

115TH CONGRESS 1ST SESSION

S. 176

To amend the Surface Mining Control and Reclamation Act of 1977 to transfer certain funds to the Multiemployer Health Benefit Plan, and for other purposes.

IN THE SENATE OF THE UNITED STATES

January 17, 2017

Mr. McConnell introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Surface Mining Control and Reclamation Act of 1977 to transfer certain funds to the Multiemployer Health Benefit Plan, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Helping Ensure Long-
- 5 Term Protection for Coal Miners Health Care Act of
- 6 2017" or the "HELP for Coal Miners Health Care Act
- 7 of 2017".
- 8 SEC. 2. FINDINGS.
- 9 Congress finds the following:

1	(1) Over the 8 years preceding the date of the
2	introduction of this Act, the coal industry and the
3	communities supported by that industry have strug-
4	gled, in large part due to overregulation.
5	(2) Excessive regulation has, in large part
6	made coal more expensive to mine and use and has
7	put it at an unfair disadvantage in the marketplace
8	(3) Because of these struggles—
9	(A) the coal mining industry has lost over
10	30,000 jobs since President Obama's inaugura-
11	tion;
12	(B) over 600 coal mines have shuttered
13	since President Obama's inauguration;
14	(C) more than 25 coal mining companies
15	have filed for bankruptcy since President
16	Obama's inauguration;
17	(D) Kentucky alone has lost over 10,000
18	coal mining jobs since President Obama's inau-
19	guration; and
20	(E) the total number of operating coal
21	mines has hit its lowest point on record.
22	(4) Because of the health risks often associated
23	with mining, robust health benefits are vital to coal
24	miner retirees; however, coal company bankruptcies,

job cuts, and closures have exhausted the ability of

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- 1 many coal companies to continue providing health 2 benefits to retirees and their dependents.
- (5) Congress has stepped in twice before, in 1992 and in 2006, to assist retired miners and to secure their health benefits. When thousands more were at risk of losing their benefits at the end of 2016, Congress intervened again to provide a 4month extension in health benefits for orphaned retired miners and their dependents.
 - (6) While this extension helped prevent the loss of health benefits for thousands of miners, it did not provide a long-term solution.
- 13 (7) It is necessary to provide a permanent ex-14 tension of health care benefits for the orphaned re-15 tirees who are at risk of losing their retirement 16 health benefits at the end of April 2017.

17 SEC. 3. INCLUSION OF CERTAIN RETIREES IN THE MULTI-

- 18 EMPLOYER HEALTH BENEFIT PLAN.
- 19 (a) IN GENERAL.—Section 402(h)(2)(C) of the Sur-
- 20 face Mining Control and Reclamation Act of 1977 (30
- 21 U.S.C. 1232(h)(2)(C), as amended by the Further Con-
- 22 tinuing and Security Assistance Appropriations Act, 2017,
- 23 is amended—

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- 24 (1) by striking clauses (ii), (iii), and (iv); and
- 25 (2) by inserting after clause (i) the following:

1	"(ii) Calculation of excess.—The
2	excess determined under clause (i) shall be
3	calculated by taking into account only—
4	"(I) those beneficiaries actually
5	enrolled in the Plan as of the date of
6	the enactment of the HELP for Coal
7	Miners Health Care Act of 2017 who
8	are eligible to receive health benefits
9	under the Plan on the first day of the
10	calendar year for which the transfer is
11	made, other than those beneficiaries
12	enrolled in the Plan under the terms
13	of a participation agreement with the
14	current or former employer of such
15	beneficiaries; and
16	"(II) those beneficiaries whose
17	health benefits, defined as those bene-
18	fits payable, following death or retire-
19	ment or upon a finding of disability,
20	directly by an employer in the bitu-
21	minous coal industry under a coal
22	wage agreement (as defined in section
23	9701(b)(1) of the Internal Revenue
24	Code of 1986), would be denied or re-

duced as a result of a bankruptcy pro-
ceeding commenced in 2012 or 2015.
For purposes of subclause (I), a bene-
ficiary enrolled in the Plan as of the date
of the enactment of the HELP for Coal
Miners Health Care Act of 2017 shall be
deemed to have been eligible to receive
health benefits under the Plan on January
1, 2017.
"(iii) Eligibility of certain retir-
EES.—Individuals referred to in clause
(ii)(II) shall be treated as eligible to re-
ceive health benefits under the Plan.
"(iv) Requirements for trans-

"(iv) Requirements for transfer otherwise determined under this subparagraph for a fiscal year shall be reduced by any amount transferred for the fiscal year to the Plan, to pay benefits required under the Plan, from a voluntary employees' beneficiary association established as a result of a bankruptcy proceeding described in clause (ii)."

1	(b) EFFECTIVE DATE.—The amendments made by
2	this section shall apply to fiscal years beginning after Sep-
3	tember 30, 2016.
4	(c) GAO AUDIT.—Not later than 3 years after the
5	date of the enactment of this Act, and every 3 years there-
6	after, the Comptroller General of the United States shall
7	conduct a study of the Multiemployer Health Benefit Plan
8	described in section 402(h)(2)(C)(i) of the Surface Mining
9	Control and Reclamation Act of 1977 (30 U.S.C.
10	1232(h)(2)(C)(i)) and shall submit to the appropriate
11	committees of Congress a report analyzing whether Fed-
12	eral funds are being spent appropriately by such Plan.
13	SEC. 4. CLARIFICATION OF FINANCING OBLIGATIONS.
14	(a) In General.—Subsection (a) of section 9704 of
1415	(a) IN GENERAL.—Subsection (a) of section 9704 of the Internal Revenue Code of 1986 is amended—
15	the Internal Revenue Code of 1986 is amended—
15 16	the Internal Revenue Code of 1986 is amended— (1) by striking paragraph (3),
15 16 17	the Internal Revenue Code of 1986 is amended— (1) by striking paragraph (3), (2) by striking "three premiums" and inserting
15 16 17 18	the Internal Revenue Code of 1986 is amended— (1) by striking paragraph (3), (2) by striking "three premiums" and inserting "two premiums", and
15 16 17 18 19	the Internal Revenue Code of 1986 is amended— (1) by striking paragraph (3), (2) by striking "three premiums" and inserting "two premiums", and (3) by striking ", plus" at the end of paragraph
15 16 17 18 19 20	the Internal Revenue Code of 1986 is amended— (1) by striking paragraph (3), (2) by striking "three premiums" and inserting "two premiums", and (3) by striking ", plus" at the end of paragraph (2) and inserting a period.
15 16 17 18 19 20 21	the Internal Revenue Code of 1986 is amended— (1) by striking paragraph (3), (2) by striking "three premiums" and inserting "two premiums", and (3) by striking ", plus" at the end of paragraph (2) and inserting a period. (b) Conforming Amendments.—

1	(B) by redesignating subsections (e)
2	through (j) as subsections (d) through (i), re-
3	spectively.
4	(2) Subsection (d) of section 9704 of such
5	Code, as so redesignated, is amended—
6	(A) by striking "3 separate accounts for
7	each of the premiums described in subsections
8	(b), (c), and (d)" in paragraph (1) and insert-
9	ing "2 separate accounts for each of the pre-
10	miums described in subsections (b) and (c)",
11	and
12	(B) by striking "or the unassigned bene-
13	ficiaries premium account" in paragraph
14	(3)(B).
15	(3) Subclause (I) of section 9703(b)(2)(C)(ii) of
16	such Code is amended by striking
17	"9704(e)(3)(B)(i)" and inserting
18	"9704(d)(3)(B)(i)".
19	(4) Paragraph (3) of section 9705(a) of such
20	Code is amended—
21	(A) by striking "the unassigned beneficiary
22	premium under section 9704(a)(3) and" in sub-
23	paragraph (B), and
24	(B) by striking "9704(i)(1)(B)" and in-
25	serting "9704(h)(1)(B)".

1	(5) Paragraph (2) of section 9711(c) of such
2	Code is amended—
3	(A) by striking " $9704(j)(2)$ " in subpara-
4	graph (A)(i) and inserting "9704(i)(2)",
5	(B) by striking " $9704(j)(2)(B)$ " in sub-
6	paragraph (B) and inserting "9704(i)(2)(B)",
7	and
8	(C) by striking "9704(j)" and inserting
9	"9704(i)".
10	(6) Paragraph (4) of section 9712(d) of such
11	Code is amended by striking "9704(j)" and inserting
12	"9704(i)".
13	(c) Elimination of Additional Backstop Pre-
14	MIUM.—
15	(1) In General.—Paragraph (1) of section
16	9712(d) of the Internal Revenue Code of 1986 is
17	amended by striking subparagraph (C).
18	(2) Conforming amendment.—Paragraph (2)
19	of section 9712(d) of such Code is amended—
20	(A) by striking subparagraph (B),
21	(B) by striking ", and" at the end of sub-
22	paragraph (A) and inserting a period, and
23	(C) by striking "shall provide for—" and

1	and inserting "shall provide for annual adjust-
2	ments".
3	(d) Effective Date.—The amendments made by
4	this section shall apply to plan years beginning after Sep-
5	tember 30, 2016.
6	SEC. 5. SENSE OF THE SENATE.
7	It is the sense of the Senate that Congress should
8	work with the administration to—
9	(1) repeal onerous regulations that have con-
10	tributed to the downfall of the coal industry; and
11	(2) support economic growth in Appalachia and
12	other coal communities by promoting growth-ori-
13	ented economic development efforts.

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