

117TH CONGRESS  
2D SESSION

# H. R. 6929

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2022

Mr. KILDEE (for himself, Mr. RYAN, Mr. TURNER, Ms. KAPTUR, Mr. JOHNSON of Ohio, Mrs. DINGELL, Mr. DAVIDSON, Ms. MOORE of Wisconsin, and Mr. MORELLE) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

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,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Susan Muffley Act of  
5 2022”.

### 6 **SEC. 2. GUARANTEED BENEFIT CALCULATION FOR CER-** 7 **TAIN PLANS.**

8 (a) IN GENERAL.—

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

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

13          (B) NO EFFECT ON PREVIOUS DETER-  
14      MINATIONS.—Nothing in this Act shall be con-  
15      strued to change the allocation of assets and re-  
16      coveries under sections 4044(a) and 4022(c) of  
17      ERISA as previously determined by the Pension  
18      Benefit Guaranty Corporation (in the section  
19      referred to as the “corporation”) for the cov-  
20      ered plans specified in paragraph (4), and the  
21      corporation’s applicable rules, practices, and  
22      policies on benefits payable in terminated sin-  
23      gle-employer plans shall, except as otherwise  
24      provided in this section, continue to apply with  
25      respect to such covered plans.

(2) RECALCULATION OF CERTAIN BENEFITS.—

(A) IN GENERAL.—In any case in which the amount of monthly benefits with respect to an eligible participant or beneficiary described in paragraph (1) was calculated prior to the date of enactment of this Act, the corporation shall recalculate such amount pursuant to paragraph (1), and shall adjust any subsequent payments of such monthly benefits accordingly, as soon as practicable after such date.

(B) LUMP-SUM PAYMENTS OF PAST-DUE BENEFITS.—Not later than 180 days after the date of enactment of this Act, the corporation, in consultation with the Secretary of the Treasury and the Secretary of Labor, shall make a lump-sum payment to each eligible participant or beneficiary whose guaranteed benefits are recalculated under subparagraph (A) in an amount equal to—

(i) in the case of an eligible participant, the excess of—

(I) the total of the full vested plan benefits of the participant for all months for which such guaranteed

1 benefits were paid prior to such recal-  
2 culation, over

3 (II) the sum of any applicable  
4 payments made to the eligible partici-  
5 pant; and

6 (ii) in the case of an eligible bene-  
7 ficiary, the sum of—

8 (I) the amount that would be de-  
9 termined under clause (i) with respect  
10 to the participant of which the eligible  
11 beneficiary is a beneficiary if such  
12 participant were still in pay status;  
13 plus

14 (II) the excess of—

15 (aa) the total of the full  
16 vested plan benefits of the eligi-  
17 ble beneficiary for all months for  
18 which such guaranteed benefits  
19 were paid prior to such recalcula-  
20 tion, over

21 (bb) the sum of any applica-  
22 ble payments made to the eligible  
23 beneficiary.

24 Notwithstanding the previous sentence, the cor-  
25 poration shall increase each lump-sum payment

1 made under this subparagraph to account for  
2 foregone interest in an amount determined by  
3 the corporation designed to reflect a 6 percent  
4 annual interest rate on each past-due amount  
5 attributable to the underpayment of guaranteed  
6 benefits for each month prior to such recalcula-  
7 tion.

8 (C) ELIGIBLE PARTICIPANTS AND BENE-  
9 FICIARIES.—

10 (i) IN GENERAL.—For purposes of  
11 this section, an eligible participant or bene-  
12 ficiary is a participant or beneficiary  
13 who—

14 (I) as of the date of the enact-  
15 ment of this Act, is in pay status  
16 under a covered plan or is eligible for  
17 future payments under such plan;

18 (II) has received or will receive  
19 applicable payments in connection  
20 with such plan (within the meaning of  
21 clause (ii)) that does not exceed the  
22 full vested plan benefits of such par-  
23 ticipant or beneficiary; and

24 (III) is not covered by the 1999  
25 agreements between General Motors

1 and various unions providing a top-up  
2 benefit to certain hourly employees  
3 who were transferred from the Gen-  
4 eral Motors Hourly-Rate Employees  
5 Pension Plan to the Delphi Hourly-  
6 Rate Employees Pension Plan.

7 (ii) APPLICABLE PAYMENTS.—For  
8 purposes of this paragraph, applicable pay-  
9 ments to a participant or beneficiary in  
10 connection with a plan consist of the fol-  
11 lowing:

12 (I) Payments under the plan  
13 equal to the normal benefit guarantee  
14 of the participant or beneficiary.

15 (II) Payments to the participant  
16 or beneficiary made pursuant to sec-  
17 tion 4022(c) or otherwise received  
18 from the corporation in connection  
19 with the termination of the plan.

20 (3) DEFINITIONS.—For purposes of this sub-  
21 section—

22 (A) FULL VESTED PLAN BENEFIT.—The  
23 term “full vested plan benefit” means the  
24 amount of monthly benefits that would be guar-  
25 anteed under section 4022 of ERISA as of the

1 date of plan termination with respect to an eli-  
 2 gible participant or beneficiary if such section  
 3 were applied without regard to the phase-in  
 4 limit in subsection (b)(1) of such Act and the  
 5 maximum guaranteed benefit limitation in sub-  
 6 section (b)(3) of such Act (including the ac-  
 7 crued-at-normal limitation).

8 (B) NORMAL BENEFIT GUARANTEE.—The  
 9 term “normal benefit guarantee” means the  
 10 amount of monthly benefits guaranteed under  
 11 such section with respect to an eligible partici-  
 12 pant or beneficiary without regard to this Act.

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

15 (A) The Delphi Hourly-Rate Employees  
 16 Pension Plan.

17 (B) The Delphi Retirement Program for  
 18 Salaried Employees.

19 (C) The PHI Non-Bargaining Retirement  
 20 Plan.

21 (D) The ASEC Manufacturing Retirement  
 22 Program.

23 (E) The PHI Bargaining Retirement Plan.

24 (F) The Delphi Mechatronic Systems Re-  
 25 tirement Program.

1           (5) TREATMENT OF PBGC DETERMINATIONS.—

2           Any determination made by the corporation under  
3           this section concerning a recalculation of benefits or  
4           lump-sum payment of past-due benefits shall be sub-  
5           ject to administrative review by the corporation. Any  
6           new determination made by the corporation under  
7           this section shall be governed by the same adminis-  
8           trative review process as any other benefit deter-  
9           mination by the corporation.

10          (b) TRUST FUND FOR PAYMENT OF INCREASED  
11          BENEFITS.—

12               (1) ESTABLISHMENT.—There is established in  
13               the Treasury of the United States a trust fund to  
14               be known as the “Delphi Full Vested Plan Benefit  
15               Trust Fund” (hereafter in this subsection referred  
16               to as the “Fund”), consisting of such amounts as  
17               may be appropriated or credited to the Fund as pro-  
18               vided in this section.

19               (2) FUNDING.—There is appropriated from the  
20               general fund such amounts as are necessary for the  
21               costs of the payment of the portion of monthly bene-  
22               fits guaranteed to a participant or beneficiary pursu-  
23               ant to subsection (a) and for necessary administra-  
24               tive and operating expenses of the corporation relat-  
25               ing to such payment. The Fund shall be credited



1 with amounts from time to time as the Secretary of  
2 the Treasury, in conjunction with the Director of the  
3 corporation, determines appropriate, from the gen-  
4 eral fund of the Treasury.

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

11 (c) REGULATIONS.—The corporation, in consultation  
12 with the Secretary of the Treasury and the Secretary of  
13 Labor, may issue such regulations as necessary to carry  
14 out this section.

15 (d) TAX TREATMENT OF LUMP-SUM PAYMENTS.—

16 (1) IN GENERAL.—Unless the taxpayer elects  
17 (at such time and in such manner as the Secretary  
18 may provide) to have this paragraph not apply with  
19 respect to any lump-sum payment under subsection  
20 (a)(2)(B), the amount of such payment shall be in-  
21 cluded in the taxpayer's gross income ratably over  
22 the 3-taxable-year period beginning with the taxable  
23 year in which such payment is received.

24 (2) SPECIAL RULES RELATED TO DEATH.—

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

9 (B) SPECIAL ELECTION FOR SURVIVING  
10 SPOUSES OF ELIGIBLE PARTICIPANTS.—If—

11 (i) a taxpayer with respect to whom  
12 paragraph (1) applies dies,

13 (ii) such taxpayer is an eligible partic-  
14 ipant,

15 (iii) the surviving spouse of such eligi-  
16 ble participant is entitled to a survivor  
17 benefit from the corporation with respect  
18 to such eligible participant, and

19 (iv) such surviving spouse elects (at  
20 such time and in such manner as the Sec-  
21 retary may provide) the application of this  
22 subparagraph,

23 subparagraph (A) shall not apply and any  
24 amount which would have (but for such tax-  
25 payer's death) been included in the gross in-

1           come of such taxpayer under paragraph (1) for  
2           any taxable year beginning after the date of  
3           such death shall be included in the gross in-  
4           come of such surviving spouse for the taxable  
5           year of such surviving spouse ending with or  
6           within such taxable year of the taxpayer.

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