

118TH CONGRESS
2D SESSION

H. R. 9281

To amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 with respect to minimum participation standards for pension plans and qualified trusts.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2024

Ms. PETTERSEN (for herself and Mr. WALBERG) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, 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 amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 with respect to minimum participation standards for pension plans and qualified trusts.

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 “Helping Young Ameri-
5 cans Save for Retirement Act”.

1 **SEC. 2. ELIGIBILITY AT AGE 18 UNDER CERTAIN CONDI-**
2 **TIONS.**

3 (a) ERISA.—

4 (1) AGE 18.—Subparagraphs (A) and (B) of
5 section 202(c)(1) of the Employee Retirement In-
6 come Security Act of 1974 (29 U.S.C. 1052(c)(1))
7 are amended to read as follows:

8 “(A) the period determined under sub-
9 section (a)(1) determined—

10 “(i) without regard to subparagraph
11 (B)(i) thereof; and

12 “(ii) by substituting ‘18’ for ‘21’ in
13 subparagraph (A)(i) thereof; or

14 “(B) the first 24-month period—

15 “(i) consisting of 2 consecutive 12-
16 month periods during each of which the
17 employee has at least 500 hours of service;
18 and

19 “(ii) by the close of which the em-
20 ployee has met the requirement of sub-
21 section (a)(1)(A)(i) (without regard to sub-
22 paragraph (A)(ii) of this paragraph).”.

23 (2) CONFORMING AMENDMENTS.—Section
24 202(c) of such Act (29 U.S.C. 1052(c)) is amend-
25 ed—

26 (A) in the subsection heading—

1 (i) by striking “SPECIAL RULE” and
2 inserting “SPECIAL RULES”; and

3 (ii) by adding “AND CERTAIN YOUNG-
4 ER EMPLOYEES” after “EMPLOYEES”; and
5 (B) in paragraph (3)—

6 (i) by striking “Paragraph (1)(B)”
7 and inserting “Paragraph (1)”, and

8 (ii) by striking “section
9 401(k)(2)(D)(ii)” and inserting “section
10 401(k)(2)(D)”.

11 (3) OPINION OF INDEPENDENT QUALIFIED
12 PUBLIC ACCOUNTANT.—Section 104(a)(2) of such
13 Act (29 U.S.C. 1024(a)(2)) is amended by adding at
14 the end the following:

15 “(C) For purposes of this paragraph and the last sen-
16 tence of section 103(a)(3)(A), with respect to a pension
17 plan in which at least one employee participates solely by
18 reason of section 202(c)(1)(A), no employee participating
19 in such plan solely by reason of section 202(c)(1)(A) shall
20 be treated as a participant until the date that is 5 years
21 after the date on which the first such employee first be-
22 comes a participant in such plan.”.

23 (b) INTERNAL REVENUE CODE OF 1986.—

1 (1) AGE 18.—Clauses (i) and (ii) of section
2 401(k)(2)(D) of the Internal Revenue Code of 1986
3 are amended to read as follows:

4 “(i) the period permitted under sec-
5 tion 410(a)(1), determined—

6 “(I) without regard to subpara-
7 graph (B)(i) thereof, and

8 “(II) by substituting ‘18’ for ‘21’
9 in subparagraph (A)(i) thereof, or

10 “(ii) subject to the provisions of para-
11 graph (15), the first of 2 consecutive 12-
12 month periods during each of which the
13 employee has at least 500 hours of service,
14 provided that the employee has satisfied
15 the requirements of section 410(a)(1)(A)(i)
16 (without regard to clause (i)(II) of this
17 subparagraph).”.

18 (2) CONFORMING AMENDMENTS.—The Internal
19 Revenue Code of 1986 is amended—

20 (A) in section 401(k)(15)—

21 (i) in the paragraph heading, by add-
22 ing “AND CERTAIN YOUNGER WORKERS”
23 after “WORKERS”; and

24 (ii) in subparagraph (B)—

1 (I) in clauses (i) and (ii), by
2 striking “(2)(D)(ii)” each place it ap-
3 pears and inserting “(2)(D)”;

4 (II) in clause (i), by striking
5 “202(c)(1)(B)” and inserting
6 “202(c)(1)”; and

7 (III) in clause (iv), striking
8 “paragraph (2)(D)(ii)” and inserting
9 “clauses (i)(II) and (ii) of paragraph
10 (2)(D)”; and

11 (B) in section 403(b)(12)—

12 (i) in subparagraph (A), by striking
13 “section 202(c)” and inserting “section
14 202(c)(1)(B)”; and

15 (ii) in subparagraph (D)—

16 (I) in the subparagraph heading,
17 by inserting “AND CERTAIN YOUNGER
18 EMPLOYEES” after “EMPLOYEES”;
19 and

20 (II) in clause (i), by striking
21 “202(c)(1)(B)” and adding
22 “202(c)(1)”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to plan years beginning after De-
3 cember 31, 2025.

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