

118TH CONGRESS  
1ST SESSION

# S. 2277

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

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## IN THE SENATE OF THE UNITED STATES

JULY 12, 2023

Mr. BROWN (for himself, Mr. BRAUN, Mr. YOUNG, Ms. STABENOW, Ms. BALDWIN, Mr. CASEY, Mr. FETTERMAN, Mr. VANCE, Mr. PETERS, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Finance

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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”.

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

7 (a) IN GENERAL.—

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

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

11 (B) NO EFFECT ON PREVIOUS DETER-  
12 MINATIONS.—Nothing in this Act shall be con-  
13 strued to change the allocation of assets and re-  
14 coveries under sections 4044(a) and 4022(c) of  
15 the Employee Retirement Income Security Act  
16 of 1974 (29 U.S.C. 1344(a); 1322(c)) as pre-  
17 viously determined by the Pension Benefit  
18 Guaranty Corporation (referred to in this sec-  
19 tion as the “corporation”) for the covered plans  
20 specified in paragraph (4), and the corpora-  
21 tion’s applicable rules, practices, and policies on  
22 benefits payable in terminated single-employer  
23 plans shall, except as otherwise provided in this  
24 section, continue to apply with respect to such  
25 covered plans.

1 (2) RECALCULATION OF CERTAIN BENEFITS.—

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

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

20 (i) in the case of an eligible partici-  
21 pant, the excess of—

22 (I) the total of the full vested  
23 plan benefits of the participant for all  
24 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) of the Employee Retirement  
18 Income Security Act of 1974  
19 (29 U.S.C. 1322(c)) or otherwise re-  
20 ceived from the corporation in connec-  
21 tion with the termination of the plan.

22 (3) DEFINITIONS.—For purposes of this sub-  
23 section—

24 (A) FULL VESTED PLAN BENEFIT.—The  
25 term “full vested plan benefit” means the

1 amount of monthly benefits that would be guar-  
2 anteed under section 4022 of the Employee Re-  
3 tirement Income Security Act of 1974 (29  
4 U.S.C. 1322) as of the date of plan termination  
5 with respect to an eligible participant or bene-  
6 ficiary if such section were applied without re-  
7 gard to the phase-in limit under subsection  
8 (b)(1) of such section and the maximum guar-  
9 anteed benefit limitation under subsection  
10 (b)(3) of such section (including the accrued-at-  
11 normal limitation).

12 (B) NORMAL BENEFIT GUARANTEE.—The  
13 term “normal benefit guarantee” means the  
14 amount of monthly benefits guaranteed under  
15 section 4022 of the Employee Retirement In-  
16 come Security Act of 1974 (29 U.S.C. 1322)  
17 with respect to an eligible participant or bene-  
18 ficiary 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 a trust fund to be known as the “Del-  
21 phi Full Vested Plan Benefit Trust Fund” (referred  
22 to in this subsection as the “Fund”), consisting of  
23 such amounts as may be appropriated or credited to  
24 the Fund as provided in this section.



1           (2) FUNDING.—There is appropriated, out of  
2 amounts in the Treasury not otherwise appropriated,  
3 such amounts as are necessary for the costs of pay-  
4 ments of the portions of monthly benefits guaran-  
5 teed to participants and beneficiaries pursuant to  
6 subsection (a) and for necessary administrative and  
7 operating expenses of the corporation relating to  
8 such payments. The Fund shall be credited with  
9 amounts from time to time as the Secretary of the  
10 Treasury, in coordination with the Director of the  
11 corporation, determines appropriate, out of amounts  
12 in the Treasury not otherwise appropriated.

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

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

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

24           (1) IN GENERAL.—Unless the taxpayer elects  
25 (at such time and in such manner as the Secretary

1 may provide) to have this paragraph not apply with  
2 respect to any lump-sum payment under subsection  
3 (a)(2)(B), the amount of such payment shall be in-  
4 cluded in the taxpayer's gross income ratably over  
5 the 3-taxable-year period beginning with the taxable  
6 year in which such payment is received.

7 (2) SPECIAL RULES RELATED TO DEATH.—

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

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

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

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

22 (iii) the surviving spouse of such eligi-  
23 ble participant is entitled to a survivor  
24 benefit from the corporation with respect  
25 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, 2033, and before November  
23 1, 2033, shall be due not later than September 15, 2033.

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