

An Amendment to the Amendment in the Nature of a Substitute to H.R. 397 was offered by Rep. Schweikert of Arizona.

The amendment was ruled not germane. A motion to appeal was made. A motion to table the appeal of the ruling of the Chair was made and a roll call vote was requested.

The motion passed by a roll call vote of 24 yeas to 17 nays. The vote was as follows:

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
MR. NEAL	X			MR. BRADY		X	
MR. LEWIS	X			MR. NUNES		X	
MR. DOGGETT	X			MR. BUCHANAN		X	
MR. THOMPSON	X			MR. SMITH		X	
MR. LARSON	X			MR. MARCHANT		X	
MR. BLUMENAUER	X			MR. REED		X	
MR. KIND	X			MR. KELLY		X	
MR. PASCRELL	X			MR. HOLDING		X	
MR. DAVIS	X			MR. SMITH		X	
MS. SANCHEZ	X			MR. RICE		X	
MR. HIGGINS	X			MR. SCHWEIKERT		X	
MS. SEWELL	X			MS. WALORSKI		X	
MS. DELBENE	X			MR. LAHOOD (IL)		X	
MS. CHU (CA)	X			MR. WENSTRUP		X	
MS. MOORE	X			MR. ARRINGTON		X	
MR. KILDEE	X			MR. FERGUSON		X	
MR. BOYLE	X			MR. ESTES		X	
MR. BEYER	X						
MR. EVANS	X						
MR. SCHNEIDER	X						
MR. SUOZZI	X						
MR. PANETTA	X						
MS. MURPHY							
MR. GOMEZ	X						
MR. HORSFORD	X						

AMENDMENT

OFFERED BY Mr. Schweikert

Add at the end the following:

1 SEC. 9. VALUATION AND ACTUARIAL RULES FOR MULTIEM-
2 PLOYER PLANS.

3 (a) FAIR MARKET VALUE ASSET VALUATION.—Sec-
4 tion 431(c)(2) of the Internal Revenue Code of 1986 is
5 amended to read as follows:

6 “(2) VALUATION OF ASSETS.—For purposes of
7 this part, the value of plan assets shall be deter-
8 mined under rules similar to the rules of section
9 430(g)(3).”.

10 (b) INTEREST RATES.—

11 (1) IN GENERAL.—Section 431(c)(6)(D)(iii) of
12 such Code is amended by striking “determined
13 under subparagraph (E)” and inserting “determined
14 under rules similar to the rules of section
15 430(h)(2)”.

16 (2) CONFORMING AMENDMENT.—Section
17 431(c)(6) of such Code is amended by striking sub-
18 paragraph (E).

19 (c) SEVEN-YEAR AMORTIZATION.—Section
20 431(b)(3)(B) of such Code is amended by striking “15

1 plan years” each place it appears and inserting “7 plan
2 years”.

3 (d) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to plan years beginning after De-
5 cember 31, 2021.

6 **SEC. 10. LIMITATION ON BENEFIT ACCRUALS FOR MULTI-**
7 **EMPLOYER PLANS WITH SEVERE FUNDING**
8 **SHORTFALL OR FAILURE TO SATISFY MIN-**
9 **IMUM FUNDING STANDARD.**

10 (a) IN GENERAL.—Section 436(e) of the Internal
11 Revenue Code of 1986 is amended—

12 (1) by redesignating paragraphs (1) and (2) as
13 subparagraphs (A) and (B), respectively, and by
14 moving such subparagraphs (as so redesignated) 2
15 ems to the right,

16 (2) by striking “FUNDING SHORTFALLS.—”
17 and inserting the following: “FUNDING SHORT-
18 FALLS.—

19 “(1) SINGLE EMPLOYER PLANS.—”, and

20 (3) by adding at the end the following new
21 paragraph:

22 “(2) MULTIEmployer PLANS.—

23 “(A) IN GENERAL.—A defined benefit plan
24 which is a multiemployer plan shall provide
25 that, in any case in which—

1 “(i) the plan’s funded percentage is
2 less than 60 percent as of the valuation
3 date for the plan year, or

4 “(ii) the plan has an accumulated
5 funding deficiency at the end of the plan
6 year,

7 benefit accruals under the plan shall cease as of
8 the valuation date for the plan year, or the plan
9 year following the plan year of such failure, as
10 the case may be.

11 “(B) FUNDED PERCENTAGE.—For pur-
12 poses of this paragraph, the term ‘funded per-
13 centage’ has the meaning given such term by
14 section 432(j)(2) (except that the plan’s assets
15 and liabilities shall be determined under the
16 rules of section 4971(i)(4)).

17 “(C) EXEMPTION.—Subparagraph (A)
18 shall cease to apply with respect to any plan
19 year, effective as of the first day of the plan
20 year, upon payment by the employers of con-
21 tributions (in addition to payments sufficient to
22 ensure the plan does not have an accumulated
23 funding deficiency under section 431 for the
24 plan year) equal to an amount sufficient to re-
25 sult in a funded percentage of 60 percent.”.

1 (b) CONFORMING AMENDMENTS.—

2 (1) The heading for subpart B of part III of
3 subchapter D of chapter 1 of such Code is amended
4 by striking “**Under Single-Employer Plans**”.

5 (2) The heading for section 436 of such Code
6 is amended by striking “**UNDER SINGLE-EM-**
7 **PLOYER PLANS**”.

8 (3) Section 436(e)(1)(B) of such Code (as re-
9 designated by this Act) is amended by striking
10 “Paragraph (1)” and inserting “Subparagraph (A)”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section shall apply to plan years beginning after De-
13 cember 31, 2021, except that for purposes of determining
14 the accumulated funding deficiency of a multiemployer
15 plan for any plan year beginning thereafter, the funding
16 deficiencies for all plan years preceding such first plan
17 year beginning thereafter shall be deemed to be zero.

