

109TH CONGRESS
1ST SESSION

H. R. 4455

To clarify the status of retirement benefits provided by the Young Women's Christian Association Retirement Fund under the benefit accrual standards of the Employee Retirement Income Security Act of 1974.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2005

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

A BILL

To clarify the status of retirement benefits provided by the Young Women's Christian Association Retirement Fund under the benefit accrual standards of 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. SHORT TITLE.**

4 This Act may be cited as the “YWCA Retirement
5 Plan Preservation Act of 2005”.

6 **SEC. 2. CLARIFICATION OF AGE DISCRIMINATION RULES.**

7 (a) IN GENERAL.—A pension plan described in sub-
8 section (b) shall not be treated as failing to meet the re-

1 quirements of section 204(b)(1)(H)(i) of the Employee
2 Retirement Income Security Act of 1974 (29 U.S.C.
3 1054(b)(1)(H)(i)) or section 4(i)(1)(A) of the Age Dis-
4 crimination in Employment Act of 1967 (29 U.S.C.
5 623(i)(1)(A)) merely because it may reasonably be ex-
6 pected that the period over which interest credits will be
7 made to a participant's accumulation account (or its
8 equivalent) under the plan is longer for a younger partici-
9 pant. This subsection shall not apply to any plan if the
10 rate of any pay credit or interest credit to such an account
11 under the plan decreases by reason of the participant's
12 attainment of any age.

13 (b) PENSION PLAN DESCRIBED.—A pension plan de-
14 scribed in this subsection is the defined benefit plan (as
15 defined in section 3(35) of the Employee Retirement In-
16 come Security Act of 1974 (29 U.S.C. 1002(35)) main-
17 tained as of December 6, 2005, by the Young Women's
18 Christian Association Retirement Fund, a corporation cre-
19 ated by an Act of the State of New York which became
20 law on April 12, 1924.

21 **SEC. 3. EFFECTIVE DATE.**

22 The amendments made by this Act shall apply with
23 respect to periods beginning on or after the date of the
24 enactment of this Act, except that such amendments shall
25 apply in the case of any civil action brought on or after

1 such date by one or more participants, beneficiaries, or
2 fiduciaries against—

3 (1) the Young Women’s Christian Association
4 Retirement Fund,

5 (2) any local association of the Young Women’s
6 Christian Association of the United States of Amer-
7 ica (or any tax-exempt successor organization to a
8 local association),

9 (3) the Young Women’s Christian Association
10 of the United States of America, or

11 (4) any trustee, director, or employee of any en-
12 tity described in paragraph (1), (2), or (3),

13 alleging a violation (of section 204(b)(1)(H) of the Em-
14 ployee Retirement Income Security Act of 1974 (29
15 U.S.C. 1054(b)(1)(H)), section 4(i)(1)(A) of the Age Dis-
16 crimination in Employment Act of 1967 (29 U.S.C.
17 623(i)(1)(A)), or both) occurring before, on, or after the
18 date of the enactment of this Act.

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