Section 7891(f) of Pub. L. 101–219 provided that: “Except as otherwise provided in this section, any amendment made by this section [amending this section, sections 1003, 1025, 1033, 1061, 1063, 1081 to 1084, 1085a, 1101, 1103, 1107, 1110, 1132, 1134, 1137, 1161, 1166, 1167, 1201 to 1203, 1222, 1301, 1302, 1307, 1309, 1321 to 1322a, 1342 to 1345, 1362, 1368, 1384, 1390, 1390, 1393, 1403, 1421, 1423, 1425, and 1453 of this title; and section 4980B of Title 26] shall take effect as if included in the provision of the Revenue Act [probably means Tax Reform Act of 1986, Pub. L. 99–514] to which such amendment relates.”

Section 7898(b) of Pub. L. 101–239 provided that: “Any amendment made by this section [amending this section and sections 1322a, 1341, 1342, 1347, 1366, and 1380 of this title] shall take effect as if included in the provision of the Single-Employer Pension Plan Amendments Act of 1986 [Pub. L. 99–272, title XI] to which such amendment relates.”


Section 7898(a)(1) of Pub. L. 101–239 provided that: “Except as otherwise provided in this section, any amendment made by this section [amending this section and sections 1321, 1324, 1326, 1328, 1331, 1351 to 1356, 1360, 1361, 1363, 1365, 1366, 1368, 1380, 1393, 1395, 1403, 1412, 1421, 1423, 1425, and 1453 of this title; and section 4980B of Title 26] shall take effect as if originally included in the provision of the Employee Retirement Income Security Act of 1974 [Pub. L. 93–406] to which such amendment relates.”

EFFECTIVE DATE OF 1987 AMENDMENT

Section 136(b) of Pub. L. 100–202 provided that: “The amendment made by this section [amending this section] shall apply to years beginning after the date of the enactment of this joint resolution [Dec. 22, 1987].”

EFFECTIVE DATE OF 1986 AMENDMENTS


Amendment by Pub. L. 99–514 applicable only with respect to plan years beginning on or after Jan. 1, 1989, and only with respect to service performed on or after such date, see section 9204 of Pub. L. 99–509, set out as an Effective and Termination Dates of 1986 Amendment note under section 623 of this title.


EFFECTIVE DATE OF 1983 AMENDMENT

Section 302(c) of Pub. L. 97–473 provided that: “The amendments made by this section [amending this section and section 1144 of this title] shall take effect on the date of the enactment of this Act [Jan. 14, 1983].”

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment of par. (2), (14), and (57), by Pub. L. 96–364 effective Sept. 26, 1980, except as specifically provided, see section 1461(e) of this title.

Amendment of par. (33) by Pub. L. 96–364 effective Jan. 1, 1974, see section 407(c) of Pub. L. 96–364, set out as a note under section 414 of Title 26, Internal Revenue Code.

REGULATIONS


AVAILABILITY OF DOCUMENTS VIA FILING DEPOSITORY

Section 1(b) of Pub. L. 105–72 provided that: “A fiduciary shall be treated as meeting the requirements of section 3(38)(B)(ii) of the Employee Retirement Income Security Act of 1974 [29 U.S.C. 1002(38)(B)(ii)] (as amended by subsection (a)) relating to provision to the Secretary of Labor of a copy of the form referred to therein, if a copy of such form (or substantially similar information) is available to the Secretary of Labor from a centralized electronic or other record-keeping database.”

PLAN AMENDMENTS NOT REQUIRED UNTIL JANUARY 1, 1989

For provisions directing that if any amendments made by subtitle A or subtitle C of title XI [§§1101–1147 and 1171–1177] or title XVIII [§§1800–1899A] of Pub. L. 99–514 require an amendment to any plan, such plan amendment shall not be required to be made before the first plan year beginning on or after Jan. 1, 1989, see section 1140 of Pub. L. 99–514, as amended, set out as a note under section 401 of Title 26, Internal Revenue Code.

For provisions directing that if any amendments made by Pub. L. 99–509 require an amendment to any plan, such plan amendment shall not be required to be made before the first plan year beginning on or after Jan. 1, 1989, see section 9204 of Pub. L. 99–509, set out as an Effective and Termination Dates of 1986 Amendment note under section 623 of this title.

§ 1003. Coverage

(a) In general

Except as provided in subsection (b) or (c) of this section and in sections 1051, 1081, and 1101 of this title, this subchapter shall apply to any employee benefit plan if it is established or maintained—

(1) by any employer engaged in commerce or in any industry or activity affecting commerce; or

(2) by any employee organization or organizations representing employees engaged in commerce or in any industry or activity affecting commerce; or

(3) by both.

(b) Exceptions for certain plans

The provisions of this subchapter shall not apply to any employee benefit plan if—

(1) such plan is a governmental plan (as defined in section 1002(32) of this title); or

(2) such plan is a church plan (as defined in section 1002(33) of this title) with respect to which no election has been made under section 410(d) of Title 26;

(3) such plan is maintained solely for the purpose of complying with applicable workmen’s compensation laws or unemployment compensation or disability insurance laws; or

(4) such plan is maintained outside of the United States primarily for the benefit of persons substantially all of whom are nonresident aliens; or

(5) such plan is an excess benefit plan (as defined in section 1002(36) of this title) and is unfunded.

The provisions of part 7 of subtitle B of this subchapter shall not apply to a health insurance is-
suer (as defined in section 1191b(b)(2) of this
title) solely by reason of health insurance cov-
ere (as defined in section 1191b(b)(1) of this
live by such issuer in connection with a
e group health plan (as defined in section
1191b(a)(1) of this title) if the provisions of this
subchapter do not apply to such group health
plan.

c) Voluntary employee contributions to ac-
counts and annuities

If a pension plan allows an employee to elect
to make voluntary employee contributions to
accounts and annuities as provided in section
408(q) of title 26, such accounts and annuities
(and contributions thereto) shall not be treated
as part of such plan (or as a separate pension
plan) for purposes of any provision of this sub-
chapter other than section 1103(c), 1104, or 1105
of this title (relating to exclusive benefit, and
fiduciary and co-fiduciary responsibilities) and
part 5 of subtitle B of this subchapter (relating
to administration and enforcement). Such provi-
sions shall apply to such accounts and annuities
in a manner similar to their application to a
simplified employee pension under section 408(k)
of title 26.

839; Pub. L. 101–239, title VII, § 7891(a)(1), Dec. 19,
1989, 103 Stat. 2445; Pub. L. 104–191, title I,
§ 101(d), Aug. 21, 1996, 110 Stat. 1952; Pub. L. 104–204,
title VI, § 603(b)(3)(A), Sept. 29, 1996, 110
Stat. 2938; Pub. L. 107–16, title VI, § 602(b), June 7,
2001, 115 Stat. 96; Pub. L. 107–147, title IV,
§ 411(i)(2), Mar. 9, 2002, 116 Stat. 47.)

REFERENCES IN TEXT

Part 5 of subtitle B of this subchapter, referred to in
subsec. (c), was in the original a reference to "part 5" and
was translated as meaning part 5 of subtitle B of
title I of Pub. L. 93–406, to reflect the probable intent
of Congress.

AMENDMENTS

of subtitle B of this subchapter (relating to administra-
tion and enforcement)" after "co-fiduciary responsibil-
ities" and "Such provisions shall apply to such ac-
counts and annuities in a manner similar to their ap-
plication to a simplified employee pension under section
408(k) of title 26." at end.

"or (c)" after "subsection (b)" in introductory provi-
sions.

(c).

1996—Subsec. (b). Pub. L. 104–204, in concluding provi-
sions, made technical amendment to references in original act which appear in text as references to sec-
tion 1191b of this title.

Pub. L. 104–191 inserted at end "The provisions of part
7 of subtitle B of this subchapter shall not apply to a
health insurance issuer (as defined in section 1191b(b)(2)
of this title) solely by reason of health insurance cov-
erage (as defined in section 1191b(b)(1) of this title) pro-
vided by such issuer in connection with a group health
plan (as defined in section 1191b(a)(1) of this title) if the
provisions of this subchapter do not apply to such
health plan."

1992—Subsec. (b)(2). Pub. L. 101–239 substituted "In-
ternal Revenue Code of 1986" for "Internal Revenue
Code of 1954", which for purposes of codification was
translated as "title 26" thus requiring no change in

text.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–147 effective as if included
in the provisions of the Economic Growth and Tax Re-
such amendment relates, see section 411(x) of Pub. L.
107–147, set out as a note under section 25B of Title 26,
Internal Revenue Code.

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107–16 applicable to plan years
beginning after Dec. 31, 2002, see section 602(c) of Pub.
L. 107–16, set out as a note under section 408 of Title 26,
Internal Revenue Code.

EFFECTIVE DATE OF 1996 AMENDMENTS

Section 603(c) of Pub. L. 104–204 provided that: "The
amendments made by this section [enacting section
1185 of this title and amending this section and sections
1021, 1022, 1024, 1132, 1136, 1144, 1141, 1181, 1191, and
1191a of this title] shall apply with respect to group
health plans for plan years beginning on or after January 1,
1998."

Amendment by Pub. L. 104–191 applicable with re-
spect to group health plans for plan years beginning
after June 30, 1997, except as otherwise provided, see
section 101(g) of Pub. L. 104–191, set out as an Effective
Date note under section 1181 of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 101–239 effective, except as
otherwise provided, as if included in the provision of
such amendment relates, see section 7891(f) of Pub. L.
101–239, set out as a note under section 1002 of this title.

SUBTITLE B—REGULATORY PROVISIONS

PART 1—REPORTING AND DISCLOSURE

§ 1021. Duty of disclosure and reporting

(a) Summary plan description and information
to be furnished to participants and benefi-
ciaries

The administrator of each employee benefit
plan shall cause to be furnished in accordance
with section 1023(a)(1) of this title to each partici-
2002—Pub. L. 107–147 amended section 1103(c) of
this title in part 5 of subtitle B of this subchapter.

1 See References in Text note below.

2 See References in Text note below.