

AMENDMENT TO RULES COMMITTEE PRINT 114-

67

OFFERED BY MR. MCKINLEY OF WEST VIRGINIA

Add at the end the following:

1 **DIVISION _____ —MINE WORKER**
2 **BENEFITS**

3 **SEC. __01. SHORT TITLE.**

4 This division may be cited as the “Miners Protection
5 Act of 2016”.

6 **SEC. __02. INCLUSION OF CERTAIN RETIREES IN THE MUL-**
7 **TIEMPLOYER HEALTH BENEFIT PLAN.**

8 (a) IN GENERAL.—Section 402 of the Surface Min-
9 ing Control and Reclamation Act of 1977 (30 U.S.C.
10 1232) is amended—

11 (1) in subsection (h)(2)(C)—

12 (A) by striking “A transfer” and inserting
13 the following:

14 “(i) TRANSFER TO THE PLAN.—A
15 transfer”;

16 (B) by redesignating clauses (i) and (ii) as
17 subclauses (I) and (II), respectively, and mov-
18 ing such subclauses 2 ems to the right; and

1 (C) by striking the matter following such
2 subclause (II) (as so redesignated) and insert-
3 ing the following:

4 “(ii) CALCULATION OF EXCESS.—The
5 excess determined under clause (i) shall be
6 calculated by taking into account only—

7 “(I) those beneficiaries actually
8 enrolled in the Plan as of the date of
9 the enactment of the Miners Protec-
10 tion Act of 2016 who are eligible to
11 receive health benefits under the Plan
12 on the first day of the calendar year
13 for which the transfer is made, other
14 than those beneficiaries enrolled in
15 the Plan under the terms of a partici-
16 pation agreement with the current or
17 former employer of such beneficiaries;
18 and

19 “(II) those beneficiaries whose
20 health benefits, defined as those bene-
21 fits payable directly following death or
22 retirement or upon a finding of dis-
23 ability by an employer in the bitu-
24 minous coal industry under a coal
25 wage agreement (as defined in section

1 9701(b)(1) of the Internal Revenue
2 Code of 1986), would be denied or re-
3 duced as a result of a bankruptcy pro-
4 ceeding commenced in 2012 or 2015.

5 “(iii) ELIGIBILITY OF CERTAIN RETIR-
6 EES.—Individuals referred to in clause
7 (ii)(II) shall be treated as eligible to re-
8 ceive health benefits under the Plan.

9 “(iv) REQUIREMENTS FOR TRANS-
10 FER.—The amount of the transfer other-
11 wise determined under this subparagraph
12 for a fiscal year shall be reduced by any
13 amount transferred for the fiscal year to
14 the Plan, to pay benefits required under
15 the Plan, from a voluntary employees’ ben-
16 efiary association established as a result
17 of a bankruptcy proceeding described in
18 clause (ii).

19 “(v) VEBA TRANSFER.—The admin-
20 istrator of such voluntary employees’ bene-
21 ficiary association shall transfer to the
22 Plan any amounts received as a result of
23 such bankruptcy proceeding, reduced by an
24 amount for administrative costs of such as-
25 sociation.”; and

1 (2) in subsection (i)—

2 (A) by redesignating paragraph (4) as
3 paragraph (5); and

4 (B) by inserting after paragraph (3) the
5 following:

6 “(4) ADDITIONAL AMOUNTS.—

7 “(A) CALCULATION.—If the dollar limita-
8 tion specified in paragraph (3)(A) exceeds the
9 aggregate amount required to be transferred
10 under paragraphs (1) and (2) for a fiscal year,
11 the Secretary of the Treasury shall transfer an
12 additional amount equal to the difference be-
13 tween such dollar limitation and such aggregate
14 amount to the trustees of the 1974 UMWA
15 Pension Plan to pay benefits required under
16 that plan.

17 “(B) CESSATION OF TRANSFERS.—The
18 transfers described in subparagraph (A) shall
19 cease as of the first fiscal year beginning after
20 the first plan year for which the funded per-
21 centage (as defined in section 432(i)(2) of the
22 Internal Revenue Code of 1986) of the 1974
23 UMWA Pension Plan is at least 100 percent.

24 “(C) PROHIBITION ON BENEFIT IN-
25 CREASES, ETC.—During a fiscal year in which

1 the 1974 UMWA Pension Plan is receiving
2 transfers under subparagraph (A), no amend-
3 ment of such plan which increases the liabilities
4 of the plan by reason of any increase in bene-
5 fits, any change in the accrual of benefits, or
6 any change in the rate at which benefits become
7 nonforfeitable under the plan may be adopted
8 unless the amendment is required as a condi-
9 tion of qualification under part I of subchapter
10 D of chapter 1 of the Internal Revenue Code of
11 1986.

12 “(D) TREATMENT OF TRANSFERS FOR
13 PURPOSES OF WITHDRAWAL LIABILITY UNDER
14 ERISA.—The amount of any transfer made
15 under subparagraph (A) (and any earnings at-
16 tributable thereto) shall be disregarded in deter-
17 mining the unfunded vested benefits of the
18 1974 UMWA Pension Plan and the allocation
19 of such unfunded vested benefits to an employer
20 for purposes of determining the employer’s
21 withdrawal liability under section 4201.

22 “(E) REQUIREMENT TO MAINTAIN CON-
23 TRIBUTION RATE.—A transfer under subpara-
24 graph (A) shall not be made for a fiscal year
25 unless the persons that are obligated to con-

1 tribute to the 1974 UMWA Pension Plan on
2 the date of the transfer are obligated to make
3 the contributions at rates that are no less than
4 those in effect on the date which is 30 days be-
5 fore the date of enactment of the Miners Pro-
6 tection Act of 2016.

7 “(F) ENHANCED ANNUAL REPORTING.—

8 “(i) IN GENERAL.—Not later than the
9 90th day of each plan year beginning after
10 the date of enactment of the Miners Pro-
11 tection Act of 2016, the trustees of the
12 1974 UMWA Pension Plan shall file with
13 the Secretary of the Treasury or the Sec-
14 retary’s delegate and the Pension Benefit
15 Guaranty Corporation a report (including
16 appropriate documentation and actuarial
17 certifications from the plan actuary, as re-
18 quired by the Secretary of the Treasury or
19 the Secretary’s delegate) that contains—

20 “(I) whether the plan is in en-
21 dangered or critical status under sec-
22 tion 305 of the Employee Retirement
23 Income Security Act of 1974 and sec-
24 tion 432 of the Internal Revenue Code

1 of 1986 as of the first day of such
2 plan year;

3 “(II) the funded percentage (as
4 defined in section 432(i)(2) of such
5 Code) as of the first day of such plan
6 year, and the underlying actuarial
7 value of assets and liabilities taken
8 into account in determining such per-
9 centage;

10 “(III) the market value of the as-
11 sets of the plan as of the last day of
12 the plan year preceding such plan
13 year;

14 “(IV) the total value of all con-
15 tributions made during the plan year
16 preceding such plan year;

17 “(V) the total value of all bene-
18 fits paid during the plan year pre-
19 ceding such plan year;

20 “(VI) cash flow projections for
21 such plan year and either the 6 or 10
22 succeeding plan years, at the election
23 of the trustees, and the assumptions
24 relied upon in making such projec-
25 tions;

1 “(VII) funding standard account
2 projections for such plan year and the
3 9 succeeding plan years, and the as-
4 sumptions relied upon in making such
5 projections;

6 “(VIII) the total value of all in-
7 vestment gains or losses during the
8 plan year preceding such plan year;

9 “(IX) any significant reduction
10 in the number of active participants
11 during the plan year preceding such
12 plan year, and the reason for such re-
13 duction;

14 “(X) a list of employers that
15 withdrew from the plan in the plan
16 year preceding such plan year, and
17 the resulting reduction in contribu-
18 tions;

19 “(XI) a list of employers that
20 paid withdrawal liability to the plan
21 during the plan year preceding such
22 plan year and, for each employer, a
23 total assessment of the withdrawal li-
24 ability paid, the annual payment
25 amount, and the number of years re-

1 maining in the payment schedule with
2 respect to such withdrawal liability;

3 “(XII) any material changes to
4 benefits, accrual rates, or contribution
5 rates during the plan year preceding
6 such plan year;

7 “(XIII) any scheduled benefit in-
8 crease or decrease in the plan year
9 preceding such plan year having a
10 material effect on liabilities of the
11 plan;

12 “(XIV) details regarding any
13 funding improvement plan or rehabili-
14 tation plan and updates to such plan;

15 “(XV) the number of partici-
16 pants and beneficiaries during the
17 plan year preceding such plan year
18 who are active participants, the num-
19 ber of participants and beneficiaries in
20 pay status, and the number of termi-
21 nated vested participants and bene-
22 ficiaries;

23 “(XVI) the information contained
24 on the most recent annual funding no-
25 tice submitted by the plan under sec-

1 tion 101(f) of the Employee Retirement
2 Income Security Act of 1974;

3 “(XVII) the information con-
4 tained on the most recent Department
5 of Labor Form 5500 of the plan; and

6 “(XVIII) copies of the plan docu-
7 ment and amendments, other retire-
8 ment benefit or ancillary benefit plans
9 relating to the plan and contribution
10 obligations under such plans, a break-
11 down of administrative expenses of
12 the plan, participant census data and
13 distribution of benefits, the most re-
14 cent actuarial valuation report as of
15 the plan year, copies of collective bar-
16 gaining agreements, and financial re-
17 ports, and such other information as
18 the Secretary of the Treasury or the
19 Secretary’s delegate, in consultation
20 with the Secretary of Labor and the
21 Director of the Pension Benefit Guar-
22 anty Corporation, may require.

23 “(ii) ELECTRONIC SUBMISSION.—The
24 report required under clause (i) shall be
25 submitted electronically.

1 “(iii) INFORMATION SHARING.—The
2 Secretary of the Treasury or the Sec-
3 retary’s delegate shall share the informa-
4 tion in the report under clause (i) with the
5 Secretary of Labor.

6 “(iv) PENALTY.—Any failure to file
7 the report required under clause (i) on or
8 before the date described in such clause
9 shall be treated as a failure to file a report
10 required to be filed under section 6058(a)
11 of the Internal Revenue Code of 1986, ex-
12 cept that section 6652(e) of such Code
13 shall be applied with respect to any such
14 failure by substituting ‘\$100’ for ‘\$25’.
15 The preceding sentence shall not apply if
16 the Secretary of the Treasury or the Sec-
17 retary’s delegate determines that reason-
18 able diligence has been exercised by the
19 trustees of such plan in attempting to
20 timely file such report.

21 “(G) 1974 UMWA PENSION PLAN DE-
22 FINED.—For purposes of this paragraph, the
23 term ‘1974 UMWA Pension Plan’ has the
24 meaning given the term in section 9701(a)(3)
25 of the Internal Revenue Code of 1986, but

1 without regard to the limitation on participation
2 to individuals who retired in 1976 and there-
3 after.”.

4 (b) EFFECTIVE DATES.—

5 (1) IN GENERAL.—The amendments made by
6 this section shall apply to fiscal years beginning
7 after September 30, 2016.

8 (2) REPORTING REQUIREMENTS.—Section
9 402(i)(4)(F) of the Surface Mining Control and Rec-
10 lamation Act of 1977 (30 U.S.C. 1232(i)(4)(F)), as
11 added by this section, shall apply to plan years be-
12 ginning after the date of the enactment of this Act.

13 **SEC. _03. CLARIFICATION OF FINANCING OBLIGATIONS.**

14 (a) IN GENERAL.—Subsection (a) of section 9704 of
15 the Internal Revenue Code of 1986 is amended—

16 (1) by striking paragraph (3),

17 (2) by striking “three premiums” and inserting
18 “two premiums”, and

19 (3) by striking “, plus” at the end of paragraph
20 (2) and inserting a period.

21 (b) CONFORMING AMENDMENTS.—

22 (1) Section 9704 of the Internal Revenue Code
23 of 1986 is amended—

24 (A) by striking subsection (d), and

1 (B) by redesignating subsections (e)
2 through (j) as subsections (d) through (i), re-
3 spectively.

4 (2) Subsection (d) of section 9704 of such
5 Code, as so redesignated, is amended—

6 (A) by striking “3 separate accounts for
7 each of the premiums described in subsections
8 (b), (c), and (d)” in paragraph (1) and insert-
9 ing “2 separate accounts for each of the pre-
10 miums described in subsections (b) and (c)”,
11 and

12 (B) by striking “or the unassigned bene-
13 ficiaries premium account” in paragraph
14 (3)(B).

15 (3) Subclause (I) of section 9703(b)(2)(C)(ii) of
16 such Code is amended by striking
17 “9704(e)(3)(B)(i)” and inserting
18 “9704(d)(3)(B)(i)”.

19 (4) Paragraph (3) of section 9705(a) of such
20 Code is amended—

21 (A) by striking “the unassigned beneficiary
22 premium under section 9704(a)(3) and” in sub-
23 paragraph (B), and

24 (B) by striking “9704(i)(1)(B)” and in-
25 serting “9704(h)(1)(B)”.

1 (5) Paragraph (2) of section 9711(c) of such
2 Code is amended—

3 (A) by striking “9704(j)(2)” in subpara-
4 graph (A)(i) and inserting “9704(i)(2)”,

5 (B) by striking “9704(j)(2)(B)” in sub-
6 paragraph (B) and inserting “9704(i)(2)(B)”,

7 and

8 (C) by striking “9704(j)” and inserting
9 “9704(i)”.

10 (6) Paragraph (4) of section 9712(d) of such
11 Code is amended by striking “9704(j)” and inserting
12 “9704(i)”.

13 (c) ELIMINATION OF ADDITIONAL BACKSTOP PRE-
14 MIUM.—

15 (1) IN GENERAL.—Paragraph (1) of section
16 9712(d) of the Internal Revenue Code of 1986 is
17 amended by striking subparagraph (C).

18 (2) CONFORMING AMENDMENT.—Paragraph (2)
19 of section 9712(d) of such Code is amended—

20 (A) by striking subparagraph (B),

21 (B) by striking “, and” at the end of sub-
22 paragraph (A) and inserting a period, and

23 (C) by striking “shall provide for—” and
24 all that follows through “annual adjustments”

1 and inserting “shall provide for annual adjust-
2 ments”.

3 (d) **EFFECTIVE DATE.**—The amendments made by
4 this section shall apply to plan years beginning after Sep-
5 tember 30, 2016.

6 **SEC. _04. CUSTOMS USER FEES.**

7 (a) **IN GENERAL.**—Section 13031(j)(3)(A) of the
8 Consolidated Omnibus Budget Reconciliation Act of 1985
9 (19 U.S.C. 58c(j)(3)(A)) is amended by striking “Sep-
10 tember 30, 2025” and inserting “May 6, 2026”.

11 (b) **RATE FOR MERCHANDISE PROCESSING FEES.**—
12 Section 503 of the United States–Korea Free Trade
13 Agreement Implementation Act (Public Law 112–41; 19
14 U.S.C. 3805 note) is amended by striking “September 30,
15 2025” and inserting “May 6, 2026”.

