause, make an
8 election under subparagraph (A) or
9 elect to receive a distribution of the
10 benefit directly, or

11 “(II) accept any direct payment
12 made under such clause within 6
13 months of the attempted payment,
14 the plan administrator shall transfer the
15 amount of such benefit to the Director of
16 the Retirement Savings Lost and Found in
17 accordance with section 4(b)(1) of the Re-
18 tirement Savings Lost and Found Act of
19 2018 or to an individual retirement ac-
20 count (as defined in section 408(a)) estab-
21 lished by the Secretary on behalf of the in-
22 dividual.

23 “(v) INCOME TAX TREATMENT OF
24 TRANSFERS TO RETIREMENT SAVINGS
25 LOST AND FOUND.—For purposes of deter-

1 mining the income tax treatment of trans-
2 fers to the Director of the Retirement Sav-
3 ings Lost and Found under clause (iv)—

4 “(I) such a transfer shall be
5 treated as a transfer to an individual
6 retirement plan under clause (i), and

7 “(II) the distribution of such
8 amounts by the Director of the Re-
9 tirement Savings Lost and Found
10 shall be treated as a distribution from
11 an individual retirement plan.”.

12 (3) EFFECTIVE DATE.—The amendments made
13 by this subsection shall apply to vested benefits with
14 respect to participants who separate from service
15 connected to the plan in plan years beginning after
16 the second December 31 occurring after the date of
17 the enactment of this Act.

18 (4) RULE OF CONSTRUCTION.—Nothing in this
19 Act shall be interpreted to prohibit a plan adminis-
20 trator from transferring the accounts of missing par-
21 ticipants to the Pension Benefit Guaranty Corpora-
22 tion pursuant to section 4050 of the Employee Re-
23 tirement Income Security Act of 1974.

1 **SEC. 4. OFFICE OF THE RETIREMENT SAVINGS LOST AND**
2 **FOUND.**

3 (a) IN GENERAL.—Not later than one year after the
4 date of the enactment of this Act, the Commissioner of
5 Social Security and the Secretary of the Treasury shall
6 establish within the appropriate agency or subdivision
7 thereof an Office of the Retirement Savings Lost and
8 Found, to be administered by a Director of the Retirement
9 Savings Lost and Found who (without regard to the agen-
10 cy or subdivision where such Office is established) shall
11 report to both such Commissioner and such Secretary.

12 (b) RESPONSIBILITIES OF DIRECTOR.—

13 (1) IN GENERAL.—In addition to administering
14 the Retirement Savings Lost and Found under sec-
15 tion 2 and carrying out the duties described in sub-
16 paragraphs (B) and (C) of section 2(a)(1), the Di-
17 rector of the Retirement Savings Lost and Found
18 established under this section shall—

19 (A) perform an annual audit of plan infor-
20 mation contained in the Retirement Savings
21 Lost and Found and ensure that such informa-
22 tion is current and accurate;

23 (B) invest any amount transferred under
24 section 401(a)(31)(B)(iv) of the Internal Rev-
25 enue Code of 1986 in United States Treasury
26 securities;

1 (C) upon application filed by the partici-
2 pant or beneficiary in such form and manner as
3 may be prescribed in regulations, pay to the
4 participant or beneficiary the amount trans-
5 ferred (or the appropriate survivor benefit) ei-
6 ther—

7 (i) in a single sum (plus interest); or

8 (ii) in such other form as is specified
9 in regulations; and

10 (D) identify such amount as eligible to be
11 paid into an eligible retirement plan described
12 in section 402(c)(8)(B) of the Internal Revenue
13 Code of 1986.

14 (2) OPTION TO CONTRACT.—The Director of
15 the Retirement Savings Lost and Found shall con-
16 duct an analysis of the cost effectiveness of con-
17 tracting with a third party to carry out the respon-
18 sibilities under paragraph (1) and, if the Director
19 determines that it would be more cost effective to do
20 so than to carry out such responsibilities within the
21 Office of the Retirement Savings Lost and Found,
22 the Director shall report to the Committees on Fi-
23 nance and Health, Education, Labor, and Pensions
24 of the Senate and the Committees on Ways and
25 Means and Education and the Workforce of the

1 House of Representatives the intention to so con-
2 tract.

3 (3) OPTION TO PRESCRIBE PROTOCOLS.—The
4 Director of the Retirement Savings Lost and Found
5 may establish protocols to assist participants origi-
6 nally treated as lost or missing in claiming their
7 benefits under a plan.

8 (4) COORDINATION.—The Director of the Re-
9 tirement Savings Lost and Found shall coordinate
10 with the Pension Benefit Guaranty Corporation and
11 other applicable agencies to integrate information
12 and databases on lost, missing, and inactive partici-
13 pants.

○