

hands. The purpose of that meeting was for the President of the United States, the greatest country on Earth, to implore the King to increase production of oil.

You know what? A confident nation, a nation that takes on the challenge of solving its own problems, does not go hat in hand to others and ask them, who are not our friends, incidentally, to solve our problems. We take that challenge on ourselves. We take it on because it's our responsibility. We also take it on because we know that in the doing of it, we are going to create jobs, clean our environment, and give us much more latitude in foreign policy.

So this debate on energy, misplaced as it is in this matter of electronic records and restoring the responsibility of Congress to the American people to conduct oversight and to preserve a historical record, important as that is, the argument on energy, the question of energy is the profound question that this country faces economically for the next generation, and the challenge will be whether we are willing to face that squarely and take it upon ourselves to solve our problems, or we are going to continue to be dependent on oil companies that have not played on behalf of the American people and on foreign countries that are not our friends; Venezuela, Middle East States, Russia. We have to take on this challenge ourselves.

Mr. Speaker, I will just close by saying, going back to this bill, that it's an extraordinarily important bill, not just so that we can preserve records, but that we in Congress can restore confidence to the American people that we are a cop on the beat.

This bill makes significant and long overdue changes to document retention systems that were outdated and inefficient. The vast amount of government business that is currently conducted over e-mail requires that we update the law regulating record retention. Government e-mails should not be deleted or destroyed, as they are as important in revealing to the public and historians as paper documents, and we all know that.

Mr. Speaker, I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1318 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 2208) to provide for a standby loan program for certain coal-to-liquid projects. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking member of the Committee on Energy and Commerce, and the chairman and ranking member of

the Committee on Science and Technology; and (2) an amendment in the nature of a substitute if offered by Representative Dingell of Michigan or his designee, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from *Congressional Quarterly's* "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools

for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WELCH of Vermont. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

RECORDED VOTE

Mr. WELCH of Vermont. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### PENSION PROTECTION TECHNICAL CORRECTIONS ACT OF 2008

Mr. POMEROY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6382) to make technical corrections related to the Pension Protection Act of 2006, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6382

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; REFERENCES TO ACTS.

(a) IN GENERAL.—This Act may be cited as the "Pension Protection Technical Corrections Act of 2008".

(b) REFERENCES TO ACTS.—For purposes of this Act:

(1) AMENDMENT OF 1986 CODE.—The term "1986 Code" means the Internal Revenue Code of 1986.

(2) AMENDMENT OF ERISA.—The term "ERISA" means the Employee Retirement Income Security Act of 1974.

(3) 2006 ACT.—The term "2006 Act" means the Pension Protection Act of 2006.

#### TITLE I—TECHNICAL CORRECTIONS RELATED TO THE PENSION PROTECTION ACT OF 2006

##### SEC. 101. AMENDMENTS RELATED TO TITLE I.

(a) AMENDMENTS RELATED TO SECTIONS 101 AND 111.—

(1) AMENDMENTS TO ERISA.—

(A) Clause (i) of section 302(c)(1)(A) of ERISA is amended by striking "the plan is" and inserting "the plan are".

(B) Section 302(c)(7) of ERISA is amended by inserting "which reduces the accrued benefit of any participant" after "subsection (d)(2)" in subparagraph (A).

(C) Section 302(d)(1) of ERISA is amended by striking "the valuation date,".

## (2) AMENDMENTS TO 1986 CODE.—

(A) Clause (i) of section 412(c)(1)(A) of the 1986 Code is amended by striking “the plan is” and inserting “the plan are”.

(B) Section 412(c)(7) of the 1986 Code is amended by inserting “which reduces the accrued benefit of any participant” after “subsection (d)(2)” in subparagraph (A).

(C) Section 412(d)(1) of the 1986 Code is amended by striking “, the valuation date,”.

## (b) AMENDMENTS RELATED TO SECTIONS 102 AND 112.—

## (1) AMENDMENTS TO ERISA.—

(A) Section 303(b) of ERISA is amended to read as follows:

“(b) TARGET NORMAL COST.—For purposes of this section:

“(1) IN GENERAL.—Except as provided in subsection (i)(2) with respect to plans in at-risk status, the term ‘target normal cost’ means, for any plan year, the excess of—

“(A) the sum of—

“(i) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, plus

“(ii) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

“(B) the amount of mandatory employee contributions expected to be made during the plan year.

“(2) SPECIAL RULE FOR INCREASE IN COMPENSATION.—For purposes of this subsection, if any benefit attributable to services performed in a preceding plan year is increased by reason of any increase in compensation during the current plan year, the increase in such benefit shall be treated as having accrued during the current plan year.”.

(B) Section 303(c)(5)(B)(iii) of ERISA is amended by inserting “beginning” before “after 2008”.

(C) Section 303(c)(5)(B)(iv)(II) of ERISA is amended by inserting “for such year” after “beginning in 2007”.

(D) Section 303(f)(4)(A) of ERISA is amended by striking “paragraph (2)” and inserting “paragraph (3)”.

(E) Section 303(h)(2)(F) of ERISA is amended—

(i) by striking “section 205(g)(3)(B)(iii)(I) for such month” and inserting “section 205(g)(3)(B)(iii)(I) for such month”, and

(ii) by striking “subparagraph (B)” and inserting “subparagraph (C)”.

(F) Section 303(i) of ERISA is amended—

(i) in paragraph (2)—

(I) by striking subparagraph (A) and inserting the following new subparagraph:

“(A) the excess of—

“(i) the sum of—

“(I) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, determined using the additional actuarial assumptions described in paragraph (1)(B), plus

“(II) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

“(ii) the amount of mandatory employee contributions expected to be made during the plan year, plus”, and

(II) in subparagraph (B), by striking “the target normal cost (determined without regard to this paragraph) of the plan for the plan year” and inserting “the amount determined under subsection (b)(1)(A)(i) with respect to the plan for the plan year”, and

(ii) by striking “subparagraph (A)(ii)” in the last sentence of paragraph (4)(B) and inserting “subparagraph (A)”.

(G) Section 303(j)(3) of ERISA—

(i) is amended by adding at the end of subparagraph (A) the following new sentence: “In the case of plan years beginning in 2008, the funding shortfall for the preceding plan year may be determined using such methods

of estimation as the Secretary of the Treasury may provide.”.

(ii) by adding at the end of subparagraph (E) the following new clause:

“(iii) PLAN WITH ALTERNATE VALUATION DATE.—The Secretary of the Treasury shall prescribe regulations for the application of this paragraph in the case of a plan which has a valuation date other than the first day of the plan year.”, and

(iii) by striking “AND SHORT YEARS” in the heading of subparagraph (E) and inserting “, SHORT YEARS, AND YEARS WITH ALTERNATE VALUATION DATE”.

(H) Section 303(k)(6)(B) of ERISA is amended by striking “, except” and all that follows and inserting a period.

## (2) AMENDMENTS TO 1986 CODE.—

(A) Section 430(b) of the 1986 Code is amended to read as follows:

“(b) TARGET NORMAL COST.—For purposes of this section:

“(1) IN GENERAL.—Except as provided in subsection (i)(2) with respect to plans in at-risk status, the term ‘target normal cost’ means, for any plan year, the excess of—

“(A) the sum of—

“(i) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, plus

“(ii) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

“(B) the amount of mandatory employee contributions expected to be made during the plan year.

“(2) SPECIAL RULE FOR INCREASE IN COMPENSATION.—For purposes of this subsection, if any benefit attributable to services performed in a preceding plan year is increased by reason of any increase in compensation during the current plan year, the increase in such benefit shall be treated as having accrued during the current plan year.”.

(B) Section 430(c)(5)(B)(iii) of the 1986 Code is amended by inserting “beginning” before “after 2008”.

(C) Section 430(c)(5)(B)(iv)(II) of the 1986 Code is amended by inserting “for such year” after “beginning in 2007”.

(D) Section 430(f) of the 1986 Code is amended—

(i) by striking “as of the first day of the plan year” the second place it appears in the first sentence of paragraph (3)(A),

(ii) by striking “paragraph (2)” in paragraph (4)(A) and inserting “paragraph (3)”,

(iii) by striking “paragraph (1), (2), or (4) of section 206(g)” in paragraph (6)(B)(iii) and inserting “subsection (b), (c), or (e) of section 436”,

(iv) by striking “the sum of” in paragraph (6)(C), and

(v) by striking “of the Treasury” in paragraph (8).

(E) Section 430(h)(2) of the 1986 Code is amended—

(i) by inserting “and target normal cost” after “funding target” in subparagraph (B),

(ii) by striking “liabilities” and inserting “benefits” in subparagraph (B),

(iii) by striking “section 417(e)(3)(D)(i) for such month” in subparagraph (F) and inserting “section 417(e)(3)(D)(i) for such month”, and

(iv) by striking “subparagraph (B)” in subparagraph (F) and inserting “subparagraph (C)”.

(F) Section 430(i) of the 1986 Code is amended—

(i) in paragraph (2)—

(I) by striking subparagraph (A) and inserting the following new subparagraph:

“(A) the excess of—

“(i) the sum of—

“(I) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, determined

using the additional actuarial assumptions described in paragraph (1)(B), plus

“(II) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

“(ii) the amount of mandatory employee contributions expected to be made during the plan year, plus”, and

(II) in subparagraph (B), by striking “the target normal cost (determined without regard to this paragraph) of the plan for the plan year” and inserting “the amount determined under subsection (b)(1)(A)(i) with respect to the plan for the plan year”, and

(ii) by striking “subparagraph (A)(ii)” in the last sentence of paragraph (4)(B) and inserting “subparagraph (A)”.

(G) Section 430(j)(3) of the 1986 Code is amended—

(i) by adding at the end of subparagraph (A) the following new sentence: “In the case of plan years beginning in 2008, the funding shortfall for the preceding plan year may be determined using such methods of estimation as the Secretary may provide.”.

(ii) by striking “section 302(c)” in subparagraph (D)(ii)(II) and inserting “section 412(c)”.

(iii) by adding at the end of subparagraph (E) the following new clause:

“(iii) PLAN WITH ALTERNATE VALUATION DATE.—The Secretary shall prescribe regulations for the application of this paragraph in the case of a plan which has a valuation date other than the first day of the plan year.”.

(iv) by striking “AND SHORT YEARS” in the heading of subparagraph (E) and inserting “, SHORT YEARS, AND YEARS WITH ALTERNATE VALUATION DATE”.

(H) Section 430(k) of the 1986 Code is amended—

(i) by inserting “(as provided under paragraph (2))” after “applies” in paragraph (1), and

(ii) by striking “, except” and all that follows in paragraph (6)(B) and inserting a period.

## (c) AMENDMENTS RELATED TO SECTIONS 103 AND 113.—

## (1) AMENDMENTS TO ERISA.—

(A) Section 101(j) of ERISA is amended—

(i) in paragraph (2), by striking “section 206(g)(4)(B)” and inserting “section 206(g)(4)(A)”;

(ii) by adding at the end the following: “The Secretary of the Treasury, in consultation with the Secretary, shall have the authority to prescribe rules applicable to the notices required under this subsection.”.

(B) Section 206(g)(1)(B)(ii) of ERISA is amended by striking “a funding” and inserting “an adjusted funding”.

(C) The heading for section 206(g)(1)(C) of ERISA is amended by inserting “BENEFIT” after “EVENT”.

(D) Section 206(g)(3)(E) of ERISA is amended by adding at the end the following new flush sentence:

“Such term shall not include the payment of a benefit which under section 203(e) may be immediately distributed without the consent of the participant.”.

(E) Section 206(g)(5)(A)(iv) of ERISA is amended by inserting “adjusted” before “funding”.

(F) Section 206(g)(9)(C) of ERISA is amended—

(i) by striking “without regard to this subparagraph and” in clause (i), and

(ii) in clause (iii)—

(I) by striking “without regard to this subparagraph” and inserting “without regard to the reduction in the value of assets under section 303(f)(4)”, and

(II) by inserting “beginning” before “after” each place it appears.

(G) Section 206(g) of ERISA is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

“(10) SECRETARIAL AUTHORITY FOR PLANS WITH ALTERNATE VALUATION DATE.—In the case of a plan which has designated a valuation date other than the first day of the plan year, the Secretary of the Treasury may prescribe rules for the application of this subsection which are necessary to reflect the alternate valuation date.”.

(H) Section 502(c)(4) of ERISA is amended by striking “by any person” and all that follows through the period and inserting “by any person of subsection (j), (k), or (l) of section 101 or section 514(e)(3).”.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 436(b)(2) of the 1986 Code is amended—

(i) by striking “section 303” and inserting “section 430” in the matter preceding subparagraph (A), and

(ii) by striking “a funding” and inserting “an adjusted funding” in subparagraph (B).

(B) Section 436(b)(3) of the 1986 Code is amended—

(i) by inserting “BENEFIT” after “EVENT” in the heading, and

(ii) by striking “any event” in subparagraph (B) and inserting “an event”.

(C) Section 436(d)(5) of the 1986 Code is amended by adding at the end the following new flush sentence:

“Such term shall not include the payment of a benefit which under section 411(a)(11) may be immediately distributed without the consent of the participant.”.

(D) Section 436(f) of the 1986 Code is amended—

(i) by inserting “adjusted” before “funding” in paragraph (1)(D), and

(ii) by striking “prefunding balance under section 430(f) or funding standard carryover balance” in paragraph (2) and inserting “prefunding balance or funding standard carryover balance under section 430(f)”.

(E) Section 436(j)(3) of the 1986 Code is amended—

(i) in subparagraph (A)—

(I) by striking “without regard to this paragraph and”,

(II) by striking “section 430(f)(4)(A)” and inserting “section 430(f)(4)”, and

(III) by striking “paragraph (1)” and inserting “paragraphs (1) and (2)”, and

(ii) in subparagraph (C)—

(I) by striking “without regard to this paragraph” and inserting “without regard to the reduction in the value of assets under section 430(f)(4)”, and

(II) by inserting “beginning” before “after” each place it appears.

(F) Section 436 of the 1986 Code is amended by redesignating subsection (k) as subsection (m) and by inserting after subsection (j) the following new subsections:

“(k) SECRETARIAL AUTHORITY FOR PLANS WITH ALTERNATE VALUATION DATE.—In the case of a plan which has designated a valuation date other than the first day of the plan year, the Secretary may prescribe rules for the application of this section which are necessary to reflect the alternate valuation date.

“(l) SINGLE-EMPLOYER PLAN.—For purposes of this section, the term ‘single-employer plan’ means a plan which is not a multiemployer plan.”.

(3) AMENDMENTS TO 2006 ACT.—Sections 103(c)(2)(A)(ii) and 113(b)(2)(A)(ii) of the 2006 Act are each amended—

(A) by striking “subsection” and inserting “section”, and

(B) by striking “subparagraph” and inserting “paragraph”.

(d) AMENDMENTS RELATED TO SECTIONS 107 AND 114.—

(1) AMENDMENTS TO ERISA.—

(A) Section 103(d) of ERISA is amended—

(i) in paragraph (3), by striking “the normal costs, the accrued liabilities” and inserting “the normal costs or target normal costs, the accrued liabilities or funding target”, and

(ii) by striking paragraph (7) and inserting the following new paragraph:

“(7) A certification of the contribution necessary to reduce the minimum required contribution determined under section 303, or the accumulated funding deficiency determined under section 304, to zero.”.

(B) Section 4071 of ERISA is amended by striking “as section 303(k)(4) or 307(e)” and inserting “or section 303(k)(4)”,.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 401(a)(29) of the 1986 Code is amended by striking “ON PLANS IN AT-RISK STATUS” in the heading.

(B) Section 401(a)(32)(C) of the 1986 Code is amended—

(i) by striking “section 430(j)” and inserting “section 430(j)(3)”, and

(ii) by striking “paragraph (5)(A)” and inserting “section 430(j)(4)(A)”..

(C) Section 401(a)(33) of the 1986 Code is amended—

(i) by striking “section 412(c)(2)” in subparagraph (B)(iii) and inserting “section 412(d)(2)”, and

(ii) by striking “section 412(b)(2) (without regard to subparagraph (B) thereof)” in subparagraph (D) and inserting “section 412(b)(1), without regard to section 412(b)(2)”..

(D) Section 411 of the 1986 Code is amended—

(i) by striking “section 412(c)(2)” in subsection (a)(3)(C) and inserting “section 412(d)(2)”, and

(ii) by striking “section 412(e)(2)” in subsection (d)(6)(A) and inserting “section 412(d)(2)”..

(E) Section 414(1)(2)(B)(i)(I) of the 1986 Code is amended to read as follows:

“(I) the sum of the funding target and target normal cost determined under section 430, over”.

(F) Section 4971 of the 1986 Code is amended—

(i) by striking “required minimum” in subsection (b)(1) and inserting “minimum required”,

(ii) by inserting “or unpaid minimum required contribution, whichever is applicable” after “accumulated funding deficiency” each place it appears in subsections (c)(3) and (d)(1), and

(iii) by striking “section 412(a)(1)(A)” in subsection (e)(1) and inserting “section 412(a)(2)”..

(3) AMENDMENT TO 2006 ACT.—Section 114 of the 2006 Act is amended by adding at the end the following new subsection:

“(g) EFFECTIVE DATES.—

“(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after 2007.

“(2) EXCISE TAX.—The amendments made by subsection (e) shall apply to taxable years beginning after 2007, but only with respect to plan years described in paragraph (1) which end with or within any such taxable year.”.

(e) AMENDMENT RELATED TO SECTION 116.—Section 409A(b)(3)(A)(ii) of the 1986 Code is amended by inserting “to an applicable covered employee” after “under the plan”.

SEC. 102. AMENDMENTS RELATED TO TITLE II.

(a) AMENDMENT RELATED TO SECTIONS 201 AND 211.—Section 201(b)(2)(A) of the 2006 Act is amended by striking “has not used” and inserting “has not adopted, or ceased using”,.

(b) AMENDMENTS RELATED TO SECTIONS 202 AND 212.—

(1) AMENDMENTS TO ERISA.—

(A) Section 302(b)(3) of ERISA is amended by striking “the plan adopts” and inserting “the plan sponsor adopts”.

(B) Section 305(b)(3)(C) of ERISA is amended by striking “section 101(b)(4)” and inserting “section 101(b)(1)”..

(C) Section 305(b)(3)(D) of ERISA is amended by striking “The Secretary” in clause (iii) and inserting “The Secretary of the Treasury, in consultation with the Secretary”.

(D) Section 305(c)(7) of ERISA is amended—

(i) by striking “to agree on” and all that follows in subparagraph (A)(ii) and inserting “to adopt a contribution schedule with terms consistent with the funding improvement plan and a schedule from the plan sponsor”, and

(ii) by striking subparagraph (B) and inserting the following new subparagraph:

“(B) DATE OF IMPLEMENTATION.—The date specified in this subparagraph is the date which is 180 days after the date on which the collective bargaining agreement described in subparagraph (A) expires”, and

(iii) by adding at the end the following new subparagraph:

“(C) FAILURE TO MAKE SCHEDULED CONTRIBUTIONS.—Any failure to make a contribution under a schedule of contribution rates provided under this paragraph shall be treated as a delinquent contribution under section 515 and shall be enforceable as such.”.

(E) Section 305(e) of ERISA is amended—

(i) in paragraph (3)(C)—

(I) by striking all that follows “to adopt a” in clause (i)(II) and inserting “to adopt a contribution schedule with terms consistent with the rehabilitation plan and a schedule from the plan sponsor under paragraph (1)(B)(i)”,

(II) by striking clause (ii) and inserting the following new clause:

“(ii) DATE OF IMPLEMENTATION.—The date specified in this clause is the date which is 180 days after the date on which the collective bargaining agreement described in clause (i) expires”, and

(III) by adding at the end the following new clause:

“(iii) FAILURE TO MAKE SCHEDULED CONTRIBUTIONS.—Any failure to make a contribution under a schedule of contribution rates provided under this subsection shall be treated as a delinquent contribution under section 515 and shall be enforceable as such.”.

(ii) in paragraph (4)—

(I) by striking “the date of” in subparagraph (A)(ii), and

(II) by striking “and taking” in subparagraph (B) and inserting “but taking”,

(iii) in paragraph (6)—

(I) by striking “paragraph (1)(B)(i)” and inserting “the last sentence of paragraph (1)”, and

(II) by striking “established” and inserting “establish”,

(iv) in paragraph (8)(C)(iii)—

(I) by striking “the Secretary” in subclause (I) and inserting “the Secretary of the Treasury, in consultation with the Secretary”, and

(II) by striking “Secretary” in the last sentence and inserting “Secretary of the Treasury”, and

(v) by striking “an employer’s withdrawal liability” in paragraph (9)(B) and inserting “the allocation of unfunded vested benefits to an employer”.

(F) Section 305(f)(2)(A)(i) of ERISA is amended by adding at the end the following: “to a participant or beneficiary whose annuity starting date (as defined in section 205(h)(2)) occurs after the date such notice is sent”,.

(G) Section 305(g) of ERISA is amended by inserting “under subsection (c)” after “funding improvement plan” the first place it appears.

(H) Section 502(c)(2) of ERISA is amended by striking “101(b)(4)” and inserting “101(b)(1)”.

(I) Section 502(c)(8)(A) of ERISA is amended by inserting “plan” after “multiemployer”.

**(2) AMENDMENTS TO 1986 CODE.—**

(A) Section 432(b)(3)(C) of the 1986 Code is amended by striking “section 101(b)(4)” and inserting “section 101(b)(1)”.

(B) Section 432(b)(3)(D)(iii) of the 1986 Code is amended by striking “The Secretary of Labor” and inserting “The Secretary, in consultation with the Secretary of Labor”.

(C) Section 432(c) of the 1986 Code is amended—

(i) in paragraph (3), by striking “section 304(d)” in subparagraph (A)(ii) and inserting “section 431(d)”, and

(ii) in paragraph (7)—

(I) by striking “to agree on” and all that follows in subparagraph (A)(ii) and inserting “to adopt a contribution schedule with terms consistent with the funding improvement plan and a schedule from the plan sponsor,” and

(II) by striking subparagraph (B) and inserting the following new subparagraph:

“(B) DATE OF IMPLEMENTATION.—The date specified in this subparagraph is the date which is 180 days after the date on which the collective bargaining agreement described in subparagraph (A) expires.”

(D) Section 432(e) of the 1986 Code is amended—

(i) in paragraph (3)(C)—

(I) by striking all that follows “to adopt a” in clause (i)(II) and inserting “to adopt a contribution schedule with terms consistent with the rehabilitation plan and a schedule from the plan sponsor under paragraph (1)(B)(i)”, and

(II) by striking clause (ii) and inserting the following new clause:

“(ii) DATE OF IMPLEMENTATION.—The date specified in this clause is the date which is 180 days after the date on which the collective bargaining agreement described in clause (i) expires.”

(i) in paragraph (4)—

(I) by striking “the date of” in subparagraph (A)(ii), and

(II) by striking “and taking” in subparagraph (B) and inserting “but taking”,

(iii) in paragraph (6)—

(I) by striking “paragraph (1)(B)(i)” and inserting “the last sentence of paragraph (1)”, and

(II) by striking “established” and inserting “establish”,

(iv) in paragraph (8)—

(I) by striking “section 204(g)” in subparagraph (A)(i) and inserting “section 411(d)(6)”,

(II) by inserting “of the Employee Retirement Income Security Act of 1974” after “4212(a)” in subparagraph (C)(i)(II),

(III) by striking “the Secretary of Labor” in subparagraph (C)(iii)(I) and inserting “the Secretary, in consultation with the Secretary of Labor”, and

(IV) by striking “the Secretary of Labor” in the last sentence of subparagraph (C)(iii) and inserting “the Secretary”, and

(v) by striking “an employer’s withdrawal liability” in paragraph (9)(B) and inserting “the allocation of unfunded vested benefits to an employer”.

(E) Section 432(f)(2)(A)(i) of the 1986 Code is amended—

(i) by striking “section 411(b)(1)(A)” and inserting “section 411(a)(9)”; and

(ii) by inserting at the end the following: “to a participant or beneficiary whose annuity starting date (as defined in section

417(f)(2)) occurs after the date such notice is sent.”

(F) Section 432(g) of the 1986 Code is amended by inserting “under subsection (c)” after “funding improvement plan” the first place it appears.

(G) Section 432(i) of the 1986 Code is amended—

(i) by striking “section 412(a)” in paragraph (3) and inserting “section 431(a)”, and

(ii) by striking paragraph (9) and inserting the following new paragraph:

“(9) PLAN SPONSOR.—For purposes of this section, section 431, and section 4971(g):

“(A) IN GENERAL.—The term ‘plan sponsor’ means, with respect to any multiemployer plan, the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the plan.

“(B) SPECIAL RULE FOR SECTION 404(c) PLANS.—In the case of a plan described in section 404(c) (or a continuation of such plan), such term means the bargaining parties described in paragraph (1).”

(H) Section 412(b)(3) of the 1986 Code is amended by striking “the plan adopts” and inserting “the plan sponsor adopts”.

(I) Section 4971(g)(4) of the 1986 Code is amended—

(i) in subparagraph (B)(ii), by striking “first day of” and inserting “day following the close of”, and

(ii) by striking clause (ii) of subparagraph (C) and inserting the following new clause:

“(ii) PLAN SPONSOR.—For purposes of clause (i), the term ‘plan sponsor’ has the meaning given such term by section 432(i)(9).”

**(3) AMENDMENTS TO 2006 ACT.—**

(A) Section 212(b)(2) of the 2006 Act is amended by striking “Section 4971(c)(2) of such Code” and inserting “Section 4971(e)(2) of such Code”.

(B) Section 212(e)(1) of the 2006 Act is amended by inserting “, except that the amendments made by subsection (b) shall apply to taxable years beginning after 2007, but only with respect to plan years beginning after 2007 which end with or within any such taxable year” before the period at the end.

(C) Section 212(e)(2) of the 2006 Act is amended by striking “section 305(b)(3) of the Employee Retirement Income Security Act of 1974” and inserting “section 432(b)(3) of the Internal Revenue Code of 1986”.

**SEC. 103. AMENDMENTS RELATED TO TITLE III.**

(a) AMENDMENT RELATED TO SECTION 301.—Clause (ii) of section 101(c)(2)(A) of the Pension Funding Equity Act of 2004, as amended by section 301(c) of the 2006 Act, is amended by striking “2008” and inserting “2009”.

**(b) AMENDMENTS RELATED TO SECTION 302.—**

(1) AMENDMENT TO ERISA.—Section 205(g)(3)(B)(iii)(II) of ERISA is amended by striking “section 205(g)(3)(B)(iii)(II)” and inserting “section 205(g)(3)(A)(ii)(II)”.

**(2) AMENDMENTS TO 1986 CODE.—**

(A) Section 417(e)(3)(D)(i) of the 1986 Code is amended by striking “clause (ii)” and inserting “subparagraph (C)”.

(B)(i) Section 415(b)(2)(E)(v) of the 1986 Code is amended to read as follows:

“(v) For purposes of adjusting any benefit or limitation under subparagraph (B), (C), or (D), the mortality table used shall be the applicable mortality table (within the meaning of section 417(e)(3)(B)).”

(ii)(I) Except as provided in subclause (II), the amendment made by clause (i) shall apply to years beginning after December 31, 2008.

(II) A plan sponsor may elect to have the amendment made by clause (i) apply to any year beginning after December 31, 2007, and before January 1, 2009, or to any portion of any such year.

**SEC. 104. AMENDMENTS RELATED TO TITLE IV.**

(a) AMENDMENT RELATED TO SECTION 401.—Section 4006(a)(3)(A)(i) of ERISA is amended by striking “1990” and inserting “2005”.

(b) AMENDMENT RELATED TO SECTION 402.—Section 402(c)(1)(A) of the 2006 Act is amended by striking “commercial airline” and inserting “commercial”.

(c) AMENDMENT RELATED TO SECTION 408.—Section 4044(e) of ERISA, as added by section 408(b)(2) of the 2006 Act, is redesignated as subsection (f).

(d) AMENDMENTS RELATED TO SECTION 409.—Section 4041(b)(5)(A) of ERISA is amended by striking “subparagraph (B)” and inserting “subparagraphs (B) and (D)”.

(e) AMENDMENTS RELATED TO SECTION 410.—Section 4050(d)(4)(A) of ERISA is amended—

(1) by striking “and” at the end of clause (i), and

(2) by striking clause (ii) and inserting the following new clauses:

“(i) which is not a plan described in paragraph (2), (3), (4), (6), (7), (8), (9), (10), or (11) of section 4021(b), and

“(iii) which, was a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and”.

**SEC. 105. AMENDMENTS RELATED TO TITLE V.**

(a) AMENDMENT RELATED TO SECTION 501.—Section 101(f)(2)(B)(ii) of ERISA is amended—

(1) by striking “for which the latest annual report filed under section 104(a) was filed” in subclause (I)(aa) and inserting “to which the notice relates”, and

(2) by striking subclause (II) and inserting the following new subclause:

“(II) in the case of a multiemployer plan, a statement, for the plan year to which the notice relates and the preceding 2 plan years, of the value of the plan assets (determined both in the same manner as under section 304 and under the rules of subclause (I)(bb)) and the value of the plan liabilities (determined in the same manner as under section 304 except that the method specified in section 305(i)(8) shall be used).”

(b) AMENDMENTS RELATED TO SECTION 502.—

(1) Section 101(k)(2) of ERISA is amended by filing at the end the following new flush sentence:

“Subparagraph (C)(i) shall not apply to individually identifiable information with respect to any plan investment manager or adviser, or with respect to any other person (other than an employee of the plan) preparing a financial report required to be included under paragraph (1)(B).”

(2) Section 4221 of ERISA is amended by striking subsection (e) and by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

**(c) AMENDMENTS RELATED TO SECTION 503.—**

**(1) AMENDMENTS TO ERISA.—**

(A) Section 104(b)(3) of ERISA is amended by—

(i) striking “section 103(f)” and inserting “section 101(f)”, and

(ii) striking “the administrators” and inserting “the administrator”.

(B) Section 104(d)(1)(E)(ii) of ERISA is amended by inserting “funding” after “plan’s”.

(2) AMENDMENTS TO 2006 ACT.—Section 503(e) of the 2006 Act is amended by striking “section 101(f)” and inserting “section 104(d)”.

(d) AMENDMENT RELATED TO SECTION 505.—Section 4010(d)(2)(B) of ERISA is amended by striking “section 302(d)(2)” and inserting “section 303(d)(2)”.

**(e) AMENDMENTS RELATED TO SECTION 506.—**

(1) Section 4041(c)(2)(D)(i) of ERISA is amended by striking “subsection (a)(2)” the second place it appears and inserting “subparagraph (A) or the regulations under subsection (a)(2)”.

(2) Section 4042(c)(3)(C)(i) of ERISA is amended—

(A) by striking “and plan sponsor” and inserting “, the plan sponsor, or the corporation”, and

(B) by striking “subparagraph (A)(i)” and inserting “subparagraph (A)”.

(f) AMENDMENTS RELATED TO SECTION 508.—Section 209(a) of ERISA is amended—

(1) in paragraph (1)—

(A) by striking “regulations prescribed by the Secretary” and inserting “such regulations as the Secretary may prescribe”, and

(B) by striking the last sentence and inserting “The report required under this paragraph shall be in the same form, and contain the same information, as periodic benefit statements under section 105(a).”, and

(2) by striking paragraph (2) and inserting the following:

“(2) If more than one employer adopts a plan, each such employer shall furnish to the plan administrator the information necessary for the administrator to maintain the records, and make the reports, required by paragraph (1). Such administrator shall maintain the records, and make the reports, required by paragraph (1).”.

(g) AMENDMENT RELATED TO SECTION 509.—Section 101(i)(8)(B) of ERISA is amended to read as follows:

“(B) ONE-PARTICIPANT RETIREMENT PLAN.—For purposes of subparagraph (A), the term ‘one-participant retirement plan’ means a retirement plan that on the first day of the plan year—

“(i) covered only one individual (or the individual and the individual’s spouse) and the individual (or the individual and the individual’s spouse) owned 100 percent of the plan sponsor (whether or not incorporated), or

“(ii) covered only one or more partners (or partners and their spouses) in the plan sponsor.”.

#### SEC. 106. AMENDMENTS RELATED TO TITLE VI.

(a) AMENDMENTS RELATED TO SECTION 601.—

(1) AMENDMENTS TO ERISA.—

(A) Section 408(g)(3)(D)(ii) of ERISA is amended by striking “subsection (b)(14)(B)(ii)” and inserting “subsection (b)(14)(A)(ii)”.

(B) Section 408(g)(6)(A)(i) of ERISA is amended by striking “financial adviser” and inserting “fiduciary adviser”.

(C) Section 408(g)(11)(A) of ERISA is amended—

(i) by striking “the participant” each place it appears and inserting “a participant”, and

(ii) by striking “section 408(b)(4)” in clause (ii) and inserting “subsection (b)(4)”.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 4975(d)(17) of the 1986 Code, in the matter preceding subparagraph (A), is amended by striking “and that permits” and inserting “that permits”.

(B) Section 4975(f)(8) of the 1986 Code is amended—

(i) in subparagraph (A), by striking “subsection (b)(14)” and inserting “subsection (d)(17)”,

(ii) in subparagraph (C)(iv)(II), by striking “subsection (b)(14)(B)(ii)” and inserting “(d)(17)(A)(ii)”,

(iii) in subparagraph (F)(i)(I), by striking “financial adviser” and inserting “fiduciary adviser”,

(iv) in subparagraph (I), by striking “section 406” and inserting “subsection (c)”, and

(v) in subparagraph (J)(i)—

(I) by striking “the participant” each place it appears and inserting “a participant”,

(II) in the matter preceding subclause (I), by inserting “referred to in subsection (e)(3)(B)” after “investment advice”, and

(III) in subclause (II), by striking “section 408(b)(4)” and inserting “subsection (d)(4)”.

(3) AMENDMENT TO 2006 ACT.—Section 601(b)(4) of the 2006 Act is amended by striking

“section 4975(c)(3)(B)” and inserting “section 4975(e)(3)(B)”.

(b) AMENDMENTS RELATED TO SECTION 611.—

(1) AMENDMENT TO ERISA.—Section 408(b)(18)(C) of ERISA is amended by striking “or less”.

(2) AMENDMENTS TO 1986 CODE.—Section 4975(d) of the 1986 Code is amended—

(A) in the matter preceding subparagraph (A) of paragraph (18)—

(i) by striking “party in interest” and inserting “disqualified person”, and

(ii) by striking “subsection (e)(3)(B)” and inserting “subsection (e)(3)”,

(B) in paragraphs (19), (20), and (21), by striking “party in interest” each place it appears and inserting “disqualified person”, and

(C) by striking “or less” in paragraph (21)(C).

(c) AMENDMENTS RELATED TO SECTION 612.—Section 4975(f)(11)(B)(i) of the 1986 Code is amended by—

(1) inserting “of the Employee Retirement Income Security Act of 1974” after “section 407(d)(1)”, and

(2) inserting “of such Act” after “section 407(d)(2)”.

(d) AMENDMENTS RELATED TO SECTION 624.—Section 404(c)(5) of ERISA is amended by striking “participant” each place it appears and inserting “participant or beneficiary”.

#### SEC. 107. AMENDMENTS RELATED TO TITLE VII.

(a) AMENDMENTS TO ERISA.—

(1) Section 203(f)(1)(B) of ERISA is amended to read as follows:

“(B) the requirements of section 204(c) or 205(g), or the requirements of subsection (e), with respect to accrued benefits derived from employer contributions.”.

(2) Section 204(b)(5) of ERISA is amended—

(A) by striking “clause” in subparagraph (A)(iii) and inserting “subparagraph”, and

(B) by inserting “otherwise” before “allowable” in subparagraph (C).

(3) Subclause (II) of section 204(b)(5)(B)(i) of ERISA is amended to read as follows:

“(II) PRESERVATION OF CAPITAL.—An applicable defined benefit plan shall be treated as failing to meet the requirements of paragraph (1)(H) unless the plan provides that an interest credit (or equivalent amount) of less than zero shall in no event result in the account balance or similar amount being less than the aggregate amount of contributions credited to the account.”.

(b) AMENDMENTS TO 1986 CODE.—

(1) Section 411(b)(5) of the 1986 Code is amended—

(A) by striking “clause” in subparagraph (A)(iii) and inserting “subparagraph”, and

(B) by inserting “otherwise” before “allowable” in subparagraph (C).

(2) Section 411(a)(13)(A) of the 1986 Code is amended—

(A) by striking “paragraph (2)” in clause (i) and inserting “subparagraph (B)”,

(B) by striking clause (ii) and inserting the following new clause:

“(ii) the requirements of subsection (a)(11) or (c), or the requirements of section 417(e), with respect to accrued benefits derived from employer contributions.”.

(C) by striking “paragraph (3)” in the matter following clause (ii) and inserting “subparagraph (C)”.

(3) Subclause (II) of section 411(b)(5)(B)(i) of the 1986 Code is amended to read as follows:

“(II) PRESERVATION OF CAPITAL.—An applicable defined benefit plan shall be treated as failing to meet the requirements of paragraph (1)(H) unless the plan provides that an interest credit (or equivalent amount) of less than zero shall in no event result in the account balance or similar amount being less than the aggregate amount of contributions credited to the account.”.

(c) AMENDMENTS TO 2006 ACT.—

(1) Section 701(d)(2) of the 2006 Act is amended by striking “204(g)” and inserting “205(g)”.

(2) Section 701(e) of the 2006 Act is amended—

(A) by inserting “on or” after “period” in paragraph (3),

(B) in paragraph (4)—

(i) by inserting “the earlier of” after “before” in the matter preceding subparagraph (A), and

(ii) by striking “earlier” and inserting “later” in subparagraph (A),

(C) by inserting “on or” before “after” each place it appears in paragraph (5), and

(D) by adding at the end the following new paragraph:

“(6) SPECIAL RULE FOR VESTING REQUIREMENTS.—The requirements of section 203(f)(2) of the Employee Retirement Income Security Act of 1974 and section 411(a)(13)(B) of the Internal Revenue Code of 1986 (as added by this Act)—

“(A) shall not apply to a participant who does not have an hour of service after the effective date of such requirements (as otherwise determined under this subsection); and

“(B) in the case of a plan other than a plan described in paragraph (3) or (4), shall apply to plan years ending on or after June 29, 2005.”.

#### SEC. 108. AMENDMENTS RELATED TO TITLE VIII.

(a) AMENDMENTS RELATED TO SECTION 801.—

(1) Section 404(o) of the 1986 Code is amended—

(A) by striking “430(g)(2)” in paragraph (2)(A)(ii) and inserting “430(g)(3)”, and

(B) by striking “412(f)(4)” in paragraph (4)(B) and inserting “412(d)(3)”.

(2) Section 404(a)(7)(A) of the 1986 Code is amended—

(A) by striking the next to last sentence, and

(B) by striking “the plan’s funding shortfall determined under section 430” in the last sentence and inserting “the excess (if any) of the plan’s funding target (as defined in section 430(d)(1)) over the value of the plan’s assets (as determined under section 430(g)(3))”.

(b) AMENDMENT RELATED TO SECTION 802.—Section 404(a)(1)(D)(i) of the 1986 Code is amended by striking “431(c)(6)(C)” and inserting “431(c)(6)(D)”.

(c) AMENDMENT RELATED TO SECTION 803.—Clause (iii) of section 404(a)(7)(C) of the 1986 Code is amended to read as follows:

“(iii) LIMITATION.—In the case of employer contributions to 1 or more defined contribution plans—

“(I) if such contributions do not exceed 6 percent of the compensation otherwise paid or accrued during the taxable year to the beneficiaries under such plans, this paragraph shall not apply to such contributions or to employer contributions to the defined benefit plans to which this paragraph would otherwise apply by reason of contributions to the defined contribution plans, and

“(II) if such contributions exceed 6 percent of such compensation, this paragraph shall be applied by only taking into account such contributions to the extent of such excess.

For purposes of this clause, amounts carried over from preceding taxable years under subparagraph (B) shall be treated as employer contributions to 1 or more defined contribution plans to the extent attributable to employer contributions to such plans in such preceding taxable years.”.

(d) AMENDMENTS RELATED TO SECTION 824.—

(1) Section 408A(c)(3)(B) of the 1986 Code, as in effect after the amendments made by section 824(b)(1) of the 2006 Act, is amended—

(A) by striking the second “an” before “eligible”,

(B) by striking “other than a Roth IRA”, and

(C) by adding at the end the following new flush sentence:

“This subparagraph shall not apply to a qualified rollover contribution from a Roth IRA or to a qualified rollover contribution from a designated Roth account which is a rollover contribution described in section 402A(c)(3)(A).”

(2) Section 408A(d)(3)(B), as in effect after the amendments made by section 824(b)(2)(B) of the 2006 Act, is amended by striking “(other than a Roth IRA)” and by inserting at the end the following new sentence: “This paragraph shall not apply to a distribution which is a qualified rollover contribution from a Roth IRA or a qualified rollover contribution from a designated Roth account which is a rollover contribution described in section 402A(c)(3)(A).”

(e) AMENDMENT TO SECTION 827.—The first sentence of section 72(t)(2)(G)(iv) of the 1986 Code is amended by inserting “on or” before “before”.

(f) AMENDMENTS RELATED TO SECTION 829.—(1) Section 402(c)(11) of the 1986 Code is amended—

(A) by inserting “described in paragraph (8)(B)(iii)” after “eligible retirement plan” in subparagraph (A), and

(B) by striking “trust” before “designated beneficiary” in subparagraph (B).

(2)(A) Section 402(f)(2)(A) of the 1986 Code is amended by adding at the end the following new sentence: “Such term shall include any distribution to a designated beneficiary which would be treated as an eligible rollover distribution by reason of subsection (c)(11), or section 403(a)(4)(B), 403(b)(8)(B), or 457(e)(16)(B), if the requirements of subsection (c)(11) were satisfied.”

(B) Clause (i) of section 402(c)(11)(A) of the 1986 Code is amended by striking “for purposes of this subsection”.

(C) The amendments made by this paragraph shall apply with respect to plan years beginning after December 31, 2008.

(g) AMENDMENT RELATED TO SECTION 832.—Section 415(f) of the 1986 Code is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(h) AMENDMENTS RELATED TO SECTION 833.—(1) Section 408A(c)(3)(C) of the 1986 Code, as added by section 833(c) of the 2006 Act, is redesignated as subparagraph (E).

(2) In the case of taxable years beginning after December 31, 2009, section 408A(c)(3)(E) of the 1986 Code (as redesignated by paragraph (1))—

(A) is redesignated as subparagraph (D), and

(B) is amended by striking “subparagraph (C)(ii)” and inserting “subparagraph (B)(ii)”.

(i) AMENDMENTS RELATED TO SECTION 841.—

(1) Section 420(c)(1)(A) of the 1986 Code is amended by adding at the end the following new sentence: “In the case of a qualified future transfer or collectively bargained transfer to which subsection (f) applies, any assets so transferred may also be used to pay liabilities described in subsection (f)(2)(C).”

(2) Section 420(f)(2) of the 1986 Code is amended by striking “such” before “the applicable” in subparagraph (D)(i)(I).

(3) Section 4980(c)(2)(B) of the 1986 Code is amended by striking “or” at the end of clause (i), by striking the period at the end of clause (ii) and inserting “, or”, and by adding at the end the following new clause: “(iii) any transfer described in section 420(f)(2)(B)(ii)(II).”

(j) AMENDMENTS RELATED TO SECTION 845.—(1) Subsection (1) of section 402 of the 1986 Code is amended—

(A) in paragraph (1)—

(i) by inserting “maintained by the employer described in paragraph (4)(B)” after “an eligible retirement plan”, and

(ii) by striking “of the employee, his spouse, or dependents (as defined in section 152)”.

(B) in paragraph (4)(D), by—

(i) inserting “(as defined in section 152)” after “dependents”, and

(ii) striking “health insurance plan” and inserting “health plan”, and

(C) in paragraph (5)(A), by striking “health insurance plan” and inserting “health plan”.

(2) Subparagraph (B) of section 402(l)(3) of the 1986 Code is amended by striking “all amounts distributed from all eligible retirement plans were treated as 1 contract for purposes of determining the inclusion of such distribution under section 72” and inserting “all amounts to the credit of the eligible public safety officer in all eligible retirement plans maintained by the employer described in paragraph (4)(B) were distributed during such taxable year and all such plans were treated as 1 contract for purposes of determining under section 72 the aggregate amount which would have been so includible”.

(k) AMENDMENTS RELATED TO SECTION 854.—

(1) Section 3121(b)(5)(E) of the 1986 Code is amended by striking “or special trial judge”.

(2) Section 210(a)(5)(E) of the Social Security Act is amended by striking “or special trial judge”.

(l) AMENDMENTS RELATED TO SECTION 856.—Section 856 of the 2006 Act, and the amendments made by such section, are hereby repealed, and the Internal Revenue Code of 1986 shall be applied and administered as if such sections and amendments had not been enacted.

(m) AMENDMENT RELATED TO SECTION 864.—Section 864(a) of the 2006 Act is amended by striking “Reconciliation”.

#### SEC. 109. AMENDMENTS RELATED TO TITLE IX.

(a) AMENDMENT RELATED TO SECTION 901.—Section 401(a)(35)(E)(iv) of the 1986 Code is amended to read as follows:

“(iv) ONE-PARTICIPANT RETIREMENT PLAN.—For purposes of clause (iii), the term ‘one-participant retirement plan’ means a retirement plan that on the first day of the plan year—

“(I) covered only one individual (or the individual and the individual’s spouse) and the individual (or the individual and the individual’s spouse) owned 100 percent of the plan sponsor (whether or not incorporated), or

“(II) covered only one or more partners (or partners and their spouses) in the plan sponsor.”

(b) AMENDMENTS RELATED TO SECTION 902.—

(1) Section 401(k)(13)(D)(i)(I) of the 1986 Code is amended by striking “such compensation as exceeds 1 percent but does not” and inserting “such contributions as exceed 1 percent but do not”.

(2) Sections 401(k)(8)(E) and 411(a)(3)(G) of the 1986 Code are each amended—

(A) by striking “an erroneous automatic contribution” and inserting “a permissible withdrawal”, and

(B) by striking “ERRONEOUS AUTOMATIC CONTRIBUTION” in the heading and inserting “PERMISSIBLE WITHDRAWAL”.

(3) Section 402(g)(2)(A)(ii) of the 1986 Code is amended by inserting “through the end of such taxable year” after “such amount”.

(4) Section 414(w)(3) of the 1986 Code is amended—

(A) in subparagraph (B), by inserting “and” after the comma at the end,

(B) by striking subparagraph (C), and

(C) by redesignating subparagraph (D) as subparagraph (C).

(5) Section 414(w)(5) of the 1986 Code is amended by striking “and” at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting a

comma, and by adding at the end the following:

“(D) a simplified employee pension the terms of which provide for a salary reduction arrangement described in section 408(k)(6), and

“(E) a simple retirement account (as defined in section 408(p)).”

(6) Section 414(w)(6) of the 1986 Code is amended by inserting “or for purposes of applying the limitation under section 402(g)(1)” before the period at the end.

(c) AMENDMENTS RELATED TO SECTION 903.—

(1) AMENDMENT OF 1986 CODE.—Section 414(x)(1) of the 1986 Code is amended by adding at the end of paragraph (1) the following new sentence: “In the case of a termination of the defined benefit plan and the applicable defined contribution plan forming part of an eligible combined plan, the plan administrator shall terminate each such plan separately.”

(2) AMENDMENTS OF ERISA.—Section 210(e) of ERISA is amended—

(A) by adding at the end of paragraph (1) the following new sentence: “In the case of a termination of the defined benefit plan and the applicable defined contribution plan forming part of an eligible combined plan, the plan administrator shall terminate each such plan separately.”, and

(B) by striking paragraph (3) and by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(d) AMENDMENTS RELATED TO SECTION 906.—

(1) Section 906(b)(1)(B)(ii) of the 2006 Act is amended by striking “paragraph (1)” and inserting “paragraph (10)”.

(2) Section 4021(b) of ERISA is amended by inserting “or” at the end of paragraph (12), by striking “; or” at the end of paragraph (13) and inserting a period, and by striking paragraph (14).

#### SEC. 110. AMENDMENTS RELATED TO TITLE X.

(a) AMENDMENTS TO RAILROAD RETIREMENT ACT.—

(1) Section 14(b) of the Railroad Retirement Act of 1974 (45 U.S.C. 231m(b)) is amended by adding at the end the following:

“(3)(A) Payments made pursuant to paragraph (2) of this subsection shall not require that the employee be entitled to an annuity under section 2(a)(1) of this Act: Provided, however, That where an employee is not entitled to such an annuity, payments made pursuant to paragraph (2) may not begin before the month in which the following three conditions are satisfied:

“(i) The employee has completed ten years of service in the railroad industry or, five years of service all of which accrues after December 31, 1995.

“(ii) The spouse or former spouse attains age 62.

“(iii) The employee attains age 62 (or if deceased, would have attained age 62).

“(B) Payments made pursuant to paragraph (2) of this subsection shall terminate upon the death of the spouse or former spouse, unless the court document provides for termination at an earlier date. Notwithstanding the language in a court order, that portion of payments made pursuant to paragraph (2) which represents payments computed pursuant to section 3(f)(2) of this Act shall not be paid after the death of the employee.

“(C) If the employee is not entitled to an annuity under section 2(a)(1) of this Act, payments made pursuant to paragraph (2) of this subsection shall be computed as though the employee were entitled to an annuity.”

(2) Subsection (d) of section 5 of the Railroad Retirement Act (45 U.S.C. 231d) is repealed.

(b) EFFECTIVE DATES.—



(1) SUBSECTION (a)(1).—The amendment made by subsection (a)(1) shall apply with respect to payments due for months after August 2007. If, prior to the effective date of such amendment, payment pursuant to paragraph (2) of section 14(b) of the Railroad Retirement Act of 1974 (45 U.S.C. 231m(b)) was terminated because of the employee's death, payment to the former spouse may be reinstated for months after August 2007.

(2) SUBSECTION (a)(2).—The amendment made by subsection (a)(2) shall take effect upon the date of the enactment of this Act.

#### SEC. 111. AMENDMENTS RELATED TO TITLE XI.

(a) AMENDMENT RELATED TO SECTION 1104.—Section 1104(d)(1) of the 2006 Act is amended by striking “Act” the first place it appears and inserting “section”.

(b) AMENDMENTS RELATED TO SECTION 1105.—Section 3304(a) of the 1986 Code is amended—

(1) in paragraph (15)—

(A) by redesignating clauses (i) and (ii) of subparagraph (A) as subclauses (I) and (II),

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii),

(C) by striking the semicolon at the end of clause (ii) (as so redesignated) and inserting “, and”,

(D) by striking “(15)” and inserting “(15)(A) subject to subparagraph (B),”, and

(E) by adding at the end the following:

“(B) the amount of compensation shall not be reduced on account of any payments of governmental or other pensions, retirement or retired pay, annuity, or other similar payments which are not includible in the gross income of the individual for the taxable year in which it was paid because it was part of a rollover distribution;”, and

(2) by striking the last sentence.

(c) AMENDMENTS RELATED TO SECTION 1106.—Section 3(37)(G) of ERISA is amended by—

(1) striking “paragraph” each place it appears in clauses (ii), (iii), and (v)(I) and inserting “subparagraph”,

(2) striking “subclause (i)(II)” in clause (iii) and inserting “clause (i)(II)”,

(3) striking “subparagraph” in clause (v)(II) and inserting “clause”, and

(4) by striking “section 101(b)(4)” in clause (v)(III) and inserting “section 101(b)(1)”.

#### SEC. 112. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall take effect as if included in the provisions of the 2006 Act to which the amendments relate.

### TITLE II—OTHER PROVISIONS

#### SEC. 201. AMENDMENTS RELATED TO SECTIONS 102 AND 112 OF THE PENSION PROTECTION ACT OF 2006.

(a) AMENDMENT OF ERISA.—The last sentence of section 303(g)(3)(B) of ERISA is amended to read as follows: “Any such averaging shall be adjusted for contributions, distributions, and expected earnings (as determined by the plan's actuary on the basis of an assumed earnings rate specified by the actuary but not in excess of the third segment rate applicable under subsection (h)(2)(C)(iii)), as specified by the Secretary of the Treasury.”.

(b) AMENDMENT OF 1986 CODE.—The last sentence of section 430(g)(3)(B) of the 1986 Code is amended to read as follows: “Any such averaging shall be adjusted for contributions, distributions, and expected earnings (as determined by the plan's actuary on the basis of an assumed earnings rate specified by the actuary but not in excess of the third segment rate applicable under subsection (h)(2)(C)(iii)), as specified by the Secretary.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if

included in the provisions of the 2006 Act to which the amendments relate.

#### SEC. 202. MODIFICATION OF INTEREST RATE ASSUMPTION REQUIRED WITH RESPECT TO CERTAIN SMALL EMPLOYER PLANS.

(a) IN GENERAL.—Subparagraph (E) of section 415(b)(2) of the 1986 Code (relating to limitation on certain assumptions) is amended by adding at the end the following new clause:

“(vi) In the case of a plan maintained by an eligible employer (as defined in section 408(p)(2)(C)(i)), clause (ii) shall be applied without regard to subclause (II) thereof.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2007.

#### SEC. 203. DETERMINATION OF MARKET RATE OF RETURN FOR GOVERNMENTAL PLANS.

(a) AMENDMENT OF ADEA.—Section 4(i)(10)(B)(i)(III) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(i)(10)(B)(i)(III)) is amended by adding at the end the following: “In the case of a governmental plan (as defined in the first sentence of section 14(d) of the Internal Revenue Code of 1986), a rate of return or a method of crediting interest established pursuant to any provision of Federal, State, or local law (including any administrative rule or policy adopted in accordance with any such law) shall be treated as a market rate of return for purposes of subclause (I) and a permissible method of crediting interest for purposes of meeting the requirements of subclause (I), except that this sentence shall only apply to a rate of return or method of crediting interest if such rate or method does not violate any other requirement of this Act.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which such amendment relates.

#### SEC. 204. TREATMENT OF CERTAIN REIMBURSEMENTS FROM GOVERNMENTAL PLANS FOR MEDICAL CARE.

(a) IN GENERAL.—Section 105 of the 1986 Code (relating to amounts received under accident and health plans) is amended by adding at the end the following new subsection:

“(j) SPECIAL RULE FOR CERTAIN GOVERNMENTAL PLANS.—

“(1) IN GENERAL.—For purposes of subsection (b), amounts paid (directly or indirectly) to the taxpayer from an accident or health plan described in paragraph (2) shall not fail to be excluded from gross income solely because such plan, on or before January 1, 2008, provides for reimbursements of health care expenses of a deceased plan participant's beneficiary.

“(2) PLAN DESCRIBED.—An accident or health plan is described in this paragraph if such plan is funded by a medical trust that is established in connection with a public retirement system and that—

“(A) has been authorized by a State legislature, or

“(B) has received a favorable ruling from the Internal Revenue Service that the trust's income is not includible in gross income under section 115.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to payments before, on, or after the date of the enactment of this Act.

#### SEC. 205. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE CARRIER BANKRUPTCY TO ROTH IRAS.

(a) GENERAL RULE.—If a qualified airline employee receives any airline payment amount and transfers any portion of such amount to a Roth IRA within 180 days of receipt of such amount (or, if later, within 180

days of the date of the enactment of this Act), then such amount (to the extent so transferred) shall be treated as a qualified rollover contribution described in section 408A(e) of the Internal Revenue Code of 1986, and the limitations described in section 408A(c)(3) of such Code shall not apply to any such transfer.

(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) AIRLINE PAYMENT AMOUNT.—

(A) IN GENERAL.—The term “airline payment amount” means any payment of any money or other property which is payable by a commercial passenger airline carrier to a qualified airline employee—

(i) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007, and

(ii) in respect of the qualified airline employee's interest in a bankruptcy claim against the carrier, any note of the carrier (or amount paid in lieu of a note being issued), or any other fixed obligation of the carrier to pay a lump sum amount.

The amount of such payment shall be determined without regard to any requirement to deduct and withhold tax from such payment under sections 3102(a) and 3402(a).

(B) EXCEPTION.—An airline payment amount shall not include any amount payable on the basis of the carrier's future earnings or profits.

(2) QUALIFIED AIRLINE EMPLOYEE.—The term “qualified airline employee” means an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier which—

(A) is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and

(B) was terminated or became subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.

(3) REPORTING REQUIREMENTS.—If a commercial passenger airline carrier pays 1 or more airline payment amounts, the carrier shall, within 90 days of such payment (or, if later, within 90 days of the date of the enactment of this Act), report—

(A) to the Secretary of the Treasury, the names of the qualified airline employees to whom such amounts were paid, and

(B) to the Secretary and to such employees, the years and the amounts of the payments.

Such reports shall be in such form, and contain such additional information, as the Secretary may prescribe.

(c) EFFECTIVE DATE.—This section shall apply to transfers made after the date of the enactment of this Act with respect to airline payment amounts paid before, on, or after such date.

#### SEC. 206. MODIFICATION OF PENALTY FOR FAILURE TO FILE PARTNERSHIP RETURNS.

Section 6698 of the 1986 Code is amended by adding at the end the following new subsection:

“(e) MODIFICATIONS.—In the case of any return required to be filed after December 31, 2008, the dollar amount in effect under subsection (b)(1) shall be increased by \$4.”.

#### SEC. 207. MODIFICATION OF PENALTY FOR FAILURE TO FILE S CORPORATION RETURNS.

Section 6699 of the 1986 Code is amended by adding at the end the following new subsection:

“(e) MODIFICATIONS.—In the case of any return required to be filed after December 31, 2008, the dollar amount in effect under subsection (b)(1) shall be increased by \$4.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Dakota (Mr. POMEROY) and the gentleman from Minnesota (Mr. RAMSTAD) each will control 20 minutes.

The Chair recognizes the gentleman from North Dakota.

Mr. POMEROY. Mr. Speaker, I ask unanimous consent that 10 minutes of my time be controlled by Mr. ANDREWS of New Jersey of the Education and Labor Committee.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

I rise today in favor of moving this bill, H.R. 6382, the Pension Protection Technical Corrections Act, forward in an expedited manner. This bill is important to workers so that their retirement years will be more secure, and to employers so that the cost of the defined benefit pension which they are committed to offering their employees will be more predictable.

The Tax Code and the Employee Retirement Income Security Act, known as ERISA, are complex and broad reaching laws. When Congress enacts laws to change them, such as in the Pension Protection Act, the interactions between the Code and ERISA are difficult, and we need to make corrections of drafting areas in other aspects of the law that come to light after the bill is passed. That is why we are here today.

We need to act quickly. The Pension Protection Act became effective more than 6 months ago, imposing sweeping reforms that affect how employers fund the promises that they make to their employees in the defined benefit pensions. In addition, the bill includes many significant reforms to multi-employers' pension plans that cover union workers.

Three months ago, this House unanimously passed a bill that included many of the provisions that are before us this morning, but that bill did not address several key issues of special importance to those employers who continue to weather the storm and are persistently committed to providing a secured lifetime pension benefit to workers.

At that time, there was a bipartisan agreement that Congress needed to take further action. It is important that we are here today to complete our work because American workers are anxious about their retirement security.

In April, the Employee Benefit Research Institute reported that worker confidence in their financial prospects for retirement have reached a 7-year low. Their 2008 Retirement Confidence Survey found only 18 percent of workers very confident they will have enough money to live comfortably through their retirement years. This is down from 27 percent 1 year ago, a drop of nearly a third.

I commend the Chairman of the Ways and Means Committee, the Chairman of the Education and Labor Committee for bringing a bill to the floor that gives both public and private sector defined benefit plans the added clarity they need to comply with the Pension Protection Act.

□ 1130

Let me also extend thanks to the staff of the Ways and Means Committee, the Education and Labor Committee and their counterparts in the Senate. Their hard work brings us to this point with a bill that provides the needed clarifications of congressional intent that the Treasury Department and Internal Revenue Service need to implement the provisions of the Pension Protection Act.

Today we also have an opportunity to pass a bill that will help the beneficiary of a 401(k) plan who would like to keep the money for retirement savings since the bill before us clarifies the application of a non-spousal rollover provision and the construction worker whose pension may experience underfunding since this bill also clarifies how the notice he or she will get alerts him or her to any benefit reductions.

I want to speak for a minute about the asset smoothing provision of this bill, which I believe is substantively very important. Importantly, H.R. 6382 does not leave the gaps that were not included in this bill in this body when it passed a few months ago, because the bill before us today gives relief to plan sponsors from volatility in plan costs faced by employers who provide defined benefit pensions.

It allows plan sponsors to use a tool called "asset smoothing" to balance out the ups and downs that occur with investments. Several months ago, one of my colleagues from the other side of the aisle called on this body to pass asset smoothing quickly. Today we have that opportunity.

As we have seen a sharp market downturn occur in the stock market, this tool becomes even more important to help employers plan for pension expenses. With this clarification of congressional intent, employers will not be forced to base pension plan contributions on shifting marked-to-market values. For some large employers, this can mean a difference of several million dollars. Our economy has gone through a patch where over 400,000 jobs have been lost in the last 6 months alone. We do not want to put employers in this pinch between providing pensions or keeping employees on their jobs.

Some might think if the employer has to put more money in the pension, it is really a great thing for workers. But there is an important hitch to this consideration. Our Nation's pension plan is a voluntary system and employers can decide that offering a pension simply no longer makes good business sense.

We have businesses struggling in this recession. Many plans have been frozen as employers ask, can we continue to provide pension plan coverage? 3.3 million workers have seen their benefit plans frozen in some way, and, unfortunately, when the Department of Labor analyzed the Pension Protection Act, they conducted no research on whether the new stringent funding requirements would accelerate the freezing of pension plans. I believe there is no question the Pension Protection Plan has accelerated the freezing of pension plans, and if we don't pass this act and that smoothing provision in this technical corrections bill, more plans will be frozen.

Another important fix included in this bill is the defined benefit pension plans that State and local governments offer their employers. These public plans were caught in the provisions of a Pension Protection Act designed only to cover cash balance conversions. It was never intended to apply to public pension plans. But, unfortunately, the Treasury Department has held that the credited interest provision of public pension plans is limited to a rate no greater than a market rate of return.

Under long-existing law that has been in place for decades, the public plans themselves and the political subdivisions or States that sponsor those plans determined what the credited interest rate would be. As a former employee of the State of North Dakota, for example, I have a credited rate of interest on a pension accrual that I had, a vested pension benefit that I have, of 7.5 percent that was determined by the State of North Dakota. It ought to be recognized, as it has been in the past. But under the Treasury provision, no greater than market rate of return would be allowed.

Well, public plans not subject to ERISA, but with their unique protections and plan designs, should benefit from this clarification to ensure rates of interest provided by State and local governments. Who in the world are we in Congress, without even thinking that this applied to public pension plans in the first place, to say what the credited rate of interest should be? We have got to trust State and local political subdivisions with this call, and this bill fixes that problem.

In conclusion, just let me say that American workers are anxious about their retirement security. Today, Congress can act to address and reduce this uneasiness. It is a very important technical fix before us, and I urge its adoption.

I reserve the balance of my time.

Mr. RAMSTAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 6382, the Pension Protection Technical Corrections Act. Pension technical corrections, Mr. Speaker, are hardly considered glamorous bills. The Tax Code and ERISA which govern pension plans are complicated, to say the least, and the interaction between the



two sets of laws is very complex. So it is no surprise that a pension technical corrections bill is, as named, highly technical.

But that doesn't detract from the importance of this bill. Because of the complexity of this area of law, a number of glitches have been discovered that prevent pension laws from operating the way Congress has intended. This bill will fix those glitches, will correct those errors, whether they are drafting or other errors. This will give much-needed certainty to plan administrators, government regulators, and, most importantly, the people who depend on pensions for their financial security in retirement.

That is the bottom line. This is all about making these corrections so that the people who depend on pensions for their financial security in retirement will have certainty and security.

Mr. Speaker, I realize some people do not fully appreciate what a difficult and painstaking process is involved in technical corrections. In fact, until I got involved directly, I didn't realize how complex a process this was, involving both caucuses, five committees in both bodies of Congress and three executive branch agencies.

In the case of the bill before us today, the process is led by the staff of the Joint Committee on Taxation, which did a marvelous job, and includes collaboration from the bipartisan staff of the Ways and Means Committee and Education and Labor Committee, as well as their counterparts from the Senate Finance and Senate Health Committees. All of those staffers should be commended, Mr. Speaker, for the excellent work they did on this legislation. Also involved were representatives from the Treasury and Labor Departments and the Pension Benefit Guaranty Corporation.

Sometimes, Mr. Speaker, there are disagreements about what should and should not be considered technical. Each participant in the process has a veto. Thus, only items that were unanimously viewed as correcting a drafting mistake are included in the technical title of the measure before us. Getting all these players to agree that the sky is blue is certainly not an easy task, so I can't overstate how monumental it is that we now have a bill that survived that rigorous process.

There is also another title in the bill containing a few other pension-related items that are not purely technical. I want to thank Chairman RANGEL and his staff, as well as the Members here before us today, the outstanding Members on the other side the aisle from the committee, Mr. POMEROY and also the gentleman from New Jersey, for their cooperation and collaboration on the bill.

I also want to thank Mildeen Worrell from Chairman RANGEL's staff for working to include the provision that I authored that solves an urgent problem for State employees back home in Min-

nesota, including many, many first responders, police, firefighters and other first responders, as well as teachers. I am also grateful to Ranking Member MCCRERY and his excellent staff for their assistance.

Mr. Speaker, let me conclude by saying it is time to provide much-needed certainty to our Nation's pension plans and the people who rely on them. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ANDREWS. Mr. Speaker, I rise to claim the 10 minutes of the Committee on Education and Labor.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 10 minutes.

Mr. ANDREWS. Mr. Speaker, I rise in support of the legislation and would like to echo the comments of my friend from Minnesota in thanking the efforts of so many people to make this bill possible, beginning with Chairman RANGEL, Mr. MCCRERY, Chairman MILLER of the Education and Labor Committee, Ranking Member MCKEON, Subcommittee Chair POMEROY, Mr. RAMSTAD and others. This has been a very cooperative and good effort.

Healthy pensions are healthy for the economy of the United States. When the tens of millions of people who are covered by pension funds feel more confident about the security of their money and the likelihood that it will continue on into the future, they are more likely to be consumers and investors and engines of economic opportunity for the rest of us in the economy.

This act makes a number of important corrections that will strengthen and therefore make more healthy the pension funds of our country. I embrace and support each of those changes. I would like to highlight three of them that I believe are of significant and important relevance.

The first has to do with the so-called smoothing provisions, which will particularly benefit the larger employers. We have significant and rigid new standards under the 2006 act which require underfunded plans to catch up so that they are fully funded as soon as reasonably possible. But it is important that those rigid standards do not choke off the economic activity of the plan sponsor, and when they are too rigid, they run that risk. So these smoothing provisions give the plan sponsor, the employer, the flexibility to make a rational judgment about how much money is needed to be put into the fund to catch it up how soon.

In my view, this reform is a win for the taxpayers, it is a win for the pensioners and employees and a win for the employer. It is a win for the taxpayers in that a plan that is caught up in a rational way by a successful employer is qualitatively less likely to go into default, to go into insolvency and to call for a bailout by the Pension Benefit Guaranty Corporation. Ultimately, the taxpayers of the country

stand behind the PBGC. The fewer claims of insolvency, the less risk to the taxpayer.

Second, I believe that these provisions are very good for pensioners and employers because these provisions substantially increase the likelihood that the pension fund will be stable, permanent and a source of income for the person for the rest of his or her life.

Finally, this is most certainly an advantage for all those who benefit from the pension system. So I think that this is a very important change.

This is an important change for small business as well. One particular change that lets small businesses rely upon a fixed 5.5 percent rate of interest in their pension calculations means that the person running a dental practice or a small manufacturing plant does not have to incur unnecessary legal or accounting or actuarial fees to calculate and recalculate changing assumptions. The matter of a few thousand dollars for that plan sponsor is very important, and it leads to the result that more employers will keep these plans, as my friend Mr. POMEROY expressed concern about earlier on.

Finally, I would join with the comments of Mr. POMEROY and Mr. RAMSTAD about the very significant importance of the public employee pension fund provisions in this bill. The history of public employee pension funds in this country is a very stable and positive one. With a few rare exceptions, fund trustees around this country have made proper fiduciary choices with the investment decisions for the men and women who rely upon those decisions, and one of those decisions they make is the credit interest rate that ought to be used in calculating certain distributions to retired firefighters, teachers, police officers and other public employees.

There is a saying that is not unique to pension law, but unique to common sense, which is if it ain't broke, don't fix it. Public employee trustees around the country have done an excellent job in managing their funds, by and large. This bill has a provision in it that assures that those trustees will continue to have the freedom and flexibility to make their own determination as to what that credit interest rate ought to be and that that determination should not be supplanted by the judgment of any Federal agency or by this Congress.

You might say, well, what about the issue of exposure of the Federal taxpayer? Aren't we subjecting the Federal taxpayer to risk if the State and local trustees make the wrong decision?

□ 1145

Mr. Speaker, we are most emphatically not, because the plans about which I speak are not backed by the Pension Benefit Guaranty Corporation. So the idea of Federal regulation imposing itself upon the decisions of these trustees is without any merit or

justification. This will mean that police officers and firefighters and teachers and other public employees will get the fair pension for which they bargained and to which they are entitled.

I would like to express my appreciation to the minority and majority staff for their hard work on this bill. I think it well serves the country. I would urge my colleagues on both sides of the aisle to support it.

I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia, my colleague on the Ways and Means Committee, Mr. LEWIS.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my good friend Mr. POMEROY for yielding.

Mr. Speaker, people are suffering, people are barely getting by. Some people are using their retirement savings today to pay their credit card bills or to avoid foreclosure on their home. This is a choice people should not have to make. Today, we offer just a little bit of help.

Mr. Speaker, after a lifetime of hard work, people need to know that they can retire and their pensions will be there for them. This bill will help thousands of Delta employees who live and work in my district, thousands of pilots and airline workers, whose retirement savings slipped away when the airline went bankrupt.

The payments they are receiving through the bankruptcy agreement are not going to make up for that loss. This bill will allow these workers to take their bankruptcy payment and put their money into a retirement account. Pilots and airline workers are asking for this help so they can help put their money back where it belongs, growing into a nest egg for retirement.

Mr. Speaker, I want to thank Chairman RANGEL and the great staff of the Ways and Means Committee and my own staff who worked with me to help pilots and airline workers in this bill today. We must do more to help people earn enough money and save enough money so they can live well when they retire. We must protect the hopes and dreams of America's workers.

Mr. RAMSTAD. Mr. Speaker, I yield myself such time as I may consume.

Just briefly, I rise again in strong support of the Pension Protection Technical Corrections Act. It truly is a vital piece of legislation for the people of America. I want to again thank Chairman RANGEL, Chairman MILLER, Ranking Member MCCRERY, Mr. POMEROY, and Mr. ANDREWS for their collaboration on this legislation, and last but not least the unsung heroes who worked tirelessly to put this product together, all the staff members of the respective committees.

I urge passage of the bill.

I yield back the balance of my time.

Mr. ANDREWS. I would just reiterate that we urge passage of this well-thought-out bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from North Dakota has 30 seconds remaining.

Mr. POMEROY. Mr. Speaker, I just want to thank Mr. RAMSTAD, a committee member who meant so much to the Ways and Means Committee, Mr. LEWIS for his work with the Delta pilots and the provision he speaks to, as well as Mr. ANDREWS, the pension retirement benefits expert on the Ways and Means and the Ed and Labor Committee.

I would like to think that, as we get this finished today, this sets the stage for joint collaboration further as we work on pension and advancing retirement security.

Mr. GEORGE MILLER of California. Mr. Speaker, I want to thank the Ways and Means Committee for shepherding this bill, the Pension Protection Technical Corrections Act, to the floor.

The Pension Protection Act contained major changes to the funding rules for defined benefit pension plans. The final bill was over 900 pages long.

As can be expected with any massive legislative vehicle, the final law contained dozens of mistakes, some technical and some not so technical.

The bill before us today primarily fixes only the technical errors that have been found in the bill. It does not seek to make any changes in pension policy.

The bill was put together by the staffs of all the committees of jurisdiction, both in the House and Senate and on both sides of the aisle. The bill has been vetted by the key regulatory agencies—the Department of Labor, Treasury Department, and the Pension Benefit Guaranty Corporation (PBGC).

The bill mostly fixes incorrect punctuation and citations. It also contains a few substantive changes in places where the language of the PPA was unclear and clarification was needed for the agencies to be able to carry out the purposes of the law.

I would like to address some confusion created by the Treasury Department, in which it, as part of its PPA interpretation, provided guidance on the wear-away of workers' accrued pension benefits in cash balance plans.

An important part of the Pension Protection Act was to make clear that the wear-away of workers' benefits was illegal in cash balance plans, not only with respect to normal retirement benefits, but also with respect to early retirement benefits. As a political compromise, Congress made this rule prospective only, with the question of wear-away under the pre-PPA law to be decided by the Federal courts.

The Treasury Department issued a first ruling last year that undermined this carefully crafted compromise. Treasury recently issued new rules in which it indicated it will not rule on pre-PPA wear-away. There are many court cases pending on this matter and it must remain solely to the courts to decide whether pre-PPA pension law permitted employers to wear-away workers' otherwise legally protected accrued benefits.

Although I did not support the PPA, I hope that the House can pass these technical changes and then move on to the more pressing retirement issues of the day.

With the faltering economy and housing market crisis, more and more individuals are

withdrawing their 401(k) pension monies in order to pay their mortgages and other bills.

These families are being forced to sacrifice their retirement security in order to survive day to day.

The Congress needs to address the real retirement security crisis facing working families.

The Pension Protection Act only made the problem worse. The law forced companies to speed up pension plan funding regardless of the financial status of the company or the pension plan. While faster funding had some superficial appeal, the real result is to encourage employers to terminate their pension plans or seek access to the accumulated assets.

Workers are increasingly dependent on 401(k) savings plans for their retirement security.

But as my Committee has found over the past year, 401(k) plans are being decimated by below average investment returns and excessive fees.

The Congress needs to start thinking about these more pressing issues.

Mr. POMEROY. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Dakota (Mr. POMEROY) that the House suspend the rules and pass the bill, H.R. 6382.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. POMEROY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 6382.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

#### HONORING THE GOAL OF THE INTERNATIONAL YEAR OF ASTRONOMY

Mr. LAMPSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 375) to honor the goal of the International Year of Astronomy, and for other purposes.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

#### H. CON. RES. 375

Whereas the year 2009 represents the 400th Anniversary of Galileo's astronomical use of the telescope;

Whereas the year 2009 has been designated the International Year of Astronomy (IYA) by the United Nations and UNESCO;

Whereas astronomical observations and discoveries have profound implications for the development of science, philosophy, culture, and our general conception of our place in the Universe;

Whereas astronomy is one of the oldest basic sciences and contributes fundamentally to the ultimate context of all other sciences;