

112TH CONGRESS
2D SESSION

S. 3447

To amend the Employee Retirement Income Security Act of 1974 to permit access to certain disability benefits without penalty.

IN THE SENATE OF THE UNITED STATES

JULY 26, 2012

Mr. FRANKEN (for himself and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Employee Retirement Income Security Act of 1974 to permit access to certain disability benefits without penalty.

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 “Disability Pension
5 Fairness Act”.

6 **SEC. 2. GUARANTEED DISABILITY BENEFITS.**

7 (a) IN GENERAL.—Section 4022(b)(3) of the Em-
8 ployee Retirement Income Act of 1974 (29 U.S.C.
9 1322(b)(3)) is amended in the matter following subpara-

1 graph (B) by striking “disability that occurred on or be-
2 fore the termination date” and inserting “disability that
3 occurred before, on, or after the termination date, without
4 regard to whether such disability was or would have been
5 covered under the terms of the plan”.

6 (b) APPLICABILITY.—The amendment made by sub-
7 section (a) shall apply with respect to single-employer
8 plans terminated before, on, or after the date of enactment
9 of this Act.

10 (c) EFFECT OF AMENDMENT.—Notwithstanding any
11 other provision of the Employee Retirement Income Secu-
12 rity Act of 1974, the benefit payable to a participant
13 under title IV of such Act (29 U.S.C. 1301 et seq.) shall
14 not be reduced due to the implementation of the amend-
15 ment made by subsection (a).

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