

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 435—RE-AFFIRMING THE IMPORTANCE OF THE GENERAL SECURITY OF MILITARY INFORMATION AGREEMENT BETWEEN THE REPUBLIC OF KOREA AND JAPAN, AND FOR OTHER PURPOSES

Mr. RISCH (for himself, Mr. MENENDEZ, Mr. INHOFE, and Mr. REED) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 435

Whereas the General Security of Military Information Agreement (GSOMIA) between the Republic of Korea and Japan is crucial to safeguarding United States and allied interests in Northeast Asia and the broader Indo-Pacific region;

Whereas bilateral information sharing between the Governments of the Republic of Korea and Japan is critical to increasing trust and growing cooperation that advances shared defense and security interests;

Whereas the Governments and people of Japan and the Republic of Korea have made significant contributions to advancing our shared defense partnership and promoting trilateral cooperation;

Whereas defense cooperation among the United States, Japan, and the Republic of Korea serves as a deterrent against aggression from adversaries and external security threats as well as against new and non-traditional challenges;

Whereas the suspension of GSOMIA directly harms United States national security at a time when the Government of the Democratic People's Republic of Korea is engaging in an increased level of provocations, including 12 tests of over 20 ballistic missiles this year, including new types of nuclear-capable land and sea-launched ballistic missiles;

Whereas the Governments of the People's Republic of China, the Democratic People's Republic of Korea, and the Russian Federation are seeking to capitalize on friction between the Republic of Korea and Japan, and the resulting strain on trilateral cooperation and on our bilateral alliances;

Whereas the Government and people of the United States value the partnership of Japan and the Republic of Korea in upholding regional security and prosperity, including by safeguarding maritime security and freedom of navigation, promoting investment and commerce, advocating for the rule of law, and opposing the use of intimidation and force in the Indo-Pacific; and

Whereas strengthening intelligence sharing is fundamental to the future of trilateral cooperation, and to enabling the Governments of the United States, Japan, and the Republic of Korea to face the challenges posed by the Government of the Democratic People's Republic of Korea's destabilizing actions, the People's Republic of China, and other emerging security threats: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the importance of the General Security of Military Information Agreement (GSOMIA) between the Republic of Korea and Japan as a crucial military intelligence-sharing agreement foundational to Indo-Pacific security and defense, and specifically to countering nuclear and missile threats from the Democratic People's Republic of Korea;

(2) underscores the vital role of the alliances between the United States and Japan and the United States and the Republic of Korea in promoting peace, stability, and security in the Indo-Pacific region;

(3) highlights that friction between the Republic of Korea and Japan only fractures the region and empowers its agitators;

(4) urges the Republic of Korea to consider how to best address potential measures that may undermine regional security cooperation;

(5) encourages the Governments of Japan and the Republic of Korea to take steps to rebuild trust and address the sources of bilateral friction, insulate important defense and security ties from other bilateral challenges, and pursue cooperation on shared interests, such as a denuclearized Korean peninsula, market-based trade and commerce, and a stable Indo-Pacific region; and

(6) commits to strengthening and deepening diplomatic, economic, security, and people-to-people ties between and among the United States, Japan, and the Republic of Korea.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1249. Mr. MANCHIN (for himself, Mrs. CAPITO, Mr. BROWN, Mr. WARNER, Mr. CASEY, Mr. KAINE, Mr. JONES, Ms. SINEMA, Ms. DUCKWORTH, and Mr. VAN HOLLEN) submitted an amendment intended to be proposed by him to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table.

SA 1250. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 3055, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1249. Mr. MANCHIN (for himself, Mrs. CAPITO, Mr. BROWN, Mr. WARNER, Mr. CASEY, Mr. KAINE, Mr. JONES, Ms. SINEMA, Ms. DUCKWORTH, and Mr. VAN HOLLEN) submitted an amendment intended to be proposed by him to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, after line 15, insert the following:

SEC. 1603. BIPARTISAN AMERICAN MINERS ACT OF 2019.

(a) **SHORT TITLE.**—This section may be cited as the “Bipartisan American Miners Act of 2019”.

(b) **TRANSFERS TO 1974 UMWA PENSION PLAN.**—

(1) **IN GENERAL.**—Subsection (i) of section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232) is amended—

(A) in paragraph (3)(A), by striking “\$490,000,000” and inserting “\$750,000,000”;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

“(4) **ADDITIONAL AMOUNTS.**—

“(A) **CALCULATION.**—If the dollar limitation specified in paragraph (3)(A) exceeds the aggregate amount required to be transferred under paragraphs (1) and (2) for a fiscal year, the Secretary of the Treasury shall transfer an additional amount equal to the difference between such dollar limitation and such aggregate amount to the trustees of the 1974 UMWA Pension Plan to pay benefits required under that plan.

“(B) **CESSATION OF TRANSFERS.**—The transfers described in subparagraph (A) shall

cease as of the first fiscal year beginning after the first plan year for which the funded percentage (as defined in section 432(j)(2) of the Internal Revenue Code of 1986) of the 1974 UMWA Pension Plan is at least 100 percent.

“(C) **PROHIBITION ON BENEFIT INCREASES, ETC.**—During a fiscal year in which the 1974 UMWA Pension Plan is receiving transfers under subparagraph (A), no amendment of such plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan may be adopted unless the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986.

“(D) **CRITICAL STATUS TO BE MAINTAINED.**—Until such time as the 1974 UMWA Pension Plan ceases to be eligible for the transfers described in subparagraph (A)—

“(i) the Plan shall be treated as if it were in critical status for purposes of sections 412(b)(3), 432(e)(3), and 4971(g)(1)(A) of the Internal Revenue Code of 1986 and sections 302(b)(3) and 305(e)(3) of the Employee Retirement Income Security Act;

“(ii) the Plan shall maintain and comply with its rehabilitation plan under section 432(e) of such Code and section 305(e) of such Act, including any updates thereto; and

“(iii) the provisions of subsections (c) and (d) of section 432 of such Code and subsections (c) and (d) of section 305 of such Act shall not apply.

“(E) **TREATMENT OF TRANSFERS FOR PURPOSES OF WITHDRAWAL LIABILITY UNDER ERISA.**—The amount of any transfer made under subparagraph (A) (and any earnings attributable thereto) shall be disregarded in determining the unfunded vested benefits of the 1974 UMWA Pension Plan and the allocation of such unfunded vested benefits to an employer for purposes of determining the employer's withdrawal liability under section 4201 of the Employee Retirement Income Security Act of 1974.

“(F) **REQUIREMENT TO MAINTAIN CONTRIBUTION RATE.**—A transfer under subparagraph (A) shall not be made for a fiscal year unless the persons that are obligated to contribute to the 1974 UMWA Pension Plan on the date of the transfer are obligated to make the contributions at rates that are no less than those in effect on the date which is 30 days before the date of enactment of the Bipartisan American Miners Act of 2019.

“(G) **ENHANCED ANNUAL REPORTING.**—

“(i) **IN GENERAL.**—Not later than the 90th day of each plan year beginning after the date of enactment of the Bipartisan American Miners Act of 2019, the trustees of the 1974 UMWA Pension Plan shall file with the Secretary of the Treasury or the Secretary's delegate and the Pension Benefit Guaranty Corporation a report (including appropriate documentation and actuarial certifications from the plan actuary, as required by the Secretary of the Treasury or the Secretary's delegate) that contains—

“(I) whether the plan is in endangered or critical status under section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 as of the first day of such plan year;

“(II) the funded percentage (as defined in section 432(j)(2) of such Code) 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;

“(III) the market value of the assets of the plan as of the last day of the plan year preceding such plan year;