

117TH CONGRESS
1ST SESSION

H. R. 3874

To amend the Internal Revenue Code of 1986 to provide that governmental pension plans may include certain firefighters, emergency medical technicians, and paramedics, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2021

Mr. MCHENRY (for himself, Mr. HUDSON, Mr. MURPHY of North Carolina, Mr. CAWTHORN, Mr. ROUZER, Mr. BUDD, Mr. BISHOP of North Carolina, and Ms. FOXX) introduced the following bill; which was referred to the Committee on Education and Labor, 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 amend the Internal Revenue Code of 1986 to provide that governmental pension plans may include certain firefighters, emergency medical technicians, and paramedics, 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,*

1 **SECTION 1. GOVERNMENTAL PENSION PLANS MAY IN-**
2 **CLUDE CERTAIN FIREFIGHTERS, EMER-**
3 **GENCY MEDICAL TECHNICIANS, AND PARA-**
4 **MEDICS.**

5 (a) IN GENERAL.—Section 414(d) of the Internal
6 Revenue Code of 1986 (relating to governmental plans)
7 is amended by adding at the end the following: “The term
8 ‘governmental plan’ also includes a plan which is estab-
9 lished by a State or political subdivision thereof and main-
10 tained by a public safety agency (described in section
11 501(c) and exempt from taxation under section 501(a)),
12 and all of the participants of which are employees of such
13 agency who are emergency response providers (defined in
14 section 2 of the Homeland Security Act of 2022 (6 U.S.C.
15 101)), substantially all of whose services as emergency re-
16 sponse providers are in the performance of firefighting
17 services or out-of-hospital emergency medical services for
18 a political subdivision of a State under a contract between
19 such public safety agency and the political subdivision of
20 a State.”

21 (b) EMPLOYEE RETIREMENT INCOME SECURITY ACT
22 OF 1974.—

23 (1) IN GENERAL.—Section 3(32) of the Em-
24 ployee Retirement Income Security Act of 1974 (29
25 U.S.C. 1002(32)) is amended by adding at the end
26 the following: “The term ‘governmental plan’ also

1 includes a plan which is established by a State or
2 political subdivision thereof and maintained by a
3 public safety agency (described in section 501(c) of
4 the Internal Revenue Code of 1986 and exempt from
5 taxation under section 501(a) of such Code), and all
6 of the participants of which are employees of such
7 agency who are emergency response providers (de-
8 fined in section 2 of the Homeland Security Act of
9 19 2002 (6 U.S.C. 101)), substantially all of whose
10 services as emergency response providers are in the
11 performance of firefighting services or out-of-hos-
12 pital emergency medical services for a political sub-
13 division of a State under a contract between such
14 public safety agency and the political subdivision of
15 a State.”

16 (2) PBGC EXCEPTION.—Section 4021(b)(2) of
17 such Act is amended by striking “described in the
18 last sentence of section 3(32)” and inserting “de-
19 scribed in either of the last two sentences of section
20 3(32)”.

21 (c) CONFORMING AMENDMENTS.—

22 (1) Section 414(h)(2) of the Internal Revenue
23 Code of 1986 is amended by striking “described in
24 the last sentence of section 414(d) (relating to plans
25 of Indian tribal governments)” and inserting “de-

1 scribed in either of the last two sentences of sub-
2 section (d)”.

3 (2) Section 415(b)(2)(H)(i) of such Code is
4 amended by adding at the end the following: “or a
5 public safety agency described in the last sentence of
6 section 414(d)”.

7 (3) Section 415(b)(2)(H)(ii)(I) of such Code is
8 amended by striking “or any political subdivision”
9 and inserting “any political subdivision, or a public
10 safety agency described in the last sentence of sec-
11 tion 414(d)”.

12 (4) Section 415(b)(10)(A) of such Code is
13 amended by striking “described in the last sentence
14 of section 414(d) (relating to plans of Indian tribal
15 governments)” and inserting “described in either of
16 the last two sentences of section 414(d)”.

17 (d) EFFECTIVE DATE.—The amendment made by
18 this section shall apply to plan years beginning after the
19 date of the enactment of this Act.

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