

115TH CONGRESS
1ST SESSION

H. R. 1613

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 HOUSE OF REPRESENTATIVES

MARCH 17, 2017

Mr. MCKINLEY (for himself and Mr. WELCH) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To 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”.

1 **SEC. 2. INCLUSION OF CERTAIN RETIREES IN THE MULTI-**
2 **EMPLOYER HEALTH BENEFIT PLAN.**

3 (a) IN GENERAL.—Section 402(h)(2)(C) of the Sur-
4 face Mining Control and Reclamation Act of 1977 (30
5 U.S.C. 1232(h)(2)(C)) is amended—

6 (1) by striking clauses (ii), (iii), and (iv); and

7 (2) by inserting after clause (i) the following:

8 “(ii) CALCULATION OF EXCESS.—The
9 excess determined under clause (i) shall be
10 calculated by taking into account only—

11 “(I) those beneficiaries actually
12 enrolled in the Plan as of the date of
13 the enactment of the HELP for Coal
14 Miners Health Care Act of 2017 who
15 are eligible to receive health benefits
16 under the Plan on the first day of the
17 calendar year for which the transfer is
18 made, other than those beneficiaries
19 enrolled in the Plan under the terms
20 of a participation agreement with the
21 current or former employer of such
22 beneficiaries; and

23 “(II) those beneficiaries whose
24 health benefits, defined as those bene-
25 fits payable, following death or retire-
26 ment or upon a finding of disability,

1 directly by an employer in the bitu-
2 minous coal industry under a coal
3 wage agreement (as defined in section
4 9701(b)(1) of the Internal Revenue
5 Code of 1986), would be denied or re-
6 duced as a result of a bankruptcy pro-
7 ceeding commenced in 2012 or 2015.

8 For purposes of subclause (I), a bene-
9 ficiary enrolled in the Plan as of the date
10 of the enactment of the HELP for Coal
11 Miners Health Care Act of 2017 shall be
12 deemed to have been eligible to receive
13 health benefits under the Plan on January
14 1, 2017.

15 “(iii) ELIGIBILITY OF CERTAIN RETIR-
16 EES.—Individuals referred to in clause
17 (ii)(II) shall be treated as eligible to re-
18 ceive health benefits under the Plan.

19 “(iv) REQUIREMENTS FOR TRANS-
20 FER.—The amount of the transfer other-
21 wise determined under this subparagraph
22 for a fiscal year shall be reduced by any
23 amount transferred for the fiscal year to
24 the Plan, to pay benefits required under
25 the Plan, from a voluntary employees’ ben-

1 beneficiary association established as a result
2 of a bankruptcy proceeding described in
3 clause (ii).”.

4 (b) EFFECTIVE DATE.—The amendments made by
5 this section shall apply to fiscal years beginning after Sep-
6 tember 30, 2016.

7 (c) GAO AUDIT.—Not later than 3 years after the
8 date of the enactment of this Act, and every 3 years there-
9 after, the Comptroller General of the United States shall
10 conduct a study of the Multiemployer Health Benefit Plan
11 described in section 402(h)(2)(C)(i) of the Surface Mining
12 Control and Reclamation Act of 1977 (30 U.S.C.
13 1232(h)(2)(C)(i)) and shall submit to the appropriate
14 committees of Congress a report analyzing whether Fed-
15 eral funds are being spent appropriately by such Plan.

16 **SEC. 3. CLARIFICATION OF FINANCING OBLIGATIONS.**

17 (a) IN GENERAL.—Subsection (a) of section 9704 of
18 the Internal Revenue Code of 1986 is amended—

19 (1) by striking paragraph (3),

20 (2) by striking “three premiums” and inserting
21 “two premiums”, and

22 (3) by striking “, plus” at the end of paragraph
23 (2) and inserting a period.

24 (b) CONFORMING AMENDMENTS.—

1 (1) Section 9704 of the Internal Revenue Code
2 of 1986 is amended—

3 (A) by striking subsection (d), and

4 (B) by redesignating subsections (e)
5 through (j) as subsections (d) through (i), re-
6 spectively.

7 (2) Subsection (d) of section 9704 of such
8 Code, as so redesignated, is amended—

9 (A) by striking “3 separate accounts for
10 each of the premiums described in subsections
11 (b), (c), and (d)” in paragraph (1) and insert-
12 ing “2 separate accounts for each of the pre-
13 miums described in subsections (b) and (c)”,
14 and

15 (B) by striking “or the unassigned bene-
16 ficiaries premium account” in paragraph
17 (3)(B).

18 (3) Subclause (I) of section 9703(b)(2)(C)(ii) of
19 such Code is amended by striking
20 “9704(e)(3)(B)(i)” and inserting
21 “9704(d)(3)(B)(i)”.

22 (4) Paragraph (3) of section 9705(a) of such
23 Code is amended—

1 (A) by striking “the unassigned beneficiary
2 premium under section 9704(a)(3) and” in sub-
3 paragraph (B), and

4 (B) by striking “9704(i)(1)(B)” and in-
5 serting “9704(h)(1)(B)”.

6 (5) Paragraph (2) of section 9711(c) of such
7 Code is amended—

8 (A) by striking “9704(j)(2)” in subpara-
9 graph (A)(i) and inserting “9704(i)(2)”,

10 (B) by striking “9704(j)(2)(B)” in sub-
11 paragraph (B) and inserting “9704(i)(2)(B)”,
12 and

13 (C) by striking “9704(j)” and inserting
14 “9704(i)”.

15 (6) Paragraph (4) of section 9712(d) of such
16 Code is amended by striking “9704(j)” and inserting
17 “9704(i)”.

18 (c) ELIMINATION OF ADDITIONAL BACKSTOP PRE-
19 MIUM.—

20 (1) IN GENERAL.—Paragraph (1) of section
21 9712(d) of the Internal Revenue Code of 1986 is
22 amended by striking subparagraph (C).

23 (2) CONFORMING AMENDMENT.—Paragraph (2)
24 of section 9712(d) of such Code is amended—

25 (A) by striking subparagraph (B),

1 (B) by striking “, and” at the end of sub-
2 paragraph (A) and inserting a period, and

3 (C) by striking “shall provide for—” and
4 all that follows through “annual adjustments”
5 and inserting “shall provide for annual adjust-
6 ments”.

7 (d) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to plan years beginning after Sep-
9 tember 30, 2016.

10 **SEC. 4. SENSE OF THE HOUSE OF REPRESENTATIVES.**

11 It is the sense of the House of Representatives that
12 Congress should work with the administration to support
13 economic growth in Appalachia and other coal commu-
14 nities by promoting growth-oriented economic development
15 efforts.

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