

PENDING

AMENDMENT NO. _____ Calendar No. _____

Purpose: To limit the liability of the Pension Benefit Guaranty Corporation with respect to a plan for which a reduced deficit contribution is elected.

IN THE SENATE OF THE UNITED STATES—108th Cong., 2d Sess.

H.R. 3108

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|-------|---------------------------|-------------|-------|
| To an | AMENDMENT No. | 2234 | Act |
| of | | | 6 to |
| the | By <u>Kyl</u> | | th a |
| ra | To: <u>Amdt. No. 2233</u> | | rtain |
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2
Page(s)

GPO: 2002 83-247(Mac)

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. KYL to the
amendment (No. 2233) proposed by

Viz:

- 1 At the end of section 3, insert:
- 2 (____) LIMITATIONS ON PBGC LIABILITY FOR
- 3 PLANS TO WHICH ALTERNATIVE DEFICIT REDUCTION
- 4 CONTRIBUTION APPLIES.—
- 5 (1) IN GENERAL.—If a plan with respect to
- 6 which an election under section 412(l)(12) of the In-

1 ternal Revenue Code or section 302(d)(12) of the
2 Employee Retirement Income Security Act of 1974
3 (as added by this section) is made terminates during
4 the applicable period, the maximum guarantee limi-
5 tation under section 4022(b)(3) of such Act, and the
6 phase-in rate of benefit increases under paragraph
7 (5) or (7) of section 4022(b) of such Act, shall be
8 the limitation and rates determined as if the plan
9 terminated on the day before the first day of the ap-
10 applicable period.

11 (2) APPLICABLE PERIOD.—For purposes of
12 paragraph (1), the term “applicable period” means,
13 with respect to any plan, the period—

14 (A) beginning on the first day of the first
15 applicable plan year with respect to the plan,
16 and

17 (B) ending on the last day of the second
18 plan year following the last applicable plan year
19 with respect to the plan.

20 For purposes of this paragraph, the term “applica-
21 ble plan year” has the meaning given such term by
22 section 412(l)(12) of the Internal Revenue Code of
23 1986 and section 302(d)(12) of the Employee Re-
24 tirement Income Security Act of 1974 (as added by
25 this section).