

113TH CONGRESS
1ST SESSION

H. R. 980

To protect the health care and pension benefits of our nation's miners.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2013

Mr. RAHALL 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 protect the health care and pension benefits of our
nation's miners.

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 Accountability
5 and Retired Employee Act of 2013” or the “CARE Act”.

1 **SEC. 2. AMENDMENT OF SURFACE MINING CONTROL AND**
2 **RECLAMATION ACT OF 1977.**

3 Section 402(i)(2) of the Surface Mining Control and
4 Reclamation Act of 1977 (30 U.S.C. 1232(i)(2)) is
5 amended—

6 (1) by striking “Subject to” and inserting the
7 following:

8 “(A) IN GENERAL.—Subject to”; and

9 (2) by adding at the end the following:

10 “(B) EXCESS AMOUNTS.—

11 “(i) IN GENERAL.—Subject to para-
12 graph (3), and after all transfers referred
13 to in paragraph (1) and subparagraph (A)
14 of this paragraph have been made, any
15 amounts remaining after the application of
16 paragraph (3)(A) (without regard to this
17 subparagraph) shall be transferred to the
18 trustees of the 1974 UMWA Pension Plan
19 and used solely to pay pension benefits re-
20 quired under such plan.

21 “(ii) 1974 UMWA PENSION PLAN.—In
22 this subparagraph, the term ‘1974 UMWA
23 Pension Plan’ means a pension plan re-
24 ferred to in section 9701(a)(3) of the In-
25 ternal Revenue Code of 1986 but without
26 regard to whether participation in such

1 plan is limited to individuals who retired in
2 1976 and thereafter.”.

3 **SEC. 3. ELIGIBILITY FOR 1992 UMWA BENEFIT PLAN.**

4 (a) IN GENERAL.—Paragraph (2) of section 9712(b)
5 of the Internal Revenue Code of 1986 is amended by strik-
6 ing “or” at the end of subparagraph (A), by adding “or”
7 at the end of subparagraph (B), and by inserting after
8 subparagraph (B) the following new subparagraph:

9 “(C) but for this chapter, would be eligible
10 to receive benefits from the 1974 UMWA Ben-
11 efit Plan (other than an individual described in
12 the last sentence of section 402(h)(2)(C) of the
13 Surface Mining Control and Reclamation Act of
14 1977) following a proceeding under title 11,
15 United States Code, or other insolvency pro-
16 ceeding relating to the applicable last signatory
17 operator, but who does not receive such cov-
18 erage at levels at least equal to those described
19 in section 402(h)(2)(C) of the Surface Mining
20 Control and Reclamation Act of 1977 from
21 such operator or any related person,”.

22 (b) CONFORMING AMENDMENTS.—Paragraph (2) of
23 section 9712(b) of the Internal Revenue Code of 1986 is
24 amended—

1 (1) by striking “subparagraph (A) or (B)” in
 2 the matter following subparagraph (C) (as added by
 3 this section) and inserting “subparagraph (A), (B),
 4 or (C)”, and

5 (2) by inserting “under subparagraph (A) or
 6 (B)” after “health benefits coverage” in the second
 7 sentence.

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

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

13 “(p) SPECIAL RULE FOR CERTAIN SUPPLEMENTAL
 14 BENEFIT PLANS.—

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

24 “(2) TAX TREATMENT OF PLAN.—For purposes
 25 of this title, the trust holding the assets of a plan

1 to which paragraph (1) applies shall be treated as an
2 organization exempt from tax under section 501(a).

3 “(3) SPECIAL RULE FOR PAYMENTS OTHER
4 THAN TO OR FROM A TRUST.—For purposes of this
5 subsection, payments made by an employer to the
6 trustees of a plan described in paragraph (1), and
7 benefits paid by the trustees of such plan, shall be
8 treated as contributions paid to, and benefits paid
9 from, such plan without regard to whether the con-
10 tributions are paid into, or benefits paid from, the
11 trust holding the assets of such plan.”.

12 (b) EXCLUSION FROM WAGES.—

13 (1) PAYROLL TAXES.—Paragraph (5) of section
14 3121(a) of the Internal Revenue Code of 1986 is
15 amended by striking “or” at the end of subpara-
16 graph (H), by adding “or” at the end of subpara-
17 graph (I), and by adding at the end the following
18 new subparagraph:

19 “(J) under a plan to which section
20 404(p)(1) applies;”.

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

1 “(F) under a plan to which section
2 404(p)(1) applies, or”.

3 (3) UNEMPLOYMENT TAXES.—Section 3306(b)
4 of such Code is amended by striking “or” at the end
5 of paragraph (19), by striking the period at the end
6 of paragraph (20) and inserting “; or”, and by add-
7 ing at the end the following new paragraph:
8 “(21) any payment made to or for the benefit
9 of an individual under a plan to which section
10 404(p)(1) applies.”.

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