

105TH CONGRESS
2D SESSION

H. R. 4406

To amend title I of the Employee Retirement Income Security Act of 1974 to provide that any participant or beneficiary under an employee benefit plan shall be entitled to de novo review in court of benefit determinations under such plan.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1998

Mr. FILNER introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend title I of the Employee Retirement Income Security Act of 1974 to provide that any participant or beneficiary under an employee benefit plan shall be entitled to de novo review in court of benefit determinations under such plan.

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. DE NOVO REVIEW OF BENEFIT DETERMINA-**
4 **TIONS.**

5 Section 502(e) of the Employee Retirement Income
6 Security Act of 1974 (29 U.S.C. 1132(e)) is amended by
7 adding at the end the following new paragraph:

1 “(3) Notwithstanding any provision by the plan for
2 the exercise by a fiduciary of discretionary authority with
3 respect to any benefit determination, any benefit deter-
4 mination under the plan shall be subject to de novo review
5 by the court.”.

6 **SEC. 2. EFFECTIVE DATE.**

7 The amendment made by section 1 of this Act shall
8 apply with respect to causes of action arising after the
9 date of the enactment of this Act.

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