

113TH CONGRESS
1ST SESSION

S. 468

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

IN THE SENATE OF THE UNITED STATES

MARCH 6, 2013

Mr. ROCKEFELLER (for himself, Mr. MANCHIN, Ms. WARREN, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Finance

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”.

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

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

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

3 “(A) IN GENERAL.—Subject to”; and

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

5 “(B) EXCESS AMOUNTS.—

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

16 “(ii) 1974 UMWA PENSION PLAN.—In
17 this subparagraph, the term ‘1974 UMWA
18 Pension Plan’ means a pension plan re-
19 ferred to in section 9701(a)(3) of the In-
20 ternal Revenue Code of 1986 but without
21 regard to whether participation in such
22 plan is limited to individuals who retired in
23 1976 and thereafter.”.

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

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

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

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

23 (1) by striking “subparagraph (A) or (B)” in
 24 the matter following subparagraph (C) (as added by
 25 this section) and inserting “subparagraph (A), (B),
 26 or (C)”, and

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

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

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

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

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

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

24 “(3) SPECIAL RULE FOR PAYMENTS OTHER
25 THAN TO OR FROM A TRUST.—For purposes of this

subsection, payments made by an employer to the trustees of a plan described in paragraph (1), and benefits paid by the trustees of such plan, shall be treated as contributions paid to, and benefits paid from, such plan without regard to whether the contributions are paid into, or benefits paid from, the trust holding the assets of such plan.”.

(b) EXCLUSION FROM WAGES.—

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

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

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

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

(3) UNEMPLOYMENT TAXES.—Section 3306(b) of such Code is amended by striking “or” at the end of paragraph (19), by striking the period at the end

1 of paragraph (20) and inserting “; or”, and by add-
2 ing at the end the following new paragraph:

3 “(21) any payment made to or for the benefit
4 of an individual under a plan to which section
5 404(p)(1) applies.”.

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