

115TH CONGRESS  
2D SESSION

# H. R. 7278

To amend the Employee Retirement Income Security Act of 1974.

---

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 12, 2018

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

---

## A BILL

To amend the Employee Retirement Income Security Act  
of 1974.

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. APPLICATION OF ERISA TO INSURANCE COM-**  
4 **PANY GENERAL ACCOUNTS AND GENERAL**  
5 **ACCOUNT CONTRACTS.**

6 (a) Section 3 of the Employee Retirement Income Se-  
7 curity Act of 1974 is amended—

8 (1) by adding the phrase “or (C)” after the  
9 phrase “subparagraph (B)” in subparagraph (A) to  
10 subsection (21); and

1           (2) by adding the following new subparagraph  
2           (C) to subsection (21):

3                   “(C) If any money or other property of an  
4           employee benefit plan is contributed to a gen-  
5           eral account policy (as defined in section 401  
6           (b)(2)(B)), such insurer shall not be deemed to  
7           be a fiduciary or a party in interest as those  
8           terms are defined in this subchapter, respec-  
9           tively, by reason of such contribution or the in-  
10          surer’s issuance or administration of such gen-  
11          eral account policy, the insurer’s exercise of  
12          contractual rights or discharge of its contrac-  
13          tual obligations under such general account pol-  
14          icy, or the management of the insurer’s general  
15          account, except insofar as such insurer directs  
16          the contribution on behalf of an employee ben-  
17          efit plan covering employees of the insurer.  
18          Nothing contained in this subparagraph shall  
19          limit the duties imposed on such insurer by any  
20          other law.”.

21          (b) Section 401 of the Employee Retirement Income  
22          Security Act of 1974 is amended—

23                   (1) by deleting paragraph (2) of subsection (b);

24          and

1           (2) by adding the following new paragraph (2)  
2           to subsection (b):

3           “(2) In the case of a plan which contributes to  
4           a general account policy, the assets of such plan  
5           shall be deemed to include the insurance promises  
6           and guarantees granted there under to the policy-  
7           holder, subject to any reserved rights of the insurer,  
8           but shall not be deemed to include the general ac-  
9           count policy, any contractual rights reserved to the  
10          insurer under such policy or any other assets of the  
11          insurer, For purposes of this paragraph:

12                 “(A) The term ‘insurer’ means an insur-  
13                 ance company, insurance service, or insurance  
14                 organization, qualified to do business in a  
15                 State.

16                 “(B) The term ‘general account policy’  
17                 means an insurance policy or contract to the ex-  
18                 tent that such policy or contract allocates  
19                 amounts to the insurer’s general account in-  
20                 cluding any surplus in a separate account but  
21                 excluding any other portion of a separate ac-  
22                 count.”; and

23           (3) by deleting subsection (c).

1           (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply effective as of January 1, 1975.

○