To amend title I of the Employee Retirement Income Security Act of 1974 to provide special reporting and disclosure rules for individual account plans and to provide a minimum investment option requirement for such plans.

IN THE HOUSE OF REPRESENTATIVES

April 21, 2009

Mr. GEORGE MILLER of California (for himself, Mr. ANDREWS, Ms. WOOLSEY, Mr. SABLAN, Mr. GRIJALVA, Ms. HIRONO, Ms. CLARKE, Mr. HARE, Mrs. DAVIS of California, and Mr. KILDEE) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend title I of the Employee Retirement Income Security Act of 1974 to provide special reporting and disclosure rules for individual account plans and to provide a minimum investment option requirement for such plans.

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 “401(k) Fair Disclosure
5 for Retirement Security Act of 2009”.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,
SEC. 2. SPECIAL REPORTING AND DISCLOSURE RULES FOR INDIVIDUAL ACCOUNT PLANS.

(a) ADDITIONAL REPORTING AND DISCLOSURE RULES.—Part 1 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended—

(1) by redesignating section 111 (29 U.S.C. 1031) as section 112; and

(2) by inserting after section 110 (29 U.S.C. 1030) the following new section:

“SEC. 111. SPECIAL REPORTING AND DISCLOSURE RULES FOR INDIVIDUAL ACCOUNT PLANS.

“(a) DISCLOSURE TO EMPLOYERS SPONSORING INDIVIDUAL ACCOUNT PLANS REGARDING SERVICES NECESSARY FOR ESTABLISHMENT OR OPERATION OF PLANS.—

“(1) SERVICE DISCLOSURE STATEMENT.—The plan administrator of an individual account plan (or any other plan official with contracting authority under the terms of the plan) and any other person may not enter into a contract for services to the plan (including, for purposes of this section, the offering of any investment option to the plan) unless such plan administrator or other official has received, not less than 10 business days in advance of entering into the contract, a single written statement from such person which—
“(A) describes such services for the plan that will be provided in connection with the contract, and

“(B) provides the expected total annual charges for such services for the plan that will be provided in connection with the contract, including a reasonable allocation of such total annual charges among all relevant component charges specified in paragraph (2) (regardless of how the charges are actually assessed).

The description of the services and the charges for the services shall be displayed prominently in the written statement and shall be presented in a format which is understandable to the typical plan administrator.

“(2) MINIMUM ALLOCATION REQUIREMENTS.—
The allocation required under paragraph (1)(B) in connection with the services provided under each contract shall specify component charges (to the extent such services for the plan are provided under the contract) as follows:

“(A) charges for administration and recordkeeping,

“(B) transaction-based charges,
“(C) charges for investment management, and

“(D) all such charges not described in subparagraph (A), (B), or (C) as may be specified by the Secretary.

“(3) PRESENTATION OF CHARGES.—The total charges described in paragraph (2)(A) and the total charges described in paragraph (2)(C) shall each be presented in the written statement as an aggregate total dollar amount, and, in addition, each of such total charges may also be presented as a percentage of assets. The charges described in paragraph (2)(B) shall be itemized separately as dollar amounts or as percentages of the applicable base amounts.

“(4) ESTIMATIONS.—For purposes of providing the statement required under this subsection in connection with any service, the service provider may provide a reasonable and representative estimate of the charges required to be disclosed under paragraph (1)(B) and shall indicate any such estimate as being such an estimate. Any such estimate shall be based on the previous year’s experience of the plan or, in the case of a new plan, the previous year’s experience of a comparable plan with participants and beneficiaries of similar demographics.
“(5) RELIANCE.—To the extent any of the information required to be disclosed by a service provider under this subsection is given to the service provider by an unaffiliated person which is regulated by the Federal Government or a State, the service provider may rely on the completeness and accuracy of such information unless the service provider—

“(A) knows that the information is inaccurate or incomplete,

“(B) has reason to know that the information is inaccurate or incomplete, or

“(C) has notice of facts or information that would prompt a reasonable service provider to inquire into the accuracy or completeness of the information.

“(6) DISCLOSURE OF FINANCIAL RELATIONSHIPS.—

“(A) IN GENERAL.—The statement required under paragraph (1) shall include a written disclosure of—

“(i) any payment provided (or the amount representing the value of any services provided) to the service provider (or any affiliate thereof) pursuant to, or in connection with, the contract described in
paragraph (1) and the amount and type of any payment made or credit received for such services (irrespective of whether the service provider (or affiliate thereof) or other person providing such services is affiliated or unaffiliated with the plan, the plan sponsor, the plan administrator, or any other plan official),

“(ii) any personal, business, or financial relationship with the plan sponsor, the plan, or the service provider (or any affiliate of the service provider) or any totality of such relationships which is material, if such relationship results in the service provider (or any affiliate thereof) deriving any material benefit, and

“(iii) such other similar arrangements benefitting the service provider (or any affiliate thereof) as may be specified by the Secretary.

“(B) INCLUSIONS.—

“(i) IN GENERAL.—Disclosures described under subparagraph (A)(ii) shall include the extent to which the service provider (or any affiliate thereof) may benefit
from the offering of its own proprietary in-
vestment products or those of third par-
ties.

“(ii) Applicable prohibited
transaction exemption.—Disclosures
under this paragraph may include a de-
scription of any applicable prohibited
transaction exemption under section 408
related to the services described in the
statement required under paragraph (1).

“(7) Disclosure of impact of share class-
es.—The statement required under paragraph (1)
shall, to the extent applicable, disclose that the share
prices of certain mutual fund investments that are
available to the plan may be different from the share
prices outside of the plan due to the existence of dif-
f erent share classes and provide the basis for these
differences.

“(8) Disclosure of certain arrangements
in connection with free or discounted serv-
ces or reimbursements by service pro-
viders.—In any case in which services are provided
to the plan, or to the plan sponsor in connection
with the plan, by any service provider without ex-
plicit charge or for charges set at a discounted rate
or subject to rebate, the statement required under paragraph (1) shall specify the manner in which, the extent to which, and the amount by which consideration is otherwise obtained by the service provider (or any affiliate thereof), the plan, or the plan sponsor for such services, directly or indirectly, by means of any charges against the account of the participant or beneficiary.

“(9) MODEL STATEMENT.—The Secretary shall prescribe a model statement that may be used for purposes of satisfying the requirements of this subsection.

“(10) UPDATING.—Each contract described in paragraph (1) shall require that the service provider must provide to the plan administrator an updated written statement described in paragraph (1) describing any material change in the information included in the statement provided pursuant to paragraph (1) as soon as is reasonable after the occurrence of the change is known. The contract shall provide that such an updated written statement, or, in the case of a plan year in which no material change in the information included in the statement provided pursuant to paragraph (1) has occurred, a
written statement setting forth such fact, must be
provided not less often than annually.

“(11) LIMITATIONS.—

“(A) DOLLAR LIMITATION.—

“(i) IN GENERAL.—The requirements
of this subsection shall apply with respect
to any contract for services provided dur-
ing any plan year only if the total charged
for such services under such contract (re-
gardless of whether, in connection with
such services under such contract, such
charges are received by the service provider
(or any affiliate thereof) directly or are re-
ceived by the service provider (or any affil-
iate thereof) indirectly from other affiliated
or unaffiliated parties) equals or exceeds
$5,000.

“(ii) COST OF LIVING ADJUSTMENT.—

“(I) IN GENERAL.—In the case
of any plan year beginning during a
calendar year beginning after 2010,
the dollar amount in clause (i) shall
be increased by an amount equal to
such dollar amount, multiplied by the
percentage (if any) by which the aver-
age of the Consumer Price Index for
all urban consumers (United States
city average) for the 12-month period
ending with September of the pre-
ceeding calendar year exceeds such av-
erage for the 12-month period ending
with September 2009.

“(II) ROUNDING.—If any dollar
amount after being increased under
subclause (I) is not a multiple of
$500, such dollar amount shall be
rounded to the next lower multiple of
$500.

“(iii) ADJUSTMENTS BY THE SEC-
RETARY.—The Secretary may by regula-
tion adjust the dollar amount specified in
this subparagraph to a lesser amount for
small plans and to a greater amount for
other plans and provide for appropriate an-
nual adjustments in such adjusted
amounts at the same rate as would apply
under clause (ii).

“(B) GENERAL APPLICABILITY OF RE-
QUIREMENTS WITH RESPECT TO SERVICES.—
Nothing in this subsection shall be construed to
require any service provider to provide any serv-

ice with respect to any particular plan sponsor.

“(12) Coordination with fiduciary

rules.—Nothing in this subsection affects the oblig-
gations of plan sponsors and fiduciaries under part

4 of this subtitle.

“(b) Disclosures to Participants and Bene-
ficiaries.—

“(1) Advance notice of available investment options.—The plan administrator of an indi-

vidual account plan which permits a participant or

beneficiary to exercise control over the assets in the

account of the participant or beneficiary shall pro-

vide to the participant or beneficiary with respect to

each plan year notice of the investment options

available for election under the plan at least 10 busi-

ness days prior to—

“(A) the earliest date provided for under

the plan for the participant’s initial investment

of any contribution made on behalf of such par-

ticipant, and

“(B) the effective date of any material

change in investment options.

In the case of a plan that provides for immediate eli-
gibility or that contains an automatic contribution
arrangement (as defined in subparagraphs (A) and (B) of section 514(e)(2)), the notice required under subparagraph (A) may be provided within any reasonable period prior to such initial investment. With respect to the notice required under this paragraph, the Secretary shall prescribe regulations creating exceptions to the 10-day notice requirement in circumstances similar to those described in section 101(i)(2)(C), and such notice may be combined with any similar notice that may be required under section 404(e)(5) or under this section.

“(2) INFORMATION INCLUDED IN NOTICE.—The notice required under paragraph (1) shall—

“(A) include a prominent statement, in language presented in a manner which is easily understandable by the typical participant, indicating which components of the charges (both direct and indirect) for each investment option are payable by the participant or beneficiary and how such components are to be paid,

“(B) set forth, with respect to each available investment option—

“(i) the name of the option,
“(ii) the investment objectives and principal investment strategies of the option,

“(iii) the risk level associated with the option,

“(iv) whether the option is diversified among various classes of assets so as to minimize the risk of large losses or should be combined with other options so as to obtain such diversification,

“(v) whether the investment option is actively managed or passively managed in relation to an index and the difference between active management and passive management,

“(vi) where, and the manner in which, additional plan-specific, option-specific, and generally available investment information regarding the option may be obtained, and

“(vii) a statement explaining that investment options should not be evaluated solely on the basis of the charges for each option but should also be based on careful consideration of other key factors, includ-
ing the risk level of the option, the investment objectives of the option, the principal investment strategies of the option, and historical returns derived by the option, and

“(C) include a plan fee comparison chart, relating to the charges described in paragraph (3) in connection with all investment options available under the plan, as provided in paragraph (3).

“(3) PLAN FEE COMPARISON CHART.—

“(A) IN GENERAL.—

“(i) IN GENERAL.—The notice provided under this subsection shall include a plan fee comparison chart consisting of a comparison of actual service and investment charges (including, for purposes of this clause, charges for the offering of an investment option) that will or could be assessed against the account of the participant or beneficiary with respect to the plan year. The plan fee comparison chart shall be presented in a manner which is easily understood by the typical participant and include such information as the Secretary
determines necessary to permit participants and beneficiaries to assess the services for which charges will or could be assessed against the account.

“(ii) FORM.—For purposes of this paragraph, the potential service charges shall be provided in the form of a dollar amount and may also be provided, in addition, as a percentage of assets. The form of the potential service charges shall be presented in a manner which is easily understandable by the typical participant, including examples that demonstrate how the charges will be assessed against the account of the participant or beneficiary.

“(B) CATEGORIZATION OF CHARGES.—The plan fee comparison chart shall provide information in relation to 4 categories of charges that will or could be assessed against the account of the participant or beneficiary, as follows:

“(i) ASSET-BASED CHARGES SPECIFIC TO INVESTMENT.—Charges that vary depending on the investment options selected by the participant or beneficiary, including
expense ratios and investment-specific asset-based charges. The information relating to such charges shall include a statement noting any charges for 1 or more investment options which pay for services other than investment management.

“(ii) Asset-based charges not specific to investment.—Charges that are assessed as a percentage of the total assets in the account of the participant or beneficiary, regardless of the investment option selected.

“(iii) Administrative and transaction-based charges.—Administration and transaction-based charges, including fees charged to participants to cover plan administration, compliance, and record-keeping costs, plan loan origination fees, possible redemption fees, and possible surrender charges, that are not assessed as a percentage of the total assets in the account and are either automatically deducted each year or result from certain transactions engaged in by the participant or beneficiary.
“(iv) OTHER CHARGES.—Any other charges which may be deducted from participants’ or beneficiaries’ accounts and which are not described in clauses (i), (ii), and (iii).

“(C) DESCRIPTION OF PURPOSE FOR CHARGES.—The notice shall indicate the extent to which each charge is for investment management, transactions, plan administration and recordkeeping, or other identified services.

“(D) FEES AND HISTORICAL RETURNS.—In connection with each investment option listed in the plan fee comparison chart, the chart shall include the amounts of the fees assessed in connection with such option and a history of the returns derived net of fees and expenses. Any such history shall be for the previous year, 5 years, and 10 years (or since inception if later).

“(4) MODEL NOTICE.—The Secretary shall prescribe a model notice that may be used for purposes of satisfying the requirements of this subsection, including a model plan fee comparison chart.

“(5) ESTIMATIONS.—For purposes of providing the notice required under this subsection, the plan
administrator may provide a reasonable and representative estimate for any charges or percentages disclosed under paragraph (2) or (3) and shall indicate any such estimate as being such an estimate. Any such estimate shall be based on the previous year’s experience or, in the case of a new plan, the previous year’s experience of a comparable plan with participants and beneficiaries of similar demographics.

“(c) ELECTRONIC MEDIA.—Any disclosure required under this section may be provided through an electronic medium under rules prescribed by the Secretary. Such rules shall be similar to those applicable under the Internal Revenue Code of 1986 with respect to notices to participants in pension plans. The Secretary shall have the authority to modify such rules as appropriate to take into account new developments, including new forms of electronic media. The rules prescribed by the Secretary pursuant to this subsection shall provide for a method for the typical participant or beneficiary to obtain without undue burden any such disclosure in writing on paper in lieu of receipt through an electronic medium.

“(d) REGULATIONS REGARDING CERTAIN PRODUCTS.—The Secretary shall prescribe regulations identifying (and establishing separate rules, if necessary, to
identify) any investment options that provide a guaranteed rate of return and that do not identify specific fees.

“(e) Definitions.—For purposes of this section—

“(1) Charge.—The term ‘charge’ means, in connection with any service provided to a plan or any financial product provided to the plan in which plan assets are to be invested, any fee, credit, or other compensation charged or paid for such service or product, including money and any other thing of monetary value to be received by the provider of the service or product, or its affiliate, in connection with the service or product.

“(2) Service.—The term ‘service’ means, in connection with a plan, a service provided directly or indirectly to, or with respect to, the plan or a service provided directly or indirectly in connection with a financial product in which plan assets are to be invested.

“(3) Contract.—The term ‘contract’ means, in connection with any 2 or more parties, any contract or arrangement entered into between or among such parties, and any extension or renewal thereof.

“(4) Service provider.—The terms ‘service provider’ and ‘provider’ mean, in connection with a
service, a person directly or indirectly providing such service.

“(5) REGULATIONS.—The Secretary shall pro-
vide by regulation definitions of other terms used in this section.”.

(b) QUARTERLY BENEFIT STATEMENTS.—Section 105 of such Act (29 U.S.C. 1025) is amended—

(1) in subsection (a)(2)—

(A) by redesignating subparagraph (C) as subparagraph (H);

(B) in subparagraph (B)(ii)—

(i) in subclause (II), by striking “di-
versified, and” and inserting “diversified,”;

(ii) in subclause (III), by striking the period and inserting “, and”;

(iii) by adding after subclause (III) the following new subclause:

“(IV) with respect to the portion of a participant’s account for which the partici-

ant has the right to direct the investment of assets, the information described in sub-

paragraph (C).”; and

(C) by inserting after subparagraph (B) the following new subparagraphs:
“(C) Periodic account information for participants and beneficiaries.—For purposes of subparagraph (B)(ii)(IV), the information described in this subparagraph consists of the following, indicating the portion of each amount described in clauses (i) through (vii) attributable to each investment option elected in connection with the participant’s account:

“(i) the starting balance of the participant’s account,
“(ii) contributions made during the quarter, itemizing separately totals for employer and totals for employee contributions,
“(iii) investment earnings or losses on the account balance during the quarter (if any),
“(iv) actual or estimated charges (within the meaning of section 111(e)(1)) which reduce the account during the quarter, expressed in dollars or, if estimated, such estimated dollar charges as derived from an expense ratio (which may be expressed as a specific date estimate based on the previous year’s expense ratio),
“(v) any other charges to the participant or beneficiary in connection with the participant’s account,

“(vi) the ending balance of the account,

“(vii) the participant’s asset allocation to each investment option, including the net return, expressed as an amount and as a percentage, and

“(viii) how to obtain the most recently updated version of the plan fee comparison chart prepared for purposes of section 111(b)(3).

“(D) OTHER INFORMATION.—The plan administrator may include in the quarterly pension benefit statement information relating to the historical return and risk of each investment option and the estimated amount that the participant needs to contribute each month or year so as to retire at retirement age (as defined in section 216(l) of the Social Security Act).

“(E) ESTIMATIONS.—For purposes of making the disclosure of actual charges or percentages as required under this paragraph, the
plan administrator may provide a reasonable and representative estimate of such charges or percentages and shall indicate any such estimate as being such an estimate. Any such estimate shall be based on the previous year’s experience.

“(F) Model statement.—The Secretary shall prescribe a model pension benefit statement that may be used for purposes of satisfying the requirements of this subparagraph and subparagraph (B)(ii).

“(G) Annual compliance for small plans and with respect to certain information.—In the case of a plan providing for investment as described in paragraph (1)(A)(i)—

“(i) if the plan has 100 or fewer participants and beneficiaries, the plan may provide the pension benefit statement under paragraph (1) on an annual rather than a quarterly basis, and

“(ii) the plan may comply with the requirements of subparagraph (B)(ii)(IV) on an annual rather than a quarterly basis.”;

and
(2) by adding at the end the following new sub-
sections:

“(d) ASSISTANCE TO SMALL EMPLOYERS.—The Sec-
retary shall make available to employers with 100 or fewer
employees—

“(1) educational and compliance materials de-
dsigned to assist such employers in selecting and
monitoring service providers for individual account
plans which permit a participant or beneficiary to
exercise control over the assets in the account of the
participant or beneficiary, investment options under
such plans, and charges relating to such options,
and

“(2) services designed to assist such employers
in finding and understanding affordable investment
options for such plans and in comparing the invest-
ment performance of, and charges for, such options
on an ongoing basis against appropriate benchmarks
or other appropriate measures.

“(e) ASSISTANCE TO PLAN SPONSORS AND PLAN
PARTICIPANTS AND BENEFICIARIES.—The Secretary shall
provide assistance to plan sponsors of individual account
plans and participants and beneficiaries under such plans
with any questions or problems regarding compliance with
the requirements of this section.
“(f) E LECTRONIC MEDIA.—Any disclosure required under this section may be provided through an electronic medium under rules prescribed by the Secretary. Such rules shall be similar to those applicable under the Internal Revenue Code of 1986 with respect to notices to participants in pension plans. The Secretary shall have the authority to modify such rules as appropriate to take into account new developments, including new forms of electronic media. The rules prescribed by the Secretary pursuant to this subsection shall provide for a method for the typical participant or beneficiary to obtain without undue burden any such disclosure in writing on paper in lieu of receipt through an electronic medium.”.

(e) E NFORCEMENT.—Section 502(c)(7) of such Act (29 U.S.C. 1132(c)(7)) is amended—

(1) by inserting “(A)” after “(7)”; and

(2) by adding at the end the following new subparagraph:

“(B)(i) In the case of any violation of section 111(a) by a service provider (as defined in section 111(e)(4)) with respect to one or more participants and beneficiaries, the service provider shall be assessed by the Secretary a civil penalty of up to $1,000 a day with respect to each such participant or beneficiary from the date of the initial violation until the date on which such violation is corrected,
subject to a total maximum penalty of 10 percent of the
amount involved.

“(ii) Any plan administrator or other person who is
a service provider with respect to the plan who fails or
refuses to provide a statement to participants and bene-

ficiaries in accordance with section 105(a)(2)(B)(ii) or
111(b) shall be assessed by the Secretary a civil penalty
of up to $100 a day from the date of the failure or refusal
to the date on which such statement or notice is so pro-
vided.

“(iii) For purposes of this subparagraph, each viola-
tion with respect to any single participant, beneficiary, or
plan administrator shall be treated as a separate violation.
The Secretary may compromise, modify, or remit any civil
penalty imposed on any person under this subparagraph
if the Secretary determines—

“(I) that the person acted reasonably and in
good faith or that severe financial hardship would
otherwise occur to the plan sponsor, and

“(II) that such compromise, modification, or re-
mission is in the interests of participants and bene-
ficiaries.”.

(d) CONFORMING AMENDMENT.—The table of con-
tents in section 1 of such Act, as amended by section 2,
is amended by striking the item relating to section 111 and inserting the following new items:

"Sec. 111. Special reporting and disclosure rules for individual account plans. "Sec. 112. Repeal and effective date."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts for services entered into in plan years beginning after one year after the date of the enactment of this Act.

SEC. 3. MINIMUM INVESTMENT OPTION REQUIREMENT FOR INDIVIDUAL ACCOUNT PLANS.

(a) IN GENERAL.—Section 404(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(c)) is amended by adding at the end the following new paragraph:

"(6) MINIMUM INVESTMENT OPTION REQUIREMENT FOR INDIVIDUAL ACCOUNT PLANS.—Paragraph (1)(A)(ii) shall not apply in connection with any individual account plan which permits a participant or beneficiary to exercise control over the assets in the account of the participant or beneficiary unless the plan includes at least one investment option—

"(A) which is an unmanaged or passively managed mutual fund with a portfolio of securities designed to substantially match the performance of the entire United States equity
market or the entire United States bond mar-
et, or a combination thereof,

“(B) which offers a combination of histor-
ic returns, risk, and charges (within the
meaning of section 111(e)(1)) that is likely to
meet retirement income needs at adequate lev-
els of contribution, and

“(C) which is described in the terms of the
plan as offered without any endorsement of the
Government or the plan sponsor.”.

(b) Conforming Amendment.—Section
404(c)(1)(A)(ii) of such Act (29 U.S.C. 1104(c)(1)(A)(ii))
is amended by inserting “except as provided in section
404(c)(6) and” after “exercise of control,”.

(c) Effective Date.—The amendments made by
this section shall apply with respect to plan years begin-
ing after one year after the date of the enactment of this
Act.

SEC. 4. ENFORCEMENT COORDINATION AND REVIEW BY
THE DEPARTMENT OF LABOR.

(a) In General.—Section 502 of the Employee Re-
is amended by adding at the end the following new sub-
section:
“(n) Enforcement Coordination of Certain Disclosure Requirements and Review by the Department of Labor.—

“(1) In general.—

“(A) Notification and action.—The Secretary shall notify the applicable regulatory authority in any case in which the Secretary determines that a service provider is engaged in a pattern or practice that precludes compliance by plan administrators with section 111. The Secretary shall, in consultation with the applicable authority, take such timely enforcement action under this title as is necessary to assure that such pattern or practice ceases and desists and assess any appropriate penalties.

“(B) Dissemination.—The Secretary shall widely disseminate to employee pension benefit plans covered by this title and their participants and beneficiaries the identity of any service providers with respect to such plans found to be engaged in any pattern or practice described in subparagraph (A) with the intent to preclude compliance by plan administrators with section 111 and the particulars of such pattern or practice. Prior to the dissemination
of the identity of any service providers identified and determined by the Secretary to be engaged in such a pattern or practice, such service provider shall receive a notice of intent to disseminate, an opportunity to request an administrative hearing, and a timely appeal to the Secretary.

“(2) ANNUAL AUDIT OF REPRESENTATIVE SAMPLING OF INDIVIDUAL ACCOUNT PLANS.—The Secretary shall annually audit a representative sampling of individual account plans covered by this title to determine compliance with the requirements of section 111. The Secretary shall annually report the results of such audit and any related recommendations of the Secretary to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.”.

(b) REVIEW AND REPORT TO THE CONGRESS BY SECRETARY OF LABOR RELATING TO REPORTING AND DISCLOSURE REQUIREMENTS.—

(1) STUDY.—As soon as practicable after the date of the enactment of this Act, the Secretary of Labor shall review the reporting and disclosure requirements of part 1 of subtitle B of title I of the

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Labor, in consultation with the Secretary of the Treasury, shall make such recommendations as the Secretary of Labor considers appropriate to the appropriate committees of the Congress to consolidate, simplify, standardize, and improve the applicable reporting and disclosure requirements so as to simplify reporting for employee pension benefit plans and ensure that needed understandable information is provided to participants and beneficiaries of such plans.