

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend the Employee Retirement Income Security Act of 1974 to provide for greater spousal protection under defined contribution plans, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mrs. MURRAY (for herself, Mr. BLUMENTHAL, Ms. HIRONO, Ms. KLOBUCHAR, Mrs. FEINSTEIN, Ms. SMITH, Ms. WARREN, Ms. CANTWELL, Mr. WYDEN, Mr. SANDERS, Ms. BALDWIN, Mr. BENNET, Mr. MENENDEZ, Ms. CORTEZ MASTO, Mr. KAINE, Mr. PADILLA, Ms. ROSEN, Mr. BROWN, Mrs. GILLIBRAND, Ms. STABENOW, Mr. DURBIN, Mr. MERKLEY, Ms. DUCKWORTH, Mrs. SHAHEEN, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on

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**A BILL**

To amend the Employee Retirement Income Security Act of 1974 to provide for greater spousal protection under defined contribution plans, and for other purposes.

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 “Women’s Retirement  
5 Protection Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Approximately 25 percent of non-retired  
4 adults have no defined benefit plan or retirement  
5 savings, according to 2020 data from the Board of  
6 Governors of the Federal Reserve System.

7 (2) In 2020, one-third of the private sector  
8 workforce did not have access to a retirement plan  
9 at the workplace, and only half of the workforce ac-  
10 tually participated in a retirement plan.

11 (3) Women's retirement preparedness often lags  
12 significantly behind their male counterparts', result-  
13 ing in the median income for women aged 65 and  
14 older in 2020 being just 83 percent of the median  
15 income of men aged 65 and older, including income  
16 from social security, pension plans, investments, and  
17 earnings.

18 (4) Among people aged 75 and older, 13.2 per-  
19 cent of women live in poverty, while 8.8 percent of  
20 men live in poverty.

21 (5) Women make up two-thirds of low-wage  
22 workers, even though they comprise less than half of  
23 all workers, and low-wage workers are less likely  
24 than other workers to participate in a retirement  
25 plan at work.

1           (6) Because of the pay gap, women working  
2 full-time, year-round typically lose \$406,280 over a  
3 40-year career thereby requiring the average woman  
4 to work almost a decade longer than her male coun-  
5 terpart to make up that career wage gap. For Black  
6 and Latina women, the career wage gap is even larg-  
7 er at \$964,400 and \$1,163,920, respectively.

8           (7) Due to the lower lifetime wages stemming  
9 from unequal pay and caregiving duties, the average  
10 Social Security benefit in 2019 for a woman age 65  
11 or older was \$13,505 a year, while for men such av-  
12 erage benefit was \$17,374 a year.

13           (8) The COVID–19 pandemic has exacerbated  
14 the existing gender gap in retirement savings as  
15 women have been more likely to leave the workforce  
16 for caregiving. Women, especially women of color,  
17 have also been more likely to lose their jobs during  
18 the pandemic due to overrepresentation in industries  
19 severely hit by the pandemic.

20           (9) Just 1 in 5 part-time workers who work a  
21 full year are eligible for a retirement plan, and  
22 women are almost twice as likely as men to work  
23 part-time.

24           (10) While traditional defined benefit retire-  
25 ment plans have spousal protections, defined con-

1       tribution retirement plans, which have become in-  
2       creasingly common, currently provide no similar  
3       spousal protections.

4               (11) Every year, more than 1,200,000 couples  
5       get divorced in the United States. After the family  
6       home, retirement savings tends to be the largest  
7       asset to be divided in a divorce.

8               (12) While fees and expenses associated with  
9       retirement plans have been in decline, participants  
10      have seen direct charges for processing qualified do-  
11      mestic relations orders increase significantly.

12 **SEC. 3. INCREASING SPOUSAL PROTECTION UNDER DE-**  
13 **FINED CONTRIBUTION PLANS.**

14       (a) AMENDMENT OF EMPLOYEE RETIREMENT IN-  
15 COME SECURITY ACT OF 1974.—

16               (1) IN GENERAL.—Part 2 of subtitle B of title  
17       I of the Employee Retirement Income Security Act  
18       of 1974 (29 U.S.C. 1051 et seq.) is amended by in-  
19       serting after section 205 the following new section:

20 **“SEC. 205A. ADDITIONAL SPOUSAL CONSENT REQUIRE-**  
21 **MENTS.**

22       “(a) IN GENERAL.—Each individual account plan to  
23       which section 205 does not apply shall provide that, except  
24       as provided in subsections (c) and (d), no distribution may

1 be made under the plan unless the spousal consent re-  
2 quirements of subsection (e) are met.

3 “(b) COORDINATION WITH SECTION 205.—Nothing  
4 in this section shall be construed to exempt an individual  
5 account plan from the requirements of paragraph (1)(B),  
6 (1)(C), or (2) of section 205(b) with respect to any partici-  
7 pant.

8 “(c) EXCEPTIONS FOR CERTAIN DISTRIBUTIONS.—  
9 Subsection (a) shall not apply to—

10 “(1) any distribution that is—

11 “(A) a minimum required distribution de-  
12 scribed in section 4974(b) of the Internal Rev-  
13 enue Code of 1986; or

14 “(B) permitted under section 203(e)(1) to  
15 be made without the consent of the participant;

16 “(2) any distribution in the form of a qualified  
17 joint and survivor annuity (as defined in section  
18 205(d)(1)), a qualified optional survivor annuity (as  
19 defined in section 205(d)(2)), a qualified preretire-  
20 ment survivor annuity (as defined in section 205(e)),  
21 or a series of substantially equal periodic payments  
22 (not less frequently than annually) made for the  
23 joint lives (or life expectancies) of the participant  
24 and the participant’s spouse; or

1           “(3) in the case of a participant who does not  
2           elect a form of benefit described in paragraph (2)  
3           under the plan or who is participating in a plan that  
4           does not provide such a form of benefit, any dis-  
5           tribution of the participant’s entire nonforfeitable  
6           accrued benefit if 50 percent of such accrued benefit  
7           is transferred to an individual retirement plan (as  
8           defined in section 7701(a)(37) of the Internal Rev-  
9           enue Code of 1986) of the spouse of the participant.  
10          A transfer described in paragraph (3) to an individual re-  
11          tirement plan shall be treated in the same manner as a  
12          transfer under section 408(d)(6) of the Internal Revenue  
13          Code of 1986.

14          “(d) EXCEPTIONS FOR CERTAIN ROLLOVER CON-  
15          TRIBUTIONS.—Subsection (a) shall not apply to any dis-  
16          tribution that is an eligible rollover distribution (as de-  
17          fined in section 402(f)(2)(A) of the Internal Revenue Code  
18          of 1986) made in the form of a direct trustee-to-trustee  
19          transfer within the meaning of section 401(a)(31) of the  
20          Internal Revenue Code of 1986—

21                 “(1) to a plan to which this section or section  
22                 205 applies; or

23                 “(2) to an individual retirement plan (as de-  
24                 fined in section 7701(a)(37) of the Internal Revenue  
25                 Code of 1986) if—

1           “(A) the beneficiary of such plan is the  
2 spouse of the participant, or the spousal con-  
3 sent requirements of subsection (e) are met  
4 with respect to any designation of 1 or more  
5 other beneficiaries; and

6           “(B) under the terms of the individual re-  
7 tirement plan, the beneficiary of such plan  
8 (whether the spouse or other beneficiary des-  
9 ignated under paragraph (1)) may not be  
10 changed unless—

11           “(i) the spousal consent requirements  
12 of subsection (e) are met with respect to  
13 any such change, or

14           “(ii) the spousal consent under sub-  
15 paragraph (A) to the designation of a ben-  
16 efiary other than the spouse expressly  
17 permits such designation to be changed  
18 without the further consent of the spouse.

19           “(e) SPOUSAL CONSENT REQUIREMENTS.—

20           “(1) IN GENERAL.—For purposes of this sec-  
21 tion, except as provided in paragraph (2), the spous-  
22 al consent requirements of this subsection are met  
23 with respect to any distribution or any designation  
24 or change of beneficiary if—

1           “(A) the plan provides to each participant,  
2           within a reasonable period of time before such  
3           distribution or designation or change of bene-  
4           ficiary is made and consistent with such regula-  
5           tions as the Secretary of the Treasury may pre-  
6           scribe, a written explanation of the rights of the  
7           participant and the participant’s spouse under  
8           this section;

9           “(B) the spouse of the participant consents  
10          in writing to the distribution or designation or  
11          change of beneficiary;

12          “(C) in the case of a distribution, the writ-  
13          ten consent under subparagraph (B) is made  
14          during the consent period; and

15          “(D) the written consent under subpara-  
16          graph (B)—

17                  “(i) acknowledges the effect of such  
18                  distribution or designation or change of  
19                  beneficiary; and

20                  “(ii) is witnessed by a plan represent-  
21                  ative or a notary public.

22          “(2) EXCEPTIONS.—The requirements of para-  
23          graph (1) (other than subparagraph (A) thereof)  
24          shall not apply with respect to any distribution or  
25          designation or change of beneficiary if a participant

1 establishes to the satisfaction of the plan adminis-  
2 trator that—

3 “(A) there is no spouse;

4 “(B) the participant and the participant’s  
5 spouse have not been married for at least 1  
6 year as of the date of the distribution or des-  
7 ignation or change of beneficiary; or

8 “(C) such consent cannot be obtained be-  
9 cause—

10 “(i) the spouse cannot be located;

11 “(ii) due to exceptional circumstances,  
12 requiring the participant to seek the  
13 spouse’s consent would be inappropriate;  
14 or

15 “(iii) of such other circumstances as  
16 the Secretary of the Treasury, in consulta-  
17 tion with the Secretary of Labor, may by  
18 regulations prescribe.

19 “(3) CONSENT LIMITED TO SPOUSE AND  
20 EVENT.—Any written consent by a spouse under  
21 paragraph (1), or the establishment by a participant  
22 that an exception under paragraph (2) applies with  
23 respect to a spouse, shall be effective only with re-  
24 spect to that spouse and to the distribution or des-  
25 ignation or change of beneficiary to which it relates.

1           “(4) CONSENT PERIOD.—For purposes of this  
2 subsection, the term ‘consent period’ means, with re-  
3 spect to any distribution—

4                   “(A) the 90-day period immediately pre-  
5 ceding the date of such distribution; or

6                   “(B) such other period as the Secretary of  
7 the Treasury may provide.

8           “(f) DISCHARGE OF PLAN FROM LIABILITY.—Rules  
9 similar to the rules of section 205(c)(6) shall apply for  
10 purposes of this section.”.

11           (2) CLERICAL AMENDMENT.—The table of sec-  
12 tions of part 2 of subtitle B of title I of the Em-  
13 ployee Retirement Income Security Act of 1974 is  
14 amended by inserting after the item relating to sec-  
15 tion 205 the following new item:

“Sec. 205A. Additional spousal consent requirements.”.

16           (3) RIGHT OF ACTION.—Section 502(a) of the  
17 Employee Retirement Income Security Act of 1974  
18 (29 U.S.C. 1132) is amended—

19                   (A) by striking “or” at the end of para-  
20 graph (10);

21                   (B) by striking the period at the end of  
22 paragraph (11) and inserting “; or”; and

23                   (C) by adding at the end the following new  
24 paragraph:

1           “(12) by an individual for appropriate relief in  
2           the case of a violation of the individual’s rights  
3           under section 205A.”.

4           (4) PARALLEL AMENDMENT TO SECTION 205.—  
5           Section 205(c)(2)(B) of the Employee Retirement  
6           Income Security Act of 1974 (29 U.S.C.  
7           1055(c)(2)(B)) is amended by inserting “, because  
8           due to exceptional circumstances, requiring the par-  
9           ticipant to seek the spouse’s consent would be inap-  
10          propriate” after “located”.

11          (b) CONFORMING AMENDMENT TO INTERNAL REV-  
12          ENUE CODE OF 1986.—Section 401(a) of the Internal  
13          Revenue Code of 1986 is amended by inserting after para-  
14          graph (17) the following new paragraph:

15                 “(18) ADDITIONAL SPOUSAL CONSENT RE-  
16                 QUIREMENTS.—

17                         “(A) IN GENERAL.—In the case of a de-  
18                         fined contribution plan to which paragraph (11)  
19                         does not apply, except as provided in sub-  
20                         sections (c) and (d), a trust forming part of  
21                         such plan shall not constitute a qualified trust  
22                         under this section unless no distribution may be  
23                         made under the plan unless the spousal consent  
24                         requirements of subparagraph (E) are met.

1           “(B) COORDINATION WITH PARAGRAPH  
2 (11).—Nothing in this paragraph shall be con-  
3 strued to exempt a defined contribution plan  
4 from the requirements of subparagraph (B)(ii),  
5 (B)(iii), or (C) of paragraph (11) with respect  
6 to any participant.

7           “(C) EXCEPTIONS FOR CERTAIN DISTRIBUTIONS.—Subparagraph (A) shall not apply to—

8                   “(i) any distribution that is—

9                           “(I) a minimum required dis-  
10 tribution described in section 4974(b),  
11 or  
12

13                           “(II) permitted under section  
14 411(a)(11) to be made without the  
15 consent of the participant,

16                   “(ii) any distribution in the form of a  
17 qualified joint and survivor annuity (as de-  
18 fined in section 417(b)), a qualified op-  
19 tional survivor annuity (as defined in sec-  
20 tion 417(g)), a qualified preretirement sur-  
21 vivor annuity (as defined in section  
22 417(c)), or a series of substantially equal  
23 periodic payments (not less frequently than  
24 annually) made for the joint lives (or life

1                   expectancies) of the participant and the  
2                   participant's spouse, or

3                   “(iii) in the case of a participant who  
4                   does not elect a form of benefit described  
5                   in clause (ii) under the plan or who is par-  
6                   ticipating in a plan that does not provide  
7                   such a form of benefit, any distribution of  
8                   the participant's entire nonforfeitable ac-  
9                   crued benefit if 50 percent of such accrued  
10                  benefit is transferred to an individual re-  
11                  tirement plan of the spouse of the partici-  
12                  pant.

13                  A transfer described in clause (iii) to an indi-  
14                  vidual retirement plan shall be treated in the  
15                  same manner as a transfer under section  
16                  408(d)(6).

17                  “(D) EXCEPTIONS FOR CERTAIN ROLL-  
18                  OVER CONTRIBUTIONS.—Subparagraph (A)  
19                  shall not apply to any distribution, involving a  
20                  participant who has a spouse, that is an eligible  
21                  rollover distribution (as defined in section  
22                  402(f)(2)(A)) made in the form of a direct  
23                  trustee-to-trustee transfer within the meaning  
24                  of paragraph (31)—

1 “(i) to a plan to which this paragraph  
2 or paragraph (11) applies; or

3 “(ii) to an individual retirement plan  
4 if—

5 “(I) the beneficiary of such plan  
6 is the spouse of the participant, or the  
7 spousal consent requirements of sub-  
8 paragraph (E) are met with respect to  
9 any designation of 1 or more other  
10 beneficiaries; and

11 “(II) under the terms of the indi-  
12 vidual retirement plan, the beneficiary  
13 of such plan (whether the spouse or  
14 other beneficiary designated under  
15 clause (i)) may not be changed un-  
16 less—

17 “(aa) the spousal consent  
18 requirements of subparagraph  
19 (E) are met with respect to any  
20 such change, or

21 “(bb) the spousal consent  
22 under subclause (I) to the des-  
23 ignation of a beneficiary other  
24 than the spouse expressly permits  
25 such designation to be changed

1 without the further consent of  
2 the spouse.

3 “(E) SPOUSAL CONSENT REQUIRE-  
4 MENTS.—

5 “(i) IN GENERAL.—For purposes of  
6 this paragraph, except as provided in  
7 clause (ii), the spousal consent require-  
8 ments of this subparagraph are met with  
9 respect to any distribution or any designa-  
10 tion or change of beneficiary if—

11 “(I) the plan provides to each  
12 participant, within a reasonable period  
13 of time before such distribution or  
14 designation or change of beneficiary is  
15 made and consistent with such regula-  
16 tions as the Secretary may prescribe,  
17 a written explanation of the rights of  
18 the participant and the participant’s  
19 spouse under this paragraph,

20 “(II) the spouse of the partici-  
21 pant consents in writing to the dis-  
22 tribution or designation or change of  
23 beneficiary,

24 “(III) in the case of a distribu-  
25 tion, the written consent under sub-

1 clause (II) is made during the consent  
2 period, and

3 “(IV) the written consent under  
4 subclause (ii)—

5 “(aa) acknowledges the ef-  
6 fect of such distribution or des-  
7 ignation or change of beneficiary,  
8 and

9 “(bb) is witnessed by a plan  
10 representative or a notary public.

11 “(ii) EXCEPTIONS UNDER SECTION  
12 417(A)(2)(B) TO APPLY.—The requirements  
13 of clause (i) (other than subclause (I)  
14 thereof) shall not apply with respect to any  
15 distribution or designation or change of  
16 beneficiary if a participant establishes to  
17 the satisfaction of the plan administrator  
18 that—

19 “(I) there is no spouse,

20 “(II) the participant and the par-  
21 ticipant’s spouse have not been mar-  
22 ried for at least 1 year as of the date  
23 of the distribution or designation or  
24 change of beneficiary, or

1                   “(III) such consent cannot be ob-  
2                   tained because—

3                   “(aa) the spouse cannot be  
4                   located, or

5                   “(bb) of such other cir-  
6                   cumstances as the Secretary, in  
7                   consultation with the Secretary  
8                   of Labor, may by regulations pre-  
9                   scribe.

10                  “(iii) CONSENT LIMITED TO SPOUSE  
11                  AND EVENT.—Any written consent by a  
12                  spouse under clause (i), or the establish-  
13                  ment by a participant that an exception  
14                  under clause (ii) applies with respect to a  
15                  spouse, shall be effective only with respect  
16                  to that spouse and to the distribution or  
17                  designation or change of beneficiary to  
18                  which it relates.

19                  “(iv) CONSENT PERIOD.—For pur-  
20                  poses of this subparagraph, the term ‘con-  
21                  sent period’ means, with respect to any  
22                  distribution—

23                  “(I) the 90-day period imme-  
24                  diately preceding the date of such dis-  
25                  tribution, or

1 “(II) such other period as the  
2 Secretary may provide.”.

3 **SEC. 4. IMPROVING COVERAGE FOR PART-TIME WORKERS.**

4 (a) AMENDMENT OF EMPLOYEE RETIREMENT IN-  
5 COME SECURITY ACT OF 1974.—

6 (1) IN GENERAL.—Section 202 of the Employee  
7 Retirement Income Security Act of 1974 (29 U.S.C.  
8 1052) is amended by adding at the end the following  
9 new subsection:

10 “(c) SPECIAL RULE FOR CERTAIN PART-TIME EM-  
11 PLOYEES.—

12 “(1) IN GENERAL.—A pension plan that in-  
13 cludes either a qualified cash or deferred arrange-  
14 ment (as defined in section 401(k) of the Internal  
15 Revenue Code of 1986) or a salary reduction agree-  
16 ment (as described in section 403(b) of such Code)  
17 shall not require, as a condition of participation in  
18 the arrangement or agreement, that an employee  
19 complete a period of service with the employer (or  
20 employers) maintaining the plan extending beyond  
21 the close of the earlier of—

22 “(A) the period permitted under subsection  
23 (a)(1) (determined without regard to subpara-  
24 graph (B)(i) thereof); or

25 “(B) the first 24-month period—

1                   “(i) consisting of 2 consecutive 12-  
2                   month periods during each of which the  
3                   employee has at least 500 hours of service;  
4                   and

5                   “(ii) by the close of which the em-  
6                   ployee has attained the age of 21.

7                   “(2) EXCEPTION.—Paragraph (1)(B) shall not  
8                   apply to employees who are included in a unit of em-  
9                   ployees covered by an agreement which the Secretary  
10                  finds to be a collective bargaining agreement be-  
11                  tween employee representatives and 1 or more em-  
12                  ployers, if there is evidence that retirement benefits  
13                  were the subject of good faith bargaining between  
14                  such employee representatives and such employer or  
15                  employers.

16                  “(3) COORDINATION WITH OTHER RULES.—

17                  “(A) IN GENERAL.—In the case of employ-  
18                  ees who are eligible to participate in the ar-  
19                  rangement or agreement solely by reason of  
20                  paragraph (1)(B):

21                  “(i) EXCLUSIONS.—An employer may  
22                  elect to exclude such employees from the  
23                  application of subsections (a)(4), (k)(3),  
24                  (k)(12),           (k)(13),           (k)(15)(B)(iv),  
25                  (k)(15)(B)(i)(I), and (m)(2) of section 401

1 of such Code and section 410(b) of such  
2 Code.

3 “(ii) TIME OF PARTICIPATION.—The  
4 rules of subsection (a)(4) shall apply to  
5 such employees.

6 “(B) TOP-HEAVY RULES.—An employer  
7 may elect to exclude all employees who are eligi-  
8 ble to participate in a plan maintained by the  
9 employer solely by reason of paragraph (1)(B)  
10 from the application of the vesting and benefit  
11 requirements under subsections (b) and (c) of  
12 section 416 of such Code.

13 “(4) 12-MONTH PERIOD.—For purposes of this  
14 subsection, 12-month periods shall be determined in  
15 the same manner as under the last sentence of sub-  
16 section (a)(3)(A), except that 12-month periods be-  
17 ginning before January 1, 2021, shall not be taken  
18 into account.”.

19 (2) VESTING.—Section 203(b) of the Employee  
20 Retirement Income Security Act of 1974 (29 U.S.C.  
21 1053(a)) is amended by redesignating paragraph (4)  
22 as paragraph (5) and by inserting after paragraph  
23 (3) the following new paragraph:

24 “(4) PART-TIME EMPLOYEES.—For purposes of de-  
25 termining whether an employee who is eligible to partici-

1 pate in a qualified cash or deferred arrangement or a sal-  
2 ary reduction agreement under a plan solely by reason of  
3 section 202(c)(1)(B) has a nonforfeitable right to em-  
4 ployer contributions—

5 “(A) except as provided in subparagraph (B),  
6 each 12-month period for which the employee has at  
7 least 500 hours of service shall be treated as a year  
8 of service;

9 “(B) paragraph (3) shall be applied by sub-  
10 stituting ‘at least 500 hours of service’ for ‘more  
11 than 500 hours of service’ in subparagraph (A)  
12 thereof; and

13 “(C) 12-month periods occurring before the 24-  
14 month period described in section 202(c)(1)(B) shall  
15 not be treated as years of service.

16 For purposes of this paragraph, 12-month periods shall  
17 be determined in the same manner as under the last sen-  
18 tence of section 202(a)(3)(A), except that 12-month peri-  
19 ods beginning before January 1, 2021, shall not be taken  
20 into account.”.

21 (3) PENALTY.—Section 502 of the Employee  
22 Retirement Income Security Act of 1974 (29 U.S.C.  
23 1132) is amended by adding at the end the following  
24 new subsection:

1           “(n) REQUIREMENTS RELATING TO PART-TIME EM-  
2 PLOYEES.—In the case of a plan that fails to permit par-  
3 ticipation as required by section 202(c), the Secretary may  
4 assess a civil penalty against the plan sponsor in an  
5 amount equal to \$10,000 per year per employee to whom  
6 such failure relates. The Secretary may, in the Secretary’s  
7 sole discretion, waive or reduce the penalty under this sub-  
8 section if the Secretary determines that the plan sponsor  
9 acted reasonably and in good faith.”.

10           (b) CONFORMING AMENDMENTS TO INTERNAL REV-  
11 ENUE CODE OF 1986.—

12           (1) IN GENERAL.—Section 410(a) of the Inter-  
13 nal Revenue Code of 1986 is amended by adding at  
14 the end the following new paragraphs:

15           “(6) SPECIAL RULE FOR CERTAIN PART-TIME  
16 EMPLOYEES.—

17           “(A) IN GENERAL.—In the case of a plan  
18 that includes either a qualified cash or deferred  
19 arrangement (as defined in section 401(k)) or a  
20 salary reduction agreement (as described in sec-  
21 tion 403(b)), a trust of which such plan is a  
22 part shall not constitute a qualified trust under  
23 section 401(a) if the plan requires, as a condi-  
24 tion of participation in the plan or arrange-  
25 ment, that an employee complete a period of

1 service with the employer (or employers) main-  
2 taining the plan extending beyond the close of  
3 the earlier of—

4 “(i) the period permitted under para-  
5 graph (1) (determined without regard to  
6 subparagraph (B)(i) thereof), or

7 “(ii) the first 24-month period—

8 “(I) consisting of 2 consecutive  
9 12-month periods during each of  
10 which the employee has at least 500  
11 hours of service, and

12 “(II) by the close of which the  
13 employee has attained the age of 21.

14 “(B) EXCEPTION.—Subparagraph (A)(ii)  
15 shall not apply to employees who are included  
16 in a unit of employees covered by an agreement  
17 which the Secretary of Labor finds to be a col-  
18 lective bargaining agreement between employee  
19 representatives and 1 or more employers, if  
20 there is evidence that retirement benefits were  
21 the subject of good faith bargaining between  
22 such employee representatives and such em-  
23 ployer or employers.

24 “(C) COORDINATION WITH OTHER  
25 RULES.—

1                   “(i) IN GENERAL.—In the case of em-  
2                   ployees who are eligible to participate in  
3                   the arrangement or agreement solely by  
4                   reason of subparagraph (A)(ii)—

5                   “(I) EXCLUSIONS.—An employer  
6                   may elect to exclude such employees  
7                   from the application of subsection (b)  
8                   and of subsections (a)(4), (k)(3),  
9                   (k)(12), (k)(13), (k)(15)(B)(iv),  
10                  (k)(15)(B)(i)(I), and (m)(2) of section  
11                  401.

12                  “(II) TIME OF PARTICIPATION.—  
13                  The rules of paragraph (4) shall apply  
14                  to such employees.

15                  “(ii) TOP-HEAVY RULES.—An em-  
16                  ployer may elect to exclude all employees  
17                  who are eligible to participate in a plan  
18                  maintained by the employer solely by rea-  
19                  son of subparagraph (A)(ii) from the appli-  
20                  cation of the vesting and benefit require-  
21                  ments under subsections (b) and (c) of sec-  
22                  tion 416.

23                  “(D) 12-MONTH PERIOD.—For purposes of  
24                  this paragraph, 12-month periods shall be de-  
25                  termined in the same manner as under the last

1 sentence of paragraph (3)(A), except that 12-  
2 month periods beginning before January 1,  
3 2021, shall not be taken into account.

4 “(7) PART-TIME EMPLOYEES.—For purposes of  
5 determining whether an employee who is eligible to  
6 participate in a qualified cash or deferred arrange-  
7 ment or a salary reduction agreement under a plan  
8 solely by reason of paragraph (6)(A)(ii) has a non-  
9 forfeitable right to employer contributions—

10 “(A) except as provided in subparagraph  
11 (B), each 12-month period for which the em-  
12 ployee has at least 500 hours of service shall be  
13 treated as a year of service,

14 “(B) section 411(a)(6) shall be applied by  
15 substituting ‘at least 500 hours of service’ for  
16 ‘more than 500 hours of service’ in subpara-  
17 graph (A) thereof, and

18 “(C) 12-month periods occurring before  
19 the 24-month period described in paragraph  
20 (6)(A)(ii) shall not be treated as years of serv-  
21 ice.

22 For purposes of this paragraph, 12-month periods  
23 shall be determined in the same manner as under  
24 paragraph (6)(D).”.

1 **SEC. 5. EFFECTIVE DATES.**

2 (a) INCREASING SPOUSAL PROTECTION UNDER DE-  
3 FINED CONTRIBUTION PLANS.—Except as provided in  
4 subsections (c) and (d), the amendments made by section  
5 3 shall apply to distributions and rollover contributions  
6 made in plan years beginning after the date that is 1 year  
7 after the date of the enactment of this Act.

8 (b) ENSURING COVERAGE FOR LONG-TERM PART-  
9 TIME WORKERS.—Except as provided in subsections (c)  
10 and (d), the amendments made by section 4 shall apply  
11 to plan years beginning after December 31, 2021.

12 (c) COLLECTIVE BARGAINING AGREEMENTS.—In the  
13 case of a plan maintained pursuant to one or more collec-  
14 tive bargaining agreements between employee representa-  
15 tives and one or more employers ratified before the date  
16 of the enactment of this Act, the amendments made by  
17 sections 3 and 4 shall not apply to distributions or rollover  
18 contributions on behalf of employees covered by any such  
19 agreement for plan years beginning before the earlier of—

20 (1) the later of—

21 (A) the date on which the last of such col-  
22 lective bargaining agreements terminates (de-  
23 termined without regard to any extension there-  
24 of on or after such date of the enactment); or

25 (B) the day after the date specified in sub-  
26 section (a) or (b), whichever is applicable; or

1           (2) the date that is 3 years after the applicable  
2 day described in paragraph (1)(B).

3           (d) PROVISIONS RELATING TO PLAN AMEND-  
4 MENTS.—

5           (1) IN GENERAL.—If this paragraph applies to  
6 any plan or contract amendment, such plan or con-  
7 tract shall be treated as being operated in accord-  
8 ance with the terms of the plan during the period  
9 described in paragraph (2)(C).

10           (2) AMENDMENTS TO WHICH PARAGRAPH (1)  
11 APPLIES.—

12           (A) IN GENERAL.—Paragraph (1) shall  
13 apply to any amendment to any plan or annuity  
14 contract which is made—

15                   (i) pursuant to the amendments made  
16 by section 3 or 4 or pursuant to any regu-  
17 lation issued under either such section; and

18                   (ii) on or before the last day of the  
19 first plan year beginning on or after the  
20 date that is 3 years after the applicable  
21 day described in subsection (c)(1)(B).

22           In the case of a governmental plan (as defined  
23 in section 414(d) of the Internal Revenue Code  
24 of 1986), this subparagraph shall be applied by

1 substituting “5 years” for “3 years” in clause  
2 (ii).

3 (B) CONDITIONS.—Subparagraph (A) shall  
4 not apply to any amendment unless—

5 (i) the plan or contract is operated as  
6 if such plan or contract amendment were  
7 in effect for the period described in sub-  
8 paragraph (C); and

9 (ii) such plan or contract amendment  
10 applies retroactively for such period.

11 (C) PERIOD DESCRIBED.—The period de-  
12 scribed in this subparagraph is the period—

13 (i) beginning on the effective date  
14 specified by the plan; and

15 (ii) ending on the date described in  
16 subparagraph (A)(ii) (or, if earlier, the  
17 date the plan or contract amendment is  
18 adopted).

19 **SEC. 6. ACCESS TO INDEPENDENT CONSUMER INFORMA-**  
20 **TION AND UNDERSTANDING.**

21 (a) DEFINITIONS.—In this section—

22 (1) the term “consumer” means any person  
23 who purchases or acquires any goods, products, serv-  
24 ices, or credit related to the retirement or later life  
25 economic security of the consumer; and

1           (2) the term “financial product or service pro-  
2           vider” means any person who engages in the busi-  
3           ness of providing any retirement financial product or  
4           service to any consumer.

5           (b) REQUIRED LINK TO CONSUMER AWARENESS IN-  
6           FORMATION.—In any offer for the sale, exchange, or other  
7           transfer of a retirement financial product or service to a  
8           consumer carried out by a financial product or service pro-  
9           vider, such provider shall provide, in a manner consistent  
10          with subsection (c), an easily accessible link to the website  
11          of the Bureau of Consumer Financial Protection (referred  
12          to in this section as the “CFPB”) at which the consumer  
13          may access information, literature, guides, programs,  
14          tools, strategies, or any other resource produced by the  
15          CFPB or other Federal agency relating to retirement  
16          planning or later life economic security.

17          (c) DETERMINATION.—In order to ensure that the re-  
18          quirement under subsection (b) is effectively carried out,  
19          the Financial Literacy and Education Commission shall  
20          determine and publish on its website the appropriate link  
21          to the CFPB’s website for access to the CFPB’s and other  
22          Federal agencies’ consumer education materials, the pre-  
23          ferred format of such link, and any accompanying descrip-  
24          tion of the CFPB and the consumer education materials  
25          associated with such link.

1 **SEC. 7. GRANTS TO PROMOTE FINANCIAL LITERACY FOR**  
2 **WOMEN.**

3 (a) **AUTHORIZATION OF GRANT AWARDS.**—The Sec-  
4 retary of Labor, acting through the Director of the Wom-  
5 en’s Bureau, shall award grants on a competitive basis to  
6 eligible entities to enable such entities to improve the fi-  
7 nancial literacy of women who are working age or in re-  
8 tirement, to increase the likelihood of the women realizing  
9 a secure and stable retirement.

10 (b) **DEFINITION OF ELIGIBLE ENTITY.**—In this sec-  
11 tion, the term “eligible entity” means a community-based  
12 organization with proven experience and expertise in serv-  
13 ing working-age or retired women.

14 (c) **APPLICATION.**—An eligible entity that desires to  
15 receive a grant under this section shall submit an applica-  
16 tion to the Secretary of Labor at such time, in such man-  
17 ner, and accompanied by such information as such Sec-  
18 retary may require.

19 (d) **MINIMUM GRANT AMOUNT.**—The Secretary of  
20 Labor shall award grants under this section in amounts  
21 of not less than \$250,000.

22 (e) **USE OF FUNDS.**—An eligible entity that receives  
23 a grant under this section shall use the grant funds to  
24 develop and implement financial literacy education, and  
25 related activities including outreach, awareness building,  
26 and counseling to increase women’s knowledge of retire-

1 ment planning and consumer, economic, and personal fi-  
2 nancial concepts.

3 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated to carry out this section  
5 \$100,000,000 for fiscal year 2022 and each succeeding  
6 fiscal year.

7 **SEC. 8. GRANTS TO ASSIST LOW-INCOME WOMEN AND SUR-**  
8 **VIVORS OF DOMESTIC VIOLENCE IN OBTAIN-**  
9 **ING QUALIFIED DOMESTIC RELATIONS OR-**  
10 **DERS.**

11 (a) AUTHORIZATION OF GRANT AWARDS.—The Sec-  
12 retary of Labor, acting through the Director of the Wom-  
13 en’s Bureau and in conjunction with the Assistant Sec-  
14 retary of the Employee Benefits Security Administration,  
15 shall award grants, on a competitive basis, to eligible enti-  
16 ties to enable such entities to assist low-income women  
17 and survivors of domestic violence in obtaining qualified  
18 domestic relations orders (as defined in section  
19 206(d)(3)(B)(i) of the Employee Retirement Income Secu-  
20 rity Act of 1974 (29 U.S.C. 1056(d)(3)(B)(i))) and ensur-  
21 ing that those women actually obtain the benefits to which  
22 they are entitled through those orders.

23 (b) DEFINITION OF ELIGIBLE ENTITY.—In this sec-  
24 tion, the term “eligible entity” means a community-based  
25 organization with proven experience and expertise in serv-

1 ing women and the financial and retirement needs of  
2 women.

3 (c) APPLICATION.—An eligible entity that desires to  
4 receive a grant under this section shall submit an applica-  
5 tion to the Secretary of Labor at such time, in such man-  
6 ner, and accompanied by such information as the Sec-  
7 retary of Labor may require.

8 (d) MINIMUM GRANT AMOUNT.—The Secretary of  
9 Labor shall award grants under this section in amounts  
10 of not less than \$250,000.

11 (e) USE OF FUNDS.—An eligible entity that receives  
12 a grant under this section shall use the grant funds to  
13 develop programs to offer help to low-income women or  
14 survivors of domestic violence who need assistance in pre-  
15 paring, obtaining, and effectuating a qualified domestic re-  
16 lations order.

17 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated to carry out this section  
19 \$100,000,000 for fiscal year 2022 and each succeeding  
20 fiscal year.