

2020

PBGC

SECTION 4010 SUMMARY REPORT

September 2022

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FREQUENTLY USED ABBREVIATIONS

ERISA	Employee Retirement Income Security Act of 1974 as amended
FTAP	Funding Target Attainment Percentage
MAP-21	The Moving Ahead for Progress in the 21st Century Act, P.L. 112-141
PPA	The Pension Protection Act of 2006, P.L. 109-280
PBGC	Pension Benefit Guaranty Corporation

2020 PBGC SECTION 4010 REPORT

OVERVIEW

Sponsors of certain single-employer qualified defined benefit pension plans with significant underfunding are required to provide specified financial and actuarial information about the plans and employers in the plan sponsors' controlled group to PBGC under the Employee Retirement Income Security Act (ERISA). ERISA Section 4010(e) requires PBGC to annually submit to certain committees of the Senate and House of Representatives a summary report in the aggregate of the information submitted to PBGC under Section 4010. This report summarizes Section 4010 information submitted for information years ending in 2008 through 2020.¹ We refer to this report as the "2020 4010 Report" because the most recent filings included relate to information years ending in 2020.

Due to the limitations on who files, the plans for which this information is reported are not representative of the defined benefit plan universe, nor are they representative of PBGC's insurance exposure. Readers are cautioned against extrapolating this information to the much broader population of companies and plans in the defined benefit plan system or using this information to draw conclusions about historic trends.

WHO FILES SECTION 4010 REPORTS?

ERISA Section 4010 provides that reporting is required if any of the following conditions apply:

1. One or more plans sponsored by a member of the controlled group² had a funding target attainment percentage (FTAP), determined without regard to the interest rate stabilization rules,³ below 80%;
2. One or more controlled group members failed to make a required contribution to a plan within 10 days after its due date and such failure met the conditions for imposition of a lien under ERISA Section 303(k) or Internal Revenue Code Section 430(k);⁴ or
3. One or more plans maintained by a controlled group member has been granted a minimum funding waiver totaling in excess of \$1 million, any portion of which is still outstanding.

With respect to the first condition, PBGC waives reporting for controlled groups with aggregate underfunding of less than \$15 million⁵ or fewer than 500 defined benefit plan participants. With respect to the other two conditions, unless reporting is required by the first condition (and not waived), PBGC waives reporting if a missed contribution triggering a lien or a minimum funding waiver application was reported to PBGC (as required by ERISA Section 4043) before the Section 4010 filing was otherwise due. In almost all circumstances, the reason a Section 4010 filing is required is because of the first condition noted above.

¹ The "information year" is generally the employer's fiscal year. Plan related information is measured as of the last day of the plan year ending within the information year.

² The term "controlled group" is defined in ERISA Section 4001(a)(14). In general, a controlled group is a group of two or more corporations or businesses that are under some sort of common control (e.g., parent-subsidiary).

³ The "interest rate stabilization" rules, under which the discount rate used to determine certain liabilities is adjusted to the extent it falls outside a specified corridor, are provided in ERISA Section 303(h)(2)(C)(iv).

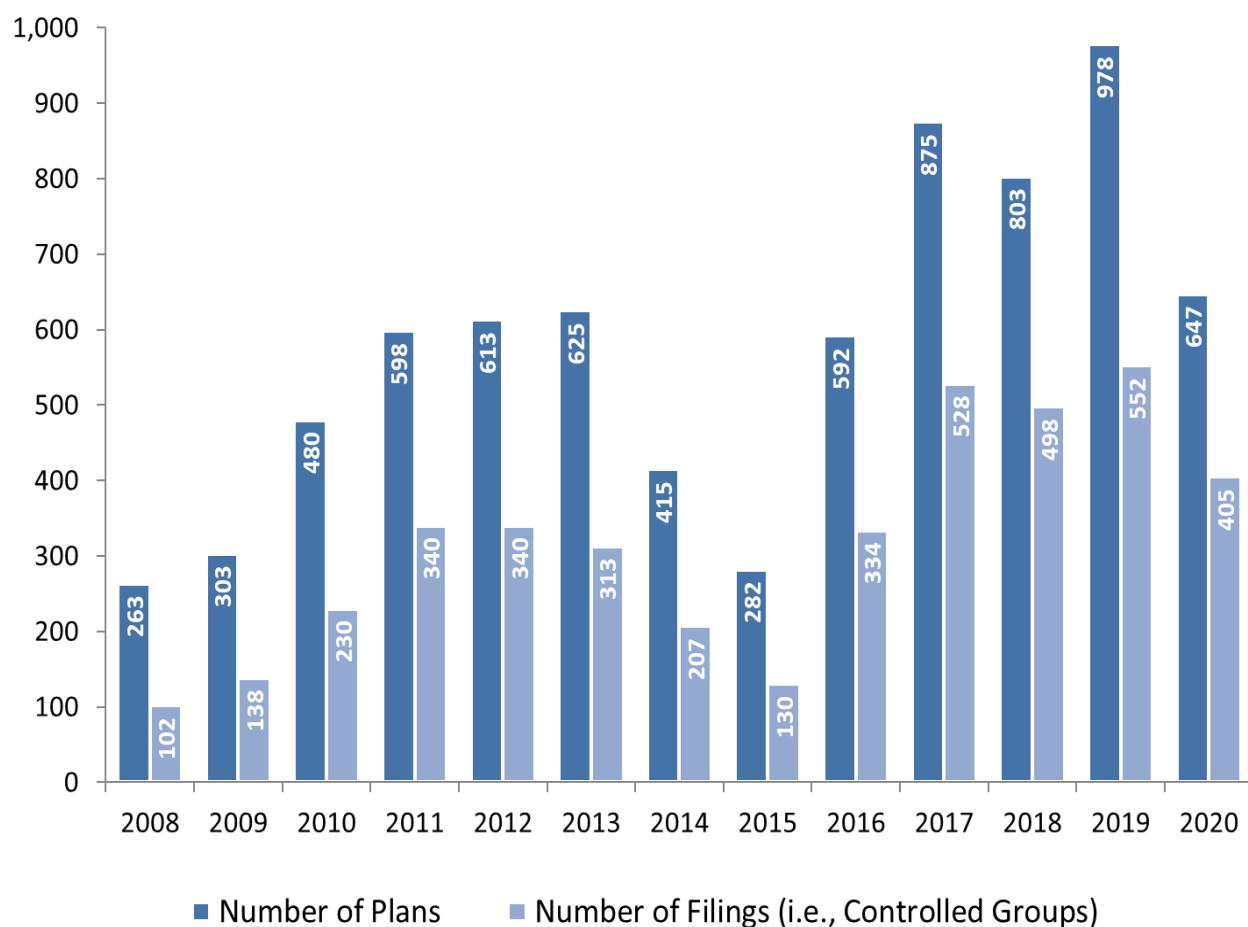
⁴ Generally, aggregate missed contributions in excess of \$1 million trigger this lien.

⁵ From 2012, when the interest rate stabilization rules were implemented for funding purposes, through 2015, stabilized rates were used for purposes of determining whether the \$15 million waiver applied. Starting with 2016, the determination is based on non-stabilized rates (i.e., the same rates used for the first condition). As a result, several companies that previously qualified for the waiver were required to file Section 4010 information for 2016.

NUMBER OF FILERS

Figure 1 shows how many filings PBGC has received since 2008.⁶ Because filing is done on a controlled group basis, it is common for one filing to contain information on more than one plan. For that reason, Figure 1 also provides information on the number of plans reported in Section 4010 filings.⁷ The plans reported in 4010 filings represent only a very small percentage of the plans in the PBGC-insured single-employer plans universe. For example, the 647 plans reported in the 2020 4010 filings represent less than 3% of the single-employer plans insured by PBGC at the end of FY 2020.

Figure 1 – Number of Section 4010 Filers



The increase in the number of filers after 2015 is primarily because of the change noted in footnote 5.

Plans that are included in reports filed under Section 4010 tend to be larger than average. For example, for 2020, the median number of participants in those plans was about 1,900. This contrasts with the universe of PBGC-insured single-employer plans where most plans cover far fewer participants.⁸

⁶ The Pension Protection Act of 2006 (PPA) made several changes to ERISA Section 4010, including adding a requirement to report summary information to Congress. These changes were first effective for 2008 which is why the report shows data starting with 2008.

⁷ The number of plans shown in Figure 1 excludes certain small plans sponsored by companies required to submit Section 4010 information classified as “exempt plans” because Section 4010 filers are not required to report actuarial information for these plans. See section 4010.8(c) of PBGC’s Section 4010 regulation.

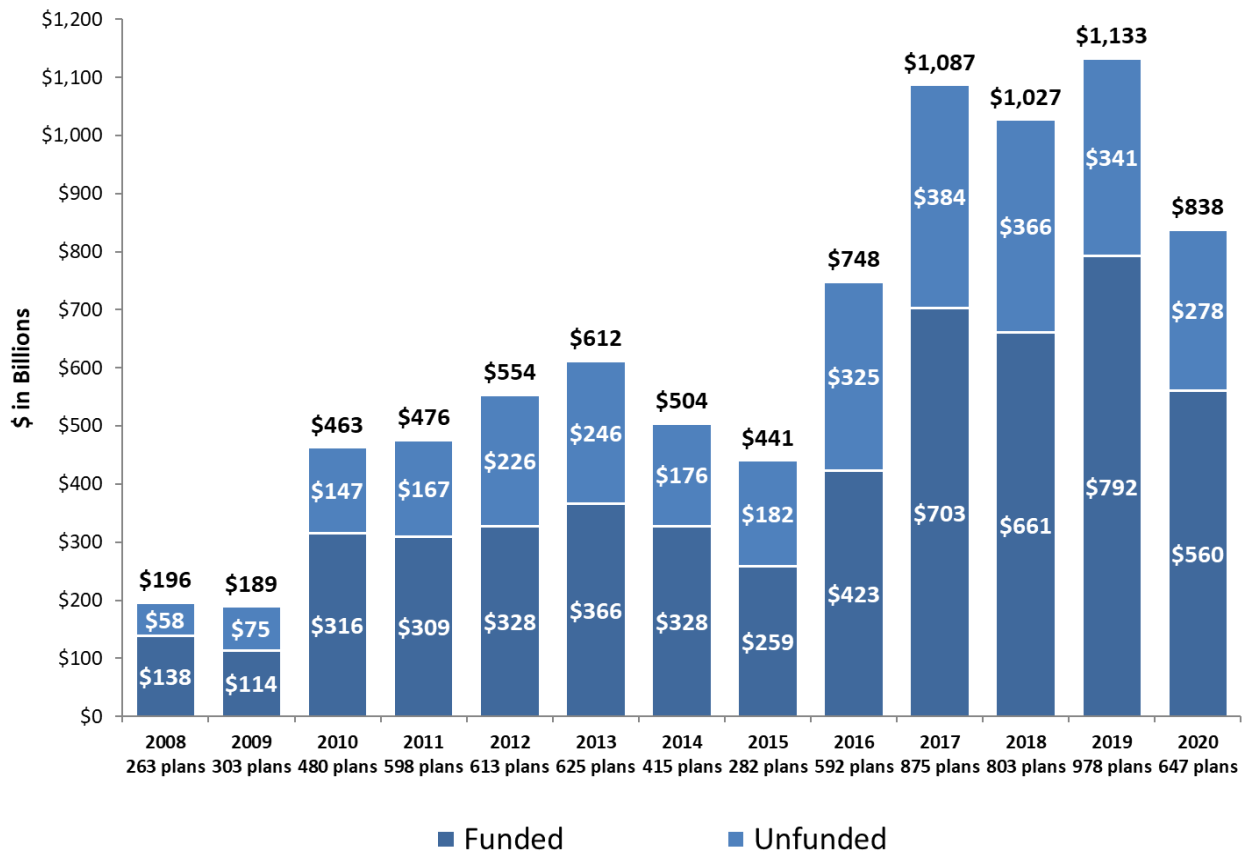
⁸ In 2020, over 73% of plans had less than 100 participants (Table S-31 of [PBGC’s data tables](#)). Note that, while most plans are considered small (less than 100 participants), the majority (over 67%) of all single-employer system participants are in plans that cover more than 10,000 participants, as shown in Table S-30 of [PBGC’s data tables](#).

BENEFIT LIABILITIES DETERMINED USING PBGC ASSUMPTIONS AND METHODS

ERISA Section 4010 requires that, for each plan included in a Section 4010 filing, “the amount of benefit liabilities ... determined using the assumptions used by the corporation in determining liabilities” is reported. For this purpose, assets are valued at fair market value and liabilities are measured on a termination basis (i.e., using assumptions provided in PBGC’s Section 4044 regulations) and therefore, this amount is commonly called “termination liability.”

Figure 2 shows the funded liability, unfunded liability and total liability reported (all plans combined) in each of the post-PPA years.

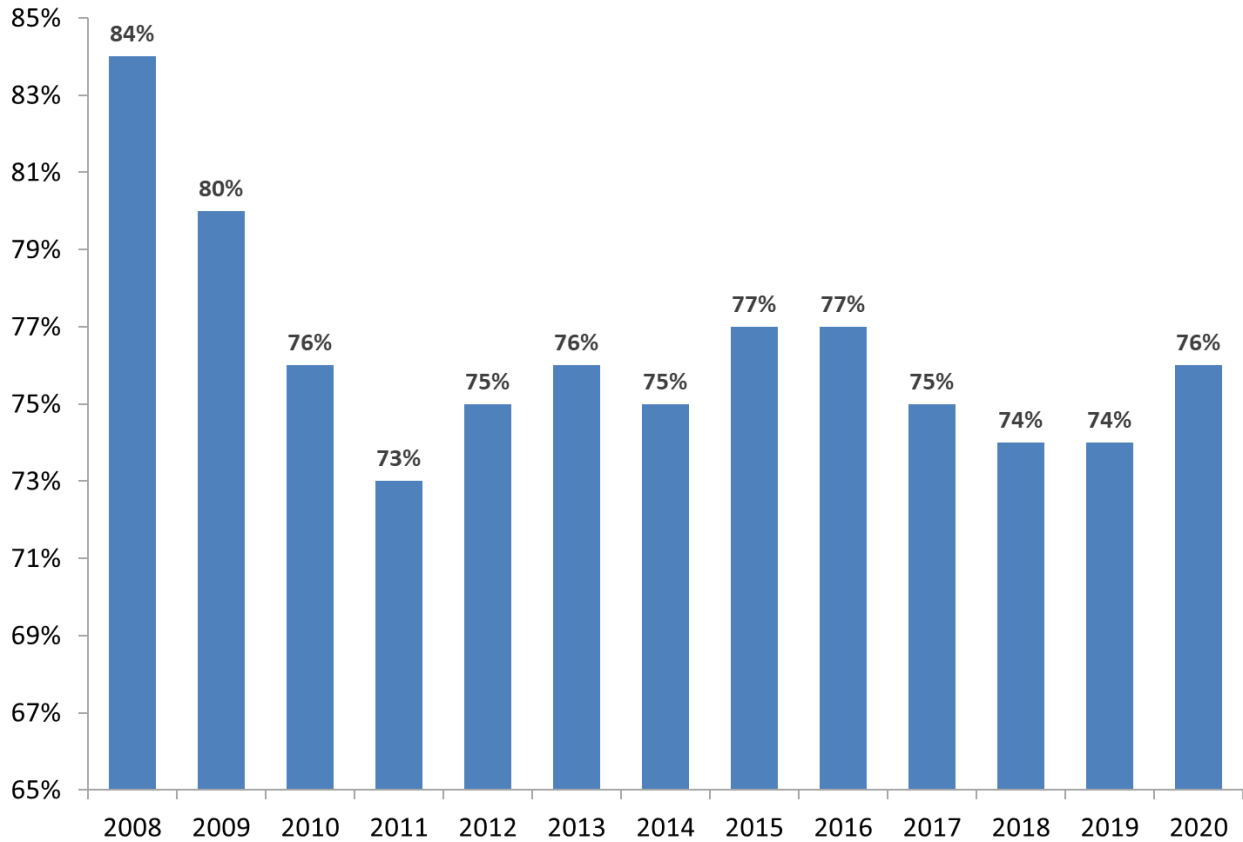
Figure 2 – Aggregate Benefit Liabilities (Termination Basis) Reported in Section 4010 Filings



ADDITIONAL ACTUARIAL CALCULATIONS

ERISA Section 4010(d)(1)(C) requires that filers report the funding target attainment percentage (4010 FTAP), determined without regard to the interest rate stabilization rules (see footnote 3). Figure 3 shows the aggregate average 4010 FTAP (i.e., the sum of each plan’s reported 4010 FTAP divided by the total number of plans) for plans required to submit Section 4010 information in each of the post-PPA years.

Figure 3 – Average 4010 Funding Target Attainment Percentage Reported in Section 4010 Filings



The aggregate average 4010 FTAP for a given year can be above 80% because if the FTAP for any plan in the controlled group is below 80%, the 4010 FTAP must be reported for all plans sponsored by the employer, even those with 4010 FTAPs above 80%.

ERISA Section 4010(d)(1)(B) also requires that plans report the funding target of the plan recalculated as if the plan has been in at-risk status, as defined in ERISA Section 303(i), for at least 5 plan years, even if the plan was not in at-risk status. PBGC does not typically need or use this information. However, because it is burdensome and costly for companies to calculate this amount, PBGC amended its Section 4010 regulation to provide that, starting with 2016, this amount need not be reported as part of a Section 4010 submission. Rather, if a situation arises where PBGC determines it needs that information from a particular plan (that is subject to Section 4010 reporting), PBGC may request the plan submit that data item at a later date. Because of this change, PBGC no longer includes this at-risk information in the 4010 report.

CONCLUSION

The Section 4010 filings provide PBGC with more current and useful underfunding information for single-employer pension plans than any other source. They are also the only way that sponsors report plan underfunding on a termination basis, as no other reporting requirement uses this measure, and they are one of the few sources of financial information for all members of a controlled group, not just the plan sponsor. The Section 4010 data greatly enhance PBGC's ability to identify and monitor potential risks to the single-employer pension insurance system, to focus PBGC resources on situations that pose the greatest risks to the system, to assert appropriate claims in bankruptcy against members of a controlled group of the plan sponsor of a terminated plan, and to prepare PBGC's financial statements.