

**Congress of the United States**  
**Washington, DC 20515**

October 19, 2012

The Honorable Hilda L. Solis  
Secretary  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Washington, DC 20210

The Honorable Timothy Geithner  
Secretary  
U.S. Department of the Treasury  
1500 Pennsylvania Avenue, N.W.  
Washington, DC 20220

The Honorable Joshua Gotbaum  
Director  
Pension Benefit Guaranty Corporation  
1200 K Street, N.W.  
Washington, DC 20005

Dear Secretary Solis, Secretary Geithner, and Director Gotbaum:

The Pension Protection Act of 2006 (PPA)<sup>1</sup> made significant changes to the multiemployer pension plan system, and we remain concerned about the challenges facing these plans. Timely receipt of pertinent reports from the Secretaries of Labor and Treasury and Director of the Pension Benefit Guaranty Corporation (PBGC) is critical as Congress investigates the state of the multiemployer pension plan system and evaluates the consequences of PPA provisions. Two such reports required by the Employee Retirement Income Security Act of 1974 (ERISA) and the

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<sup>1</sup> Pub. L. No. 109-280 (August 17, 2006). Certain changes made in PPA to the multiemployer pension plan funding rules will not apply to plan years beginning after December 31, 2014. PPA section 221(c). While these provisions made numerous changes, some examples of the provisions that will sunset include the requirement for a plan in "endangered" or "critical" status to adopt a "funding improvement plan" or "rehabilitation plan" in order to improve plan funding; remedies against trustees for not adopting those plans; and excise taxes on plan sponsors who fail to make a contribution required by a funding improvement or rehabilitation plan.

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PPA were due December 31, 2011; however, neither has been submitted to Congress. These reports include:

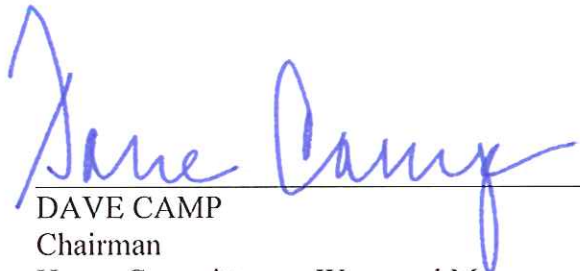
1. A PBGC report, required every five years under Section 4022A(f) of ERISA, analyzing whether current premium levels are sufficient to support the multiemployer benefits guarantee.
2. A study and recommendations for legislation, required from the PBGC Director and the Secretaries of Labor and Treasury by Section 221 of the PPA, regarding the effects of the PPA's amendments "on the operation and funding status of multiemployer plans." In particular, the study is required to evaluate the impact of PPA's changes to plan funding rules on small employers.

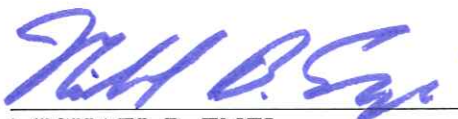
By November 2, 2012, please provide the reports and explain why you did not meet the statutory deadlines for submission. If you are unable to furnish the reports by this date, please provide a date certain for submission and an explanation for the delay.


We appreciate your prompt attention to this matter. If you have additional questions or comments, please contact Andy Banducci or Joe Wheeler with the House Committee on Education and the Workforce at (202) 225-7101.

Sincerely,

  
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JOHN KLINE  
Chairman  
House Committee on Education and  
the Workforce

  
\_\_\_\_\_  
DAVE CAMP  
Chairman  
House Committee on Ways and Means

  
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MICHAEL B. ENZI  
Ranking Member  
Senate Committee on Health, Education,  
Labor, and Pensions

  
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ORRIN G. HATCH  
Ranking Member  
Senate Committee on Finance

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cc: The Honorable George Miller  
Senior Democratic Member, House Committee on Education and the Workforce

The Honorable Sander Levin  
Senior Democratic Member, House Committee on Ways and Means

The Honorable Tom Harkin  
Chairman, Senate Committee on Health, Education, Labor, and Pensions

The Honorable Max Baucus  
Chairman, Senate Committee on Finance

The Honorable Rebecca Blank  
Acting Secretary, U.S. Department of Commerce