

117TH CONGRESS
2D SESSION

H. R. 6929

IN THE SENATE OF THE UNITED STATES

JULY 28, 2022

Received

AN ACT

To increase the benefits guaranteed in connection with
certain pension plans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Susan Muffley Act of
3 2022”.

4 **SEC. 2. GUARANTEED BENEFIT CALCULATION FOR CER-**
5 **TAIN PLANS.**

6 (a) IN GENERAL.—

7 (1) INCREASE TO FULL VESTED PLAN BEN-
8 EFIT.—

9 (A) IN GENERAL.—For purposes of deter-
10 mining what benefits are guaranteed under sec-
11 tion 4022 of the Employee Retirement Income
12 Security Act of 1974 (in this section referred to
13 as “ERISA”) with respect to an eligible partici-
14 pant or beneficiary under a covered plan speci-
15 fied in paragraph (4) in connection with the
16 termination of such plan, the amount of month-
17 ly benefits shall be equal to the full vested plan
18 benefit with respect to the participant.

19 (B) NO EFFECT ON PREVIOUS DETER-
20 MINATIONS.—Nothing in this Act shall be con-
21 strued to change the allocation of assets and re-
22 coveries under sections 4044(a) and 4022(c) of
23 ERISA as previously determined by the Pension
24 Benefit Guaranty Corporation (in the section
25 referred to as the “corporation”) for the cov-
26 ered plans specified in paragraph (4), and the

1 corporation's applicable rules, practices, and
2 policies on benefits payable in terminated sin-
3 gle-employer plans shall, except as otherwise
4 provided in this section, continue to apply with
5 respect to such covered plans.

6 (2) RECALCULATION OF CERTAIN BENEFITS.—

7 (A) IN GENERAL.—In any case in which
8 the amount of monthly benefits with respect to
9 an eligible participant or beneficiary described
10 in paragraph (1) was calculated prior to the
11 date of enactment of this Act, the corporation
12 shall recalculate such amount pursuant to para-
13 graph (1), and shall adjust any subsequent pay-
14 ments of such monthly benefits accordingly, as
15 soon as practicable after such date.

16 (B) LUMP-SUM PAYMENTS OF PAST-DUE
17 BENEFITS.—Not later than 180 days after the
18 date of enactment of this Act, the corporation,
19 in consultation with the Secretary of the Treas-
20 ury and the Secretary of Labor, shall make a
21 lump-sum payment to each eligible participant
22 or beneficiary whose guaranteed benefits are re-
23 calculated under subparagraph (A) in an
24 amount equal to—

1 (i) in the case of an eligible partici-
2 pant, the excess of—

3 (I) the total of the full vested
4 plan benefits of the participant for all
5 months for which such guaranteed
6 benefits were paid prior to such recal-
7 culation, over

8 (II) the sum of any applicable
9 payments made to the eligible partici-
10 pant; and

11 (ii) in the case of an eligible bene-
12 ficiary, the sum of—

13 (I) the amount that would be de-
14 termined under clause (i) with respect
15 to the participant of which the eligible
16 beneficiary is a beneficiary if such
17 participant were still in pay status;
18 plus

19 (II) the excess of—

20 (aa) the total of the full
21 vested plan benefits of the eligi-
22 ble beneficiary for all months for
23 which such guaranteed benefits
24 were paid prior to such recalcula-
25 tion, over

1 (bb) the sum of any applica-
2 ble payments made to the eligible
3 beneficiary.

4 Notwithstanding the previous sentence, the cor-
5 poration shall increase each lump-sum payment
6 made under this subparagraph to account for
7 foregone interest in an amount determined by
8 the corporation designed to reflect a 6 percent
9 annual interest rate on each past-due amount
10 attributable to the underpayment of guaranteed
11 benefits for each month prior to such recalcu-
12 lation.

13 (C) ELIGIBLE PARTICIPANTS AND BENE-
14 FICIARIES.—

15 (i) IN GENERAL.—For purposes of
16 this section, an eligible participant or bene-
17 ficiary is a participant or beneficiary
18 who—

19 (I) as of the date of the enact-
20 ment of this Act, is in pay status
21 under a covered plan or is eligible for
22 future payments under such plan;

23 (II) has received or will receive
24 applicable payments in connection
25 with such plan (within the meaning of

1 clause (ii)) that does not exceed the
2 full vested plan benefits of such par-
3 ticipant or beneficiary; and

4 (III) is not covered by the 1999
5 agreements between General Motors
6 and various unions providing a top-up
7 benefit to certain hourly employees
8 who were transferred from the Gen-
9 eral Motors Hourly-Rate Employees
10 Pension Plan to the Delphi Hourly-
11 Rate Employees Pension Plan.

12 (ii) APPLICABLE PAYMENTS.—For
13 purposes of this paragraph, applicable pay-
14 ments to a participant or beneficiary in
15 connection with a plan consist of the fol-
16 lowing:

17 (I) Payments under the plan
18 equal to the normal benefit guarantee
19 of the participant or beneficiary.

20 (II) Payments to the participant
21 or beneficiary made pursuant to sec-
22 tion 4022(c) or otherwise received
23 from the corporation in connection
24 with the termination of the plan.

1 (3) DEFINITIONS.—For purposes of this sub-
2 section—

3 (A) FULL VESTED PLAN BENEFIT.—The
4 term “full vested plan benefit” means the
5 amount of monthly benefits that would be guar-
6 anteed under section 4022 of ERISA as of the
7 date of plan termination with respect to an eli-
8 gible participant or beneficiary if such section
9 were applied without regard to the phase-in
10 limit in subsection (b)(1) of such Act and the
11 maximum guaranteed benefit limitation in sub-
12 section (b)(3) of such Act (including the ac-
13 crued-at-normal limitation).

14 (B) NORMAL BENEFIT GUARANTEE.—The
15 term “normal benefit guarantee” means the
16 amount of monthly benefits guaranteed under
17 such section with respect to an eligible partici-
18 pant or beneficiary without regard to this Act.

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

21 (A) The Delphi Hourly-Rate Employees
22 Pension Plan.

23 (B) The Delphi Retirement Program for
24 Salaried Employees.

1 (C) The PHI Non-Bargaining Retirement
2 Plan.

3 (D) The ASEC Manufacturing Retirement
4 Program.

5 (E) The PHI Bargaining Retirement Plan.

6 (F) The Delphi Mechatronic Systems Re-
7 tirement Program.

8 (5) TREATMENT OF PBGC DETERMINATIONS.—

9 Any determination made by the corporation under
10 this section concerning a recalculation of benefits or
11 lump-sum payment of past-due benefits shall be sub-
12 ject to administrative review by the corporation. Any
13 new determination made by the corporation under
14 this section shall be governed by the same adminis-
15 trative review process as any other benefit deter-
16 mination by the corporation.

17 (b) TRUST FUND FOR PAYMENT OF INCREASED
18 BENEFITS.—

19 (1) ESTABLISHMENT.—There is established in
20 the Treasury of the United States a trust fund to
21 be known as the “Delphi Full Vested Plan Benefit
22 Trust Fund” (hereafter in this subsection referred
23 to as the “Fund”), consisting of such amounts as
24 may be appropriated or credited to the Fund as pro-
25 vided in this section.

1 (2) FUNDING.—There is appropriated from the
2 general fund such amounts as are necessary for the
3 costs of the payment of the portion of monthly bene-
4 fits guaranteed to a participant or beneficiary pursu-
5 ant to subsection (a) and for necessary administra-
6 tive and operating expenses of the corporation relat-
7 ing to such payment. The Fund shall be credited
8 with amounts from time to time as the Secretary of
9 the Treasury, in conjunction with the Director of the
10 corporation, determines appropriate, from the gen-
11 eral fund of the Treasury.

12 (3) EXPENDITURES FROM FUND.—Amounts in
13 the Fund shall be available for the payment of the
14 portion of monthly benefits guaranteed to a partici-
15 pant or beneficiary pursuant to subsection (a) and
16 for necessary administrative and operating expenses
17 of the corporation relating to such payment.

18 (c) REGULATIONS.—The corporation, in consultation
19 with the Secretary of the Treasury and the Secretary of
20 Labor, may issue such regulations as necessary to carry
21 out this section.

22 (d) TAX TREATMENT OF LUMP-SUM PAYMENTS.—
23 (1) IN GENERAL.—Unless the taxpayer elects
24 (at such time and in such manner as the Secretary
25 may provide) to have this paragraph not apply with

1 respect to any lump-sum payment under subsection
2 (a)(2)(B), the amount of such payment shall be in-
3 cluded in the taxpayer's gross income ratably over
4 the 3-taxable-year period beginning with the taxable
5 year in which such payment is received.

6 (2) SPECIAL RULES RELATED TO DEATH.—

7 (A) IN GENERAL.—If the taxpayer dies be-
8 fore the end of the 3-taxable-year period de-
9 scribed in paragraph (1), any amount to which
10 paragraph (1) applies which has not been in-
11 cluded in gross income for a taxable year end-
12 ing before the taxable year in which such death
13 occurs shall be included in gross income for
14 such taxable year.

15 (B) SPECIAL ELECTION FOR SURVIVING
16 SPOUSES OF ELIGIBLE PARTICIPANTS.—If—

17 (i) a taxpayer with respect to whom
18 paragraph (1) applies dies,

19 (ii) such taxpayer is an eligible partic-
20 ipant,

21 (iii) the surviving spouse of such eligi-
22 ble participant is entitled to a survivor
23 benefit from the corporation with respect
24 to such eligible participant, and

1 (iv) such surviving spouse elects (at
2 such time and in such manner as the Sec-
3 retary may provide) the application of this
4 subparagraph,
5 subparagraph (A) shall not apply and any
6 amount which would have (but for such tax-
7 payer's death) been included in the gross in-
8 come of such taxpayer under paragraph (1) for
9 any taxable year beginning after the date of
10 such death shall be included in the gross in-
11 come of such surviving spouse for the taxable
12 year of such surviving spouse ending with or
13 within such taxable year of the taxpayer.

14 **SEC. 3. PENSION VARIABLE RATE PREMIUM PAYMENT AC-**
15 **CELERATION.**

16 Notwithstanding section 4007(a) of the Employee
17 Retirement Income Security Act of 1974 (29 U.S.C.
18 1307(a)) and section 4007.11 of title 29, Code of Federal
19 Regulations, any additional premium determined under
20 subparagraph (E) of section 4006(a)(3) of such Act (29
21 U.S.C. 1306(a)(3)) the due date for which is (but for this
22 section) after September 15, 2032, and before November
23 1, 2032, shall be due not later than September 15, 2032.

1 **SEC. 4. PENSION BENEFIT GUARANTY CORPORATION RE-**
2 **PORT.**

3 (a) REQUEST FOR INFORMATION.—Not later than 1
4 year after the date of enactment of this Act, the Director
5 of the Pension Benefit Guaranty Corporation shall issue
6 a request for information to the public regarding ways to
7 ensure the long-term solvency of the Pension Benefit
8 Guaranty Corporation’s insurance programs.

9 (b) REPORT TO CONGRESS.—Not later than 2 years
10 after the date of enactment of this Act, the Director of
11 the Pension Benefit Guaranty Corporation shall, taking
12 into consideration the information received in the request
13 for information described in subsection (a), submit a re-
14 port, which shall include recommendations on how to en-
15 sure the long-term solvency of the Pension Benefit Guar-
16 anty Corporation’s insurance programs, to the Committee
17 on Education and Labor and the Committee on Ways and
18 Means of the House of Representatives and the Committee
19 on Health, Education, Labor, and Pensions and the Com-
20 mittee on Finance of the Senate.

Passed the House of Representatives July 27, 2022.

Attest: CHERYL L. JOHNSON,
Clerk.