

S 1302

Cooperative and Small Employer Charity Pension Flexibility Act

Congress: 113 (2013–2015, Ended)

Chamber: Senate

Policy Area: Labor and Employment

Introduced: Jul 16, 2013

Current Status: See also H.R. 4275.

Latest Action: See also H.R. 4275. (Mar 25, 2014)

Official Text: <https://www.congress.gov/bill/113th-congress/senate-bill/1302>

Sponsor

Name: Sen. Harkin, Tom [D-IA]

Party: Democratic • **State:** IA • **Chamber:** Senate

Cosponsors (50 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Franken, Al [D-MN]	D · MN		Jul 16, 2013
Sen. Murkowski, Lisa [R-AK]	R · AK		Jul 16, 2013
Sen. Murray, Patty [D-WA]	D · WA		Jul 16, 2013
Sen. Roberts, Pat [R-KS]	R · KS		Jul 16, 2013
Sen. McCaskill, Claire [D-MO]	D · MO		Jul 18, 2013
Sen. Blunt, Roy [R-MO]	R · MO		Jul 23, 2013
Sen. Moran, Jerry [R-KS]	R · KS		Jul 31, 2013
Sen. Hagan, Kay R. [D-NC]	D · NC		Aug 1, 2013
Sen. Johnson, Tim [D-SD]	D · SD		Sep 9, 2013
Sen. Nelson, Bill [D-FL]	D · FL		Sep 9, 2013
Sen. Heinrich, Martin [D-NM]	D · NM		Sep 11, 2013
Sen. Grassley, Chuck [R-IA]	R · IA		Sep 17, 2013
Sen. Inhofe, James M. [R-OK]	R · OK		Sep 17, 2013
Sen. Shaheen, Jeanne [D-NH]	D · NH		Sep 18, 2013
Sen. Boozman, John [R-AR]	R · AR		Sep 19, 2013
Sen. Donnelly, Joe [D-IN]	D · IN		Sep 19, 2013
Sen. Isakson, Johnny [R-GA]	R · GA		Sep 19, 2013
Sen. Chambliss, Saxby [R-GA]	R · GA		Sep 23, 2013
Sen. Enzi, Michael B. [R-WY]	R · WY		Sep 23, 2013
Sen. Cochran, Thad [R-MS]	R · MS		Sep 25, 2013
Sen. Johanns, Mike [R-NE]	R · NE		Sep 25, 2013
Sen. Kirk, Mark Steven [R-IL]	R · IL		Sep 25, 2013
Sen. Wicker, Roger F. [R-MS]	R · MS		Sep 26, 2013
Sen. Durbin, Richard J. [D-IL]	D · IL		Sep 27, 2013
Sen. Barrasso, John [R-WY]	R · WY		Oct 11, 2013
Sen. Whitehouse, Sheldon [D-RI]	D · RI		Oct 11, 2013
Sen. Mikulski, Barbara A. [D-MD]	D · MD		Oct 16, 2013
Sen. Fischer, Deb [R-NE]	R · NE		Oct 28, 2013
Sen. Pryor, Mark L. [D-AR]	D · AR		Oct 28, 2013
Sen. Stabenow, Debbie [D-MI]	D · MI		Oct 28, 2013
Sen. Thune, John [R-SD]	R · SD		Oct 28, 2013
Sen. Udall, Tom [D-NM]	D · NM		Oct 29, 2013
Sen. Manchin, Joe, III [D-WV]	D · WV		Oct 30, 2013
Sen. Warren, Elizabeth [D-MA]	D · MA		Oct 30, 2013
Sen. Gillibrand, Kirsten E. [D-NY]	D · NY		Oct 31, 2013
Sen. Hoeven, John [R-ND]	R · ND		Oct 31, 2013
Sen. Tester, Jon [D-MT]	D · MT		Oct 31, 2013
Sen. Collins, Susan M. [R-ME]	R · ME		Nov 4, 2013
Sen. Heitkamp, Heidi [D-ND]	D · ND		Nov 4, 2013
Sen. Sessions, Jeff [R-AL]	R · AL		Nov 6, 2013
Sen. Brown, Sherrod [D-OH]	D · OH		Nov 14, 2013

Cosponsor	Party / State	Role	Date Joined
Sen. Portman, Rob [R-OH]	R · OH		Nov 18, 2013
Sen. Kaine, Tim [D-VA]	D · VA		Nov 20, 2013
Sen. Cardin, Benjamin L. [D-MD]	D · MD		Dec 9, 2013
Sen. Schatz, Brian [D-HI]	D · HI		Dec 9, 2013
Sen. Warner, Mark R. [D-VA]	D · VA		Dec 9, 2013
Sen. Udall, Mark [D-CO]	D · CO		Dec 11, 2013
Sen. Begich, Mark [D-AK]	D · AK		Dec 18, 2013
Sen. Landrieu, Mary L. [D-LA]	D · LA		Dec 18, 2013
Sen. Risch, James E. [R-ID]	R · ID		Dec 19, 2013

Committee Activity

Committee	Chamber	Activity	Date
Health, Education, Labor, and Pensions Committee	Senate	Reported By	Oct 30, 2013

Subjects & Policy Tags

Policy Area:

Labor and Employment

Related Bills

Bill	Relationship	Last Action
113 HR 4275	Related document	Apr 7, 2014: Became Public Law No: 113-97.
113 HR 2134	Related bill	Jul 8, 2013: Referred to the Subcommittee on Health, Employment, Labor, and Pensions.

Cooperative and Small Employer Charity Pension Flexibility Act - (Sec. 2) Declares that: (1) defined benefit pension plans are a cost-effective way for cooperative associations and charities to provide their employees with economic security in retirement, (2) many cooperative associations and charitable organizations are only able to provide their employees with defined benefit pension plans because those organizations are able to pool their resources using the multiple employer plan structure, and (3) the pension funding rules should encourage cooperative associations and charities to continue to provide their employees with pension benefits.

(Sec. 3) Makes this Act generally applicable to years beginning after December 31, 2013.

)Title I: Amendments to Employee Retirement Income Security Act of 1974 and Other Provisions - (Sec. 101)
Amends the Employee Retirement Income Security Act of 1974 (ERISA) to define a "cooperative and small employer charity pension plan" (CSEC pension plan), for purposes of this Act, as an employee pension benefit plan that is a defined benefit pension plan: (1) to which certain provisions of the Pension Protection Act of 2006 apply; or (2) that, as of June 25, 2010, was maintained by more than one employer all of whom were tax-exempt charitable organizations.

(Sec. 102 Amends ERISA to establish minimum funding standards for CSEC pension plans and special rules for valuation of plan assets.

Permits the Secretary of the Treasury to extend an amortization of any unfunded liability of a CSEC pension plan for up to 10 years if the Secretary determines that: (1) such extension would carry out the purposes of this Act and would provide adequate protection for plan participants and their beneficiaries, and (2) failure to permit such extension would result in a substantial risk to the voluntary continuation of the plan or a substantial curtailment of pension benefit levels or employee compensation.

Allows a CSEC plan that uses a funding method that requires contributions in all years to maintain an alternative minimum funding standard account for any plan year.

Sets forth rules governing CSEC plan liquidity and contributions to CSEC plans. Imposes a lien in favor of a CSEC plan for failure to make required contributions.

Authorizes the Secretary to prescribe mortality tables to determine current liability of CSEC plans.

Requires a CSEC plan sponsor to establish a written funding restoration plan within 180 days after receipt of a certification from the plan actuary that the plan is in funding restoration status for a plan year.

(Sec. 103) Amends ERISA to allow a CSEC plan sponsor to elect not to treat such plan as a CSEC plan in plan years beginning after 2013.

Amends the Pension Protection Act of 2006 to allow a pension plan sponsor an election to cease treating a plan as an eligible charity plan for plan years beginning after 2013.

(Sec. 104) Requires a notice to participants in a CSEC plan to include: (1) a statement that different rules apply to CSEC plans than apply to single-employer plans; (2) for the first 2 years beginning after December 31, 2013, a statement that, as a result of changes made by this Act, the contributions to the plan may have changed; and (3) a statement that a CSEC plan is in funding restoration. Authorizes the Secretary to modify the model notice required by the Pension Protection Act of 2006 to include such statements. Requires the annual report for employee benefit plans required by

ERISA to include a list of participating employers and a good faith estimate of the percentage of total contributions made by such employers during the plan year.

(Sec. 105) Requires the Participant and Plan Sponsor Advocate established by ERISA to make itself available to assist CSEC plan sponsors and participants.

Title II: Amendments to Internal Revenue Code of 1986 - Amends the Internal Revenue Code, with respect to CSEC plans, to set forth rules for such plans similar to those rules added to ERISA in title I of this Act.

Actions Timeline

- **Mar 25, 2014:** See also H.R. 4275.
- **Jan 29, 2014:** Received in the House.
- **Jan 29, 2014:** Held at the desk.
- **Jan 28, 2014:** Measure laid before Senate by unanimous consent. (consideration: CR S545-554)
- **Jan 28, 2014:** The committee substitute as amended agreed to by Unanimous Consent. (text of committee substitute as amended: CR S546-554)
- **Jan 28, 2014:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.
- **Jan 28, 2014:** Passed Senate with an amendment by Unanimous Consent.
- **Jan 28, 2014:** Message on Senate action sent to the House.
- **Oct 30, 2013:** Committee on Health, Education, Labor, and Pensions. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Oct 30, 2013:** Committee on Health, Education, Labor, and Pensions. Reported by Senator Harkin with an amendment in the nature of a substitute. Without written report.
- **Oct 30, 2013:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 230.
- **Jul 16, 2013:** Introduced in Senate
- **Jul 16, 2013:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions.
- **Jul 16, 2013:** Committee on Health, Education, Labor, and Pensions. Hearings held.