

## CLIENT BULLETIN

### ***Congress Establishes Joint Select Committee on Solvency of Multiemployer Pension Plans***

The recently passed [Bipartisan Budget Act of 2018](#), H.R. 1892, contained sections establishing a Joint Select Committee Of The Solvency Of Multiemployer Plans. A specially prepared copy of the sections concerning this committee with a table of contents added is available by "[clicking here](#)." The legislation has strict deadlines built-in to keep the process moving.

#### **Joint Committee Goal**

The goal of the joint committee is to improve the solvency of multiemployer pension plans and the Pension Benefit Guaranty Corporation (PBGC). The joint committee shall provide recommendations and legislative language that will significantly improve the solvency of multiemployer pension plans and the PBGC.

#### **Joint Committee Membership**

Members of the joint committee shall *be appointed* not later than 14 calendar days after the date of enactment of this Bill, or on or about February 23, 2018.

The joint committee shall be composed of 16 members appointed as follows:

- The Speaker of the House of Representatives shall appoint four members from among Members of the House of Representatives.
- The Minority Leader of the House of Representatives shall appoint four members from among Members of the House of Representatives.
- The Majority Leader of the Senate shall appoint four members from among Members of the Senate.
- The Minority Leader of the Senate shall appoint four members from among Members of the Senate.

Two of the appointed members of the joint committee will serve as co-chairs. The Speaker of the House and the Majority Leader of the Senate shall jointly appoint one co-chair, and the Minority Leader of the House and the Minority Leader of the

Senate shall jointly appoint the second co-chair. The co-chairs shall be appointed not later than 14 calendar days after the date of enactment of this Act (on or about February 23, 2018).

### **Joint Committee Meetings, Approval of Report and Termination**

Not later than 30 calendar days after the date of enactment of this Act, the joint committee shall hold its first meeting. This would be about March 12, 2018.

The joint committee is empowered to hold hearings, take testimony and receive evidence, etc. The joint committee shall hold not less than a total of 5 public meetings or public hearings; and not less than 3 public hearings, which may include field hearings.

The report of the joint committee and the proposed legislative language shall only be approved upon receiving the votes of a majority of joint committee members appointed by both the majority and minority leadership of the House and Senate.

The joint committee shall terminate on December 31, 2018 or 30 days after submission of its report and legislative recommendations, whichever occurs first.

### **Joint Committee Bill Consideration In The Senate**

Upon receipt of approved proposed legislative language, the language shall be introduced in the Senate on the next day on which the Senate is in session by the Majority Leader of the Senate or by a Member of the Senate designated by the Majority Leader of the Senate. There is no similar language for the House.

A joint committee bill introduced in the Senate shall be jointly referred to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions, which committees shall report the bill without any revision and with a *favorable recommendation*, *unfavorable recommendation*, or *without recommendation*, no later than seven session days after the introduction of the bill. If either committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

A number of technical, Congressional procedural timing rules are explained in detail in the law. However, not later than January 3, 2019, the Senate shall vote on a motion to proceed to the joint committee bill. The concept of the "joint committee bill" includes a bill of the House of Representatives that is a companion measure to the joint committee bill introduced in the Senate.

### **Conclusion**

With the PBGC and its multiemployer insurance program safety net rapidly hurtling towards the precipice of insolvency by 2025, possibly longer if lucky, it seems that the matter has pushed itself to the forefront of Congress. We will report on further developments as they transpire. For more on the precarious state of the PBGC multiemployer program see [Benefit News Briefs 2017-74](#).

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