



Legislative Bulletin.....May 3, 2006

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Democrat Motion to Instruct Conferees on the Pension Protection Act of 2005 (H.R. 2830)

Democrat Motion to Instruct Conferees on the Pension Protection Act of 2005 (H.R. 2830) (Miller, D-CA)

Order of Business: On December 15, 2005, the House passed its version of H.R. 2830, the Pension Protection Act of 2005 (see “Additional Background” section below) by a vote of 294-132 (<http://clerk.house.gov/evs/2005/roll635.xml>). On March 3, 2006, the Senate amended and passed its version of the bill by unanimous consent. Conferees were appointed on March 8, 2006. The pending item today is a Democrat motion to instruct the conferees on H.R. 2830.

Note: A motion to instruct is NEVER binding. That is, the conferees are never required to actually follow a motion’s instructions, regardless of the vote on the motion.

Summary of Motion to Instruct: The Miller motion would instruct House conferees to insist:

- that the restrictions under the bill regarding executive compensation, including under nonqualified plans, be the same as restrictions under the bill regarding benefits for workers and retirees under qualified pension plans;
- that the definition of “covered employee” for purposes of the above provisions (Section 303 of the Senate-passed bill) include the chief executive officer and other high-level officers/employees of the plan sponsor; and
- on the House-passed effective date for the treatment of nonqualified deferred compensation plans when the employer’s defined benefit plan is in at-risk status. (*The House’s effective date for these provisions is “after December 31, 2005” [Section 122], while the Senate’s effective date for these provisions is “after December 31, 2006” [Section 303].*)

Additional Background:

Two other Miller motions, although completely different than the one being offered today, have passed recently. One passed 265-158 on March 8, 2006: <http://clerk.house.gov/evs/2006/roll022.xml>, while another passed 248-178 on April 6, 2006: <http://clerk.house.gov/evs/2006/roll093.xml>.

To read the RSC Legislative Bulletin on the House's version of this pension reform bill, visit these two webpages:

1. http://www.house.gov/pence/rsc/doc/LB_121505_pension.pdf; and
2. http://www.house.gov/pence/rsc/doc/LB_121505_pensionamdt.doc.

Committee Action: A motion to instruct does not get referred to a committee.

Cost to Taxpayers: The motion itself, because it is non-binding, would not yield any costs or savings to taxpayers.

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