

110TH CONGRESS  
1ST SESSION

# S. 1206

To amend title I of the Employee Retirement Income Security Act of 1974 and the Age Discrimination in Employment Act of 1967 to clarify the age discrimination rules applicable to the pension plan maintained by the Young Women’s Christian Association Retirement Fund.

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## IN THE SENATE OF THE UNITED STATES

APRIL 25, 2007

Ms. MURKOWSKI (for herself, Ms. STABENOW, and Ms. LANDRIEU) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend title I of the Employee Retirement Income Security Act of 1974 and the Age Discrimination in Employment Act of 1967 to clarify the age discrimination rules applicable to the pension plan maintained by the Young Women’s Christian Association Retirement Fund.

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 “Young Women’s Chris-  
5       tian Association Pension Clarification Act of 2007”.

6       **SEC. 2. FINDINGS AND PURPOSE.**

7       (a) FINDINGS.—The Congress finds the following:

1           (1) The Young Women’s Christian Association  
2 Pension Plan is a multiple employer plan (subject to  
3 the requirements of section 210 of the Employee Re-  
4 tirement Income Security Act of 1974) which is  
5 maintained by a corporation created by State law  
6 prior to the enactment of the Employee Retirement  
7 Income Security Act of 1974 and the Age Discrimi-  
8 nation in Employment Act of 1967 and whose pri-  
9 mary purpose is the maintenance of retirement pro-  
10 grams.

11           (2) No applicable plan amendment, as defined  
12 in clause (v) of section 204(b)(5)(B) of the Em-  
13 ployee Retirement Income Security Act of 1974 (29  
14 U.S.C. 1054(b)(5)(B)(v)) (added by section 701(a)  
15 of the Pension Protection Act of 2006 (Public Law  
16 109–280; 120 Stat. 982)) and clause (v) of section  
17 4(i)(10)(B) of the Age Discrimination in Employ-  
18 ment Act of 1967 (29 U.S.C. 623(i)(10)(B)(v))  
19 (added by section 701(c) of the Pension Protection  
20 Act of 2006 (Public Law 109–280; 120 Stat. 986)),  
21 or any applicable plan amendment causing a partici-  
22 pant’s accrued benefit to be less than the amount  
23 described in clause (iii) of such section 204(b)(5)(B)  
24 or clause (iii) of such section 4(i)(10)(B), has ever

1       been made to the Young Women’s Christian Associa-  
2       tion Pension Plan.

3           (3) Under the terms of the Young Women’s  
4       Christian Association Pension Plan, as in effect as  
5       of June 29, 2005, all pension benefits of all partici-  
6       pants under the plan are immediately nonforfeitable.

7           (4) As of April 25, 2007, the Young Women’s  
8       Christian Association Pension Plan provides—

9           (A) for periods including June 29, 2005,  
10       and ending on or before December 31, 2007, a  
11       credit to the account of each participant equal  
12       to 40 percent of the pay credit provided to such  
13       participant and interest credits determined for  
14       each plan year at the average of the annual  
15       rates of interest on 10-year Treasury securities  
16       during a designated period in the preceding  
17       plan year, and

18          (B) for periods beginning on or after Jan-  
19       uary 1, 2008, interest credits which satisfy the  
20       requirements of section 204(b)(5)(B)(i) of the  
21       Employee Retirement Income Security Act of  
22       1974 (29 U.S.C. 1054(b)(5)(B)(i)) (added by  
23       section 701(a) of the Pension Protection Act of  
24       2006 (Public Law 109–280; 120 Stat. 981))  
25       and section 4(i)(10)(B)(i) of the Age Discrimi-

1 nation in Employment Act of 1967 (29 U.S.C.  
2 623(i)(10)(B)(i)) (added by section 701(c) of  
3 the Pension Protection Act of 2006 (Public  
4 Law 109–280; 120 Stat. 989)).

5 (b) PURPOSE.—The purpose of this Act is to clarify  
6 the age discrimination rules under section 204(b)(1)(H)  
7 of the Employee Retirement Income Security Act of 1974  
8 and section 4(i)(1) of the Age Discrimination in Employ-  
9 ment Act of 1967, as they relate to periods prior to June  
10 29, 2005, during which violations of such rules are alleged  
11 to have occurred in civil actions commenced on or after  
12 April 25, 2007.

13 **SEC. 3. CLARIFICATION OF AGE DISCRIMINATION RULES.**

14 (a) IN GENERAL.—In the case of any civil action  
15 which—

16 (1) is commenced on or after April 25, 2007,  
17 and

18 (2) alleges a violation of section 204(b)(1)(H)  
19 of the Employee Retirement Income Security Act of  
20 1974 (29 U.S.C. 1054(b)(1)(H)) or section 4(i)(1)  
21 of the Age Discrimination in Employment Act of  
22 1967 (29 U.S.C. 623(i)(1)) occurring before June  
23 29, 2005, with respect to any benefit provided under  
24 the Young Women’s Christian Association Pension  
25 Plan,

1 such sections 204(b)(1)(H) and 4(i)(1) shall be applied  
 2 as if paragraph (5) of section 204(b) of the Employee Re-  
 3 tirement Income Security Act of 1974 (as added by section  
 4 701(a)(1) of the Pension Protection Act of 2006 (29  
 5 U.S.C. 1054(b)(5); 120 Stat. 981) and paragraph (10) of  
 6 section 4(i) of the Age Discrimination in Employment Act  
 7 of 1967 (29 U.S.C. 623(i)(10); 120 Stat. 998) applied to  
 8 any period in which such alleged violation occurred.

9 (b) YOUNG WOMEN’S CHRISTIAN ASSOCIATION PEN-  
 10 SION PLAN.—For purposes of this Act, the term “Young  
 11 Women’s Christian Association Pension Plan” means the  
 12 defined benefit plan (as defined in section 3(35) of the  
 13 Employee Retirement Income Security Act of 1974) estab-  
 14 lished on January 1, 1926, and maintained by the Young  
 15 Women’s Christian Association Retirement Fund, a cor-  
 16 poration created by an Act of the State of New York which  
 17 became law on April 12, 1924.

