

Congress of the United States
Washington, DC 20515

May 12, 2020

President Donald J. Trump
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear President Trump:

There should be no federal stimulus funds given to the U.S. auto industry without restoring the pension plans of the Delphi Salaried Retirees terminated by the previous administration. Coronavirus has taken a toll on all aspects of our economy, including with our auto industry experiencing a significant decline in car sales since the outbreak began. However, before considering further federal relief for this industry, I urge the Administration to rightfully return the pension benefits of Delphi Salaried Retirees terminated during the prior auto bailout.

During the Obama Administration's 2009 taxpayer-funded General Motors bankruptcy bailout, the Pension Benefit Guaranty Corporation (PBGC) unjustly terminated the earned pension plans of more than 20,000 Delphi Salaried Retirees. This decision caused devastating financial losses to these families since they depended upon their pensions, earned through decades of faithful service, to survive on during retirement.

Although the previous administration saved the pensions of Delphi's unionized workers (like the UAW and the IUE), the PBGC terminated the pension plans of salaried workers at the direction of the United States Treasury, pursuant to the recommendations of the Obama Auto Task Force. Delphi Salaried Retirees had no representation in these bailout negotiations which resulted in many being stripped of a significant portion of the financial future they had worked for, planned for, and earned.

This injustice is the subject of the pending litigation *Black, et al. v. Pension Benefit Guaranty Corporation*, Case No. 19-1419 before the United States Court of Appeals for the Sixth Circuit. *Black, et al.* allege PBGC failed to comply with the Employee Retirement Income Security Act (ERISA) by improperly terminating Delphi Salaried Retirees' pension plans and requests that Delphi Salaried Retirees' full pension benefits be restored, and the costs incurred pursuing this litigation be repaid.

As previously discussed with members of your administration, ERISA provides the PBGC broad authorities to restore a pension plan and PBGC may employ these powers in any manner they deem appropriate.

Like many businesses, large and small, car manufacturers and suppliers may require financial support to maintain the industry's ecosystem as our nation emerges from this crisis. However, before another bailout is considered for automakers, I request the administration direct the PBGC to settle *Black v. PBGC* in favor of the Plaintiffs, restoring the lost pensions of Delphi Salaried Retirees and paying for their legal fees. Doing so will correct the injustice of your predecessor and will protect the financial future of these hardworking Americans.

Please let me know how I can support you and your Administration in this effort.

Sincerely,

Michael R. Turner
Member of Congress

Tim Ryan
Member of Congress

Bill Johnson
Member of Congress

Ralph Norman
Member of Congress

Susan Brooks
Member of Congress

Mo Brooks
Member of Congress

Paul A. Gosar, D.D.S.
Member of Congress

Steve Chabot
Member of Congress