H. R. 2117

To amend the Employee Retirement Income Security Act of 1974 to permit multiemployer plans in critical status to modify plan rules relating to withdrawal liability, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 25, 2017

Mr. SESSIONS (for himself and Mr. PASCARELL) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Employee Retirement Income Security Act of 1974 to permit multiemployer plans in critical status to modify plan rules relating to withdrawal liability, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Multi-Employer Pen-
sion Plan Partnership Act of 2017”.
SEC. 2. ALTERNATIVE METHOD OF WITHDRAWAL LIABILITY PAYMENTS.

Section 4224 of the Employee Retirement Income Security Act (29 U.S.C. 1404) is amended—

(1) by striking “A multiemployer plan” and inserting “(a) A multiemployer plan”; and

(2) by adding at the end the following:

“(b) Notwithstanding any contrary provisions of this part, in the case of a multiemployer plan that is in critical status within the meaning of subsection (b)(2) of section 305 and whose plan sponsor determines pursuant to subsection (e)(3)(A)(ii) of such section that the plan cannot be reasonably expected to emerge from critical status by the end of the rehabilitation period, such plan may adopt rules for the purpose of forestalling or avoiding insolvency that provide for other terms and conditions for the computation of the amount of an employer’s withdrawal liability (not to exceed the amount that would otherwise be determined without regard to this subsection). Any such rule shall become effective at the end of a 90-day period that begins on the date of adoption of the rule unless the corporation disapproves the rule before the end of the 90-day period (except that such 90-day period shall be tolled during any period in which a request by the corporation for additional information is pending). The corporation may disapprove a rule under this subsection only if it rea-
sonably determines that the rule creates an unreasonable risk of loss to plan participants and beneficiaries or to the corporation.”.