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(Original Signature of Member)

119TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend the Employee Retirement Income Security Act of 1974 to establish parity in the treatment of behavioral health and physical health conditions under disability benefit plans.

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IN THE HOUSE OF REPRESENTATIVES

Mr. DESAULNIER (for himself and Mr. SCOTT of Virginia) introduced the following bill; which was referred to the Committee on

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**A BILL**

To amend the Employee Retirement Income Security Act of 1974 to establish parity in the treatment of behavioral health and physical health conditions under disability benefit plans.

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

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Workers’ Disability

5 Benefits Parity Act of 2025”.

1 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

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

3 (1) The Advisory Council on Employee Welfare  
4 and Pension Benefit Plans (“ERISA Advisory Coun-  
5 cil”) was established pursuant to section 512 of the  
6 Employee Retirement Income Security Act of 1974  
7 (29 U.S.C. 1142) to provide advice and rec-  
8 ommendations to the Secretary of Labor.

9 (2) In 2023, the ERISA Advisory Council pub-  
10 lished a report to the Secretary entitled “Long-Term  
11 Disability Benefits and Mental Health Disparity”.

12 (3) This report found that discriminatory ben-  
13 efit limitations—including duration limits found in  
14 nearly all long-term disability benefit plans—impede  
15 access to disability benefits for workers whose dis-  
16 ability is caused by a behavioral health condition.

17 (4) The report called for the Secretary to work  
18 with Congress to ensure that there is parity in dis-  
19 ability benefits provided to workers.

20 (b) SENSE OF CONGRESS.—It is the sense of Con-  
21 gress that—

22 (1) benefit limitations for workers whose dis-  
23 ability is caused by a behavioral health condition are  
24 discriminatory; and

25 (2) disability benefits should be provided with-  
26 out regard to the cause of a worker’s disability.

## 1       **TITLE I—ERISA AMENDMENTS**

### 2       **SEC. 101. PARITY IN DISABILITY PLAN REQUIREMENTS.**

3           (a) IN GENERAL.—Subtitle B of title I of the Em-  
4       ployee Retirement Income Security Act of 1974 (29  
5       U.S.C. 1021 et seq.) is amended by adding at the end  
6       the following new part:

### 7           **“PART 9—DISABILITY BENEFIT PLAN 8                            REQUIREMENTS**

#### 9       **“SEC. 901. DEFINITIONS.**

10       “For purposes of this part:

11           “(1) DISABILITY BENEFIT.—The term ‘dis-  
12       ability benefit’ means payment provided to a partici-  
13       pant or beneficiary as a result of the loss of earning  
14       capacity resulting from injury or sickness.

15           “(2) DISABILITY BENEFIT PLAN.—The term  
16       ‘disability benefit plan’ means an employee welfare  
17       benefit plan that provides a disability benefit to par-  
18       ticipants or beneficiaries directly or through insur-  
19       ance or otherwise.

20           “(3) MENTAL HEALTH CONDITION.—The term  
21       ‘mental health condition’ means any condition (other  
22       than a substance use disorder) that falls under any  
23       of the diagnostic categories listed in the mental, be-  
24       havioral, and neurodevelopmental disorders chapter  
25       (or equivalent chapter) of the current version of the

1       World Health Organization's International Statistical  
2       Classification of Diseases and Related Health  
3       Problems (or a successor publication), or that is listed  
4       in the current version of the American Psychiatric  
5       Association's Diagnostic and Statistical  
6       Manual of Mental Disorders (or a successor publication).  
7

8           “(4) SUBSTANCE USE DISORDER.—The term  
9       ‘substance use disorder’ means any disorder that  
10       falls under any of the diagnostic categories listed as  
11       a mental or behavioral disorder due to psychoactive  
12       substance use (or equivalent category) in the mental,  
13       behavioral, and neurodevelopmental disorders chapter  
14       of the current version of the World Health Organization’s International Statistical Classification of  
15       Diseases and Related Health Problems (or a successor publication) or that is listed as a Substance-  
16       Related and Addictive Disorder (or equivalent category) in the current version of the American Psychiatric  
17       Association’s Diagnostic and Statistical  
18       Manual of Mental Disorders (or a successor publication).  
19

20       **“SEC. 902. PARITY REQUIREMENT FOR DISABILITY BENEFITS.**  
21

22       “ A disability benefit plan—

1           “(1) may not place a limitation, exclusion, or  
2        other restriction on benefits relating to a disability  
3        arising from a mental health condition or substance  
4        use disorder that is more restrictive than those ap-  
5        plicable to benefits relating to a disability arising  
6        from a physical health condition; and

7           “(2) shall consider any physical health condi-  
8        tion suffered by an individual that is caused by a  
9        disability arising from a mental health condition or  
10       a substance use disorder to be part of such dis-  
11       ability.”.

12       (b) CIVIL MONETARY PENALTIES.—Section 502(c) of  
13       such Act is amended by adding at the end the following:

14           “(13) CIVIL PENALTIES FOR VIOLATIONS OF  
15        PART 9.—

16           “(A) IN GENERAL.—The Secretary may  
17        assess a civil penalty against any sponsor, ad-  
18        ministrator, service provider, or any other per-  
19        son or entity (except for a plan) who violates,  
20        or knowingly causes or conceals a violation of,  
21        part 9 of this title.

22           “(B) AMOUNT.—The amount of the pen-  
23        alty imposed by subparagraph (A) shall be  
24        equal to the amount of the penalty described in  
25        paragraph (10)(B) for each day in the non-

1 compliance period described in subparagraph  
2 (C) with respect to each participant or bene-  
3 ficiary to whom such violation relates.

4                             “(C) NONCOMPLIANCE PERIOD.—In this  
5 paragraph, the term ‘noncompliance period’  
6 means, with respect to a violation described in  
7 subparagraph (A), the period—

12 SEC. 102. AUTHORITY TO COLLECT CIVIL MONETARY PEN-  
13 ALTIES.

14 Section 502(a)(6) of the Employee Retirement In-  
15 come Security Act of 1974 is amended to read as follows:

16               “(6) by the Secretary to collect any civil penalty  
17               under this title:”.

18 **TITLE II—ADDITIONAL DIS-**  
19 **ABILITY PARITY REQUIRE-**  
20 **MENTS**

## 21 SEC. 201. DEFINITIONS.

22 In this title:

1       3(16)(A) of the Employee Retirement Income Secu-  
2       rity Act of 1974 (29 U.S.C. 1002(16)(A)).

3               (2) EMPLOYER.—The term “employer” has the  
4       meaning given the term in section 3(5) of the Em-  
5       ployee Retirement Income Security Act of 1974 (29  
6       U.S.C. 1002(5)).

7               (3) GOVERNMENTAL EMPLOYEE BENEFIT  
8       PLAN.—The term “governmental employee benefit  
9       plan” has the meaning given “governmental plan” in  
10      section 3(32) of the Employee Retirement Income  
11      Security Act of 1974 (29 U.S.C. 1002(32)), except  
12      that such term shall not include a plan established  
13      or maintained for its employees by the Government  
14      of the United States, or any agency or instrumen-  
15      tality thereof.

16               (4) ISSUER.—The term “issuer” means an in-  
17       surance company, insurance service, or insurance or-  
18       ganization, which is licensed to engage in the busi-  
19       ness of insurance in a State and which is subject to  
20       State law which regulates insurance (within the  
21       meaning of section 514(b)(2) of the Employee Re-  
22       tirement Income Security Act of 1974 (29 U.S.C.  
23       1144((b)(2))). Such term does not include an em-  
24       ployee benefit plan (as defined under section 3(3) of  
25       such Act (29 U.S.C. 1002(3))).

3 (6) STATE.—The term “State” includes—

4 (A) the 50 States;

5 (B) the District of Columbia;

6 (C) the Commonwealth of Puerto Rico;

7 (D) the Virgin Islands;

8 (E) Guam;

9 (F) American Samoa; and

10 (G) the Commonwealth of the Northern  
11 Mariana Islands.

20 SEC. 202. REQUIREMENT FOR PARITY IN WORKERS' DIS-  
21 ABILITY BENEFITS.

22 In the case of any governmental employee benefit  
23 plan or issuer that provides disability benefits to an indi-  
24 vidual, such a plan or issuer—

## 11 SEC. 203. ENFORCEMENT.

12 (a) STATE ENFORCEMENT.—

24 (b) SECRETARIAL ENFORCEMENT AUTHORITY.—

8 (2) CIVIL PENALTY.—

15 (B) AMOUNT.—The amount of the penalty  
16 imposed by subparagraph (A) shall be equal the  
17 penalty amount described in section  
18 502(c)(10)(B) of the Employee Retirement In-  
19 come Security Act of 1974 (29 U.S.C.  
20 1132(c)(10)(B)) for each day in the noncompli-  
21 ance period described in subparagraph (C) with  
22 respect to each participant or beneficiary to  
23 whom such violation relates.

24 (C) NONCOMPLIANCE PERIOD.—In this  
25 paragraph, the term “noncompliance period”

1 means, with respect to a violation described in  
2 subparagraph (A), the period—

3 (i) beginning on the date the violation  
4 occurs; and

5 (ii) ending on the date the violation is  
6 corrected.

10 (A) an issuer, such issuer; or

11 (B) a governmental employee benefit plan  
12 that is—

22 (c) RIGHT OF ACTION.—Any individual who is ag-  
23 grieved by the failure of a governmental employee benefit  
24 plan or issuer, with respect to disability benefits, to comply

1 with the requirements of this title may bring an action  
2 in State or Federal court for appropriate equitable relief.

3 **SEC. 204. CONTINUED APPLICABILITY OF STATE LAW.**

4 This title shall not be construed to supersede any pro-  
5 vision of State law that establishes, implements, or con-  
6 tinues in effect any requirement or prohibition with re-  
7 spect to disability benefits except to the extent that such  
8 requirement or prohibition prevents the application of this  
9 title.

10 **TITLE III—IMPLEMENTATION BY  
11 SECRETARY OF LABOR**

12 **SEC. 301. IMPLEMENTATION OF ERISA ADVISORY COUNCIL  
13 RECOMMENDATIONS.**

14 (a) STUDY.—Not later than 18 months after the date  
15 of enactment of the Worker’s Disability Benefits Parity  
16 Act of 2025, the Secretary shall carry out a study on the  
17 cost to plan sponsors of providing disability benefits to  
18 participants and beneficiaries whose disability is caused by  
19 a behavioral health condition, including an actuarial anal-  
20 ysis of such cost.

21 (b) EDUCATION.—Not later than 18 months after the  
22 date of enactment of the Worker’s Disability Benefits Par-  
23 ity Act of 2025, the Secretary shall conduct outreach and  
24 provide information to plan sponsors on the effect of dura-  
25 tion limits on access to benefits by participants and bene-

1 ficiaries with mental health and substance use disorder  
2 conditions.

3 **SEC. 302. IMPLEMENTATION AUTHORITY.**

4 The Secretary of Labor may issue such regulations  
5 as may be necessary or appropriate to carry out the provi-  
6 sions of this Act. The Secretary may issue sub-regulatory  
7 guidance and promulgate any interim final rules as the  
8 Secretary determines are appropriate to carry out this  
9 Act.

10 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

11 There is authorized to be appropriated \$10,000,000  
12 for each fiscal year that begins in the 5-year period begin-  
13 ning on the date of enactment of this Act.

14 **SEC. 304. EFFECTIVE DATE.**

15 (a) IN GENERAL.—The amendments made by this  
16 Act shall apply to plan years that begin after the date  
17 that is 18 months after the date of enactment of this Act.

18 (b) SPECIAL RULE FOR COLLECTIVE BARGAINING  
19 AGREEMENTS.—In the case of a plan maintained pursu-  
20 ant to one or more collective bargaining agreements be-  
21 tween employee representatives and one or more employers  
22 ratified before the date of the enactment of this Act, the  
23 amendments made by this section shall not apply to plan  
24 years beginning before the later of—

8 For purposes of paragraph (1), any plan amendment made  
9 pursuant to a collective bargaining agreement relating to  
10 the plan that amends the plan solely to conform to any  
11 requirement added by this section shall not be treated as  
12 a termination of such collective bargaining agreement.