

116TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To provide for emergency multiemployer pension plan relief.

---

IN THE SENATE OF THE UNITED STATES

---

\_\_\_\_\_ introduced the following bill; which was read twice  
and referred to the Committee on \_\_\_\_\_

---

**A BILL**

To provide for emergency multiemployer pension plan relief.

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 “Emergency Pension  
5 Plan Relief Act of 2020”.

6 **SEC. 2. PARTITION RELIEF.**

7 (a) APPROPRIATION.—Section 4005 of the Employee  
8 Retirement Income Security Act of 1974 (29 U.S.C. 1305)  
9 is amended by adding at the end the following:

10 “(i)(1) An eighth fund shall be established for parti-  
11 tion assistance to multiemployer pension plans, as pro-  
12 vided under section 4233A, and to pay for necessary ad-

1 ministrative and operating expenses relating to such as-  
2 sistance.

3 “(2) There is appropriated from the general fund  
4 such amounts as necessary for the costs of providing parti-  
5 tion assistance under section 4233A and necessary admin-  
6 istrative and operating expenses. The eighth fund estab-  
7 lished under this subsection shall be credited with such  
8 amounts from time to time by Treasury from the general  
9 fund and such amounts shall remain available until ex-  
10 pended.”

11 (b) PARTITION AUTHORITY.—The Employee Retire-  
12 ment Income Security Act of 1974 (29 U.S.C. 1001 et  
13 seq.) is amended by inserting after section 4233 the fol-  
14 lowing:

15 **“SEC. 4233A. PARTITION RELIEF.**

16 “(a) PARTITION AUTHORITY.—

17 “(1) IN GENERAL.—Upon the application of a  
18 plan sponsor of an eligible multiemployer plan for  
19 partition of the plan meeting the requirements of  
20 this section and regulations promulgated by the cor-  
21 poration hereunder, the corporation shall order a  
22 partition of the plan in accordance with this section.

23 “(2) NO REPAYMENT OBLIGATION.—A plan re-  
24 ceiving partition assistance pursuant to this section

1 shall not be subject to repayment obligations under  
2 section 4261(b)(2).

3 “(b) ELIGIBLE PLANS.—For purposes of this section,  
4 a multiemployer plan is an eligible multiemployer plan if—

5 “(1) the plan is in critical and declining status  
6 (within the meaning of section 305(b)(6)) in any  
7 plan year beginning in 2020 through 2024;

8 “(2) a suspension of benefits has been approved  
9 with respect to the plan under section 305(e)(9) as  
10 of the date of the enactment of the Emergency Pen-  
11 sion Plan Relief Act of 2020;

12 “(3) in any plan year beginning in 2020  
13 through 2024, the plan is certified to be in critical  
14 status (within the meaning of section 305(b)(2)),  
15 has a funded percentage of less than 40 percent (as  
16 determined for purposes of section 305), and has a  
17 ratio of active to inactive participants which is less  
18 than 2 to 3; or

19 “(4) the plan is insolvent for purposes of sec-  
20 tion 418E of the Internal Revenue Code of 1986 as  
21 of such date of enactment, if it became insolvent  
22 after December 16, 2014, and has not been termi-  
23 nated by such date of enactment.

24 “(c) REGULATIONS.—

1           “(1) IN GENERAL.—The corporation shall issue  
2 regulations on the requirements for partition appli-  
3 cations under this section not later than 180 days  
4 after the date of the enactment of the Emergency  
5 Pension Plan Relief Act of 2020.

6           “(2) TIMING OF APPLICATIONS.—The corpora-  
7 tion may specify in the regulations under this sub-  
8 section the timing of when an application from a  
9 plan may be received for determination of eligibility  
10 for a partition under this section, based on—

11                   “(A) when a plan is likely to become insol-  
12 vent within 5 years of the date of enactment of  
13 the Emergency Pension Plan Relief Act of  
14 2020;

15                   “(B) when the corporation projects a plan  
16 to have a present value of financial assistance  
17 payments under section 4261 that exceeds  
18 \$1,000,000,000 if the partition is not ordered;

19                   “(C) whether the plan has implemented  
20 benefit suspensions under section 305(e)(9) as  
21 of the date of the enactment of the Emergency  
22 Pension Plan Relief Act of 2020; or

23                   “(D) such other factors as the corporation  
24 deems appropriate.

1           “(3) ACTUARIAL ASSUMPTIONS AND OTHER IN-  
2           FORMATION.—The corporation shall promulgate reg-  
3           ulations on the assumptions a plan applying for par-  
4           tition under this section shall use for purposes of the  
5           corporation’s determination of plan eligibility under  
6           this section. The corporation shall accept assump-  
7           tions made in good faith that are incorporated in an  
8           eligible multiemployer plan’s determination that it is  
9           in critical status or critical and declining status  
10          (within the meaning of section 305) for the plan’s  
11          most recent funded status certifications made by the  
12          plan under section 305 for the most recent plan year  
13          prior to the date of the enactment of the Emergency  
14          Pension Plan Relief Act of 2020. In addition, the  
15          corporation may require in such regulations such  
16          other information as the corporation deems appro-  
17          priate for making a determination of eligibility and  
18          amounts of partition assistance necessary under this  
19          section.

20          “(4) DETERMINATION.—The corporation shall  
21          approve a partition application under this section if  
22          the corporation determines that the plan is an eligi-  
23          ble multiemployer plan and meets the requirements  
24          for a partition under the regulations promulgated  
25          under this subsection. The corporation shall make a

1 determination of plan eligibility under this section  
2 not later than 120 days after the partition applica-  
3 tion with the information required under such regu-  
4 lations is received by the corporation.

5 “(5) DETERMINATIONS OF INELIGIBILITY OR  
6 INCOMPLETE INFORMATION.—If the corporation de-  
7 termines the plan to be ineligible for a partition  
8 under this section, or that the information submitted  
9 with the application is incomplete, the corporation  
10 shall notify the plan in writing of such determination  
11 not later than 60 days after the application is filed.  
12 Such notice shall specify the reasons the plan is in-  
13 eligible for a partition or the information needed to  
14 complete the application.

15 “(6) NOTICE OF APPLICATION.—The corpora-  
16 tion may issue regulations requiring plans to issue  
17 a notice to participants that the plan has applied for  
18 partition under this section.

19 “(d) AMOUNT AND MANNER OF PARTITION ASSIST-  
20 ANCE.—

21 “(1) IN GENERAL.—The liabilities of an eligible  
22 multiemployer plan that the corporation assumes  
23 pursuant to a partition order under this section shall  
24 be the amount necessary for the plan to meet its  
25 funding goal as defined in subsection (e).

1           “(2) NO CAP.—Liabilities assumed by the cor-  
2           poration pursuant to a partition order under this  
3           section shall not be capped by the guarantee under  
4           section 4022A. The corporation shall have discretion  
5           on how liabilities of the plan are partitioned.

6           “(e) FUNDING GOAL.—

7           “(1) IN GENERAL.—An eligible multiemployer  
8           plan’s funding goal shall be in accordance with en-  
9           suring each of the following:

10           “(A) The plan will remain solvent over 30  
11           years with no reduction in a participant’s or  
12           beneficiary’s accrued benefit (except to the ex-  
13           tent of a reduction in accordance with section  
14           305(e)(8)) .

15           “(B) The funded percentage of the plan at  
16           the end of such 30-year period is projected to  
17           be not less than 80 percent.

18           “(C) In every year of such 30-year period  
19           the ratio of the plan’s available resources (as  
20           defined in section 418E(b)(3) of the Internal  
21           Revenue Code of 1986) to the scheduled benefit  
22           payments is at least 1.0.

23           “(D) In each of the last 10 years of such  
24           period, neither the ratio determined in subpara-  
25           graph (C) with respect to the plan nor its avail-

1           able resources (as so defined) is projected to de-  
2           crease.

3           “(2) BASIS.—The funding projections under  
4           paragraph (1) shall be performed on a deterministic  
5           basis.

6           “(f) RESTORATION OF BENEFIT SUSPENSIONS.—An  
7           eligible multiemployer plan that is partitioned under this  
8           section shall—

9           “(1) reinstate any benefits that were suspended  
10          under section 305(e)(9), effective as of the first  
11          month the partition order is effective, for partici-  
12          pants or beneficiaries in pay status as of the effec-  
13          tive date of the partition; and

14          “(2) provide lump sum payments equal to the  
15          amount of benefits previously suspended to any par-  
16          ticipants or beneficiaries in pay status as of the ef-  
17          fective date of the partition, payable within 3  
18          months of such effective date, with no adjustment  
19          for interest.

20          “(g) ADJUSTMENT OF PARTITION ASSISTANCE.—

21          “(1) IN GENERAL.—Every 3 years the corpora-  
22          tion shall adjust the partition assistance described in  
23          subsection (d) as necessary for the eligible multiem-  
24          ployer plan to satisfy the funding goal described in  
25          subsection (e), with the year of the adjustment serv-

1 ing as the first year of the 30-year period for the  
2 funding goal.

3 “(2) SUBMISSION OF INFORMATION.—An eligi-  
4 ble multiemployer plan that is the subject of a parti-  
5 tion order under subsection (a) shall submit such in-  
6 formation as the corporation may require to deter-  
7 mine the amount of the adjustment under paragraph  
8 (1).

9 “(h) CONDITIONS ON PLANS DURING PARTITION.—

10 “(1) IN GENERAL.—The corporation may by  
11 regulation impose reasonable conditions on an eligi-  
12 ble multiemployer plan that is partitioned under sub-  
13 section (a) relating to increases in future accrual  
14 rates, allocation of plan assets, reductions in em-  
15 ployer contribution rates, diversion of contributions  
16 to another retirement plan, withdrawal liability, and  
17 benefits that may be adjusted pursuant to section  
18 305(e)(8), as the corporation determines. The cor-  
19 poration shall have the authority to terminate a plan  
20 if the plan fails to comply with the conditions of its  
21 partition under this section.

22 “(2) LIMITATION.—The corporation may not  
23 require as a condition of partition under this section  
24 that any benefit adjustment with respect to an early

1 retirement benefit be effective earlier than 10 years  
2 from the effective date of a partition order.

3 “(3) CONDITIONS.—A condition shall only be  
4 considered reasonable within the meaning of para-  
5 graph (1) if it supports the ability of the plan to  
6 achieve its funding goal or prevents abuse of the  
7 partition assistance provided under this section.

8 “(i) WITHDRAWAL LIABILITY.—An employer’s with-  
9 drawal liability for purposes of this title shall be calculated  
10 taking into account any plan liabilities that are partitioned  
11 under subsection (a) until the plan year beginning after  
12 the expiration of 15 calendar years from the effective date  
13 of the partition.

14 “(j) CESSATION OF PARTITION ASSISTANCE.—

15 “(1) IN GENERAL.—If an eligible multiemployer  
16 plan that is subject to a partition order under sub-  
17 section (a) is not less than 80 percent funded (dis-  
18 regarding the plan’s partitioned benefits) for 5 con-  
19 secutive plan years—

20 “(A) the corporation shall permanently as-  
21 sume liability of payment for any benefits  
22 transferred to it as of the end of the fifth year  
23 and subsection (g) shall no longer apply;

24 “(B) the plan shall be subject to any con-  
25 ditions required by the corporation under sub-

1 section (h) and the reporting requirements of  
2 subsection (k) until the end of the fifth plan  
3 year after subsection (g) no longer applies; and

4 “(C) any accumulated funding deficiency  
5 of the plan (within the meaning of section 304)  
6 shall be reduced to zero for purposes of the first  
7 day of the plan year following the last plan year  
8 that the plan is subject to the partition order  
9 under this subsection.

10 “(2) INSOLVENCY.—If a plan that receives par-  
11 tition assistance under this section becomes insolvent  
12 for purposes of section 418E of the Internal Rev-  
13 enue Code of 1986, the plan shall no longer be eligi-  
14 ble for assistance under this section and shall be eli-  
15 gible for assistance under section 4261.

16 “(k) REPORTING.—An eligible multiemployer plan  
17 that receives partition assistance under this section shall  
18 file with the corporation a report, including the following  
19 information, in such manner (including electronic filing re-  
20 quirements) and time as the corporation requires:

21 “(1) The funded percentage (as defined in sec-  
22 tion 305(j)(2)) as of the first day of such plan year,  
23 and the underlying actuarial value of assets and li-  
24 abilities taken into account in determining such per-  
25 centage.

1           “(2) The market value of the assets of the plan  
2           (determined as provided in paragraph (1)) as of the  
3           last day of the plan year preceding such plan year.

4           “(3) The total value of all contributions made  
5           by employers and employees during the plan year  
6           preceding such plan year.

7           “(4) The total value of all benefits paid during  
8           the plan year preceding such plan year.

9           “(5) Cash flow projections for such plan year  
10          and the 9 succeeding plan years, and the assump-  
11          tions used in making such projections.

12          “(6) Funding standard account projections for  
13          such plan year and the 9 succeeding plan years, and  
14          the assumptions relied upon in making such projec-  
15          tions.

16          “(7) The total value of all investment gains or  
17          losses during the plan year preceding such plan year.

18          “(8) Any significant reduction in the number of  
19          active participants during the plan year preceding  
20          such plan year, and the reason for such reduction.

21          “(9) A list of employers that withdrew from the  
22          plan in the plan year preceding such plan year, and  
23          the resulting reduction in contributions.

24          “(10) A list of employers that paid withdrawal  
25          liability to the plan during the plan year preceding

1 such plan year and, for each employer, a total as-  
2 sessment of the withdrawal liability paid, the annual  
3 payment amount, and the number of years remain-  
4 ing in the payment schedule with respect to such  
5 withdrawal liability.

6 “(11) Any material changes to benefits, accrual  
7 rates, or contribution rates during the plan year pre-  
8 ceding such plan year, and whether such changes re-  
9 late to the conditions of the partition assistance.

10 “(12) Details regarding any funding improve-  
11 ment plan or rehabilitation plan and updates to such  
12 plan.

13 “(13) The number of participants and bene-  
14 ficiaries during the plan year preceding such plan  
15 year who are active participants, the number of par-  
16 ticipants and beneficiaries in pay status, and the  
17 number of terminated vested participants and bene-  
18 ficiaries.

19 “(14) The amount of any financial assistance  
20 received under section 4261 to pay benefits during  
21 the preceding plan year, and the total amount of  
22 such financial assistance received for all preceding  
23 years.

1           “(15) The information contained on the most  
2 recent annual funding notice submitted by the plan  
3 under section 101(f).

4           “(16) The information contained on the most  
5 recent annual return under section 6058 of the In-  
6 ternal Revenue Code of 1986 and actuarial report  
7 under section 6059 of such Code of the plan.

8           “(17) Copies of the plan document and amend-  
9 ments, other retirement benefit or ancillary benefit  
10 plans relating to the plan and contribution obliga-  
11 tions under such plans, a breakdown of administra-  
12 tive expenses of the plan, participant census data  
13 and distribution of benefits, the most recent actu-  
14 arial valuation report as of the plan year, financial  
15 reports, and copies of the portions of collective bar-  
16 gaining agreements relating to plan contributions,  
17 funding coverage, or benefits, and such other infor-  
18 mation as the corporation may reasonably require.

19 Any information disclosed by a plan to the corporation  
20 that could identify individual employers shall be confiden-  
21 tial and not subject to publication or disclosure.

22           “(l) APPLICATION OF EXCISE TAX.—During the pe-  
23 riod that a plan is subject to a partition order under this  
24 section, the plan shall not be subject to section 4971 of  
25 the Internal Revenue Code of 1986.”.

1 **SEC. 3. REPEAL OF BENEFIT SUSPENSIONS FOR MULTIEM-**  
2 **PLOYER PLANS IN CRITICAL AND DECLINING**  
3 **STATUS.**

4 (a) AMENDMENT TO INTERNAL REVENUE CODE OF  
5 1986.—Paragraph (9) of section 432(e) of the Internal  
6 Revenue Code of 1986 is repealed.

7 (b) AMENDMENT TO EMPLOYEE RETIREMENT IN-  
8 COME SECURITY ACT OF 1974.—Paragraph (9) of section  
9 305(e) of the Employee Retirement Income Security Act  
10 of 1974 (29 U.S.C. 1085(e)) is repealed.

11 (c) EFFECTIVE DATE.—The repeals made by this  
12 section shall not apply to plans that have been approved  
13 for a suspension of benefit under section 432(e)(9)(G) of  
14 the Internal Revenue Code of 1986 and section  
15 305(e)(9)(G) of the Employee Retirement Income Security  
16 Act of 1974 (29 U.S.C. 1085(e)(9)(G)) before the date  
17 of the enactment of this Act.

18 **SEC. 4. TEMPORARY DELAY OF DESIGNATION OF MULTIEM-**  
19 **PLOYER PLANS AS IN ENDANGERED, CRIT-**  
20 **ICAL, OR CRITICAL AND DECLINING STATUS..**

21 (a) IN GENERAL.—Notwithstanding the actuarial  
22 certification under section 305(b)(3) of the Employee Re-  
23 tirement Income Security Act of 1974 and section  
24 432(b)(3) of the Internal Revenue Code of 1986, if a plan  
25 sponsor of a multiemployer plan elects the application of

1 this section, then, for purposes of section 305 of such Act  
2 and section 432 of such Code—

3 (1) the status of the plan for its first plan year  
4 beginning during the period beginning on March 1,  
5 2020, and ending on February 28, 2021, or the next  
6 succeeding plan year (as designated by the plan  
7 sponsor in such election), shall be the same as the  
8 status of such plan under such sections for the plan  
9 year preceding such designated plan year, and

10 (2) in the case of a plan which was in endan-  
11 gered or critical status for the plan year preceding  
12 the designated plan year described in paragraph (1),  
13 the plan shall not be required to update its plan or  
14 schedules under section 305(c)(6) of such Act and  
15 section 432(c)(6) of such Code, or section  
16 305(e)(3)(B) of such Act and section 432(e)(3)(B)  
17 of such Code, whichever is applicable, until the plan  
18 year following the designated plan year described in  
19 paragraph (1).

20 If section 305 of the Employee Retirement Income Secu-  
21 rity Act of 1974 and section 432 of the Internal Revenue  
22 Code of 1986 did not apply to the plan year preceding  
23 the designated plan year described in paragraph (1), the  
24 plan actuary shall make a certification of the status of  
25 the plan under section 305(b)(3) of such Act and section

1 432(b)(3) of such Code for the preceding plan year in the  
2 same manner as if such sections had applied to such pre-  
3 ceding plan year.

4 (b) EXCEPTION FOR PLANS BECOMING CRITICAL  
5 DURING ELECTION.—If—

6 (1) an election was made under subsection (a)  
7 with respect to a multiemployer plan, and

8 (2) such plan has, without regard to such elec-  
9 tion, been certified by the plan actuary under section  
10 305(b)(3) of the Employee Retirement Income Secu-  
11 rity Act of 1974 and section 432(b)(3) of the Inter-  
12 nal Revenue Code of 1986 to be in critical status for  
13 the designated plan year described in subsection  
14 (a)(1), then such plan shall be treated as a plan in  
15 critical status for such plan year for purposes of ap-  
16 plying section 4971(g)(1)(A) of such Code, section  
17 302(b)(3) of such Act (without regard to the second  
18 sentence thereof), and section 412(b)(3) of such  
19 Code (without regard to the second sentence there-  
20 of).

21 (c) ELECTION AND NOTICE.—

22 (1) ELECTION.—An election under subsection  
23 (a) shall—

24 (A) be made at such time and in such  
25 manner as the Secretary of the Treasury or the

1 Secretary's delegate may prescribe and, once  
2 made, may be revoked only with the consent of  
3 the Secretary, and

4 (B) if the election is made—

5 (i) before the date the annual certifi-  
6 cation is submitted to the Secretary or the  
7 Secretary's delegate under section  
8 305(b)(3) of such Act and section  
9 432(b)(3) of such Code, be included with  
10 such annual certification, and

11 (ii) after such date, be submitted to  
12 the Secretary or the Secretary's delegate  
13 not later than 30 days after the date of the  
14 election.

15 (2) NOTICE TO PARTICIPANTS.—

16 (A) IN GENERAL.—Notwithstanding sec-  
17 tion 305(b)(3)(D) of the Employee Retirement  
18 Income Security Act of 1974 and section  
19 431(b)(3)(D) of the Internal Revenue Code of  
20 1986, if the plan is neither in endangered nor  
21 critical status by reason of an election made  
22 under subsection (a)—

23 (i) the plan sponsor of a multiem-  
24 ployer plan shall not be required to provide  
25 notice under such sections, and

1           (ii) the plan sponsor shall provide to  
2           the participants and beneficiaries, the bar-  
3           gaining parties, the Pension Benefit Guar-  
4           anty Corporation, and the Secretary of  
5           Labor a notice of the election and such  
6           other information as the Secretary of the  
7           Treasury (in consultation with the Sec-  
8           retary of Labor) may require—

9                   (I) if the election is made before  
10                  the date the annual certification is  
11                  submitted to the Secretary or the Sec-  
12                  retary's delegate under section  
13                  305(b)(3) of such Act and section  
14                  432(b)(3) of such Code, not later than  
15                  30 days after the date of the certifi-  
16                  cation, and

17                   (II) if the election is made after  
18                  such date, not later than 30 days  
19                  after the date of the election.

20           (B) NOTICE OF ENDANGERED STATUS.—

21           Notwithstanding section 305(b)(3)(D) of such  
22           Act and section 431(b)(3)(D) of such Code, if  
23           the plan is certified to be in critical status for  
24           any plan year but is in endangered status by  
25           reason of an election made under subsection

1 (a), the notice provided under such sections  
2 shall be the notice which would have been pro-  
3 vided if the plan had been certified to be in en-  
4 dangered status.

5 **SEC. 5. TEMPORARY EXTENSION OF THE FUNDING IM-**  
6 **PROVEMENT AND REHABILITATION PERIODS**  
7 **FOR MULTIEMPLOYER PENSION PLANS IN**  
8 **CRITICAL AND ENDANGERED STATUS FOR**  
9 **2020 OR 2021.**

10 (a) IN GENERAL.—If the plan sponsor of a multiem-  
11 ployer plan which is in endangered or critical status for  
12 a plan year beginning in 2020 or 2021 (determined after  
13 application of section 4) elects the application of this sec-  
14 tion, then, for purposes of section 305 of the Employee  
15 Retirement Income Security Act of 1974 and section 432  
16 of the Internal Revenue Code of 1986—

17 (1) except as provided in paragraph (2), the  
18 plan’s funding improvement period or rehabilitation  
19 period, whichever is applicable, shall be 15 years  
20 rather than 10 years, and

21 (2) in the case of a plan in seriously endan-  
22 gered status, the plan’s funding improvement period  
23 shall be 20 years rather than 15 years.

24 (b) DEFINITIONS AND SPECIAL RULES.—For pur-  
25 poses of this section—

1           (1) ELECTION.—An election under this section  
2 shall be made at such time, and in such manner and  
3 form, as (in consultation with the Secretary of  
4 Labor) the Secretary of the Treasury or the Sec-  
5 retary’s delegate may prescribe.

6           (2) DEFINITIONS.—Any term which is used in  
7 this section which is also used in section 305 of the  
8 Employee Retirement Income Security Act of 1974  
9 and section 432 of the Internal Revenue Code of  
10 1986 shall have the same meaning as when used in  
11 such sections.

12          (c) EFFECTIVE DATE.—This section shall apply to  
13 plan years beginning after December 31, 2019.

14 **SEC. 6. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT**  
15 **RULES.**

16          (a) ADJUSTMENTS.—

17           (1) AMENDMENT TO EMPLOYEE RETIREMENT  
18 INCOME SECURITY ACT OF 1974.—Section 304(b)(8)  
19 of the Employee Retirement Income Security Act of  
20 1974 (29 U.S.C. 1084(b)) is amended by adding at  
21 the end the following new subparagraph:

22                   “(F) RELIEF FOR 2020 AND 2021.—A mul-  
23 tiemployer plan with respect to which the sol-  
24 vency test under subparagraph (C) is met as of  
25 February 29, 2020, may elect to apply this

1 paragraph by substituting ‘February 29, 2020’  
2 for ‘August 31, 2008’ each place it appears in  
3 subparagraphs (A)(i), (B)(i)(I), and (B)(i)(II)  
4 (without regard to whether such plan previously  
5 elected the application of this paragraph). The  
6 preceding sentence shall not apply to a plan  
7 with respect to which a partition order is in ef-  
8 fect under section 4233A.”.

9 (2) AMENDMENT TO INTERNAL REVENUE CODE  
10 OF 1986.—Section 431(b)(8) of the Internal Revenue  
11 Code of 1986 is amended by adding at the end the  
12 following new subparagraph:

13 “(F) RELIEF FOR 2020 AND 2021.—A mul-  
14 tiemployer plan with respect to which the sol-  
15 vency test under subparagraph (C) is met as of  
16 February 29, 2020, may elect to apply this  
17 paragraph by substituting ‘February 29, 2020’  
18 for ‘August 31, 2008’ each place it appears in  
19 subparagraphs (A)(i), (B)(i)(I), and (B)(i)(II)  
20 (without regard to whether such plan previously  
21 elected the application of this paragraph). The  
22 preceding sentence shall not apply to a plan  
23 with respect to which a partition order is in ef-  
24 fect under section 4233A of the Employee Re-  
25 tirement Income Security Act of 1974.”.

1 (b) EFFECTIVE DATES.—

2 (1) IN GENERAL.—The amendments made by  
3 this section shall take effect as of the first day of  
4 the first plan year ending on or after February 29,  
5 2020, except that any election a plan makes pursu-  
6 ant to this section that affects the plan’s funding  
7 standard account for the first plan year beginning  
8 after February 29, 2020, shall be disregarded for  
9 purposes of applying the provisions of section 305 of  
10 the Employee Retirement Income Security Act of  
11 1974 and section 432 of the Internal Revenue Code  
12 of 1986 to such plan year.

13 (2) RESTRICTIONS ON BENEFIT INCREASES.—  
14 Notwithstanding paragraph (1), the restrictions on  
15 plan amendments increasing benefits in sections  
16 304(b)(8)(D) of such Act and 431(b)(8)(D) of such  
17 Code, as applied by the amendments made by this  
18 section, shall take effect on the date of enactment of  
19 this Act.

20 **SEC. 7. PBGC GUARANTEE FOR PARTICIPANTS IN MULTI-**  
21 **EMPLOYER PLANS.**

22 Section 4022A(c)(1) of the Employee Retirement In-  
23 come Security Act of 1974 (29 U.S.C. 1322a(c)(1)) is  
24 amended by striking subparagraphs (A) and (B) and in-  
25 serting the following:

1                   “(A) 100 percent of the accrual rate up to  
2                   \$15, plus 75 percent of the lesser of—  
3                   “(i) \$70; or  
4                   “(ii) the accrual rate, if any, in excess  
5                   of \$15; and  
6                   “(B) the number of the participant’s years  
7                   of credited service.

8                   For each calendar year after the first full calendar  
9                   year following the date of the enactment of the  
10                  Emergency Pension Plan Relief Act of 2020, the ac-  
11                  crual rates in subparagraph (A) shall increase by the  
12                  national average wage index (as defined in section  
13                  209(k)(1) of the Social Security Act). For purposes  
14                  of this subsection, the rates applicable for deter-  
15                  mining the guaranteed benefits of the participants of  
16                  any plan shall be the rates in effect for the calendar  
17                  year in which the plan becomes insolvent under sec-  
18                  tion 4245 or the calendar year in which the plan is  
19                  terminated, if earlier.”.

20 **SEC. 8. SINGLE-EMPLOYER PLAN FUNDING RULES.**

21                  (a) DELAY IN PAYMENT OF MINIMUM REQUIRED  
22                  CONTRIBUTIONS.—In the case of any minimum required  
23                  contribution (as determined under section 430(a) of the  
24                  Internal Revenue Code of 1986 and section 303(a) of the  
25                  Employee Retirement Income Security Act of 1974 (29

1 U.S.C. 1083(a)) which (but for this section) would other-  
2 wise be due under section 430(j) of such Code (including  
3 quarterly contributions under paragraph (3) thereof) and  
4 section 303(j) of such Act (29 U.S.C. 1083(j)) (including  
5 quarterly contributions under paragraph (3) thereof) dur-  
6 ing calendar year 2020—

7 (1) such contributions shall not be required to  
8 be made until January 1, 2021, and

9 (2) the amount of each such minimum required  
10 contribution shall be increased by interest accruing  
11 for the period between the original due date (without  
12 regard to this section) for the contribution and the  
13 payment date, at the effective rate of interest for the  
14 plan for the plan year which includes such payment  
15 date.

16 (b) BENEFIT RESTRICTION STATUS.—For purposes  
17 of section 436 of the Internal Revenue Code of 1986 and  
18 section 206(g) of the Employee Retirement Income Secu-  
19 rity Act of 1974 (29 U.S.C. 1056(g)), a plan sponsor may  
20 elect to treat the plan’s adjusted funding target attain-  
21 ment percentage for the last plan year ending before Janu-  
22 ary 1, 2020, as the adjusted funding target attainment  
23 percentage for plan years which include calendar year  
24 2020.

1 **SEC. 9. EXTENDED AMORTIZATION FOR SINGLE EMPLOYER**  
2 **PLANS.**

3 (a) 15-YEAR AMORTIZATION UNDER THE INTERNAL  
4 REVENUE CODE OF 1986.—Section 430(c) of the Internal  
5 Revenue Code of 1986 is amended by adding at the end  
6 the following new paragraph:

7 “(8) 15-YEAR AMORTIZATION.—With respect to  
8 plan years beginning after December 31, 2019—

9 “(A) the shortfall amortization bases for  
10 all plan years preceding the first plan year be-  
11 ginning after December 31, 2019 (and all  
12 shortfall amortization installments determined  
13 with respect to such bases) shall be reduced to  
14 zero, and

15 “(B) subparagraphs (A) and (B) of para-  
16 graph (2) shall each be applied by substituting  
17 ‘15-plan-year period’ for ‘7-plan-year period’.”.

18 (b) 15-YEAR AMORTIZATION UNDER THE EMPLOYEE  
19 RETIREMENT INCOME SECURITY ACT OF 1974.—Section  
20 303(c) of the Employee Retirement Income Security Act  
21 of 1974 (29 U.S.C. 1083(c)) is amended by adding at the  
22 end the following new paragraph:

23 “(8) 15-YEAR AMORTIZATION.—With respect to  
24 plan years beginning after December 31, 2019—

25 “(A) the shortfall amortization bases for  
26 all plan years preceding the first plan year be-

1           ginning after December 31, 2019 (and all  
 2           shortfall amortization installments determined  
 3           with respect to such bases) shall be reduced to  
 4           zero, and

5                   “(B) subparagraphs (A) and (B) of para-  
 6           graph (2) shall each be applied by substituting  
 7           ‘15-plan-year period’ for ‘7-plan-year period’.”.

8           (c) EFFECTIVE DATE.—The amendments made by  
 9           this section shall apply to plan years beginning after De-  
 10          cember 31, 2019.

11 **SEC. 10. EXTENSION OF PENSION FUNDING STABILIZATION**  
 12                   **PERCENTAGES FOR SINGLE EMPLOYER**  
 13                   **PLANS.**

14          (a) AMENDMENTS TO INTERNAL REVENUE CODE OF  
 15          1986.—

16                   (1) IN GENERAL.—The table contained in sub-  
 17          clause (II) of section 430(h)(2)(C)(iv) of the Inter-  
 18          nal Revenue Code of 1986 is amended to read as fol-  
 19          lows:

“If the calendar year is:	The applica- ble min- imum per- centage is:	The applica- ble max- imum per- centage is:
Any year in the period starting in 2012 and end- ing in 2019 .....	90%	110%
Any year in the period starting in 2020 and end- ing in 2025 .....	95%	105%
2026 .....	90%	110%
2027 .....	85%	115%
2028 .....	80%	120%
2029 .....	75%	125%

“If the calendar year is:	The applica- ble min- imum per- centage is:	The applica- ble max- imum per- centage is:
After 2029 .....	70%	130%.”.

1           (2) FLOOR ON 25-YEAR AVERAGES.—Subclause  
 2           (I) of section 430(h)(2)(C)(iv) of such Code is  
 3           amended by adding at the end the following: “Not-  
 4           withstanding anything in this subclause, if the aver-  
 5           age of the first, second, or third segment rate for  
 6           any 25-year period is less than 5 percent, such aver-  
 7           age shall be deemed to be 5 percent.”.

8           (b) AMENDMENTS TO EMPLOYEE RETIREMENT IN-  
 9           COME SECURITY ACT OF 1974.—

10           (1) IN GENERAL.—The table contained in sub-  
 11           clause (II) of section 303(h)(2)(C)(iv) of the Em-  
 12           ployee Retirement Income Security Act of 1974 (29  
 13           U.S.C. 1083(h)(2)(C)(iv)(II)) is amended to read as  
 14           follows:

“If the calendar year is:	The applica- ble min- imum per- centage is:	The applica- ble max- imum per- centage is:
Any year in the period starting in 2012 and end- ing in 2019 .....	90%	110%
Any year in the period starting in 2020 and end- ing in 2025 .....	95%	105%
2026 .....	90%	110%
2027 .....	85%	115%
2028 .....	80%	120%
2029 .....	75%	125%
After 2029 .....	70%	130%.”.

15           (2) CONFORMING AMENDMENTS.—

1 (A) IN GENERAL.—Section 101(f)(2)(D) of  
2 such Act (29 U.S.C. 1021(f)(2)(D)) is amend-  
3 ed—

4 (i) in clause (i) by striking “and the  
5 Bipartisan Budget Act of 2015” both  
6 places it appears and inserting “, the Bi-  
7 partisan Budget Act of 2015, and the  
8 Emergency Pension Plan Relief Act of  
9 2020”, and

10 (ii) in clause (ii) by striking “2023”  
11 and inserting “2029”.

12 (B) STATEMENTS.—The Secretary of  
13 Labor shall modify the statements required  
14 under subclauses (I) and (II) of section  
15 101(f)(2)(D)(i) of such Act to conform to the  
16 amendments made by this section.

17 (3) FLOOR ON 25-YEAR AVERAGES.—Subclause  
18 (I) of section 303(h)(2)(C)(iv) of such Act (29  
19 U.S.C. 1083(h)(2)(C)(iv)(II)) is amended by adding  
20 at the end the following: “Notwithstanding anything  
21 in this subclause, if the average of the first, second,  
22 or third segment rate for any 25-year period is less  
23 than 5 percent, such average shall be deemed to be  
24 5 percent.”.

1           (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply with respect to plan years begin-  
3 ning after December 31, 2019.