To amend the Internal Revenue Code of 1986 to permit treatment of student loan payments as elective deferrals for purposes of employer matching contributions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. WYDEN (for himself and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend the Internal Revenue Code of 1986 to permit treatment of student loan payments as elective deferrals for purposes of employer matching contributions, 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 Parity for
5 Student Loans Act”.
SEC. 2. TREATMENT OF STUDENT LOAN PAYMENTS AS ELECTIVE DEFERRALS FOR PURPOSES OF MATCHING CONTRIBUTIONS.

(a) In General.—Subparagraph (A) of section 401(m)(4) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of clause (i), by striking the period at the end of clause (ii) and inserting “, and”, and by adding at the end the following new clause:

“(iii) subject to the requirements of paragraph (13), any employer contribution made to a defined contribution plan on behalf of an employee on account of a qualified student loan payment.”.

(b) Qualified Student Loan Payment.—Paragraph (4) of section 401(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(D) Qualified student loan payment.—The term ‘qualified student loan payment’ means a payment made by an employee in repayment of a qualified education loan (as defined in section 221(d)(1)) incurred to pay qualified higher education expenses of the employee, but only—
“(i) to the extent such payments in
the aggregate for the year do not exceed
an amount equal to—

“(I) the limitation applicable
under section 402(g) for the year (or,
if lesser, the employee’s compensation
(as defined in section 415(c)(3)) for
the year), reduced by

“(II) the elective deferrals made
by the employee for such year, and

“(ii) if the employee provides evidence
of such loan and such payments to the em-
ployer making the matching contribution
under this paragraph.

For purposes of this subparagraph, the term
‘qualified higher education expenses’ means the
cost of attendance (as defined in section 472 of
the Higher Education Act of 1965, as in effect
on the day before the date of the enactment of
the Taxpayer Relief Act of 1997) at an eligible
educational institution (as defined in section
221(d)(2)).”.

(c) Matching Contributions for Qualified
Student Loan Payments.—Subsection (m) of section
401 of the Internal Revenue Code of 1986 is amended by
4 redesignating paragraph (13) as paragraph (14), and by
inserting after paragraph (12) the following new para-
graph:

“(13) MATCHING CONTRIBUTIONS FOR QUALI-
FIED STUDENT LOAN PAYMENTS.—

“(A) IN GENERAL.—For purposes of para-
graph (4)(A)(iii), an employer contribution
made to a defined contribution plan on account
of a qualified student loan payment shall be
treated as a matching contribution for purposes
of this title if—

“(i) the plan provides matching con-
tributions on account of elective deferrals
at the same rate as contributions on ac-
count of qualified student loan payments,

“(ii) the plan provides matching con-
tributions on account of qualified student
loan payments only on behalf of employees
otherwise eligible to make elective deferr-
als, and

“(iii) under the plan, all employees el-
igible to receive matching contributions on
account of elective deferrals are eligible to
receive matching contributions on account
of qualified student loan payments.
“(B) TREATMENT FOR PURPOSES OF NON-
DISCRIMINATION RULES, ETC.—

“(i) NONDISCRIMINATION RULES.—
For purposes of subparagraph (A)(iii),
subsection (a)(4), and section 410(b),
matching contributions described in para-
graph (4)(A)(iii) shall not fail to be treated
as available to an employee solely because
such employee does not have debt incurred
under a qualified education loan (as de-
finite in section 221(d)(1)).

“(ii) STUDENT LOAN PAYMENTS NOT
TREATED AS PLAN CONTRIBUTION.—Except as provided in clause (iii), a qualified
student loan payment shall not be treated
as a contribution to a plan under this title.

“(iii) MATCHING CONTRIBUTION
RULES.—Solely for purposes of meeting
the requirements of paragraph (11)(B) or
(12) of this subsection, or paragraph
(11)(B)(i)(II), (12)(B), or (13)(D) of sub-
section (k), a plan may treat a qualified
student loan payment as an elective deferr-
al or an elective contribution, whichever is
applicable.
“(C) REGULATORY AUTHORITY.—The Secretary shall prescribe regulations—

“(i) setting forth the conditions under which a plan administrator may rely upon evidence submitted by an employee of qualified student loan payments, and

“(ii) permitting a plan to make matching contributions for qualified student loan repayments at a different frequency than matching contributions are otherwise made under the plan, provided that the frequency is not less than annually.”.

(d) SIMPLE RETIREMENT ACCOUNTS.—Paragraph (2) of section 408(p) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(F) MATCHING CONTRIBUTIONS FOR QUALIFIED STUDENT LOAN PAYMENTS.—

“(i) IN GENERAL.—Subject to the rules of clause (iii), an arrangement shall not fail to be treated as meeting the requirements of subparagraph (A)(iii) solely because under the arrangement, solely for purposes of such subparagraph, qualified
student loan payments are treated as amounts elected by the employee under subparagraph (A)(i)(I) to the extent such payments do not exceed—

“(I) the applicable dollar amount under subparagraph (E) (after application of section 414(v)) for the year (or, if lesser, the employee’s compensation (as defined in section 415(c)(3)) for the year), reduced by

“(II) any other amounts elected by the employee under subparagraph (A)(i)(I) for the year.

“(ii) QUALIFIED STUDENT LOAN PAYMENT.—For purposes of this subparagraph—

“(I) IN GENERAL.—The term ‘qualified student loan payment’ means a payment made by an employee in repayment of a qualified education loan (as defined in section 221(d)(1)) incurred to pay qualified higher education expenses of the employee, but only if the employee provides evidence of such loan and such
payments to the employer making the matching contribution.

“(II) QUALIFIED HIGHER EDUCATION EXPENSES.—The term ‘qualified higher education expenses’ has the same meaning as when used in section 401(m)(4)(D).

“(iii) APPLICABLE RULES.—Clause (i) shall apply to an arrangement only if, under the arrangement—

“(I) matching contributions on account of qualified student loan payments are provided only on behalf of employees otherwise eligible to elect contributions under subparagraph (A)(i)(I), and

“(II) all employees otherwise eligible to participate in the arrangement are eligible to receive matching contributions on account of qualified student loan payments.”.

(e) 403(b) PLANS.—Subparagraph (A) of section 403(b)(12) of the Internal Revenue Code of 1986 is amended by adding at the end the following: “The fact that the employer offers matching contributions on ac-
count of qualified student loan payments as described in section 401(m)(13) shall not be taken into account in determining whether the arrangement satisfies the requirements of clause (ii) (and any regulation thereunder).”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made for years beginning after December 31, 2019.