To amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 with respect to participant votes on the suspension of benefits under multiemployer plans in critical and declining status.

IN THE SENATE OF THE UNITED STATES

MARCH 2, 2017

Mr. Portman (for himself, Mrs. Fischer, and Mr. Burr) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 with respect to participant votes on the suspension of benefits under multiemployer plans in critical and declining status.

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 “Pension Accountability

5 Act”.

S. 489
SEC. 2. BENEFIT SUSPENSIONS FOR MULTIEMPLOYER PLANS IN CRITICAL AND DECLINING STATUS.

(a) ERISA AMENDMENTS.—Section 305(e)(9)(H) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(e)(9)(H)) is amended—

(1) in clause (ii)—

(A) by striking “Except as provided in clause (v), the” and inserting “The”; and

(B) by striking “a majority of all participants and beneficiaries of the plan” and inserting “, of the participants and beneficiaries of the plan who cast a vote, a majority”;

(2) by striking clause (v);

(3) by redesignating clause (vi) as clause (v);

and

(4) in clause (v), as so redesignated—

(A) by striking “(or following a determination under clause (v) that the plan is a systemically important plan)”; and

(B) by striking “(or, in the case of a suspension that goes into effect under clause (v), at a time sufficient to allow the implementation of the suspension prior to the end of the 90-day period described in clause (v)(I)).”

(b) IRC AMENDMENTS.—Section 432(e)(9)(H) of the Internal Revenue Code of 1986 is amended—
(1) in clause (ii)—

(A) by striking “Except as provided in clause (v), the” and inserting “The”; and

(B) by striking “a majority of all participants and beneficiaries of the plan” and inserting “, of the participants and beneficiaries of the plan who cast a vote, a majority”;

(2) by striking clause (v);

(3) by redesignating clause (vi) as clause (v);

and

(4) in clause (v), as so redesignated—

(A) by striking “(or following a determination under clause (v) that the plan is a systematically important plan)” and

(B) by striking “(or, in the case of a suspension that goes into effect under clause (v), at a time sufficient to allow the implementation of the suspension prior to the end of the 90-day period described in clause (v)(I))”.

(c) Effective Date.—The amendments made by subsections (a) and (b) shall apply to any vote on the suspension of benefits under section 305(e)(9)(H) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(e)(9)(H)) and section 432(e)(9)(H) of the
1 Internal Revenue Code of 1986 that occurs after the date
2 of enactment of this Act.