To amend the Employee Retirement Income Security Act of 1974 to require a lifetime income disclosure.

IN THE SENATE OF THE UNITED STATES

APRIL 6 (legislative day, APRIL 4), 2017

Mr. ISAKSON (for himself and Mr. MURPHY) 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 require a lifetime income disclosure.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Lifetime Income Disclosure Act”.

SEC. 2. DISCLOSURE REGARDING LIFETIME INCOME.

(a) In general.—Subparagraph (B) of section 105(a)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025(a)(2)) is amended—

(1) in clause (i), by striking “and” at the end;
(2) in clause (ii), by striking “diversification.”
and inserting “diversification, and”; and
(3) by inserting at the end the following:
“(iii) the lifetime income disclosure
described in subparagraph (D)(i).

In the case of pension benefit statements de-
scribed in clause (i) of paragraph (1)(A), a life-
time income disclosure under clause (iii) of this
subparagraph shall be required to be included
in only one pension benefit statement during
any one 12-month period.”.

(b) LIFETIME INCOME.—Paragraph (2) of section
105(a) of such Act (29 U.S.C. 1025(a)) is amended by
adding at the end the following new subparagraph:
“(D) LIFETIME INCOME DISCLOSURE.—
“(i) IN GENERAL.—
““(I) DISCLOSURE.—A lifetime in-
come disclosure shall set forth the life-
time income stream equivalent of the
total benefits accrued with respect to
the participant or beneficiary.
““(II) LIFETIME INCOME STREAM
EQUIVALENT OF THE TOTAL BENE-
FITS ACCRUED.—For purposes of this
subparagraph, the term ‘lifetime in-
come stream equivalent of the total
benefits accrued’ means the amount of
monthly payments the participant or
beneficiary would receive if the total
accrued benefits of such participant or
beneficiary were used to provide life-
time income streams described in sub-
clause (III), based on assumptions
specified in rules prescribed by the
Secretary.

“(III) LIFETIME INCOME
STREAMS.—The lifetime income
streams described in this subclause
are a qualified joint and survivor an-
nuity (as defined in section 205(d)),
based on assumptions specified in
rules prescribed by the Secretary, in-
cluding the assumption that the par-
ticipant or beneficiary has a spouse of
equal age, and a single life annuity.
Such lifetime income streams may
have a term certain or other features
to the extent permitted under rules
prescribed by the Secretary.
“(ii) Model disclosure.—Not later than 1 year after the date of the enactment of the Lifetime Income Disclosure Act, the Secretary shall issue a model lifetime income disclosure, written in a manner so as to be understood by the average plan participant, that—

“(I) explains that the lifetime income stream equivalent is only provided as an illustration;

“(II) explains that the actual payments under the lifetime income stream described in clause (i)(III) that may be purchased with the total benefits accrued will depend on numerous factors and may vary substantially from the lifetime income stream equivalent in the disclosures;

“(III) explains the assumptions upon which the lifetime income stream equivalent was determined; and

“(IV) provides such other similar explanations as the Secretary considers appropriate.
“(iii) ASSUMPTIONS AND RULES.—

Not later than 1 year after the date of the enactment of the Lifetime Income Disclosure Act, the Secretary shall—

“(I) prescribe assumptions that administrators of individual account plans may use in converting total accrued benefits into lifetime income stream equivalents for purposes of this subparagraph; and

“(II) issue interim final rules under clause (i).

In prescribing assumptions under subclause (I), the Secretary may prescribe a single set of specific assumptions (in which case the Secretary may issue tables or factors that facilitate such conversions), or ranges of permissible assumptions. To the extent that an accrued benefit is or may be invested in a lifetime income stream described in clause (i)(III), the assumptions prescribed under subclause (I) shall, to the extent appropriate, permit administrators of individual account plans to use the amounts payable under such lifetime in-
come stream as a lifetime income stream equivalent.

“(iv) Limitation on Liability.—No plan fiduciary, plan sponsor, or other person shall have any liability under this title solely by reason of the provision of lifetime income stream equivalents which are derived in accordance with the assumptions and rules described in clause (iii) and which include the explanations contained in the model lifetime income disclosure described in clause (ii). This clause shall apply without regard to whether the provision of such lifetime income stream equivalent is required by subparagraph (B)(iii).

“(v) Effective Date.—The requirement in subparagraph (B)(iii) shall apply to pension benefit statements furnished more than 12 months after the latest of the issuance by the Secretary of—

“(I) interim final rules under clause (i);

“(II) the model disclosure under clause (ii); or
“(III) the assumptions under clause (iii).”