

Bill Cassidy, M.D.
#65

AMENDMENT NO. _____ Calendar No. _____

Purpose: To reclaim the American Rescue Plan Act of 2021 bailout funds provided to labor organization pension plans that broke the law or lent money to organized crime groups, in order for the funds to be used to support community health centers.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

(no.) S. 2840

To improve access to and the quality of primary health care, expand the health workforce, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____

Viz:

1 At the end of title III, add the following:

2 **SEC. ____ . CLAWBACK PROVISIONS FOR LABOR ORGANIZA-**
3 **TION PENSION PLANS ENGAGED IN ILLEGAL**
4 **ACTIVITIES.**

5 (a) DEFINITIONS.—In this section:

6 (1) DIRECTOR.—The term “Director” means
7 the Director of the Pension Benefit Guaranty Cor-
8 poration.

9 (2) MULTIEMPLOYER PLAN.—The term “multi-
10 employer plan” has the meaning given the term in

1 section 3 of the Employee Retirement Income Secu-
2 rity Act of 1974 (29 U.S.C. 1002).

3 (3) ORGANIZED CRIME GROUP.—The term “or-
4 ganized crime group” means a group of persons that
5 exists for a period of time and acts in concert with
6 the aim of engaging in racketeering activity (as de-
7 fined in section 1961 of title 18, United States
8 Code).

9 (b) CLAWBACK.—

10 (1) INVESTIGATION.—The Director shall inves-
11 tigate any report that a multiemployer plan has, at
12 any time before, on, or after the date of enactment
13 of this Act—

14 (A) misused the funds of the multiem-
15 ployer plan by providing a loan to an organized
16 crime group; or

17 (B) committed a violation of any provision
18 of the Employee Retirement Income Security
19 Act of 1974 (29 U.S.C. 1001 et seq.) that is
20 determined to be significant by the Secretary of
21 Labor.

22 (2) CLAWBACK OF FUNDS.—If the Director de-
23 termines, after notice and an opportunity for a hear-
24 ing, that a multiemployer plan has misused funds or
25 committed a violation described in paragraph (1),

1 the Director shall take all necessary action to claw
2 back from the multiemployer plan an amount equal
3 to the amount provided to the multiemployer plan
4 under the fund established in section 4005(i)(1) of
5 the Employee Retirement Income Security Act of
6 1974 (29 U.S.C. 1305(i)(1)).

7 (3) RETURN OF FUNDS TO THE TREASURY.—
8 The Director shall deposit any amounts obtained
9 under paragraph (2) in the general fund of the
10 Treasury.