

113TH CONGRESS
1ST SESSION

H. R. 2918

To amend the Surface Mining Control and Reclamation Act of 1977 to transfer certain funds to the Multiemployer Health Benefit Plan and the 1974 United Mine Workers of America Pension Plan.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2013

Mr. MCKINLEY (for himself, Mrs. CAPITO, Mr. RAHALL, Mr. JOHNSON of Ohio, Mr. BARR, Mr. MORAN, Mr. ENYART, Mr. BUCSHON, Mr. STIVERS, Mr. GEORGE MILLER of California, Mr. WHITFIELD, Ms. FUDGE, Ms. SCHWARTZ, Mr. RODNEY DAVIS of Illinois, Mr. TURNER, Mr. CLAY, Mr. JOYCE, Mr. GIBBS, and Mr. DOYLE) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Surface Mining Control and Reclamation Act of 1977 to transfer certain funds to the Multiemployer Health Benefit Plan and the 1974 United Mine Workers of America Pension Plan.

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 “Coal Healthcare and
5 Pensions Protection Act of 2013”.

1 **SEC. 2. INCLUSION OF CERTAIN RETIREES IN THE MULTI-**
2 **EMPLOYER HEALTH BENEFIT PLAN.**

3 Section 402 of the Surface Mining Control and Rec-
4 lamation Act of 1977 (30 U.S.C. 1232) is amended—

5 (1) in subsection (h)(2)(C)—

6 (A) by striking “A transfer” and inserting
7 the following:

8 “(i) TRANSFER TO THE PLAN.—A
9 transfer”;

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

13 (C) by striking the matter following such
14 subclause (II) (as so redesignated) and insert-
15 ing the following:

16 “(ii) CALCULATION OF EXCESS.—
17 Such excess shall be calculated by taking
18 into account only—

19 “(I) those beneficiaries actually
20 enrolled in the Plan as of the date of
21 enactment of the Coal Healthcare and
22 Pensions Protection Act of 2013, who
23 are eligible to receive health benefits
24 under the Plan on the first day of the
25 calendar year for which the transfer is
26 made; and

1 “(II) those beneficiaries whose
2 health benefits, defined as those bene-
3 fits payable directly by an employer in
4 the bituminous coal industry under a
5 coal wage agreement (defined in sec-
6 tion 9701(b)(1) of the Internal Rev-
7 enue Code of 1986) as a result of a
8 bankruptcy proceeding commenced in
9 2012, would be denied or reduced.

10 “(iii) ELIGIBILITY.—An individual re-
11 ferred to in clause (ii)(II) shall be consid-
12 ered eligible to receive health benefits
13 under the Plan.

14 “(iv) REQUIREMENTS FOR TRANS-
15 FER.—A transfer under this subparagraph
16 shall be in an amount equal to the excess
17 calculated under clause (i), and reduced by
18 any amount transferred from a voluntary
19 employees’ beneficiary association estab-
20 lished as a result of such bankruptcy pro-
21 ceeding to the Plan to pay benefits re-
22 quired under the Plan.

23 “(v) VEBA TRANSFER.—The admin-
24 istrator of such voluntary employees’ bene-
25 ficiary association shall transfer to the

1 Plan any amounts received as a result of
2 such bankruptcy proceeding, reduced by an
3 amount for administrative costs of such as-
4 sociation.”; and

5 (2) in subsection (i)—

6 (A) by redesignating paragraph (4) as
7 paragraph (5); and

8 (B) by inserting after paragraph (3) the
9 following:

10 “(4) ADDITIONAL AMOUNTS.—

11 “(A) CALCULATION.—If the dollar limita-
12 tion specified in paragraph (3)(A) exceeds the
13 aggregate amount required to be transferred
14 under paragraphs (1) and (2) for a fiscal year,
15 the Secretary of the Treasury shall transfer an
16 additional amount, not to exceed the difference
17 between such dollar limitation and such aggre-
18 gate amount, to the trustees of the 1974
19 UMWA Pension Plan to pay benefits required
20 under that plan.

21 “(B) 1974 UMWA PENSION PLAN DE-
22 FINED.—In this paragraph, the term ‘1974
23 UMWA Pension Plan’ has the meaning given
24 the term in section 9701(a)(3) of the Internal
25 Revenue Code of 1986, but without regard to

1 the limitation on participation to individuals
2 who retired in 1976 and thereafter.”.

3 **SEC. 3. SPECIAL RULE FOR CERTAIN SUPPLEMENTAL BEN-**
4 **EFIT PLANS.**

5 (a) IN GENERAL.—Section 404 of the Internal Rev-
6 enue Code of 1986 is amended by adding at the end the
7 following new subsection:

8 “(p) SPECIAL RULE FOR CERTAIN SUPPLEMENTAL
9 BENEFIT PLANS.—

10 “(1) IN GENERAL.—If contributions are paid by
11 an employer under a plan that provides supple-
12 mental benefits solely to participants in a plan de-
13 scribed in subsection (c) (or a continuation thereof)
14 that provides pension benefits, such contributions
15 shall not be deductible under this section nor be
16 made nondeductible by this section, but the deduct-
17 ibility thereof shall be governed solely by section 162
18 (relating to trade or business expenses).

19 “(2) TAX TREATMENT OF PLAN.—For purposes
20 of this title, the trust holding the assets of a plan
21 to which paragraph (1) applies shall be treated as an
22 organization exempt from tax under section 501(a).

23 “(3) SPECIAL RULE FOR PAYMENTS OTHER
24 THAN TO OR FROM A TRUST.—For purposes of this
25 subsection, payments made by an employer to the

1 trustees of a plan described in paragraph (1), and
2 benefits paid by the trustees of such plan, shall be
3 treated as contributions paid to, and benefits paid
4 from, such plan without regard to whether the con-
5 tributions are paid into, or benefits paid from, the
6 trust holding the assets of such plan.”.

7 (b) EXCLUSION FROM WAGES.—

8 (1) PAYROLL TAXES.—Paragraph (5) of section
9 3121(a) of the Internal Revenue Code of 1986 is
10 amended—

11 (A) by striking “or” at the end of subpara-
12 graph (H);

13 (B) by adding “or” at the end of subpara-
14 graph (I); and

15 (C) by adding at the end the following new
16 subparagraph:

17 “(J) under a plan to which section
18 404(p)(1) applies;”.

19 (2) COLLECTION OF INCOME TAX AT SOURCE.—
20 Paragraph (12) of section 3401(a) of such Code is
21 amended by adding at the end the following new
22 subparagraph:

23 “(F) under a plan to which section
24 404(p)(1) applies, or”.

1 (3) UNEMPLOYMENT TAXES.—Section 3306(b)
2 of such Code is amended—

3 (A) by striking “or” at the end of para-
4 graph (19);

5 (B) by striking the period at the end of
6 paragraph (20) and inserting “; or”; and

7 (C) by adding at the end the following new
8 paragraph:

9 “(21) any payment made to or for the benefit
10 of an individual under a plan to which section
11 404(p)(1) applies.”.

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