

[If a contingent alternate payee is to be named in the *PBGC Model Separate Interest QDRO*, use this language for section 9:]

SECTION 9. DEATH OF ALTERNATE PAYEE

a. Death Before Commencing Benefits

(i) If the Alternate Payee dies before commencing benefits, the Contingent Alternate Payee named in subsection c, below, shall be paid an amount actuarially equivalent to the value of the Alternate Payee's benefit determined under section 3. In such case, all references in this Order to the Alternate Payee shall apply to the Contingent Alternate Payee, except as otherwise indicated (for example, survivor benefits may only be paid to the spouse or former spouse). Payments cannot start before the participant's "earliest PBGC retirement date," which is defined in 29 C.F.R. §4022.10. PBGC shall pay the Contingent Alternate Payee's benefit in the form elected by the Contingent Alternate Payee on the PBGC benefit application.

(ii) If the Alternate Payee and the Contingent Alternate Payee die before commencing benefits, the separate interest shall **[revert to the Participant/be forfeited to PBGC]**.

b. Death After Commencing Benefits

If the Alternate Payee or, if applicable, the Contingent Alternate Payee named in subsection c, below, dies after commencing benefits, any remaining fixed payments under a certain-and-continuous annuity shall be paid to the beneficiary designated on the PBGC benefit application. If the Alternate Payee or, if applicable, the Contingent Alternate Payee, was receiving a straight life annuity at death, no further benefits will be payable.

c. Contingent Alternate Payee

The Contingent Alternate Payee is **[Name of the Contingent Alternate Payee]**, and is the **[spouse/former spouse/child/other dependent]** of the Participant. The Contingent Alternate Payee's mailing address is **[address]**. The Contingent Alternate Payee's Social Security Number is **[Social Security Number]**.