

(f) Regulations

The Secretary may promulgate such regulations or other guidance as may be necessary or appropriate to carry out this section.

(g) Exception

This section shall not apply to any plan or arrangement that does not fall within the meaning of the term “multiple employer welfare arrangement” under section 1002(40)(A) of this title.

(Pub. L. 93-406, title I, §521, as added Pub. L. 111-148, title VI, §6605(a), Mar. 23, 2010, 124 Stat. 780.)

§ 1152. Coordination of enforcement regarding violations of certain health care provider requirements; complaint process

(a) Investigating violations

Upon receiving a notice from a State or the Secretary of Health and Human Services of violations of sections 300gg-131, 300gg-132, or 300gg-135 of title 42, the Secretary of Labor shall identify patterns of such violations with respect to participants or beneficiaries under a group health plan or group health insurance coverage offered by a health insurance issuer and conduct an investigation pursuant to section 1134 of this title where appropriate, as determined by the Secretary. The Secretary shall coordinate with States and the Secretary of Health and Human Services, in accordance with section 1136 of this title and with section 104 of Health Insurance Portability and Accountability Act of 1996, where appropriate, as determined by the Secretary, to ensure that appropriate measures have been taken to correct such violations retrospectively and prospectively with respect to participants or beneficiaries under a group health plan or group health insurance coverage offered by a health insurance issuer.

(b) Complaint process

Not later than January 1, 2022, the Secretary shall ensure a process under which the Secretary—

(1) may receive complaints from participants and beneficiaries of group health plans or group health insurance coverage offered by a health insurance issuer relating to alleged violations of the sections specified in subsection (a); and

(2) transmits such complaints to States or the Secretary of Health and Human Services (as determined appropriate by the Secretary) for potential enforcement actions.

(Pub. L. 93-406, title I, §522, as added Pub. L. 116-260, div. BB, title I, §104(b)(1), Dec. 27, 2020, 134 Stat. 2830.)

Editorial Notes

REFERENCES IN TEXT

Section 104 of Health Insurance Portability and Accountability Act of 1996, referred to in subsec. (a), is section 104 of Pub. L. 104-191, which is set out as a note under section 300gg-92 of Title 42, The Public Health and Welfare.

§ 1153. Retirement Savings Lost and Found**(a) Establishment****(1) In general**

Not later than 2 years after December 29, 2022, the Secretary, in consultation with the Secretary of the Treasury, shall establish an online searchable database (to be managed by the Secretary in accordance with this section) to be known as the “Retirement Savings Lost and Found”. The Retirement Savings Lost and Found shall—

(A) allow an individual to search for information that enables the individual to locate the administrator of any plan described in paragraph (2) with respect to which the individual is or was a participant or beneficiary, and provide contact information for the administrator of any such plan;

(B) allow the Secretary to assist such an individual in locating any such plan of the individual; and

(C) allow the Secretary to make any necessary changes to contact information on record for the administrator based on any changes to the plan due to merger or consolidation of the plan with any other plan, division of the plan into two or more plans, bankruptcy, termination, change in name of the plan, change in name or address of the administrator, or other causes.

(2) Plans described

A plan described in this paragraph is a plan to which the vesting standards of section 1053 of this title apply.

(b) Administration

The Retirement Savings Lost and Found established under subsection (a) shall provide individuals described in subsection (a)(1) only with the ability to search for information that enables the individual to locate the administrator and contact information for the administrator of any plan with respect to which the individual is or was a participant or beneficiary, sufficient to allow the individual to locate the individual’s plan in order to make a claim for benefits owing to the individual under the plan.

(c) Safeguarding participant privacy and security

In establishing the Retirement Savings Lost and Found under subsection (a), the Secretary, in consultation with the Secretary of the Treasury, shall take all necessary and proper precautions to—

(1) ensure that individuals’ plan and personal information maintained by the Retirement Savings Lost and Found is protected; and

(2) allow any individual to contact the Secretary to opt out of inclusion in the Retirement Savings Lost and Found.

(d) Definition of administrator

For purposes of this section, the term “administrator” has the meaning given such term in section 1002(16)(A) of this title.

(e) Information collection from plans

Effective with respect to plan years beginning after the second December 31 occurring after the