



# Roundup of selected federal retirement legislation, 2025–2026

By Geoff Manville, Margaret Berger, and Matthew Calloway  
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With the 119th Congress well into its second year and November’s midterm elections looming large, retirement policy remains one of the few areas with genuine bipartisan support. Both of the major retirement reform bills enacted in recent years (the Setting Every Community Up for Retirement Enhancement Act (SECURE 1.0) of 2019 ([Div. O of Pub. L. No. 116-94](#)) and SECURE 2.0 Act of 2022 ([Div. T of Pub. L. No. 117-328](#))) passed Congress with overwhelming majorities, and much bipartisan work on retirement legislation continues with an eye to readying provisions for a possible future package — sometimes referred to as “SECURE 3.0.” President Trump’s recent [executive order](#) aimed at connecting individuals without access to employer plans to low-cost individual retirement account (IRA) products, for example, could spur Congress to eventually enact substantial retirement legislation.

This roundup highlights noteworthy bipartisan and partisan retirement-related bills pending in Congress, listed in chronological order based on their date of introduction, describing their content and status, and indicating where a more in-depth GRIST on the legislation is available.

## Bipartisan retirement legislative proposals

A potential SECURE 3.0 package will likely need a few years to take shape, but bipartisan legislation aimed at laying the foundation for the next round of retirement reforms include proposals to, among other things, lower ERISA’s plan eligibility age, encourage automatic reenrollment, improve emergency savings, allow Roth IRA rollovers into defined contribution (DC) plans, and spur more lifetime income options in DC plans. One significant bipartisan priority that has passed the House

and could become law this year would clarify that 403(b) plans may invest in collective investment trusts.

## Optimizing Participant Tax Incentives through Optional Noncash Selections (OPTIONS) Act ([HR 8314](#))

**Proposal.** The bill would codify IRS Private Letter Ruling (PLR) [20243400](#) (May 2024), which allowed a single employer to implement a flexible benefits program permitting employees and retirees to direct employer contributions to 401(k) plans, Health Savings Accounts, retiree Health Reimbursement Arrangements (HRAs), and educational assistance programs used for student-loan repayment. It would also expand the PLR substantially by allowing such contributions to be allocated to any "other benefits which are excluded from gross income." That broader language could encompass a wide array of other health and fringe benefit programs including, for example, employee HRAs (not just retiree HRAs), health and dependent care flexible spending arrangements (FSAs), all types of Internal Revenue Code (IRC) Section 127 educational assistance (beyond student-loan repayment), adoption assistance, Trump accounts, qualified transportation benefits, and more. However, employees couldn't elect to receive the contributions as cash or another taxable benefit.

**Status.** HR 8314 was introduced by Reps. Gregory Steube, R-FL, and Suzan DelBene, D-WA, on April 15, 2026, and referred to the House Ways and Means Committee.

## Catching Up Family Caregivers Act ([S 4291/HR 8273](#))

**Proposal.** The bill would allow "qualified family caregivers" to make up to five additional years of catch-up contributions to DC plans under the higher "super catch-up" limits for workers age 60-63, even if they are not yet age 50. A qualified family caregiver is an individual who has provided at least 500 hours of in-home caregiving services in a year and worked fewer than 500 hours in paid employment during that same year. An eligible individual would include an unpaid family member, foster parent, or another unpaid adult who cares for a child or an adult with certain special needs. Employers could rely on an employee's written self-certification that they qualify.

**Status.** S 4291 was introduced by Sens. Susan Collins, R-ME, and Mark Warner, D-VA, on April 14, 2026, and referred to the Senate Finance Committee. HR 8273 was introduced by Reps. Brittany Pettersen, D-CO, and Maria Elvira Salazar, R-FL, on the same day and referred to the House Ways and Means Committee. The lawmakers also introduced separate bills ([S 4292/HR 8274](#)) to allow certain caregivers with low or no earnings to continue contributing to Roth IRAs despite reduced income.

## Form 5500 Filing Simplification Act ([HR 7362](#))

**Proposal.** The bill would permanently extend the annual Form 5500 filing deadline by two and a half months, effectively moving the filing deadline for calendar-year plans from July 31 to October 15. (Many plans already qualify for an automatic extension to that date, or obtain one by filing the

Form 5558, which is automatically approved if filed timely.) The Department of Labor (DOL) would be given authority to provide additional deadline extensions for plan sponsors, administrators, participants, or other beneficiaries affected by certain disasters.

DOL, the Treasury Department, and Pension Benefit Guaranty Corp. (PBGC) would be directed to modify the Form 5500 to allow filers to sign it and any additional information that must be submitted with it through electronic means.

**Status.** HR 7362 was introduced by Reps. Glenn Grothman, R-WI, and Donald Norcross, D-NJ, on February 4, 2026, and referred to the House Committee on Education and Workforce and House Ways and Means Committee. The House Committee on Education and Workforce approved the bill on May 21, 2026.

## Retirement Rollover Flexibility Act ([S 3352/HR 6450](#))

**Proposal.** The bill would permit de minimis rollovers from Roth IRAs to designated Roth accounts in employer plans. Current rules generally allow rollovers from employer Roth accounts to Roth IRAs, but not the reverse. This proposal is intended to help workers consolidate their Roth savings and reduce fees for multiple small accounts.

**Status.** S 3352 was introduced by Sens. John Barrasso, R-WY, and Michael Bennet, D-CO, on December 4, 2025, and referred to the Senate Finance Committee. HR 6450 was introduced by Reps. Darin LaHood, R-IL, and Linda Sánchez, D-CA, on the same day and referred to the House Ways and Means Committee.

## Emergency Savings Enhancement Act ([S 3333/HR 6417](#))

**Proposal.** The bill would modify SECURE 2.0's pension-linked emergency savings account (PLESA) framework by raising the maximum account cap from \$2,500 to \$5,000 and broadening eligibility from nonhighly compensated employees to all employees who meet the plan's eligibility requirements. With voluntary employer adoption of PLESAs currently low, the bill is intended to make the accounts more useful to workers and easier for employers to administer by expanding the eligible group and increasing the savings cap to a more meaningful level.

**Status.** S 3333 was introduced by Sens. Todd Young, R-IN, and Cory Booker, D-NJ, on December 3, 2025, and referred to the Senate Committee on Health, Education, Labor and Pensions (HELP). HR 6417 was introduced by Reps. Eugene Vindman, D-VA, and Glenn Thompson, R-PA, on the same day and was referred to the House Committee on Education and Workforce and House Ways and Means Committee.

## Retirement Simplification and Clarity Act ([HR 6324](#))

**Proposal.** The bill would let employers offer a new in-service rollover option allowing individuals age 50 and older to roll over some or all of their 401(k) plan savings into an individual retirement annuity while they are still working and contributing to the plan. In addition, IRS would be directed

to streamline the current required “402(f) notice” in a way that uses “concise, plain language.” The 402(f) notice is the model rollover document for retirement plan participants receiving “eligible rollover distributions” from a qualified retirement plan, 403(b), or eligible 457(b) plan maintained by a governmental employer.

**Status.** HR 6324 was introduced by Reps. Jimmy Panetta, D-CA, and Darin LaHood, R-IL, on November 28, 2025, and referred to the House Ways and Means Committee.

## Auto Reenroll Act of 2025 ([S 1831/HR 6729](#))

**Proposal.** The bill would encourage but not require DC plan sponsors to automatically reenroll noncontributing employees at least once every three years. Specifically, the measure would amend the IRC to confirm that eligible automatic contribution arrangements (EACAs) and qualified automatic contribution arrangements (QACAs) may include automatic reenrollment features that meet certain conditions. EACAs can give newly enrolled employees a limited window to withdraw default contributions, while QACAs offer a safe harbor design that can exempt plans from nondiscrimination tests.

The bill would make corresponding ERISA changes confirming federal preemption of state laws that might otherwise interfere with automatic reenrollment, such as state wage-withholding laws. Because ERISA’s preemption relief isn’t limited to QACAs and EACAs, the bill would appear to provide reenrollment flexibility for ERISA plans with other auto-enrollment designs.

One provision states that the bill “shall not be construed to create any inference” about the permissibility of automatic reenrollment arrangements under existing IRC and ERISA provisions for plan years starting before the bill’s enactment.

**Status.** S 1831 was introduced by Sens. Tim Kaine, D-VA, and Bill Cassidy, R-LA, on May 21, 2025. HR 6729 was introduced by Reps. Eugene Vindman, D-VA, and Glenn Thompson, R-PA, on December 15, 2025. The bills were referred to the Senate HELP Committee and to the House Committee on Education and Workforce and House Ways and Means Committee.

See [Bipartisan bill would promote auto-reenrollment in DC plans](#) (August 24, 2023) for more information.

## Helping Young Americans Save for Retirement Act ([S 1707/HR 4718](#))

**Proposal.** The bill seeks to spur more savings by younger workers by requiring sponsors of 401(k) and ERISA-covered 403(b) plans to let employees age 18-20 contribute after they complete one year of service. However, employers could exclude these younger workers from receiving any employer-matching or nonelective contributions and could elect to exclude these workers from nondiscrimination testing. In addition, for five years after the first employees age 18-20 become participants, employers could exclude all such workers when determining whether the plan needs an annual audit (generally required for plans with 100 or more participants).

**Status.** S 1707 was introduced by Sens. Bill Cassidy, R-LA, and Tim Kaine, D-VA, on May 12, 2025, and referred to the Senate HELP Committee. HR 4718 was introduced by Reps. Brittany Petterson, D-CO, and Michael Rulli, R-OH, on July 23, 2025, and was referred to the House Committee on Education and Workforce and House Ways and Means Committee.

See [Bipartisan bill would lower DC plan eligibility age to 18](#) (January 3, 2024) for more information.

## Retirement Savings for Americans Act of 2025 ([HR 2696/S 1526](#))

**Proposal.** The bill would establish a new government-run “American Worker Retirement Plan” modeled after the Thrift Savings Plan used by federal employees. Workers without access to an employer-sponsored plan would be eligible for an account and automatically enrolled, contributing 3% of their income. Participants could choose to increase or decrease their contributions or opt out of the plan. Low- and moderate-income workers would be eligible for matching federal government contributions through a refundable tax credit, and all participants could choose from a menu of low-fee investment options such as index and target-date funds.

**Status.** HR 2696 was introduced by Reps. Lloyd Smucker, R-PA, and Terri Sewell, D-AL, on April 7, 2025, and was referred to the House Committee on Education and Workforce and House Ways and Means Committee. S 1526 was introduced by Sens. John Hickenlooper, D-CO, and Thom Tillis, R-NC, on April 30, 2025. The bill was referred to the Senate Finance Committee.

The proposal faces major hurdles, including its projected costs and criticism that it would undermine the nation's private retirement system, as some employers would be less likely to sponsor a retirement plan if the federal government provided one and covered the costs.

## Retirement Fairness for Charities and Educational Institutions ([HR 3383/S 424](#))

**Proposal.** The bill would allow 403(b) plans to offer collective investment trusts (CITs). While the SECURE 2.0 Act [amended the tax law](#) to permit this, the legislation did not make needed the needed changes to federal securities laws, so CITs are still unavailable to 403(b) plans. The legislation would specifically amend relevant securities laws to permit the following types of 403(b) plans to invest in CITs:

- Plans subject to Title I of ERISA
- Governmental plans in which a plan fiduciary, employer, or person acting on behalf of the employer reviews and approves each investment offering
- Plans sponsored by an employer that has agreed to serve as a fiduciary for selecting the plan's investments

The bill would make similar securities law changes for 403(b) plan investments in unregistered insurance company separate accounts. However, the IRC's investment restrictions for 403(b) custodial accounts would remain in place.

**Status.** HR 3383 passed the House on December 11, 2026, as part of a larger package of capital market reforms. The CIT-related changes were introduced by Reps. Frank Lucas, R-OK, and Josh Gottheimer, D-NJ, on February 5, 2025. S 424 was introduced the same day by Sens. Katie Britt, R-AL, and Raphael Warnock, D-GA, and was referred to the Senate Committee on Banking, Housing and Urban Affairs.

See [House OKs bill to let 403\(b\) plans invest in collective trusts](#) (December 11, 2025) for more information.

## Overview of partisan retirement bills

The parties strongly disagree about issues such as retirement plan investment policies, employer coverage mandates, and curbing litigation against ERISA plans. Nonetheless, some of the following more partisan proposals could still land in a final package depending on control of Congress and the White House.

### Home Savings Act ([HR 7185](#))

**Proposal.** The bill would remove the 10% early-withdrawal penalty and exclude from an individual's gross income any distributions from DC plans used for a down payment or closing costs on a primary residence. Individuals could also make penalty-free withdrawals to gift to a relative (such as a child, grandchild, or "ancestor") for their home purchase. These gifts would be exempt from gift tax. The bill as currently drafted would apply these changes to distributions made through December 31, 2030.

**Status.** HR 7185 was introduced by Rep. John McGuire, R-VA, on January 21, 2026, and referred to the House Ways and Means Committee.

### Automatic IRA Act of 2025 ([HR 6722](#))

**Proposal.** The bill would effectively require most private-sector employers that don't already sponsor a retirement plan either to maintain an "automatic contribution plan" with certain mandatory design features or enroll employees in automatic IRAs. The bill would also direct Treasury to provide guidance enabling automatic IRAs for independent contractors and gig workers. Employers wouldn't have to comply with the mandate if they met one of several exemptions, including sponsors of qualified retirement plans established on or before the bill's enactment.

The automatic contribution plan would have to provide for automatic enrollment and escalation, and a lifetime income feature that would let participants with vested accounts exceeding \$200,000 receive at least 50% of their account balance as guaranteed lifetime income.

Instead of offering an automatic contribution plan, employers could adopt an automatic IRA with certain mandatory features, including automatic enrollment and escalation as well as broader eligibility rules, default Roth treatment, and permissive withdrawals for the first 90 days after initial automatic enrollment. Employees could affirmatively elect to contribute to a traditional IRA.

**Status.** HR 6722 was introduced by Rep. Richard Neal, D-MA, on December 15, 2025, and referred to the House Ways and Means Committee. The bill has no Republican cosponsors and is unlikely to advance this year but could get a boost next year if Democrats win control of the House and Neal becomes chair of the Committee.

See [Bill would mandate auto-enrollment retirement plans for employers](#) (February 13, 2026) for more information.

## ERISA Litigation Reform Act ([HR 6084](#))

**Proposal.** The bill aims to curb ERISA lawsuits by making it more difficult for certain prohibited transaction claims to survive a motion to dismiss. Specifically, it would override the US Supreme Court's unanimous 2025 ruling in [Cunningham v. Cornell Univ.](#) (No. 23-1007 (April 17, 2025)), which held that that plaintiffs need only allege that fiduciaries caused the plan to engage in a prohibited transaction to survive a motion to dismiss and proceed to the discovery phase of litigation.

The bill would require a higher pleading standard for prohibited transaction claims involving the payment of allegedly excessive compensation to plan service providers. The prohibited transaction exemption in ERISA [Section 408\(b\)\(2\)](#) allows fiduciaries to arrange for services necessary to the plan's operation, as long as the plan pays no more than reasonable compensation. Plaintiffs claiming that a plan fiduciary's retention of a service provider was a prohibited transaction would have to plausibly allege that the transaction isn't exempt under Section 408(b)(2) and the service provider's compensation is unreasonable. A similar heightened pleading standard would also apply to plaintiffs alleging prohibited transactions in connection with a plan's purchase or sale of employer securities.

In addition, plaintiffs whose prohibited transaction claims survive a motion to dismiss would have the burden of proving that fiduciaries didn't satisfy ERISA's prohibited transaction exemption requirements to prevail on the merits. The bill would also automatically stay discovery and other proceedings in all ERISA lawsuits — including those involving fiduciary breach allegations — while a motion to dismiss is pending.

**Status.** HR 6084 was introduced by Rep. Randy Fine, R-FL, on November 18, 2025, and approved by the House Committee on Education and Workforce on March 17, 2026.

See [Bill seeks higher bar for ERISA prohibited transaction claims](#) (January 5, 2026) for more information.

## Strengthening Benefit Plans Act ([S 2003](#))

**Proposal.** The bill contains two proposals to give defined benefit (DB) plan sponsors more flexibility to use some “trapped” surplus plan assets for other purposes. One provision would allow sponsors to transfer DB surplus assets to a DC plan to fund nonelective contributions. The second would let sponsors use assets previously set aside in Section 401(h) retiree health accounts to pay DB plan pension benefits or transfer the amounts to a voluntary employees’ beneficiary association (VEBA) to pay health benefits to non-key employees. Transfers of surplus DB assets for both purposes would be subject to certain conditions.

**Status.** S 2003 was introduced by Sen. Tim Scott, R-SC, on June 10, 2025, and referred to the Senate HELP Committee. The bill has no Democratic cosponsors but is projected to raise revenue and could be considered as a “pay-for” in a larger tax vehicle.

See [Bill would let defined benefit plan sponsors free trapped assets](#) (July 11, 2025) for more information.

## Independent Retirement Fairness Act ([S 2217](#))

**Proposal.** The bill would amend ERISA to allow “independent workers” to participate in a pooled employer plan (PEP) as if the workers were employees of the participating employer. Independent workers are individuals who perform work for remuneration for the employer but aren’t employees. The bill would also allow trade associations to participate in a PEP as if they were an employer (and therefore enroll independent workers who are trade association members into the PEP). The IRC would also be modified to allow employers to treat independent workers as employees for purposes of eligibility in Simplified Employer Pension (SEP) plans.

Additional provisions in the bill would modify audit requirements for PEPs and defined contribution groups (DCGs) by:

- Providing that an audit of a PEP must only take into account participating employers that would be required to have an annual audit if they sponsored their own plan
- Allowing employers with 100 or more participants in a DCG to be subject to a consolidated plan-wide audit rather than individual audits.

The measure also directs Treasury and DOL to create pilot programs to encourage retirement savings among independent workers.

**Status.** S 2217 was introduced by Sen. Bill Cassidy, R-LA, on July 9, 2025, and referred to the Senate HELP Committee. It currently has no Democratic cosponsors, though some Democratic lawmakers have supported exploring new ways to help employers provide benefits to independent workers.

## Protecting Prudent Investment of Retirement Savings Act ([HR 2988](#))

**Proposal.** The bill aims to curb ERISA fiduciaries' consideration of environment, social, and governance (ESG) factors when selecting plan investments and voting proxies. It would also impose new participant notice requirements for DC plans that offer brokerage windows and prohibit fiduciaries from considering diversity criteria when hiring service providers.

While the bill wouldn't expressly bar fiduciaries from considering ESG factors, it would effectively overturn more permissive Biden-era regulations and resurrect more stringent rules adopted by the first Trump administration. These include requirements that:

- Fiduciaries generally could consider only "pecuniary factors" they prudently determined would have a material effect on an investment's risk and return.
- Nonpecuniary factors could serve as a tie breaker only if fiduciaries were unable to distinguish between investment alternatives based on pecuniary factors alone.
- An investment alternative couldn't serve as a DC plan's default investment alternative if it used or considered nonpecuniary factors in its investment objectives.

**Status.** HR 2988 was introduced by Rep. Rick Allen, R-GA, on April 24, 2025, and passed the House on January 15, 2026. While Senate approval of the Republican-authored bill is unlikely, the Trump administration [plans to implement](#) substantially similar changes to ESG investing and proxy voting standards through new regulations.

See [House approves bill to curb ERISA plans' ESG investing](#) (January 16, 2026) for more information.

## Balance the Scales Act ([HR 2958](#))

**Proposal.** The bill would prohibit DOL from providing assistance to private litigants — including disclosing information obtained during investigations — without first entering into a written agreement that details the nature and scope of the assistance and providing a copy to any employer, plan sponsor, or fiduciary that may be adversely affected. The bill would also require DOL to give Congress an annual report that includes the following information for all such agreements in effect during the year:

- A copy of the agreement (redacted to remove information that could identify any employer, sponsor, fiduciary, service provider, or other potential defendant)
- A detailed description of the nature and scope of assistance provided, including what information DOL has shared with the private litigant and detailed logs of all verbal communications and meetings

- An explanation of how the agreement aligns with ERISA's goal of encouraging the voluntary, employer-based retirement system

**Status.** HR 2958 was introduced by Rep. Michael Rulli on April 17, 2025, and approved by the House Committee on Education and Workforce on February 20, 2026. Similar legislation, the Investigation Status and Governance for Honest Transparency (INSIGHT) Act ([S 4360](#)), was introduced by Sen. Jim Banks, R-IN, on April 21, 2026, and referred to the Senate HELP Committee.

See [House bills target DOL's ERISA enforcement, litigation activity](#) (June 23, 2025) for more information.

## EBSA Investigations Transparency Act ([HR 2869](#))

**Proposal.** The bill would require DOL to provide Congress with annual reports about the status of ongoing ERISA enforcement activity and include the following information:

- The EBSA regional office conducting the investigation and date the matter was opened
- When the agency first requested documents from the target of the investigation
- If the investigation is still ongoing more than three years after the initial document request date, information explaining why the investigation remains open and an estimated conclusion date

The reports wouldn't identify any plan sponsors, fiduciaries, service providers, or participants that are the subject of an investigation.

**Status.** HR 2869 was introduced by Rep. Lisa McClain, R-MI, on April 10, 2025, and approved by the House Committee on Education and the Workforce on February 10, 2026. Similar legislation, the Investigation Status and Governance for Honest Transparency (INSIGHT) Act ([S 4360](#)), was introduced by Sen. Jim Banks, R-IN, on April 21, 2026, and referred to the Senate HELP Committee.

See [House bills target DOL's ERISA enforcement, litigation activity](#) (June 23, 2025) for more information.

## Related resources

### Non-Mercer resources

- [S 4360](#), Investigation Status and Governance for Honest Transparency (INSIGHT) Act (Congress, April 21, 2026)
- [HR 8314](#), Optimizing Participant Tax Incentives through Optional Noncash Selections (OPTIONS) Act (Congress, April 15, 2026)
- [S 4291/HR 8273](#), Catching Up Family Caregivers Act (Congress, April 14, 2026)

- [HR 7362](#), Form 5500 Filing Simplification Act (Congress, February 4, 2026)
- [HR 7185](#), Home Savings Act (Congress, January 21, 2026)
- [HR 6722](#), Automatic IRA Act of 2025 (Congress, December 15, 2025)
- [S 3352/HR 6450](#), Retirement Rollover Flexibility Act (Congress, December 4, 2025)
- [S 3333/HR 6417](#), Emergency Savings Enhancement Act (Congress, December 3, 2025)
- [HR 6324](#), Retirement Simplification and Clarity Act (Congress, November 28, 2025)
- [HR 6084](#), ERISA Litigation Reform Act (Congress, November 18, 2025)
- [S 2217](#), Independent Retirement Fairness Act (Congress, July 9, 2025)
- [S 2003](#), Strengthening Benefit Plans Act (Congress, June 10, 2025)
- [S 1831/HR 6729](#), Auto Reenroll Act of 2025 (Congress, May 21, 2025, and December 15, 2025)
- [S 1707/HR 4718](#), Helping Young Americans Save for Retirement Act (Congress, May 12, 2025, and July 23, 2025)
- [HR 2988](#), Protecting Prudent Investment of Retirement Savings Act (Congress, April 24, 2025)
- [HR 2958](#), Balance the Scales Act (Congress, April 17, 2025)
- [HR 2869](#), EBSA Investigations Transparency Act (Congress, April 10, 2025)
- [HR 2696/S 1526](#), Retirement Savings for Americans Act (Congress, April 7, 2025, and April 30, 2025)
- [HR 3383/S 424](#), Retirement Fairness for Charities and Educational Institutions (Congress, February 5, 2025)

## Mercer Law & Policy resources

- [Bill would mandate auto-enrollment retirement plans for employers](#) (February 13, 2026)
- [House approves bill to curb ERISA plans' ESG investing](#) (January 16, 2026)
- [Bill seeks higher bar for ERISA prohibited transaction claims](#) (January 5, 2026)
- [House OKs bill to let 403\(b\) plans invest in collective trusts](#) (December 11, 2025)
- [Bill would let defined benefit plan sponsors free trapped assets](#) (July 11, 2025)
- [House bills target DOL's ERISA enforcement, litigation activity](#) (June 23, 2025)
- [Bipartisan bill would lower DC plan eligibility age to 18](#) (January 3, 2024)
- [Sponsor may let employees flex their benefits under new IRS ruling](#) (September 24, 2024)

- [Bipartisan bill would promote auto-reenrollment in DC plans](#) (August 24, 2023)
- [User's guide to SECURE 2.0](#) (regularly updated)

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