EXECUTIVE SUMMARY: The American Rescue Plan Act (ARPA) includes a special financial assistance program for distressed multiemployer pension plans. The Pension Benefit Guaranty Corporation is responsible for executing the special financial assistance (SFA) program, issued an interim final rule (IFR) on July 9, 2021 to implement the program. Unfortunately, PBGC made a number of conservative interpretations of the ARPA requirements, of the purpose of the SFA program, and of the PBGC’s own authority. As a result, the impact of the relief program is substantially more limited than Congress intended.

NCCMP again convened a large group of technical experts, including our Steering Committee and Working group, to draft comments on the PBGC’s interim final rule to advise on how the IFR could be modified to fulfill the intent of Congress. The resulting document containing extensive discussion and recommendations was submitted to PBGC today and is available at the link below.

We hope that PBGC finds our comments to be constructive as PBGC works toward finalizing its regulations to provide relief to eligible deeply troubled multiemployer plans consistent with the intent of Congress and the recommendations.