

113TH CONGRESS
2D SESSION

H. R. 5792

To establish a special rule for determining normal retirement age for certain existing defined benefit plans.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 4, 2014

Mr. KIND (for himself, Mr. NEAL, and Mr. GERLACH) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a special rule for determining normal retirement age for certain existing defined benefit 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. CLARIFICATION OF THE NORMAL RETIREMENT**

4 **AGE.**

5 (a) AMENDMENTS TO ERISA.—Section 204 of the
6 Employee Retirement Income Security Act of 1974 is
7 amended by redesignating subsection (k) as subsection (l)

1 and by inserting after subsection (j) the following new sub-
2 section:

3 “(k) SPECIAL RULE FOR DETERMINING NORMAL
4 RETIREMENT AGE FOR CERTAIN EXISTING DEFINED
5 BENEFIT PLANS.—

6 “(1) IN GENERAL.—For purposes of section
7 3(24), an applicable plan shall not be treated as fail-
8 ing to meet any requirement of this title, or as fail-
9 ing to have a uniform normal retirement age for
10 purposes of this title, solely because the plan has
11 adopted the normal retirement age described in
12 paragraph (2).

13 “(2) APPLICABLE PLAN.—For purposes of this
14 subsection—

15 “(A) IN GENERAL.—The term ‘applicable
16 plan’ means a defined benefit plan that, on or
17 before the date of the introduction of this sub-
18 section, has adopted a normal retirement age
19 which is the earlier of—

20 “(i) an age otherwise permitted under
21 section 3(24), or

22 “(ii) the age at which a participant
23 completes the number of years (not less
24 than 30 years) of benefit accrual service
25 specified by the plan.

1 A plan shall not fail to be treated as an applica-
2 ble plan solely because, as of such date, the
3 normal retirement age described in the pre-
4 ceding sentence only applied to certain partici-
5 pants or to certain employers participating in
6 the plan.

7 “(B) EXPANDED APPLICATION.—Subject
8 to subparagraph (C), if, after the date de-
9 scribed in subparagraph (A), an applicable plan
10 expands the application of the normal retire-
11 ment age described in subparagraph (A) to ad-
12 ditional participants or participating employers,
13 such plan shall be treated as an applicable plan
14 also with respect to such participants or partici-
15 pating employers.

16 “(C) LIMITATION ON EXPANDED APPLICA-
17 TION.—A defined benefit plan shall be an appli-
18 cable plan only with respect to an individual
19 who—

20 “(i) is a participant in the plan on or
21 before January 1, 2017, or

22 “(ii) is an employee at any time on or
23 before January 1, 2017 of any employer
24 participating in the plan, and who becomes

1 a participant in such plan after such
2 date.”.

3 (b) AMENDMENT TO 1986 CODE.—Section 411 of the
4 Internal Revenue Code of 1986 is amended by adding at
5 the end the following new subsection:

6 “(f) SPECIAL RULE FOR DETERMINING NORMAL RE-
7 TIREMENT AGE FOR CERTAIN EXISTING DEFINED BEN-
8 EFIT PLANS.—

9 “(1) IN GENERAL.—For purposes of subsection
10 (a)(8), an applicable plan shall not be treated as
11 failing to meet any requirement of this subchapter,
12 or as failing to have a uniform normal retirement
13 age for purposes of this subchapter, solely because
14 the plan has adopted the normal retirement age de-
15 scribed in paragraph (2).

16 “(2) APPLICABLE PLAN.—For purposes of this
17 subsection—

18 “(A) IN GENERAL.—The term ‘applicable
19 plan’ means a defined benefit plan that, on or
20 before the date of the introduction of this sub-
21 section, has adopted a normal retirement age
22 which is the earlier of—

23 “(i) an age otherwise permitted under
24 subsection (a)(8), or

1 “(ii) the age at which a participant
2 completes the number of years (not less
3 than 30 years) of benefit accrual service
4 specified by the plan.

5 A plan shall not fail to be treated as an applica-
6 ble plan solely because, as of such date, the
7 normal retirement age described in the pre-
8 ceding sentence only applied to certain partici-
9 pants or to certain employers participating in
10 the plan.

11 “(B) EXPANDED APPLICATION.—Subject
12 to subparagraph (C), if, after the date de-
13 scribed in subparagraph (A), an applicable plan
14 expands the application of the normal retire-
15 ment age described in subparagraph (A) to ad-
16 ditional participants or participating employers,
17 such plan shall be treated as an applicable plan
18 also with respect to such participants or partici-
19 pating employers.

20 “(C) LIMITATION ON EXPANDED APPLICA-
21 TION.—A defined benefit plan shall be an appli-
22 cable plan only with respect to an individual
23 who—

24 “(i) is a participant in the plan on or
25 before January 1, 2017, or

1 “(ii) is an employee at any time on or
2 before January 1, 2017, of any employer
3 participating in the plan, and who becomes
4 a participant in such plan after such
5 date.”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 this section shall apply to all periods before, on, and after
8 the date of enactment of this Act.

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