

112TH CONGRESS  
2D SESSION

# S. 3700

To amend the Internal Revenue Code of 1986 to protect employees in the building and construction industry who are participants in multiemployer plans, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 20, 2012

Mrs. McCASKILL introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Internal Revenue Code of 1986 to protect employees in the building and construction industry who are participants in multiemployer plans, and for other purposes.

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 “Vested Employee Pen-  
5       sion Benefit Protection Act”.

1 **SEC. 2. MINIMUM AGE FOR DISTRIBUTIONS DURING WORK-**  
2 **ING RETIREMENT.**

3 (a) IN GENERAL.—Paragraph (36) of section 401(a)  
4 of the Internal Revenue Code of 1986 is amended to read  
5 as follows:

6 “(36) DISTRIBUTIONS DURING WORKING RE-  
7 TIREMENT.—

8 “(A) IN GENERAL.—A trust forming part  
9 of a pension plan shall not be treated as failing  
10 to constitute a qualified trust under this section  
11 solely because the plan provides that a distribu-  
12 tion may be made from such trust to an em-  
13 ployee who has attained age 62 and who is not  
14 separated from employment at the time of such  
15 distribution.

16 “(B) CERTAIN EMPLOYEES IN THE BUILD-  
17 ING AND CONSTRUCTION INDUSTRY.—Subpara-  
18 graph (A) shall be applied by substituting ‘age  
19 55’ for ‘age 62’ in the case of a multiemployer  
20 plan described in section 4203(b)(1)(B)(i) of  
21 the Employee Retirement Income Security Act  
22 of 1974, with respect to individuals who were  
23 participants in such plan on or before January  
24 1, 2013, if—

1           “(i) the trust to which subparagraph  
2           (A) applies was in existence before Janu-  
3           ary 1, 1970, and

4           “(ii) before December 31, 2011, at a  
5           time when the plan provided that distribu-  
6           tions may be made to an employee who has  
7           attained age 55 and who is not separated  
8           from employment at the time of such dis-  
9           tribution, the plan received at least 1 writ-  
10          ten determination from the Internal Rev-  
11          enue Service that the trust to which sub-  
12          paragraph (A) applies constituted a quali-  
13          fied trust under this section.”.

14          (b) EFFECTIVE DATE.—The amendment made by  
15          this section shall apply to distributions made before, on,  
16          or after the date of the enactment of this Act.

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