

108TH CONGRESS
1ST SESSION

H. R. 323

To amend title I of the Employee Retirement Income Security Act of 1974 to provide for joint trusteeship of single-employer pension plans.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2003

Mr. VISCLOSKY (for himself, Mr. LYNCH, Mr. WYNN, Mr. OBERSTAR, and Mr. STUPAK) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend title I of the Employee Retirement Income Security Act of 1974 to provide for joint trusteeship of single-employer pension 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. REQUIREMENTS RELATING TO TRUSTEESHIP**
4 **OF SINGLE-EMPLOYER PLANS.**

5 (a) IN GENERAL.—Section 403(a) of the Employee
6 Retirement Income Security Act of 1974 (29 U.S.C.
7 1103(a)) is amended—

8 (1) by redesignating paragraphs (1) and (2) as
9 subparagraphs (A) and (B), respectively;

1 (2) by inserting “(1)” after “(a)”; and

2 (3) by adding at the end the following new
3 paragraph:

4 “(2)(A) The assets of a pension plan which is a sin-
5 gle-employer plan shall be held in trust by a joint board
6 of trustees, which shall consist of two or more trustees
7 representing on an equal basis the interests of the em-
8 ployer or employers maintaining the plan and the interests
9 of the participants and their beneficiaries.

10 “(B)(i) Except as provided in clause (ii), in any case
11 in which the plan is maintained pursuant to one or more
12 collective bargaining agreements between one or more em-
13 ployee organizations and one or more employers, the trust-
14 ees representing the interests of the participants and their
15 beneficiaries pursuant to subparagraph (A) shall be des-
16 igned by such employee organizations.

17 “(ii) Clause (i) shall not apply with respect to a plan
18 described in such clause if the employee organization (or
19 all employee organizations, if more than one) referred to
20 in such clause file with the Secretary, in such form and
21 manner as shall be prescribed in regulations of the Sec-
22 retary, a written waiver of their rights under clause (i).

23 “(iii) In any case in which clause (i) does not apply
24 with respect to a pension plan which is a single-employer
25 plan because the plan is not described in clause (i) or be-

1 cause of a waiver filed pursuant to clause (ii), the trustee
2 or trustees representing the interests of the participants
3 and their beneficiaries shall consist of one or more partici-
4 pants under the plan elected to serve as such in accord-
5 ance with this clause. The Secretary shall provide by regu-
6 lation for a secret ballot of the participants under the plan
7 for purposes of such election, and for certification of the
8 results thereof to the participants (and any employee orga-
9 nization referred to in clause (ii)) and to the employer.”.

10 (b) CONFORMING AMENDMENTS.—Section 403(a)(1)
11 of such Act (as redesignated under subsection (a)) is
12 amended—

13 (1) by striking “Such trustee or trustees” and
14 inserting “Except as provided in paragraph (2), such
15 trustee or trustees”;

16 (2) by striking “fiduciary, and upon accept-
17 ance” and inserting “fiduciary. Upon acceptance”;
18 and

19 (3) in subparagraph (A) (as so redesignated),
20 by striking “the plan” the first place it appears and
21 inserting “in the case of a plan other than a pension
22 plan which is a single-employer plan, the plan”.

23 **SEC. 2. EFFECTIVE DATE.**

24 The amendments made by section 1 shall apply with
25 respect to plan years beginning after 180 days after the

1 date of the enactment of this Act. The Secretary of Labor
2 shall prescribe the initial regulations necessary to carry
3 out the provisions of such amendments not later than 90
4 days after the date of the enactment of this Act.

