

(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

date of the enactment of this subsection, the administrator of a plan to which the vesting standards of section 1053 of this title apply shall submit to the Secretary, at such time and in such form and manner as is prescribed in regulations—

(1) the information described in paragraphs (1) through (4) of section 6057(b) of title 26;

(2) the information described in subparagraphs (A) and (B) of section 6057(a)(2) of title 26;

(3) the name and taxpayer identifying number of each participant or former participant in the plan—

(A) who, during the current plan year or any previous plan year, was reported under section 6057(a)(2)(C) of title 26, and with respect to whom the benefits described in clause (ii) thereof were fully paid during the plan year;

(B) with respect to whom any amount was distributed under section 401(a)(31)(B) of title 26 during the plan year; or

(C) with respect to whom a deferred annuity contract was distributed during the plan year; and

(4) in the case of a participant or former participant to whom paragraph (3) applies—

(A) in the case of a participant described in subparagraph (B) thereof, the name and address of the designated trustee or issuer described in section 401(a)(31)(B)(i) of title 26 and the account number of the individual retirement plan to which the amount was distributed; and

(B) in the case of a participant described in subparagraph (C) thereof, the name and address of the issuer of such annuity contract and the contract or certificate number.

(f) Use of information collected

The Secretary—

(1) may use or disclose information collected under this section only for the purpose described in subsection (a)(1)(B), and

(2) may disclose such information only to such employees of the Department of Labor whose official duties relate to the purpose described in such subsection.

(g) Program integrity audit

On an annual basis for each of the first 5 years beginning one year after the establishment of the database in subsection (a)(1) and every 5 years thereafter, the Inspector General of the Department of Labor shall—

(1) conduct an audit of the administration of the Retirement Savings Lost and Found; and

(2) submit a report on such audit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate and the Committee on Ways and Means and the Committee on Education and Labor of the House of Representatives.

(Pub. L. 93-406, title I, §523, as added Pub. L. 117-328, div. T, title III, §303(a), Dec. 29, 2022, 136 Stat. 5339.)

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Education and Labor of House of Representatives changed to Committee on Education and

the Workforce of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

PART 6—CONTINUATION COVERAGE AND ADDITIONAL STANDARDS FOR GROUP HEALTH PLANS

§ 1161. Plans must provide continuation coverage to certain individuals

(a) In general

The plan sponsor of each group health plan shall provide, in accordance with this part, that each qualified beneficiary who would lose coverage under the plan as a result of a qualifying event is entitled, under the plan, to elect, within the election period, continuation coverage under the plan.

(b) Exception for certain plans

Subsection (a) shall not apply to any group health plan for any calendar year if all employers maintaining such plan normally employed fewer than 20 employees on a typical business day during the preceding calendar year.

(Pub. L. 93-406, title I, §601, as added Pub. L. 99-272, title X, §10002(a), Apr. 7, 1986, 100 Stat. 227; amended Pub. L. 101-239, title VII, §§7862(c)(1)(B), 7891(a)(1), Dec. 19, 1989, 103 Stat. 2432, 2445.)

Editorial Notes

AMENDMENTS

1989—Subsec. (b). Pub. L. 101-239 struck out at end “Under regulations, rules similar to the rules of subsections (a) and (b) of section 52 of title 26 (relating to employers under common control) shall apply for purposes of this subsection.”

Pub. L. 101-239, §7891(a)(1), substituted “Internal 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.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by section 7862(c)(1)(B) of Pub. L. 101-239 applicable to years beginning after Dec. 31, 1986, see section 7862(c)(1)(C) of Pub. L. 101-239, set out as a note under section 106 of Title 26, Internal Revenue Code.

Amendment by section 7891(a)(1) of Pub. L. 101-239 effective, except as otherwise provided, as if included in the provision of the Tax Reform Act of 1986, Pub. L. 99-514, to which such amendment relates, see section 7891(f) of Pub. L. 101-239, set out as a note under section 1002 of this title.

EFFECTIVE DATE

Pub. L. 99-272, title X, §10002(d), Apr. 7, 1986, 100 Stat. 231, provided that:

“(1) GENERAL RULE.—The amendments made by this section [enacting this part and amending section 1132 of this title] shall apply to plan years beginning on or after July 1, 1986.

“(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act [Apr. 7, 1986], the amendments made by this section shall not apply to plan years beginning before the later of—

“(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension