

AMENDMENT TO RULES COMMITTEE PRINT

119-33

OFFERED BY MR. TURNER OF OHIO

At the end of subtitle B of title XVII, insert the following new section:

1 **SEC. 17__ . GUARANTEED BENEFIT CALCULATION FOR**
2 **CERTAIN PLANS.**

3 (a) IN GENERAL.—

4 (1) INCREASE TO FULL VESTED PLAN BEN-
5 EFIT.—

6 (A) IN GENERAL.—For purposes of deter-
7 mining what benefits are guaranteed under sec-
8 tion 4022 of the Employee Retirement Income
9 Security Act of 1974 (29 U.S.C. 1322) with re-
10 spect to an eligible participant or beneficiary
11 under a covered plan specified in paragraph (4)
12 in connection with the termination of such plan,
13 the amount of monthly benefits shall be equal
14 to the full vested plan benefit with respect to
15 the participant.

16 (B) NO EFFECT ON PREVIOUS DETER-
17 MINATIONS.—Nothing in this section shall be
18 construed to change the allocation of assets and

1 recoveries under sections 4044(a) and 4022(c)
2 of the Employee Retirement Income Security
3 Act of 1974 (29 U.S.C. 1344(a); 1322(c)) as
4 previously determined by the Pension Benefit
5 Guaranty Corporation (referred to in this sec-
6 tion as the “corporation”) for the covered plans
7 specified in paragraph (4), and the corpora-
8 tion’s applicable rules, practices, and policies on
9 benefits payable in terminated single-employer
10 plans shall, except as otherwise provided in this
11 section, continue to apply with respect to such
12 covered plans.

13 (2) RECALCULATION OF CERTAIN BENEFITS.—

14 (A) IN GENERAL.—In any case in which
15 the amount of monthly benefits with respect to
16 an eligible participant or beneficiary described
17 in paragraph (1) was calculated prior to the
18 date of enactment of this section, the corpora-
19 tion shall recalculate such amount pursuant to
20 paragraph (1), and shall adjust any subsequent
21 payments of such monthly benefits accordingly,
22 as soon as practicable after such date.

23 (B) LUMP-SUM PAYMENTS OF PAST-DUE
24 BENEFITS.—Not later than 180 days after the
25 date of enactment of this section, the corpora-

1 tion, in consultation with the Secretary of the
2 Treasury and the Secretary of Labor, shall
3 make a lump-sum payment to each eligible par-
4 ticipant or beneficiary whose guaranteed bene-
5 fits are recalculated under subparagraph (A) in
6 an amount equal to—

7 (i) in the case of an eligible partici-
8 pant, the excess of—

9 (I) the total of the full vested
10 plan benefits of the participant for all
11 months for which such guaranteed
12 benefits were paid prior to such recal-
13 culation, over

14 (II) the sum of any applicable
15 payments made to the eligible partici-
16 pant; and

17 (ii) in the case of an eligible bene-
18 ficiary, the sum of—

19 (I) the amount that would be de-
20 termined under clause (i) with respect
21 to the participant of which the eligible
22 beneficiary is a beneficiary if such
23 participant were still in pay status;
24 plus

25 (II) the excess of—

1 (aa) the total of the full
2 vested plan benefits of the eligi-
3 ble beneficiary for all months for
4 which such guaranteed benefits
5 were paid prior to such recalcula-
6 tion, over

7 (bb) the sum of any applica-
8 ble payments made to the eligible
9 beneficiary.

10 Notwithstanding the previous sentence, the cor-
11 poration shall increase each lump-sum payment
12 made under this subparagraph to account for
13 foregone interest in an amount determined by
14 the corporation designed to reflect a 6 percent
15 annual interest rate on each past-due amount
16 attributable to the underpayment of guaranteed
17 benefits for each month prior to such recalcula-
18 tion.

19 (C) ELIGIBLE PARTICIPANTS AND BENE-
20 FICIARIES.—

21 (i) IN GENERAL.—For purposes of
22 this section, an eligible participant or bene-
23 ficiary is a participant or beneficiary
24 who—

1 (I) as of the date of the enact-
2 ment of this section, is in pay status
3 under a covered plan or is eligible for
4 future payments under such plan;

5 (II) has received or will receive
6 applicable payments in connection
7 with such plan (within the meaning of
8 clause (ii)) that does not exceed the
9 full vested plan benefits of such par-
10 ticipant or beneficiary; and

11 (III) is not covered by the 1999
12 agreements between General Motors
13 and various unions providing a top-up
14 benefit to certain hourly employees
15 who were transferred from the Gen-
16 eral Motors Hourly-Rate Employees
17 Pension Plan to the Delphi Hourly-
18 Rate Employees Pension Plan.

19 (ii) APPLICABLE PAYMENTS.—For
20 purposes of this paragraph, applicable pay-
21 ments to a participant or beneficiary in
22 connection with a plan consist of the fol-
23 lowing:

1 (I) Payments under the plan
2 equal to the normal benefit guarantee
3 of the participant or beneficiary.

4 (II) Payments to the participant
5 or beneficiary made pursuant to sec-
6 tion 4022(c) of the Employee Retire-
7 ment Income Security Act of 1974
8 (29 U.S.C. 1322(c)) or otherwise re-
9 ceived from the corporation in connec-
10 tion with the termination of the plan.

11 (3) DEFINITIONS.—For purposes of this sub-
12 section—

13 (A) FULL VESTED PLAN BENEFIT.—The
14 term “full vested plan benefit” means the
15 amount of monthly benefits that would be guar-
16 anteed under section 4022 of the Employee Re-
17 tirement Income Security Act of 1974 (29
18 U.S.C. 1322) as of the date of plan termination
19 with respect to an eligible participant or bene-
20 ficiary if such section were applied without re-
21 gard to the phase-in limit under subsection
22 (b)(1) of such section and the maximum guar-
23 anteed benefit limitation under subsection
24 (b)(3) of such section (including the accrued-at-
25 normal limitation).

1 (B) NORMAL BENEFIT GUARANTEE.—The
2 term “normal benefit guarantee” means the
3 amount of monthly benefits guaranteed under
4 section 4022 of the Employee Retirement In-
5 come Security Act of 1974 (29 U.S.C. 1322)
6 with respect to an eligible participant or bene-
7 ficiary without regard to this section.

8 (4) COVERED PLANS.—The covered plans speci-
9 fied in this paragraph are the following:

10 (A) The Delphi Hourly-Rate Employees
11 Pension Plan.

12 (B) The Delphi Retirement Program for
13 Salaried Employees.

14 (C) The PHI Non-Bargaining Retirement
15 Plan.

16 (D) The ASEC Manufacturing Retirement
17 Program.

18 (E) The PHI Bargaining Retirement Plan.

19 (F) The Delphi Mechatronic Systems Re-
20 tirement Program.

21 (5) TREATMENT OF PBGC DETERMINATIONS.—
22 Any determination made by the corporation under
23 this section concerning a recalculation of benefits or
24 lump-sum payment of past-due benefits shall be sub-
25 ject to administrative review by the corporation. Any

1 new determination made by the corporation under
2 this section shall be governed by the same adminis-
3 trative review process as any other benefit deter-
4 mination by the corporation.

5 (b) TRUST FUND FOR PAYMENT OF INCREASED
6 BENEFITS.—

7 (1) ESTABLISHMENT.—There is established in
8 the Treasury a trust fund to be known as the “Del-
9 phi Full Vested Plan Benefit Trust Fund” (referred
10 to in this subsection as the “Fund”), consisting of
11 such amounts as may be appropriated or credited to
12 the Fund as provided in this section.

13 (2) FUNDING.—There is appropriated, out of
14 amounts in the Treasury not otherwise appropriated,
15 such amounts as are necessary for the costs of pay-
16 ments of the portions of monthly benefits guaran-
17 teed to participants and beneficiaries pursuant to
18 subsection (a) and for necessary administrative and
19 operating expenses of the corporation relating to
20 such payments. The Fund shall be credited with
21 amounts from time to time as the Secretary of the
22 Treasury, in coordination with the Director of the
23 corporation, determines appropriate, out of amounts
24 in the Treasury not otherwise appropriated.

1 (3) EXPENDITURES FROM FUND.—Amounts in
2 the Fund shall be available for the payment of the
3 portion of monthly benefits guaranteed to a partici-
4 pant or beneficiary pursuant to subsection (a) and
5 for necessary administrative and operating expenses
6 of the corporation relating to such payment.

7 (c) REGULATIONS.—The corporation, in consultation
8 with the Secretary of the Treasury and the Secretary of
9 Labor, may issue such regulations as necessary to carry
10 out this section.

11 (d) PENSION PAYMENT ACCELERATION.—Notwith-
12 standing section 4007(a) of the Employee Retirement In-
13 come Security Act of 1974 (29 U.S.C. 1307(a)) and sec-
14 tion 4007.11 of title 29, Code of Federal Regulations (or
15 any successor regulation), for plan years commencing
16 after December 31, 2035, and before January 1, 2037,
17 the premium due date for such plan years shall be the
18 fifteenth day of the ninth calendar month that begins on
19 or after the first day of the premium payment year.

