

9/9/2012 DSRA note:

Senator Sherrod Brown (D-OH) has introduced this bill to seek funds to resolve the Delphi salaried retirees' pension losses. Sen. Brown's direction is another alternative to resolving this ongoing issue. The DSRA has also submitted proposals to the current administration that would resolve this issue without the use of taxpayer/TARP funds.

112TH CONGRESS
2D SESSION

S. _____

To make available funds from the Emergency Economic Stabilization Act of 2008 for funding pension benefits with respect to former employees of Delphi Corporation.

IN THE SENATE OF THE UNITED STATES

Mr. BROWN of Ohio introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To make available funds from the Emergency Economic Stabilization Act of 2008 for funding pension benefits with respect to former employees of Delphi Corporation.

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
5 “ _____ Act of _____ ”.

1 **SEC. 2. SALE OF TROUBLED ASSETS TO FUND CERTAIN**
2 **PENSION BENEFITS.**

3 (a) **IN GENERAL.**—Subsection (d) of section 106 of
4 the Emergency Economic Stabilization Act of 2008 (12
5 U.S.C. 5216) is amended to read as follows:

6 “(d) **DISPOSITION OF REVENUES.**—

7 “(1) **TRANSFER TO TREASURY.**—Except as pro-
8 vided in paragraph (2), revenues of, and proceeds
9 from the sale of troubled assets purchased under
10 this Act, or from the sale, exercise, or surrender of
11 warrants or senior debt instruments acquired under
12 section 113 shall be paid into the general fund of
13 the Treasury for reduction of the public debt.

14 “(2) **FUNDING OF CERTAIN PENSION BENE-**
15 **FITS.**—Proceeds from the sale or transfer, after the
16 date of the enactment of the
17 _____ Act of _____, of any
18 stock, warrant, or financial instrument acquired by
19 the Secretary in connection with providing financial
20 assistance to the General Motors Corporation under
21 this Act shall be transferred to the General Motors
22 Retired Salaried Employees Fund established under
23 section 3 of such Act.”

1 **SEC. 3. GENERAL MOTORS RETIRED SALARIED EMPLOYEES**
2 **FUND.**

3 (a) ESTABLISHMENT OF FUND.—There is estab-
4 lished on the books of the Treasury of the United States
5 a General Motors Retired Salaried Employees Fund (here-
6 inafter in this section referred to as the “Fund”) to be
7 used by the Secretary of the Treasury in making the pay-
8 ments required under subsection (b).

9 (b) PAYMENTS FROM THE FUND.—The Fund shall
10 be available—

11 (1) for paying to each eligible separated em-
12 ployee an amount equal to—

13 (A) the nonforfeitable benefits to which
14 such employee was entitled under a defined
15 benefit plan described in subsection (d) as in ef-
16 fect immediately before the termination of the
17 plan, but which are not payable to such em-
18 ployee by reason of the termination of the plan;
19 reduced by

20 (B) the amounts paid to such employee by
21 the Pension Benefit Guaranty Corporation
22 under section 4022(a) of the Employee Retirement
23 Security Act of 1974 (29 U.S.C.
24 1322(a)); and

25 (2) for paying the operational and administra-
26 tive expenses in connection with the operation of the

1 Fund, including reimbursement of expenses incurred
2 by the Pension Benefit Guaranty Corporation in
3 connection with the information sharing require-
4 ments of subsection (e).

5 (e) ELIGIBLE SEPARATED EMPLOYEE.—For pur-
6 poses of this section, the term “eligible separated em-
7 ployee” means any individual—

8 (1) who is separated from employment with
9 Delphi Corporation before the date of the enactment
10 of this Act;

11 (2) who was a participant in a defined benefit
12 plan described in subsection (d); and

13 (3) who is not covered by any agreement be-
14 tween the General Motors Corporation and partici-
15 pants in such a defined benefit plan under which the
16 General Motors Corporation provides to the partici-
17 pants that are covered by the agreement a payment
18 of nonforfeitable benefits in an amount equal to the
19 amount that such participants would have been enti-
20 tled to receive under the plan but for the termi-
21 nation of such plan.

22 (d) DEFINED BENEFIT PLANS DESCRIBED.—A de-
23 fined benefit plan described in this subsection is a defined
24 benefit plan—

1 (1) that was terminated before the date of the
2 enactment of this Act pursuant to a proceeding
3 under title 11, United States Code;

4 (2) that was sponsored by the General Motors
5 Corporation before the date of such termination; and

6 (3) with respect to which the Pension Benefit
7 Guaranty Corporation is administering, as of such
8 date of enactment, the payment of the nonforfeitable
9 benefits guaranteed under section 4022(a) of the
10 Employee Retirement Security Act of 1974 (29
11 U.S.C. 1322(a)).

12 (e) INFORMATION SHARING BY PENSION BENEFIT
13 GUARANTY CORPORATION.—The Pension Benefit Guar-
14 anty Corporation shall provide to the Secretary of the
15 Treasury such information as the Secretary of the Treas-
16 ury may request to assist in determining the amount of
17 each payment required to be made under subsection
18 (b)(1).

19 (f) INVESTMENT OF THE FUND.—Whenever the Sec-
20 retary of the Treasury determines that the moneys of the
21 Fund are in excess of current needs, the Secretary of the
22 Treasury may invest such amounts as such Secretary
23 deems advisable in obligations issued or guaranteed by the
24 United States. Earnings on investment under the pre-
25 ceding sentence shall be credited to the Fund.