To provide for emergency multiemployer pension plan relief.

IN THE SENATE OF THE UNITED STATES

Senator introduced the following bill; which was read twice and referred to the Committee on ____________

A BILL

To provide for emergency multiemployer pension plan relief.

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 “Emergency Pension Plan Relief Act of 2020”.

SEC. 2. PARTITION RELIEF.

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

“(i)(1) An eighth fund shall be established for partition assistance to multiemployer pension plans, as provided under section 4233A, and to pay for necessary ad-
ministrative and operating expenses relating to such assistance.

“(2) There is appropriated from the general fund such amounts as necessary for the costs of providing partition assistance under section 4233A and necessary administrative and operating expenses. The eighth fund established under this subsection shall be credited with such amounts from time to time by Treasury from the general fund and such amounts shall remain available until expended.”.

(b) Partition Authority.—The Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) is amended by inserting after section 4233 the following:

“SEC. 4233A. PARTITION RELIEF.

“(a) Partition Authority.—

“(1) In general.—Upon the application of a plan sponsor of an eligible multiemployer plan for partition of the plan meeting the requirements of this section and regulations promulgated by the corporation hereunder, the corporation shall order a partition of the plan in accordance with this section.

“(2) No repayment obligation.—A plan receiving partition assistance pursuant to this section
shall not be subject to repayment obligations under section 4261(b)(2).

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

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

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

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

“(4) the plan is insolvent for purposes of section 418E of the Internal Revenue Code of 1986 as of such date of enactment, if it became insolvent after December 16, 2014, and has not been terminated by such date of enactment.

“(c) REGULATIONS.—
“(1) IN GENERAL.—The corporation shall issue regulations on the requirements for partition applications under this section not later than 180 days after the date of the enactment of the Emergency Pension Plan Relief Act of 2020.

“(2) TIMING OF APPLICATIONS.—The corporation may specify in the regulations under this subsection the timing of when an application from a plan may be received for determination of eligibility for a partition under this section, based on—

“(A) when a plan is likely to become insolvent within 5 years of the date of enactment of the Emergency Pension Plan Relief Act of 2020;

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

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

“(D) such other factors as the corporation deems appropriate.
“(3) Actuarial assumptions and other information.—The corporation shall promulgate regulations on the assumptions a plan applying for partition under this section shall use for purposes of the corporation’s determination of plan eligibility under this section. The corporation shall accept assumptions made in good faith that are incorporated in an eligible multiemployer plan’s determination that it is in critical status or critical and declining status (within the meaning of section 305) for the plan’s most recent funded status certifications made by the plan under section 305 for the most recent plan year prior to the date of the enactment of the Emergency Pension Plan Relief Act of 2020. In addition, the corporation may require in such regulations such other information as the corporation deems appropriate for making a determination of eligibility and amounts of partition assistance necessary under this section.

“(4) Determination.—The corporation shall approve a partition application under this section if the corporation determines that the plan is an eligible multiemployer plan and meets the requirements for a partition under the regulations promulgated under this subsection. The corporation shall make a
determination of plan eligibility under this section not later than 120 days after the partition application with the information required under such regulations is received by the corporation.

“(5) Determinations of Ineligibility or Incomplete Information.—If the corporation determines the plan to be ineligible for a partition under this section, or that the information submitted with the application is incomplete, the corporation shall notify the plan in writing of such determination not later than 60 days after the application is filed. Such notice shall specify the reasons the plan is ineligible for a partition or the information needed to complete the application.

“(6) Notice of Application.—The corporation may issue regulations requiring plans to issue a notice to participants that the plan has applied for partition under this section.

“(d) Amount and Manner of Partition Assistance.—

“(1) In General.—The liabilities of an eligible multiemployer plan that the corporation assumes pursuant to a partition order under this section shall be the amount necessary for the plan to meet its funding goal as defined in subsection (e).
“(2) NO CAP.—Liabilities assumed by the corporation pursuant to a partition order under this section shall not be capped by the guarantee under section 4022A. The corporation shall have discretion on how liabilities of the plan are partitioned.

“(e) FUNDING GOAL.—

“(1) IN GENERAL.—An eligible multiemployer plan’s funding goal shall be in accordance with ensuring each of the following:

“(A) The plan will remain solvent over 30 years with no reduction in a participant’s or beneficiary’s accrued benefit (except to the extent of a reduction in accordance with section 305(e)(8)).

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

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

“(D) In each of the last 10 years of such period, neither the ratio determined in subparagraph (C) with respect to the plan nor its avail-
able resources (as so defined) is projected to decrease.

“(2) Basis.—The funding projections under paragraph (1) shall be performed on a deterministic basis.

“(f) Restoration of Benefit Suspensions.—An eligible multiemployer plan that is partitioned under this section shall—

“(1) reinstate any benefits that were suspended under section 305(e)(9), effective as of the first month the partition order is effective, for participants or beneficiaries in pay status as of the effective date of the partition; and

“(2) provide lump sum payments equal to the amount of benefits previously suspended to any participants or beneficiaries in pay status as of the effective date of the partition, payable within 3 months of such effective date, with no adjustment for interest.

“(g) Adjustment of Partition Assistance.—

“(1) In general.—Every 3 years the corporation shall adjust the partition assistance described in subsection (d) as necessary for the eligible multiemployer plan to satisfy the funding goal described in subsection (e), with the year of the adjustment serv-
ing as the first year of the 30-year period for the
funding goal.

“(2) Submission of Information.—An eligi-
ble multiemployer plan that is the subject of a parti-
tion order under subsection (a) shall submit such in-
formation as the corporation may require to deter-
mine the amount of the adjustment under paragraph
(1).

“(h) Conditions on Plans During Partition.—

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

“(2) Limitation.—The corporation may not
require as a condition of partition under this section
that any benefit adjustment with respect to an early
retirement benefit be effective earlier than 10 years from the effective date of a partition order.

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

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

“(j) CESSATION OF PARTITION ASSISTANCE.—

“(1) IN GENERAL.—If an eligible multiemployer plan that is subject to a partition order under subsection (a) is not less than 80 percent funded (disregarding the plan’s partitioned benefits) for 5 consecutive plan years—

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

“(B) the plan shall be subject to any conditions required by the corporation under sub-
section (h) and the reporting requirements of subsection (k) until the end of the fifth plan year after subsection (g) no longer applies; and

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

“(2) INSOLVENCY.—If a plan that receives partition assistance under this section becomes insolvent for purposes of section 418E of the Internal Revenue Code of 1986, the plan shall no longer be eligible for assistance under this section and shall be eligible for assistance under section 4261.

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

“(1) The funded percentage (as defined in section 305(j)(2)) as of the first day of such plan year, and the underlying actuarial value of assets and liabilities taken into account in determining such percentage.
“(2) The market value of the assets of the plan (determined as provided in paragraph (1)) as of the last day of the plan year preceding such plan year.

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

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

“(5) Cash flow projections for such plan year and the 9 succeeding plan years, and the assumptions used in making such projections.

“(6) Funding standard account projections for such plan year and the 9 succeeding plan years, and the assumptions relied upon in making such projections.

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

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

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

“(10) A list of employers that paid withdrawal liability to the plan during the plan year preceding
such plan year and, for each employer, a total assessment of the withdrawal liability paid, the annual payment amount, and the number of years remaining in the payment schedule with respect to such withdrawal liability.

“(11) Any material changes to benefits, accrual rates, or contribution rates during the plan year preceding such plan year, and whether such changes relate to the conditions of the partition assistance.

“(12) Details regarding any funding improvement plan or rehabilitation plan and updates to such plan.

“(13) The number of participants and beneficiaries during the plan year preceding such plan year who are active participants, the number of participants and beneficiaries in pay status, and the number of terminated vested participants and beneficiaries.

“(14) The amount of any financial assistance received under section 4261 to pay benefits during the preceding plan year, and the total amount of such financial assistance received for all preceding years.
“(15) The information contained on the most recent annual funding notice submitted by the plan under section 101(f).

“(16) The information contained on the most recent annual return under section 6058 of the Internal Revenue Code of 1986 and actuarial report under section 6059 of such Code of the plan.

“(17) Copies of the plan document and amendments, other retirement benefit or ancillary benefit plans relating to the plan and contribution obligations under such plans, a breakdown of administrative expenses of the plan, participant census data and distribution of benefits, the most recent actuarial valuation report as of the plan year, financial reports, and copies of the portions of collective bargaining agreements relating to plan contributions, funding coverage, or benefits, and such other information as the corporation may reasonably require.

Any information disclosed by a plan to the corporation that could identify individual employers shall be confidential and not subject to publication or disclosure.

“(l) APPLICATION OF EXCISE TAX.—During the period that a plan is subject to a partition order under this section, the plan shall not be subject to section 4971 of the Internal Revenue Code of 1986.”.
SEC. 3. REPEAL OF BENEFIT SUSPENSIONS FOR MULTIEMPLOYER PLANS IN CRITICAL AND DECLINING STATUS.

(a) Amendment to Internal Revenue Code of 1986.—Paragraph (9) of section 432(e) of the Internal Revenue Code of 1986 is repealed.

(b) Amendment to Employee Retirement Income Security Act of 1974.—Paragraph (9) of section 305(e) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(e)) is repealed.

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

SEC. 4. TEMPORARY DELAY OF DESIGNATION OF MULTIEMPLOYER PLANS AS IN ENDANGERED, CRITICAL, OR CRITICAL AND DECLINING STATUS.

(a) In General.—Notwithstanding the actuarial certification under section 305(b)(3) of the Employee Retirement Income Security Act of 1974 and section 432(b)(3) of the Internal Revenue Code of 1986, if a plan sponsor of a multiemployer plan elects the application of
this section, then, for purposes of section 305 of such Act
and section 432 of such Code—

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

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

If section 305 of the Employee Retirement Income Secu-
ritv Act of 1974 and section 432 of the Internal Revenue
Code of 1986 did not apply to the plan year preceding
the designated plan year described in paragraph (1), the
plan actuary shall make a certification of the status of
the plan under section 305(b)(3) of such Act and section
432(b)(3) of such Code for the preceding plan year in the same manner as if such sections had applied to such preceding plan year.

(b) Exception for Plans Becoming Critical During Election.—If—

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

(2) such plan has, without regard to such election, been certified by the plan actuary under section 305(b)(3) of the Employee Retirement Income Security Act of 1974 and section 432(b)(3) of the Internal Revenue Code of 1986 to be in critical status for the designated plan year described in subsection (a)(1), then such plan shall be treated as a plan in critical status for such plan year for purposes of applying section 4971(g)(1)(A) of such Code, section 302(b)(3) of such Act (without regard to the second sentence thereof), and section 412(b)(3) of such Code (without regard to the second sentence thereof).

(c) Election and Notice.—

(1) Election.—An election under subsection (a) shall—

(A) be made at such time and in such manner as the Secretary of the Treasury or the
Secretary's delegate may prescribe and, once made, may be revoked only with the consent of the Secretary, and

(B) if the election is made—

(i) before the date the annual certification is submitted to the Secretary or the Secretary's delegate under section 305(b)(3) of such Act and section 432(b)(3) of such Code, be included with such annual certification, and

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

(2) NOTICE TO PARTICIPANTS.—

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

(i) the plan sponsor of a multiemployer plan shall not be required to provide notice under such sections, and
(ii) the plan sponsor shall provide to the participants and beneficiaries, the bargaining parties, the Pension Benefit Guaranty Corporation, and the Secretary of Labor a notice of the election and such other information as the Secretary of the Treasury (in consultation with the Secretary of Labor) may require—

(I) if the election is made before the date the annual certification is submitted to the Secretary or the Secretary’s delegate under section 305(b)(3) of such Act and section 432(b)(3) of such Code, not later than 30 days after the date of the certification, and

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

(B) NOTICE OF ENDANGERED STATUS.—Notwithstanding section 305(b)(3)(D) of such Act and section 431(b)(3)(D) of such Code, if the plan is certified to be in critical status for any plan year but is in endangered status by reason of an election made under subsection
(a), the notice provided under such sections shall be the notice which would have been provided if the plan had been certified to be in endangered status.

SEC. 5. TEMPORARY EXTENSION OF THE FUNDING IMPROVEMENT AND REHABILITATION PERIODS FOR MULTIEMPLOYER PENSION PLANS IN CRITICAL AND ENDANGERED STATUS FOR 2020 OR 2021.

(a) IN GENERAL.—If the plan sponsor of a multiemployer plan which is in endangered or critical status for a plan year beginning in 2020 or 2021 (determined after application of section 4) elects the application of this section, then, for purposes of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986—

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

(2) in the case of a plan in seriously endangered status, the plan’s funding improvement period shall be 20 years rather than 15 years.

(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—
(1) ELECTION.—An election under this section shall be made at such time, and in such manner and form, as (in consultation with the Secretary of Labor) the Secretary of the Treasury or the Secretary's delegate may prescribe.

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

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

SEC. 6. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.

(a) ADJUSTMENTS.—

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

"(F) RELIEF FOR 2020 AND 2021.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met as of February 29, 2020, may elect to apply this
paragraph by substituting ‘February 29, 2020’ for ‘August 31, 2008’ each place it appears in subparagraphs (A)(i), (B)(i)(I), and (B)(i)(II) (without regard to whether such plan previously elected the application of this paragraph). The preceding sentence shall not apply to a plan with respect to which a partition order is in effect under section 4233A.”.

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

“(F) RELIEF FOR 2020 AND 2021.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met as of February 29, 2020, may elect to apply this paragraph by substituting ‘February 29, 2020’ for ‘August 31, 2008’ each place it appears in subparagraphs (A)(i), (B)(i)(I), and (B)(i)(II) (without regard to whether such plan previously elected the application of this paragraph). The preceding sentence shall not apply to a plan with respect to which a partition order is in effect under section 4233A of the Employee Retirement Income Security Act of 1974.”.
(b) Effective Dates.—

(1) In General.—The amendments made by this section shall take effect as of the first day of the first plan year ending on or after February 29, 2020, except that any election a plan makes pursuant to this section that affects the plan’s funding standard account for the first plan year beginning after February 29, 2020, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to such plan year.

(2) Restrictions on Benefit Increases.—Notwithstanding paragraph (1), the restrictions on plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as applied by the amendments made by this section, shall take effect on the date of enactment of this Act.

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

Section 4022A(c)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322a(c)(1)) is amended by striking subparagraphs (A) and (B) and inserting the following:
“(A) 100 percent of the accrual rate up to $15, plus 75 percent of the lesser of—

“(i) $70; or

“(ii) the accrual rate, if any, in excess of $15; and

“(B) the number of the participant’s years of credited service.

For each calendar year after the first full calendar year following the date of the enactment of the Emergency Pension Plan Relief Act of 2020, the accrual rates in subparagraph (A) shall increase by the national average wage index (as defined in section 209(k)(1) of the Social Security Act). For purposes of this subsection, the rates applicable for determining the guaranteed benefits of the participants of any plan shall be the rates in effect for the calendar year in which the plan becomes insolvent under section 4245 or the calendar year in which the plan is terminated, if earlier.”.

SEC. 8. SINGLE-EMPLOYER PLAN FUNDING RULES.

(a) Delay in Payment of Minimum Required Contributions.—In the case of any minimum required contribution (as determined under section 430(a) of the Internal Revenue Code of 1986 and section 303(a) of the Employee Retirement Income Security Act of 1974 (29
U.S.C. 1083(a))) which (but for this section) would otherwise be due under section 430(j) of such Code (including quarterly contributions under paragraph (3) thereof) and section 303(j) of such Act (29 U.S.C. 1083(j)) (including quarterly contributions under paragraph (3) thereof) during calendar year 2020—

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

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

(b) Benefit Restriction Status.—For purposes of section 436 of the Internal Revenue Code of 1986 and section 206(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056(g)), a plan sponsor may elect to treat the plan’s adjusted funding target attainment percentage for the last plan year ending before January 1, 2020, as the adjusted funding target attainment percentage for plan years which include calendar year 2020.
SEC. 9. EXTENDED AMORTIZATION FOR SINGLE EMPLOYER PLANS.

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

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

“(A) the shortfall amortization bases for all plan years preceding the first plan year beginning after December 31, 2019 (and all shortfall amortization installments determined with respect to such bases) shall be reduced to zero, and

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

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

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

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

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

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2019.

SEC. 10. EXTENSION OF PENSION FUNDING STABILIZATION PERCENTAGES FOR SINGLE EMPLOYER PLANS.

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

(1) IN GENERAL.—The table contained in subclause (II) of section 430(h)(2)(C)(iv) of the Internal Revenue Code of 1986 is amended to read as follows:

<table>
<thead>
<tr>
<th>Any year in the period starting in 2012 and ending in 2019</th>
<th>90%</th>
<th>110%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any year in the period starting in 2020 and ending in 2025</td>
<td>95%</td>
<td>105%</td>
</tr>
<tr>
<td>2026</td>
<td>90%</td>
<td>110%</td>
</tr>
<tr>
<td>2027</td>
<td>85%</td>
<td>115%</td>
</tr>
<tr>
<td>2028</td>
<td>80%</td>
<td>120%</td>
</tr>
<tr>
<td>2029</td>
<td>75%</td>
<td>125%</td>
</tr>
</tbody>
</table>
(2) **Floor on 25-year averages.**—Subclause (I) of section 430(h)(2)(C)(iv) of such Code is amended by adding at the end the following: “Notwithstanding anything in this subclause, if the average of the first, second, or third segment rate for any 25-year period is less than 5 percent, such average shall be deemed to be 5 percent.”.

(b) **Amendments to Employee Retirement Income Security Act of 1974.**—

(1) **In general.**—The table contained in subclause (II) of section 303(h)(2)(C)(iv) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(h)(2)(C)(iv)(II)) is amended to read as follows:

<table>
<thead>
<tr>
<th>“If the calendar year is:”</th>
<th>The applicable minimum percentage is:</th>
<th>The applicable maximum percentage is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any year in the period starting in 2012 and ending in 2019</td>
<td>90%</td>
<td>110%</td>
</tr>
<tr>
<td>Any year in the period starting in 2020 and ending in 2025</td>
<td>95%</td>
<td>105%</td>
</tr>
<tr>
<td>2026</td>
<td>90%</td>
<td>110%</td>
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<tr>
<td>2027</td>
<td>85%</td>
<td>115%</td>
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<tr>
<td>2028</td>
<td>80%</td>
<td>120%</td>
</tr>
<tr>
<td>2029</td>
<td>75%</td>
<td>125%</td>
</tr>
<tr>
<td>After 2029</td>
<td>70%</td>
<td>130%</td>
</tr>
</tbody>
</table>

(2) **Conforming amendments.**—
(A) IN GENERAL.—Section 101(f)(2)(D) of such Act (29 U.S.C. 1021(f)(2)(D)) is amended—

(i) in clause (i) by striking “and the Bipartisan Budget Act of 2015” both places it appears and inserting “, the Bipartisan Budget Act of 2015, and the Emergency Pension Plan Relief Act of 2020”, and

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

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

(3) FLOOR ON 25-YEAR AVERAGES.—Subclause (I) of section 303(h)(2)(C)(iv) of such Act (29 U.S.C. 1083(h)(2)(C)(iv)(II)) is amended by adding at the end the following: “Notwithstanding anything in this subclause, if the average of the first, second, or third segment rate for any 25-year period is less than 5 percent, such average shall be deemed to be 5 percent.”.
(c) **Effective Date.**—The amendments made by this section shall apply with respect to plan years beginning after December 31, 2019.