

103^D CONGRESS
1ST SESSION

S. 1312

To amend the Employee Retirement Income Security Act of 1974 in order to provide for the availability of remedies for certain former pension plan participants and beneficiaries.

IN THE SENATE OF THE UNITED STATES

JULY 29 (legislative day, JUNE 30), 1993

Mr. METZENBAUM (for himself and Mrs. KASSEBAUM) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Employee Retirement Income Security Act of 1974 in order to provide for the availability of remedies for certain former pension plan participants and beneficiaries.

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 “Pension Annuitants
5 Protection Act of 1993”.

6 **SEC. 2. CIVIL ENFORCEMENT OF ERISA.**

7 Section 502(a) of the Employee Retirement Income
8 Security Act of 1974 (29 U.S.C. 1132(a)) is amended—

1 (1) by striking the semicolon at the end of
2 paragraph (5),

3 (2) by striking the period at the end of para-
4 graph (6) and inserting “; or”, and

5 (3) by adding at the end the following new
6 paragraph:

7 “(7)(A) in the event that the purchase of an in-
8 surance contract or insurance annuity in connection
9 with termination of an individual’s status as a par-
10 ticipant covered under a pension plan with respect to
11 all or any portion of the participant’s pension benefit
12 under such plan constitutes a violation of part 4 of
13 this title or the terms of the plan, by the Secretary,
14 by any individual who was a participant or bene-
15 ficiary at the time of the alleged violation, or by a
16 fiduciary, to obtain appropriate relief, including the
17 posting of security if necessary, to assure receipt by
18 the participant or beneficiary of the amounts pro-
19 vided by such insurance contract or annuity, plus
20 reasonable prejudgment interest on such amounts.”.

21 **SEC. 3. WAIVER OR REDUCTION OF CIVIL PENALTY.**

22 Section 502(l)(3)(B) of the Employee Retirement In-
23 come Security Act of 1974 (29 U.S.C. 1132(l)(3)(B)) is
24 amended by inserting “(or to provide the relief ordered

1 pursuant to subsection (a)(7))” after “to restore all losses
2 to the plan”.

3 **SEC. 4. EFFECT ON OTHER PROVISIONS.**

4 Nothing in this Act shall be construed to limit the
5 legal standing of individuals to bring a civil action as par-
6 ticipants or beneficiaries under section 502(a) of the Em-
7 ployee Retirement Income Security Act of 1974 (29
8 U.S.C. 1132(a)), and nothing in this Act, other than the
9 relief authorized in section 2 of this Act, shall affect the
10 responsibilities, obligations, or duties imposed upon fidu-
11 ciaries by title I of the Employee Retirement Income Secu-
12 rity Act of 1974.

13 **SEC. 5. EFFECTIVE DATE.**

14 The amendments made by this Act shall apply to any
15 legal proceeding pending, or brought, on or after May 31,
16 1993.

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