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COMMITTEE ON
EDUCATION AND THE WORKFORCE
U.S. HOUSE OF REPRESENTATIVES
2176 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6100

December 16, 2024

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Garland:

The Committee on Education and the Workforce (Committee) is continuing its investigation of the Biden-Harris administration's implementation of the Special Financial Assistance (SFA) program that was included in the *American Rescue Plan Act*. As part of this investigation, the Committee is continuing to seek information about the steps the Department of Justice (DOJ) is taking to ensure that taxpayer money is recovered after the Biden-Harris administration made improper payments to multiemployer pension plans.

In November 2023, the Committee became aware that the Pension Benefits Guaranty Corporation (PBGC) approved more than \$127 million in SFA program overpayments for at least 3,479 deceased participants for one plan alone: the Central States, Southeast, and Southwest Pension Fund (Central States).¹ As the result of oversight on this matter, the Committee ensured that the \$127 million in overpayments would be recovered on behalf of taxpayers.² On April 8, 2024, DOJ announced it had entered into a civil settlement agreement to receive repayment of

¹ PBGC OFF. OF INSPECTOR GEN., REPORT NO. EVAL-2024-01, MANAGEMENT ALERT: DECEASED PARTICIPANTS IN THE CENTRAL STATES' SPECIAL FINANCIAL ASSISTANCE CALCULATION (2023), <https://oig.pbgc.gov/pdfs/EVAL-2024-01.pdf>.

² Letter from Chairwoman Foxx & Chairman Good to Gordon Hartogensis, Dir., PBGC (Jan. 16, 2024), https://edworkforce.house.gov/uploadedfiles/1.16.2024_-_letter_to_pbgc.pdf; Letter from Chairwoman Foxx & Chairman Good to Gordon Hartogensis, Dir., PBGC (Feb. 26, 2024), https://edworkforce.house.gov/uploadedfiles/02.26.24_pbgc_re_continuing_oversight_on_pbgcs_overpayment.pdf; *Examining the Policies and Priorities of the Pension Benefit Guaranty Corporation: Hearing Before the Subcomm. on Health, Emp't, Lab. & Pensions of the H. Comm. on Educ. & the Workforce*, 118th Congress (2024), <https://edworkforce.house.gov/calendar/eventsingle.aspx?EventID=410275>; Subpoena from Chairwoman Foxx to Gordon Hartogensis, Dir., PBGC (Mar. 26, 2024), https://edworkforce.house.gov/uploadedfiles/march_2024_pbgc_subpoena_for_documents.pdf.

The Honorable Merrick B. Garland

December 16, 2024

Page 2

these funds from Central States.³ One other plan, the Graphic Communications National Pension Fund (NPF), also agreed to repay \$8 million of improper SFA it received on behalf of deceased participants.⁴ However, PBGC has not reported repayment from more than 60 other plans that received similar improper payments.⁵ We are concerned that none of these other plans have restored the improper payments.

On August 7, we wrote to you seeking specific information about what further action DOJ is taking to ensure that other multiemployer pension plans which received improper payments will soon be repaying these funds.⁶ However, more than four months later, DOJ has failed to respond to the Committee's letter. As the letter stated, "The Committee is serious about its investigation and seeking legislative change."⁷ DOJ's failure to respond to our inquiry is frustrating the Committee's ability to fulfill its investigative and legislative duties on this matter. Additionally, as the end of the 118th Congress approaches, it appears DOJ is "running the clock" to keep important information away from Congress and the public.

House Rule X vests the Committee with the jurisdiction and responsibility to "review and study on a continuing basis ... the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction."⁸ This includes the Committee's obligation to investigate the Biden-Harris administration's implementation of the SFA program, which encompasses DOJ's actions – or lack thereof – to ensure all overpayments are returned to taxpayers. The Committee requests that DOJ provide complete answers to the inquiries included in our August 7 letter by no later than December 23, 2024.

Sincerely,



Virginia Foxx
Chairwoman



Bob Good
Chairman
Subcommittee on Health, Employment,
Labor, and Pensions

³ Press Release, DOJ, Central States Pension Plan Agrees to Repay Excess Special Financial Assistance Funds (Apr. 8, 2024), <https://www.justice.gov/opa/pr/central-states-pension-plan-agrees-repay-excess-special-financial-assistance-funds>.

⁴ Press Release, DOJ, Graphic Communications National Pension Plan Agrees to Repay Excess Special Financial Assistance Funds (June 10, 2024), <https://www.justice.gov/opa/pr/graphic-communications-national-pension-plan-agrees-repay-excess-special-financial>.

⁵ Letter from Gail Sevin, PBGC Leg. Aff. Div., to Chairwoman Foxx (Apr. 9, 2024) (on file).

⁶ Letter from Chairwoman Foxx & Chairman Good to Merrick B. Garland, Attorney Gen., DOJ (Aug. 7, 2024), https://edworkforce.house.gov/uploadedfiles/08.07.24_garland_letter_on_sfa.pdf.

⁷ *Id.*

⁸ RULES OF THE U.S. HOUSE OF REPRESENTATIVES, Rule X cl. 2(b) (118th Cong.) (Jan. 10, 2023); *see also* Rule X (organization of committees), Rule X cl. 1 (committees and their jurisdictions), cl. 1(e) (Committee on Education and the Workforce), <https://rules.house.gov/sites/republicans.rules118.house.gov/files/documents/118/Additional%20Items/118-House-Rules-Clerk-v2.pdf>.