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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.

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

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 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 “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 Statis-
2 tical Classification of Diseases and Related Health
3 Problems (or a successor publication), or that is list-
4 ed in the current version of the American Psy-
5 chiatric Association’s Diagnostic and Statistical
6 Manual of Mental Disorders (or a successor publica-
7 tion).

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 chap-
14 ter of the current version of the World Health Orga-
15 nization’s International Statistical Classification of
16 Diseases and Related Health Problems (or a suc-
17 cessor publication) or that is listed as a Substance-
18 Related and Addictive Disorder (or equivalent cat-
19 egory) in the current version of the American Psy-
20 chiatric Association’s Diagnostic and Statistical
21 Manual of Mental Disorders (or a successor publica-
22 tion).

23 **“SEC. 902. PARITY REQUIREMENT FOR DISABILITY BENE-**
24 **FITS.**

25 “ 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—

8 “(i) beginning on the date the viola-
9 tion occurs; and

10 “(ii) ending on the date the violation
11 is corrected.”.

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:

23 (1) ADMINISTRATOR.—The term “adminis-
24 trator” has the meaning given the term in section

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))).

1 (5) SECRETARY.—The term “Secretary” means
2 the Secretary of Labor.

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.

12 (7) ADDITIONAL ERISA TERMS.—The terms
13 “disability benefit”, “disability benefit plan”, “men-
14 tal health condition”, and “substance use disorder”
15 have the meanings given the terms in section 901 of
16 the Employee Retirement Income Security Act.

17 (8) OTHER ERISA TERMS.—The terms “admin-
18 istrator”, “employer”, and “State” have the mean-
19 ings given the terms in section 3 of such Act.

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—

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 condition
8 suffered by an individual that is caused by a dis-
9 ability arising from a mental health condition or a
10 substance use disorder to be part of such disability.

11 **SEC. 203. ENFORCEMENT.**

12 (a) STATE ENFORCEMENT.—

13 (1) STATE AUTHORITY.—With respect to dis-
14 ability benefits provided by an issuer, each State
15 may require that issuers that issue, sell, renew, or
16 offer disability benefits in the State meet the re-
17 quirements of this title with respect to such issuers.

18 (2) FAILURE TO IMPLEMENT PROVISIONS.—In
19 the case of a determination by the Secretary that a
20 State has failed to substantially enforce the require-
21 ments of this title with respect to insurance issuers
22 in the State, the Secretary shall enforce such re-
23 quirements.

24 (b) SECRETARIAL ENFORCEMENT AUTHORITY.—

1 (1) IN GENERAL.—If a governmental employee
2 benefit plan or an issuer in a State described in sub-
3 section (a)(2) is found by the Secretary to fail to
4 meet the requirements of this title, the Secretary
5 may assess a civil monetary penalty against the re-
6 sponsible entity described in paragraph (3) with re-
7 spect to such violation.

8 (2) CIVIL PENALTY.—

9 (A) IN GENERAL.—The Secretary may as-
10 sess a civil penalty described in paragraph (1)
11 against any sponsor, administrator, service pro-
12 vider, or any other person or entity (except for
13 a plan) who violates, or knowingly causes or
14 conceals a violation of, this title.

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.

7 (3) RESPONSIBLE ENTITY.—The responsible
8 entity described in this paragraph is, in the case of
9 a failure to meet the requirements of this title by—

10 (A) an issuer, such issuer; or

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

13 (i) sponsored by 2 or more employers,
14 the plan administrator; or

15 (ii) not so sponsored, the employer.

16 (4) ADDITIONAL AUTHORITY.—All powers, rem-
17 edies, and authority described in part 5 of the Em-
18 ployee Retirement Income Security Act shall be
19 available to the Secretary with respect to any viola-
20 tion of this title by a governmental employee benefit
21 plan or an issuer described in subsection (a)(2).

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—

1 (1) the date on which the last of the collective
2 bargaining agreements relating to the plan termi-
3 nates (determined without regard to any extension
4 thereof agreed to after the date of the enactment of
5 this Act), or

6 (2) 18 months after the date of enactment of
7 this Act.

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.