

## SUBMITTED RESOLUTIONS

**SENATE RESOLUTION 435—RE-AFFIRMING THE IMPORTANCE OF THE GENERAL SECURITY OF MILITARY INFORMATION AGREEMENT BETWEEN THE REPUBLIC OF KOREA AND JAPAN, AND FOR OTHER PURPOSES**

Mr. RISCH (for himself, Mr. MENENDEZ, Mr. INHOFE, and Mr. REED) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 435

Whereas the General Security of Military Information Agreement (GSOMIA) between the Republic of Korea and Japan is crucial to safeguarding United States and allied interests in Northeast Asia and the broader Indo-Pacific region;

Whereas bilateral information sharing between the Governments of the Republic of Korea and Japan is critical to increasing trust and growing cooperation that advances shared defense and security interests;

Whereas the Governments and people of Japan and the Republic of Korea have made significant contributions to advancing our shared defense partnership and promoting trilateral cooperation;

Whereas defense cooperation among the United States, Japan, and the Republic of Korea serves as a deterrent against aggression from adversaries and external security threats as well as against new and non-traditional challenges;

Whereas the suspension of GSOMIA directly harms United States national security at a time when the Government of the Democratic People's Republic of Korea is engaging in an increased level of provocations, including 12 tests of over 20 ballistic missiles this year, including new types of nuclear-capable land and sea-launched ballistic missiles;

Whereas the Governments of the People's Republic of China, the Democratic People's Republic of Korea, and the Russian Federation are seeking to capitalize on friction between the Republic of Korea and Japan, and the resulting strain on trilateral cooperation and on our bilateral alliances;

Whereas the Government and people of the United States value the partnership of Japan and the Republic of Korea in upholding regional security and prosperity, including by safeguarding maritime security and freedom of navigation, promoting investment and commerce, advocating for the rule of law, and opposing the use of intimidation and force in the Indo-Pacific; and

Whereas strengthening intelligence sharing is fundamental to the future of trilateral cooperation, and to enabling the Governments of the United States, Japan, and the Republic of Korea to face the challenges posed by the Government of the Democratic People's Republic of Korea's destabilizing actions, the People's Republic of China, and other emerging security threats: Now, therefore, be it

*Resolved*, That the Senate—

(1) reaffirms the importance of the General Security of Military Information Agreement (GSOMIA) between the Republic of Korea and Japan as a crucial military intelligence-sharing agreement foundational to Indo-Pacific security and defense, and specifically to countering nuclear and missile threats from the Democratic People's Republic of Korea;

(2) underscores the vital role of the alliances between the United States and Japan and the United States and the Republic of Korea in promoting peace, stability, and security in the Indo-Pacific region;

(3) highlights that friction between the Republic of Korea and Japan only fractures the region and empowers its agitators;

(4) urges the Republic of Korea to consider how to best address potential measures that may undermine regional security cooperation;

(5) encourages the Governments of Japan and the Republic of Korea to take steps to rebuild trust and address the sources of bilateral friction, insulate important defense and security ties from other bilateral challenges, and pursue cooperation on shared interests, such as a denuclearized Korean peninsula, market-based trade and commerce, and a stable Indo-Pacific region; and

(6) commits to strengthening and deepening diplomatic, economic, security, and people-to-people ties between and among the United States, Japan, and the Republic of Korea.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 1249. Mr. MANCHIN (for himself, Mrs. CAPITO, Mr. BROWN, Mr. WARNER, Mr. CASEY, Mr. KAINE, Mr. JONES, Ms. SINEMA, Ms. DUCKWORTH, and Mr. VAN HOLLEN) submitted an amendment intended to be proposed by him to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table.

SA 1250. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 3055, supra; which was ordered to lie on the table.

**TEXT OF AMENDMENTS**

**SA 1249.** Mr. MANCHIN (for himself, Mrs. CAPITO, Mr. BROWN, Mr. WARNER, Mr. CASEY, Mr. KAINE, Mr. JONES, Ms. SINEMA, Ms. DUCKWORTH, and Mr. VAN HOLLEN) submitted an amendment intended to be proposed by him to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, after line 15, insert the following:

**SEC. 1603. BIPARTISAN AMERICAN MINERS ACT OF 2019.**

(a) **SHORT TITLE.**—This section may be cited as the “Bipartisan American Miners Act of 2019”.

(b) **TRANSFERS TO 1974 UMW PENSION PLAN.**—

(1) **IN GENERAL.**—Subsection (i) of section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232) is amended—

(A) in paragraph (3)(A), by striking “\$490,000,000” and inserting “\$750,000,000”;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

“(4) **ADDITIONAL AMOUNTS.**—

“(A) **CALCULATION.**—If the dollar limitation specified in paragraph (3)(A) exceeds the aggregate amount required to be transferred under paragraphs (1) and (2) for a fiscal year, the Secretary of the Treasury shall transfer an additional amount equal to the difference between such dollar limitation and such aggregate amount to the trustees of the 1974 UMW Pension Plan to pay benefits required under that plan.

“(B) **CESSATION OF TRANSFERS.**—The transfers described in subparagraph (A) shall

cease as of the first fiscal year beginning after the first plan year for which the funded percentage (as defined in section 432(j)(2) of the Internal Revenue Code of 1986) of the 1974 UMW Pension Plan is at least 100 percent.

“(C) **PROHIBITION ON BENEFIT INCREASES, ETC.**—During a fiscal year in which the 1974 UMW Pension Plan is receiving transfers under subparagraph (A), no amendment of such plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan may be adopted unless the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986.

“(D) **CRITICAL STATUS TO BE MAINTAINED.**—Until such time as the 1974 UMW Pension Plan ceases to be eligible for the transfers described in subparagraph (A)—

“(i) the Plan shall be treated as if it were in critical status for purposes of sections 412(b)(3), 432(e)(3), and 4971(g)(1)(A) of the Internal Revenue Code of 1986 and sections 302(b)(3) and 305(e)(3) of the Employee Retirement Income Security Act;

“(ii) the Plan shall maintain and comply with its rehabilitation plan under section 432(e) of such Code and section 305(e) of such Act, including any updates thereto; and

“(iii) the provisions of subsections (c) and (d) of section 432 of such Code and subsections (c) and (d) of section 305 of such Act shall not apply.

“(E) **TREATMENT OF TRANSFERS FOR PURPOSES OF WITHDRAWAL LIABILITY UNDER ERISA.**—The amount of any transfer made under subparagraph (A) (and any earnings attributable thereto) shall be disregarded in determining the unfunded vested benefits of the 1974 UMW Pension Plan and the allocation of such unfunded vested benefits to an employer for purposes of determining the employer's withdrawal liability under section 4201 of the Employee Retirement Income Security Act of 1974.

“(F) **REQUIREMENT TO MAINTAIN CONTRIBUTION RATE.**—A transfer under subparagraph (A) shall not be made for a fiscal year unless the persons that are obligated to contribute to the 1974 UMW Pension Plan on the date of the transfer are obligated to make the contributions at rates that are no less than those in effect on the date which is 30 days before the date of enactment of the Bipartisan American Miners Act of 2019.

“(G) **ENHANCED ANNUAL REPORTING.**—

“(i) **IN GENERAL.**—Not later than the 90th day of each plan year beginning after the date of enactment of the Bipartisan American Miners Act of 2019, the trustees of the 1974 UMW Pension Plan shall file with the Secretary of the Treasury or the Secretary's delegate and the Pension Benefit Guaranty Corporation a report (including appropriate documentation and actuarial certifications from the plan actuary, as required by the Secretary of the Treasury or the Secretary's delegate) that contains—

“(I) whether the plan is in endangered or critical status under section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 as of the first day of such plan year;

“(II) the funded percentage (as defined in section 432(j)(2) of such Code) as of the first day of such plan year, and the underlying actuarial value of assets and liabilities taken into account in determining such percentage;

“(III) the market value of the assets of the plan as of the last day of the plan year preceding such plan year;

“(IV) the total value of all contributions made during the plan year preceding such plan year;

“(V) the total value of all benefits paid during the plan year preceding such plan year;

“(VI) cash flow projections for such plan year and either the 6 or 10 succeeding plan years, at the election of the trustees, and the assumptions relied upon in making such projections;

“(VII) funding standard account projections for such plan year and the 9 succeeding plan years, and the assumptions relied upon in making such projections;

“(VIII) the total value of all investment gains or losses during the plan year preceding such plan year;

“(IX) any significant reduction in the number of active participants during the plan year preceding such plan year, and the reason for such reduction;

“(X) a list of employers that withdrew from the plan in the plan year preceding such plan year, and the resulting reduction in contributions;

“(XI) a list of employers that paid withdrawal liability to the plan during the plan year preceding such plan year and, for each employer, a total assessment of the withdrawal liability paid, the annual payment amount, and the number of years remaining in the payment schedule with respect to such withdrawal liability;

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

“(XIII) any scheduled benefit increase or decrease in the plan year preceding such plan year having a material effect on liabilities of the plan;

“(XIV) details regarding any funding improvement plan or rehabilitation plan and updates to such plan;

“(XV) the number of participants and beneficiaries during the plan year preceding such plan year who are active participants, the number of participants and beneficiaries in pay status, and the number of terminated vested participants and beneficiaries;

“(XVI) the information contained on the most recent annual funding notice submitted by the plan under section 101(f) of the Employee Retirement Income Security Act of 1974;

“(XVII) the information contained on the most recent Department of Labor Form 5500 of the plan; and

“(XVIII) copies of the plan document and amendments, other retirement benefit or ancillary benefit plans relating to the plan and contribution obligations under such plans, a breakdown of administrative expenses of the plan, participant census data and distribution of benefits, the most recent actuarial valuation report as of the plan year, copies of collective bargaining agreements, and financial reports, and such other information as the Secretary of the Treasury or the Secretary's delegate, in consultation with the Secretary of Labor and the Director of the Pension Benefit Guaranty Corporation, may require.

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

“(iii) INFORMATION SHARING.—The Secretary of the Treasury or the Secretary's delegate shall share the information in the report under clause (i) with the Secretary of Labor.

“(iv) PENALTY.—Any failure to file the report required under clause (i) on or before the date described in such clause shall be treated as a failure to file a report required to be filed under section 6058(a) of the Internal Revenue Code of 1986, except that section 6652(e) of such Code shall be applied with re-

spect to any such failure by substituting ‘\$100’ for ‘\$25’. The preceding sentence shall not apply if the Secretary of the Treasury or the Secretary's delegate determines that reasonable diligence has been exercised by the trustees of such plan in attempting to timely file such report.

“(H) 1974 UMWA PENSION PLAN DEFINED.—For purposes of this paragraph, the term ‘1974 UMWA Pension Plan’ has the meaning given the term in section 9701(a)(3) of the Internal Revenue Code of 1986, but without regard to the limitation on participation to individuals who retired in 1976 and thereafter.”

(2) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to fiscal years beginning after September 30, 2016.

(B) REPORTING REQUIREMENTS.—Section 402(i)(4)(G) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(i)(4)(G)), as added by this subsection, shall apply to plan years beginning after the date of the enactment of this Act.

(C) INCLUSION IN MULTIEMPLOYER HEALTH BENEFIT PLAN.—Section 402(h)(2)(C) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(2)(C)) is amended—

(1) by striking “the Health Benefits for Miners Act of 2017” both places it appears in clause (ii) and inserting “the Bipartisan American Miners Act of 2019”;

(2) by striking “, would be denied or reduced as a result of a bankruptcy proceeding commenced in 2012 or 2015” in clause (ii)(II) and inserting “or a related coal wage agreement, would be denied or reduced as a result of a bankruptcy proceeding commenced in 2012, 2015, 2018, or 2019”;

(3) by striking “and” at the end of clause (ii)(I), by striking the period at the end of clause (ii)(II) and inserting “; and”, and by inserting after clause (ii)(II) the following new subclause:

“(III) the cost of administering the resolution of disputes process administered (as of the date of the enactment of the Bipartisan American Miners Act of 2019) by the Trustees of the Plan.”,

(4) by striking “January 1, 2017” in clause (ii) and inserting “January 1, 2019”; and

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

“(vi) RELATED COAL WAGE AGREEMENT.—For purposes of clause (ii), the term ‘related coal wage agreement’ means an agreement between the United Mine Workers of America and an employer in the bituminous coal industry that—

“(I) is a signatory operator; or

“(II) is or was a debtor in a bankruptcy proceeding that was consolidated, administratively or otherwise, with the bankruptcy proceeding of a signatory operator or a related person to a signatory operator (as those terms are defined in section 9701(c) of the Internal Revenue Code of 1986).”.

(d) REDUCTION IN MINIMUM AGE FOR ALLOWABLE IN-SERVICE DISTRIBUTIONS.—

(1) IN GENERAL.—Section 401(a)(36) of the Internal Revenue Code of 1986 is amended by striking “age 62” and inserting “age 59½”.

(2) APPLICATION TO GOVERNMENTAL SECTION 457(b) PLANS.—Clause (i) of section 457(d)(1)(A) of the Internal Revenue Code of 1986 is amended by inserting “(in the case of a plan maintained by an employer described in subsection (e)(1)(A), age 59½)” before the comma at the end.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning after December 31, 2019.

**SA 1250.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 3055, making ap-

propriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, add the following:

**SEC. \_\_\_\_ . REDUCTION IN RATE FOR OPERATIONS.**

The Continuing Appropriations Act, 2020 (division A of Public Law 116-59) is further amended by inserting after section 150, as added by section 101 of this division, the following:

**“SEC. 151. REDUCTION IN CONTINUING APPROPRIATIONS TO PROVIDE SAVINGS FOR THE HIGHWAY TRUST FUND AND ENVIRONMENTAL PROTECTION AGENCY INFRASTRUCTURE ASSISTANCE.**

“(a) REDUCTION IN CONTINUING APPROPRIATIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the rate for operations provided by section 101 is hereby reduced by 1 percent.

“(2) EXCEPTIONS.—The rate for operations shall not be reduced under paragraph (1) for the following:

“(A) Amounts made available from the Highway Trust Fund established by section 9503(a) of the Internal Revenue Code of 1986.

“(B) Amounts for purposes described in section 147.

“(C) For the Environmental Protection Agency, Infrastructure Assistance, amounts made available for the following:

“(i) The Clean Water State Revolving Funds and the Drinking Water State Revolving Funds.

“(ii) The Water Infrastructure Finance and Innovation Act Program Account.

“(iii) The America's Water Infrastructure Act Grant Programs under section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j-19a).

“(b) TRANSFER OF SAVINGS.—

“(1) DETERMINATION OF SAVINGS.—The Secretary of the Treasury shall determine the amount of the reduction in amounts made available under section 101 of this division that is attributable to subsection (a).

“(2) TRANSFER.—The Secretary of the Treasury shall transfer from the General Fund of the Treasury an amount equal to the amount determined under paragraph (1), as follows:

“(A) For the Highway Trust Fund established by section 9503(a) of the Internal Revenue Code of 1986, 95 percent of such amount.

“(B) For the Clean Water State Revolving Funds and the Drinking Water State Revolving Funds, 3 percent of such amount.

“(C) For the Water Infrastructure Finance and Innovation Act Program Account, 1 percent of such amount.

“(D) For the America's Water Infrastructure Act Grant Programs under section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j-19a), 1 percent of such amount.

“(3) AVAILABILITY.—Amounts transferred under paragraph (2) shall remain available until expended.”.

**AUTHORITY FOR COMMITTEES TO MEET**

Mr. MCCONNELL. Mr. President, I have 13 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.