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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R.

To amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to modify the rules relating to multiple employer plans and pooled employer plans and to modify PBGC premiums for CSEC plans.

IN THE HOUSE OF REPRESENTATIVES

Mr. KIND introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to modify the rules relating to multiple employer plans and pooled employer plans and to modify PBGC premiums for CSEC plans.

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. MULTIPLE EMPLOYER PLANS; POOLED EM-**
4 **PLOYER PLANS.**

5 (a) **QUALIFICATION REQUIREMENTS.—**

1 (1) IN GENERAL.—Section 413 of the Internal
2 Code of 1986 is amended by adding at the end the
3 following new subsection:

4 “(e) APPLICATION OF QUALIFICATION REQUIRE-
5 MENTS FOR CERTAIN MULTIPLE EMPLOYER PLANS WITH
6 POOLED PLAN PROVIDERS.—

7 “(1) IN GENERAL.—Except as provided in para-
8 graph (2), if a defined contribution plan to which
9 subsection (c) applies—

10 “(A) is maintained by employers which
11 have a common interest other than having
12 adopted the plan, or

13 “(B) in the case of a plan not described in
14 subparagraph (A), has a pooled plan provider,
15 then the plan shall not be treated as failing to meet
16 the requirements under this title applicable to a plan
17 described in section 401(a) or to a plan that consists
18 of individual retirement accounts described in sec-
19 tion 408 (including by reason of subsection (c)
20 thereof), whichever is applicable, merely because one
21 or more employers of employees covered by the plan
22 fail to take such actions as are required of such em-
23 ployers for the plan to meet such requirements.

24 “(2) LIMITATIONS.—

1 “(A) IN GENERAL.—Paragraph (1) shall
2 not apply to any plan unless the terms of the
3 plan provide that in the case of any employer
4 in the plan failing to take the actions described
5 in paragraph (1)—

6 “(i) the assets of the plan attributable
7 to employees of such employer (or bene-
8 ficiaries of such employees) will be trans-
9 ferred to a plan maintained only by such
10 employer (or its successor), to an eligible
11 retirement plan as defined in section
12 402(c)(8)(B) for each individual whose ac-
13 count is transferred, or to any other ar-
14 rangement that the Secretary determines is
15 appropriate, unless the Secretary deter-
16 mines it is in the best interests of the em-
17 ployees of such employer (and the bene-
18 ficiaries of such employees) to retain the
19 assets in the plan, and

20 “(ii) such employer (and not the plan
21 with respect to which the failure occurred
22 or any other employer in such plan) shall,
23 except to the extent provided by the Sec-
24 retary, be liable for any liabilities with re-
25 spect to such plan attributable to employ-

1 ees of such employer (or beneficiaries of
2 such employees).

3 “(B) FAILURES BY POOLED PLAN PRO-
4 VIDERS.—If the pooled plan provider of a plan
5 described in paragraph (1)(B) does not perform
6 substantially all of the administrative duties
7 which are required of the provider under para-
8 graph (3)(A)(i) for any plan year, the Secretary
9 may provide that the determination as to
10 whether the plan meets the requirements under
11 this title applicable to a plan described in sec-
12 tion 401(a) or to a plan that consists of indi-
13 vidual retirement accounts described in section
14 408 (including by reason of subsection (c)
15 thereof), whichever is applicable, shall be made
16 in the same manner as would be made without
17 regard to paragraph (1).

18 “(3) POOLED PLAN PROVIDER.—

19 “(A) IN GENERAL.—For purposes of this
20 subsection, the term ‘pooled plan provider’
21 means, with respect to any plan, a person
22 who—

23 “(i) is designated by the terms of the
24 plan as a named fiduciary (within the
25 meaning of section 402(a)(2) of the Em-

1 ployee Retirement Income Security Act of
2 1974), as the plan administrator, and as
3 the person responsible to perform all ad-
4 ministrative duties (including conducting
5 proper testing with respect to the plan and
6 the employees of each employer in the
7 plan) which are reasonably necessary to
8 ensure that—

9 “(I) the plan meets any require-
10 ment applicable under the Employee
11 Retirement Income Security Act of
12 1974 or this title to a plan described
13 in section 401(a) or to a plan that
14 consists of individual retirement ac-
15 counts described in section 408 (in-
16 cluding by reason of subsection (c)
17 thereof), whichever is applicable, and

18 “(II) each employer in the plan
19 takes such actions as the Secretary or
20 such person determines are necessary
21 for the plan to meet the requirements
22 described in subclause (I), including
23 providing to such person any disclo-
24 sures or other information which the
25 Secretary may require or which such

1 person otherwise determines are nec-
2 essary to administer the plan or to
3 allow the plan to meet such require-
4 ments,

5 “(ii) registers as a pooled plan pro-
6 vider with the Secretary, and provides such
7 other information to the Secretary as the
8 Secretary may require, before beginning
9 operations as a pooled plan provider,

10 “(iii) acknowledges in writing that
11 such person is a named fiduciary (within
12 the meaning of section 402(a)(2) of the
13 Employee Retirement Income Security Act
14 of 1974), and the plan administrator, with
15 respect to the plan, and

16 “(iv) is responsible for ensuring that
17 all persons who handle assets of, or who
18 are fiduciaries of, the plan are bonded in
19 accordance with section 412 of the Em-
20 ployee Retirement Income Security Act of
21 1974.

22 “(B) AUDITS, EXAMINATIONS AND INVES-
23 TIGATIONS.—The Secretary may perform au-
24 dits, examinations, and investigations of pooled

1 plan providers as may be necessary to enforce
2 and carry out the purposes of this subsection.

3 “(C) AGGREGATION RULES.—For purposes
4 of this paragraph, in determining whether a
5 person meets the requirements of this para-
6 graph to be a pooled plan provider with respect
7 to any plan, all persons who perform services
8 for the plan and who are treated as a single
9 employer under subsection (b), (c), (m), or (o)
10 of section 414 shall be treated as one person.

11 “(D) TREATMENT OF EMPLOYERS AS PLAN
12 SPONSORS.—Except with respect to the admin-
13 istrative duties of the pooled plan provider de-
14 scribed in subparagraph (A)(i), each employer
15 in a plan which has a pooled plan provider shall
16 be treated as the plan sponsor with respect to
17 the portion of the plan attributable to employ-
18 ees of such employer (or beneficiaries of such
19 employees).

20 “(4) GUIDANCE.—

21 “(A) IN GENERAL.—The Secretary shall
22 issue such guidance as the Secretary determines
23 appropriate to carry out this subsection, includ-
24 ing guidance—

1 “(i) to identify the administrative du-
2 ties and other actions required to be per-
3 formed by a pooled plan provider under
4 this subsection,

5 “(ii) which describes the procedures to
6 be taken to terminate a plan which fails to
7 meet the requirements to be a plan de-
8 scribed in paragraph (1), including the
9 proper treatment of, and actions needed to
10 be taken by, any employer in the plan and
11 the assets and liabilities of the plan attrib-
12 utable to employees of such employer (or
13 beneficiaries of such employees), and

14 “(iii) identifying appropriate cases to
15 which the rules of paragraph (2)(A) will
16 apply to employers in the plan failing to
17 take the actions described in paragraph
18 (1).

19 The Secretary shall take into account under
20 clause (iii) whether the failure of an employer
21 or pooled plan provider to provide any dislo-
22 sures or other information, or to take any other
23 action, necessary to administer a plan or to
24 allow a plan to meet requirements applicable to
25 the plan under section 401(a) or 408, whichever

1 is applicable, has continued over a period of
2 time that demonstrates a lack of commitment
3 to compliance.

4 “(B) GOOD FAITH COMPLIANCE WITH LAW
5 BEFORE GUIDANCE.—An employer or pooled
6 plan provider shall not be treated as failing to
7 meet a requirement of guidance issued by the
8 Secretary under this paragraph if, before the
9 issuance of such guidance, the employer or
10 pooled plan provider complies in good faith with
11 a reasonable interpretation of the provisions of
12 this subsection to which such guidance relates.

13 “(5) MODEL PLAN.—The Secretary shall pub-
14 lish model plan language which meets the require-
15 ments of this subsection and of paragraphs (43) and
16 (44) of section 3 of the Employee Retirement In-
17 come Security Act of 1974 and which may be adopt-
18 ed in order for a plan to be treated as a plan de-
19 scribed in paragraph (1)(B).”.

20 (2) CONFORMING AMENDMENT.—Section
21 413(c)(2) of such Code is amended by striking “sec-
22 tion 401(a)” and inserting “sections 401(a) and
23 408(c)”.

1 (3) TECHNICAL AMENDMENT.—Section 408(c)
2 of such Code is amended by inserting after para-
3 graph (2) the following new paragraph:

4 “(3) There is a separate accounting for any in-
5 terest of an employee or member (or spouse of an
6 employee or member) in a Roth IRA.”.

7 (b) NO COMMON INTEREST REQUIRED FOR POOLED
8 EMPLOYER PLANS.—Section 3(2) of the Employee Retire-
9 ment Income Security Act of 1974 (29 U.S.C. 1002(2))
10 is amended by adding at the end the following:

11 “(C) A pooled employer plan shall be treat-
12 ed as—

13 “(i) a single employee pension benefit
14 plan or single pension plan; and

15 “(ii) a plan to which section 210(a)
16 applies.”.

17 (c) POOLED EMPLOYER PLAN AND PROVIDER DE-
18 FINED.—

19 (1) IN GENERAL.—Section 3 of the Employee
20 Retirement Income Security Act of 1974 (29 U.S.C.
21 1002) is amended by adding at the end the fol-
22 lowing:

23 “(43) POOLED EMPLOYER PLAN.—

24 “(A) IN GENERAL.—The term ‘pooled em-
25 ployer plan’ means a plan—

1 “(i) which is an individual account
2 plan established or maintained for the pur-
3 pose of providing benefits to the employees
4 of 2 or more employers;

5 “(ii) which is a plan described in sec-
6 tion 401(a) of the Internal Revenue Code
7 of 1986 which includes a trust exempt
8 from tax under section 501(a) of such
9 Code or a plan that consists of individual
10 retirement accounts described in section
11 408 of such Code (including by reason of
12 subsection (c) thereof); and

13 “(iii) the terms of which meet the re-
14 quirements of subparagraph (B).

15 Such term shall not include a plan maintained
16 by employers which have a common interest
17 other than having adopted the plan.

18 “(B) REQUIREMENTS FOR PLAN TERMS.—
19 The requirements of this subparagraph are met
20 with respect to any plan if the terms of the
21 plan—

22 “(i) designate a pooled plan provider
23 and provide that the pooled plan provider
24 is a named fiduciary of the plan;

1 “(ii) designate one or more trustees
2 meeting the requirements of section
3 408(a)(2) of the Internal Revenue Code of
4 1986 (other than an employer in the plan)
5 to be responsible for collecting contribu-
6 tions to, and holding the assets of, the
7 plan and require such trustees to imple-
8 ment written contribution collection proce-
9 dures that are reasonable, diligent, and
10 systematic;

11 “(iii) provide that each employer in
12 the plan retains fiduciary responsibility
13 for—

14 “(I) the selection and monitoring
15 in accordance with section 404(a) of
16 the person designated as the pooled
17 plan provider and any other person
18 who, in addition to the pooled plan
19 provider, is designated as a named fi-
20 duciary of the plan; and

21 “(II) to the extent not otherwise
22 delegated to another fiduciary by the
23 pooled plan provider and subject to
24 the provisions of section 404(c), the
25 investment and management of the

1 portion of the plan’s assets attrib-
2 utable to the employees of the em-
3 ployer (or beneficiaries of such em-
4 ployees);

5 “(iv) provide that employers in the
6 plan, and participants and beneficiaries,
7 are not subject to unreasonable restric-
8 tions, fees, or penalties with regard to
9 ceasing participation, receipt of distribu-
10 tions, or otherwise transferring assets of
11 the plan in accordance with section 208 or
12 paragraph (44)(C)(i)(II);

13 “(v) require—

14 “(I) the pooled plan provider to
15 provide to employers in the plan any
16 disclosures or other information which
17 the Secretary may require, including
18 any disclosures or other information
19 to facilitate the selection or any moni-
20 toring of the pooled plan provider by
21 employers in the plan; and

22 “(II) each employer in the plan
23 to take such actions as the Secretary
24 or the pooled plan provider determines
25 are necessary to administer the plan

1 or for the plan to meet any require-
2 ment applicable under this Act or the
3 Internal Revenue Code of 1986 to a
4 plan described in section 401(a) of
5 such Code or to a plan that consists
6 of individual retirement accounts de-
7 scribed in section 408 of such Code
8 (including by reason of subsection (c)
9 thereof), whichever is applicable, in-
10 cluding providing any disclosures or
11 other information which the Secretary
12 may require or which the pooled plan
13 provider otherwise determines are nec-
14 essary to administer the plan or to
15 allow the plan to meet such require-
16 ments; and

17 “(vi) provide that any disclosure or
18 other information required to be provided
19 under clause (v) may be provided in elec-
20 tronic form and will be designed to ensure
21 only reasonable costs are imposed on
22 pooled plan providers and employers in the
23 plan.

24 “(C) EXCEPTIONS.—The term ‘pooled em-
25 ployer plan’ does not include—

1 “(i) a multiemployer plan; or

2 “(ii) a plan established before the
3 date of the enactment of the Setting Every
4 Community Up for Retirement Enhance-
5 ment Act of 2019 unless the plan adminis-
6 trator elects that the plan will be treated
7 as a pooled employer plan and the plan
8 meets the requirements of this title appli-
9 cable to a pooled employer plan established
10 on or after such date.

11 “(D) TREATMENT OF EMPLOYERS AS PLAN
12 SPONSORS.—Except with respect to the admin-
13 istrative duties of the pooled plan provider de-
14 scribed in paragraph (44)(A)(i), each employer
15 in a pooled employer plan shall be treated as
16 the plan sponsor with respect to the portion of
17 the plan attributable to employees of such em-
18 ployer (or beneficiaries of such employees).

19 “(44) POOLED PLAN PROVIDER.—

20 “(A) IN GENERAL.—The term ‘pooled plan
21 provider’ means a person who—

22 “(i) is designated by the terms of a
23 pooled employer plan as a named fiduciary,
24 as the plan administrator, and as the per-
25 son responsible for the performance of all

1 administrative duties (including conducting
2 proper testing with respect to the plan and
3 the employees of each employer in the
4 plan) which are reasonably necessary to
5 ensure that—

6 “(I) the plan meets any require-
7 ment applicable under this Act or the
8 Internal Revenue Code of 1986 to a
9 plan described in section 401(a) of
10 such Code or to a plan that consists
11 of individual retirement accounts de-
12 scribed in section 408 of such Code
13 (including by reason of subsection (c)
14 thereof), whichever is applicable; and

15 “(II) each employer in the plan
16 takes such actions as the Secretary or
17 pooled plan provider determines are
18 necessary for the plan to meet the re-
19 quirements described in subclause (I),
20 including providing the disclosures
21 and information described in para-
22 graph (43)(B)(v)(II);

23 “(ii) registers as a pooled plan pro-
24 vider with the Secretary, and provides to
25 the Secretary such other information as

1 the Secretary may require, before begin-
2 ning operations as a pooled plan provider;

3 “(iii) acknowledges in writing that
4 such person is a named fiduciary, and the
5 plan administrator, with respect to the
6 pooled employer plan; and

7 “(iv) is responsible for ensuring that
8 all persons who handle assets of, or who
9 are fiduciaries of, the pooled employer plan
10 are bonded in accordance with section 412.

11 “(B) AUDITS, EXAMINATIONS AND INVES-
12 TIGATIONS.—The Secretary may perform au-
13 dits, examinations, and investigations of pooled
14 plan providers as may be necessary to enforce
15 and carry out the purposes of this paragraph
16 and paragraph (43).

17 “(C) GUIDANCE.—The Secretary shall
18 issue such guidance as the Secretary determines
19 appropriate to carry out this paragraph and
20 paragraph (43), including guidance—

21 “(i) to identify the administrative du-
22 ties and other actions required to be per-
23 formed by a pooled plan provider under ei-
24 ther such paragraph; and

1 “(ii) which requires in appropriate
2 cases that if an employer in the plan fails
3 to take the actions required under sub-
4 paragraph (A)(i)(II)—

5 “(I) the assets of the plan attrib-
6 utable to employees of such employer
7 (or beneficiaries of such employees)
8 are transferred to a plan maintained
9 only by such employer (or its suc-
10 cessor), to an eligible retirement plan
11 as defined in section 402(c)(8)(B) of
12 the Internal Revenue Code of 1986
13 for each individual whose account is
14 transferred, or to any other arrange-
15 ment that the Secretary determines is
16 appropriate in such guidance; and

17 “(II) such employer (and not the
18 plan with respect to which the failure
19 occurred or any other employer in
20 such plan) shall, except to the extent
21 provided in such guidance, be liable
22 for any liabilities with respect to such
23 plan attributable to employees of such
24 employer (or beneficiaries of such em-
25 ployees).

1 The Secretary shall take into account
2 under clause (ii) whether the failure of an
3 employer or pooled plan provider to provide
4 any disclosures or other information, or to
5 take any other action, necessary to admin-
6 ister a plan or to allow a plan to meet re-
7 quirements described in subparagraph
8 (A)(i)(II) has continued over a period of
9 time that demonstrates a lack of commit-
10 ment to compliance. The Secretary may
11 waive the requirements of subclause (ii)(I)
12 in appropriate circumstances if the Sec-
13 retary determines it is in the best interests
14 of the employees of the employer referred
15 to in such clause (and the beneficiaries of
16 such employees) to retain the assets in the
17 plan with respect to which the employer's
18 failure occurred.

19 “(D) GOOD FAITH COMPLIANCE WITH LAW
20 BEFORE GUIDANCE.—An employer or pooled
21 plan provider shall not be treated as failing to
22 meet a requirement of guidance issued by the
23 Secretary under subparagraph (C) if, before the
24 issuance of such guidance, the employer or
25 pooled plan provider complies in good faith with

1 a reasonable interpretation of the provisions of
2 this paragraph, or paragraph (43), to which
3 such guidance relates.

4 “(E) AGGREGATION RULES.—For purposes
5 of this paragraph, in determining whether a
6 person meets the requirements of this para-
7 graph to be a pooled plan provider with respect
8 to any plan, all persons who perform services
9 for the plan and who are treated as a single
10 employer under subsection (b), (c), (m), or (o)
11 of section 414 of the Internal Revenue Code of
12 1986 shall be treated as one person.”

13 (2) BONDING REQUIREMENTS FOR POOLED EM-
14 PLOYER PLANS.—The last sentence of section 412(a)
15 of the Employee Retirement Income Security Act of
16 1974 (29 U.S.C. 1112(a)) is amended by inserting
17 “or in the case of a pooled employer plan (as defined
18 in section 3(43))” after “section 407(d)(1))”.

19 (3) CONFORMING AND TECHNICAL AMEND-
20 MENTS.—Section 3 of the Employee Retirement In-
21 come Security Act of 1974 (29 U.S.C. 1002) is
22 amended—

23 (A) in paragraph (16)(B)—

24 (i) by striking “or” at the end of
25 clause (ii); and

1 (ii) by striking the period at the end
2 and inserting “, or (iv) in the case of a
3 pooled employer plan, the pooled plan pro-
4 vider.”; and

5 (B) by striking the second paragraph (41).

6 (d) POOLED EMPLOYER AND MULTIPLE EMPLOYER
7 PLAN REPORTING.—

8 (1) ADDITIONAL INFORMATION.—Section 103
9 of the Employee Retirement Income Security Act of
10 1974 (29 U.S.C. 1023) is amended—

11 (A) in subsection (a)(1)(B), by striking
12 “applicable subsections (d), (e), and (f)” and
13 inserting “applicable subsections (d), (e), (f),
14 and (g)”; and

15 (B) by amending subsection (g) to read as
16 follows:

17 “(g) ADDITIONAL INFORMATION WITH RESPECT TO
18 POOLED EMPLOYER AND MULTIPLE EMPLOYER
19 PLANS.—An annual report under this section for a plan
20 year shall include—

21 “(1) with respect to any plan to which section
22 210(a) applies (including a pooled employer plan), a
23 list of employers in the plan and a good faith esti-
24 mate of the percentage of total contributions made
25 by such employers during the plan year and the ag-

1 aggregate account balances attributable to each em-
2 ployer in the plan (determined as the sum of the ac-
3 count balances of the employees of such employer
4 (and the beneficiaries of such employees)); and

5 “(2) with respect to a pooled employer plan, the
6 identifying information for the person designated
7 under the terms of the plan as the pooled plan pro-
8 vider.”.

9 (2) SIMPLIFIED ANNUAL REPORTS.—Section
10 104(a) of the Employee Retirement Income Security
11 Act of 1974 (29 U.S.C. 1024(a)) is amended by
12 striking paragraph (2)(A) and inserting the fol-
13 lowing:

14 “(2)(A) With respect to annual reports required
15 to be filed with the Secretary under this part, the
16 Secretary may by regulation prescribe simplified an-
17 nual reports for any pension plan that—

18 “(i) covers fewer than 100 participants; or

19 “(ii) is a plan described in section 210(a)
20 that covers fewer than 1,000 participants, but
21 only if no single employer in the plan has 100
22 or more participants covered by the plan.”.

23 (e) EFFECTIVE DATE.—

1 (1) IN GENERAL.—The amendments made by
2 this section shall apply to plan years beginning after
3 December 31, 2020.

4 (2) RULE OF CONSTRUCTION.—Nothing in the
5 amendments made by subsection (a) shall be con-
6 strued as limiting the authority of the Secretary of
7 the Treasury or the Secretary’s delegate (determined
8 without regard to such amendment) to provide for
9 the proper treatment of a failure to meet any re-
10 quirement applicable under the Internal Revenue
11 Code of 1986 with respect to one employer (and its
12 employees) in a multiple employer plan.

13 **SEC. 2. MODIFICATION OF PBGC PREMIUMS FOR CSEC**
14 **PLANS.**

15 (a) FLAT RATE PREMIUM.—Subparagraph (A) of
16 section 4006(a)(3) of the Employee Retirement Income
17 Security Act of 1974 (29 U.S.C. 1306(a)(3)) is amend-
18 ed—

19 (1) in clause (i), by striking “plan,” and insert-
20 ing “plan other than a CSEC plan (as defined in
21 section 210(f)(1))”;

22 (2) in clause (v), by striking “or” at the end;

23 (3) in clause (vi), by striking the period at the
24 end and inserting “, or”; and

1 (4) by adding at the end the following new
2 clause:

3 “(vii) in the case of a CSEC plan (as
4 defined in section 210(f)(1)), for plan
5 years beginning after December 31, 2018,
6 for each individual who is a participant in
7 such plan during the plan year an amount
8 equal to the sum of—

9 “(I) the additional premium (if
10 any) determined under subparagraph
11 (E), and

12 “(II) \$19.”.

13 (b) VARIABLE RATE PREMIUM.—

14 (1) UNFUNDED VESTED BENEFITS.—

15 (A) IN GENERAL.—Subparagraph (E) of
16 section 4006(a)(3) of the Employee Retirement
17 Income Security Act of 1974 (29 U.S.C.
18 1306(a)(3)) is amended by adding at the end
19 the following new clause:

20 “(v) For purposes of clause (ii), in the
21 case of a CSEC plan (as defined in section
22 210(f)(1)), the term ‘unfunded vested ben-
23 efits’ means, for plan years beginning after
24 December 31, 2018, the excess (if any)
25 of—

1 “(I) the funding liability of the
2 plan as determined under section
3 306(j)(5)(C) for the plan year by only
4 taking into account vested benefits,
5 over

6 “(II) the fair market value of
7 plan assets for the plan year which
8 are held by the plan on the valuation
9 date.”.

10 (B) CONFORMING AMENDMENT.—Clause
11 (iii) of section 4006(a)(3)(E) of such Act (29
12 U.S.C. 1306(a)(3)(E)) is amended by striking
13 “For purposes” and inserting “Except as pro-
14 vided in clause (v), for purposes”.

15 (2) APPLICABLE DOLLAR AMOUNT.—

16 (A) IN GENERAL.—Paragraph (8) of sec-
17 tion 4006(a) of such Act (29 U.S.C. 1306(a))
18 is amended by adding at the end the following
19 new subparagraph:

20 “(E) CSEC PLANS.—In the case of a
21 CSEC plan (as defined in section 210(f)(1)),
22 the applicable dollar amount shall be \$9.”.

23 (B) CONFORMING AMENDMENT.—Subpara-
24 graph (A) of section 4006(a)(8) of such Act (29

- 1 U.S.C. 1306(a)(8)) is amended by striking “(B)
- 2 and (C)” and inserting “(B), (C), and (E)”.