PENSION BENEFIT GUARANTY CORPORATION

29 CFR Ch. XL

Agenda of Regulations Under Development

AGENCY: Pension Benefit Guaranty Corporation (PBGC).

ACTION: Semiannual regulatory agenda.

SUMMARY: This document sets forth the Pension Benefit Guaranty Corporation's regulatory agenda issued under Executive Order 12866 and the Regulatory Flexibility Act. The agenda lists regulations that are currently under development or review or that PBGC expects to have under development or review during the next 12 months. The effect of this agenda is to advise the public of PBGC's current and future regulatory activities.

ADDRESSES: Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005-4026.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact John H. Hanley, Director, Legislative and Regulatory Department, (202) 326-4024. (For TTY/TDD users, call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to (202) 326-4024.) For information about a specific regulation project listed on the agenda, contact the person designated in the agenda for that regulation.

SUPPLEMENTARY INFORMATION: Under the President's order on Regulatory Planning and Review, Executive Order 12866, as amended, each agency is required to prepare an agenda of all regulations under development or review. The Regulatory Flexibility Act, Public Law 98-354, 5 U.S.C. 601, has a similar agenda requirement. Under that law, the agenda must list any regulation that is likely to have a significant economic impact on a substantial number of small entities.

The Office of Management and Budget has issued guidelines prescribing the form and content of the regulatory agenda. Under those guidelines, the agenda must list all regulatory activities being conducted or reviewed in the next 12 months and provide certain specified information on each regulation.

This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions includes The Regulatory Plan, which appears in both the online Unified Agenda and in part II of the Federal Register that includes the Unified Agenda. Pension Benefit Guaranty Corporation's Statement of Regulatory Priorities is included in the Plan.

NAME: Charles E. F. Millard, Interim Director, Pension Benefit Guaranty Corporation.
The 12 Regulatory Agendas

### Pension Benefit Guaranty Corporation - Proposed Rule

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### Pension Benefit Guaranty Corporation - Long-term Action

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<tr>
<td>Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets</td>
<td>1212-AA65</td>
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### Pension Benefit Guaranty Corporation (PBGC)

**Title:** Payment of Benefits in PBGC-Trusteed Plans; Pension Protection Act of 2006

**Abstract:** When PBGC assumes trusteeship of a terminated pension plan, it pays benefits to participants pursuant to plan provisions and title IV of ERISA. This proposed rule will implement provisions of the Pension Protection Act of 2006 that make changes in how PBGC pays benefits, particularly with regard to the determination of guarantee limits. PBGC is also exploring ways to improve its benefit payments rules, by filling in gaps in the rules, clarifying matters that have been handled on a case-by-case basis in the past, and otherwise addressing issues relating to the determination of guarantee limits and the time, form, and manner of payment.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 29 CFR 4022; 29 CFR 4044 (To search for a specific CFR, visit the [Code of Federal Regulations](https://www.federalregister.gov/code-of-federal-regulations))

**Legal Authority:** 29 USC 1302(b)(3); 29 USC 1322; 29 USC 1344

**Legal Deadline:** None

**Timetable:**

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Pension Benefit Guaranty Corporation (PBGC)

**RIN:** 1212-AB06

**Title:** Reportable Events; Pension Protection Act of 2006

**Abstract:** The PBGC proposes to amend its current regulation on Reportable Events and Certain Other Notification Requirements (part 4043) to conform to proposed changes to the PBGC's regulations on Premium Rates (part 4006). The proposed changes to part 4006 implement certain provisions of the Pension Protection Act of 2006 that are effective beginning in 2008 and, among other things, change the way that unfunded vested benefits are determined. Under part 4043, unfunded vested benefits are determined with reference to part 4006.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 29 CFR 4010; 29 CFR 4043; 29 CFR 4047 (To search for a specific CFR, visit the Code of Federal Regulations)

**Legal Authority:** 29 USC 1343; 29 USC 1302(b)(3)

**Legal Deadline:** None

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Federalism:** No

**Small Entities Affected:** No

**Energy Affected:** No

**RIN Information URL:** www.pbgc.gov/regs

**Public Comment URL:** www.pbgc.gov/regs

**Related RINs:** Split From 1212-AB01
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Pension Benefit Guaranty Corporation (PBGC)

Title: Multiemployer Amendments; Pension Protection Act of 2006

Abstract: This proposed rule would implement provisions of the Pension Protection Act of 2006 (PPA) that allow for changes in the methods for computing withdrawal liability and address adjustments in withdrawal liability if a plan is in critical status. The proposed rule would also amend PBGC’s regulations pursuant to PBGC’s authority to prescribe regulations (on matters unrelated to PPA) by providing for additional modifications in the withdrawal liability methods and fully allocating reallocation liability among all liable employers.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 29 CFR 4211; 29 CFR 4215; 29 CFR 4219; 29 CFR 4232 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 29 USC 1302(b)(3); 29 USC 1391(c)(1), (c)(2)(D), (c)(5)(A), (c)(5)(B), (c)(5)(D), and (f); 29 USC 1399(c)(6); 29 USC 1395; 29 USC 1412(c); 29 USC 1413

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.pbgc.gov/regs

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Pension Benefit Guaranty Corporation (PBGC)

Title: Annual Financial and Actuarial Information Reporting; Pension Protection Act of 2006
Abstract: The Pension Protection Act of 2006 changes the rules for reporting under ERISA section 4010. The PBGC is amending its regulation on Annual Financial and Actuarial Information Reporting to implement these changes and to make clarifying changes.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 4010 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 29 USC 1310

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Pension Benefit Guaranty Corporation (PBGC)

RIN: 1212-AB13

Title: Missing Participants; Pension Protection Act of 2006

Abstract: This is a proposed rule to implement section 410 of the Pension Protection Act of 2006, which allows certain terminating plans not covered by the existing Missing Participants program to participate in that program. Once final regulations are issued, the program will cover multiemployer plans, small professional service employer plans (25 or fewer active participants), and individual account plans.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 29 CFR 4050 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 29 USC 1350

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No
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Pension Benefit Guaranty Corporation (PBGC)

Title: Disclosure of Termination Information; Pension Protection Act of 2006

Abstract: Section 506 of PPA requires plan administrators and PBGC to provide to affected parties information, such as actuarial data or agency determinations, related to the process of terminating pension plans pursuant to title IV of ERISA. The proposed rule will clarify procedures, rights, and responsibilities with respect to obtaining and providing this termination information.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Unfunded Mandates: No

CFR Citation: 29 CFR 4041 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 29 USC 1341; 29 USC 1342

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Pension Benefit Guaranty Corporation (PBGC)

**Title:** Rules for Administrative Review of Agency Decisions

**Abstract:** Pension Benefit Guaranty Corporation (PBGC) proposes amending its regulation on Administrative Review of Agency Decisions (29 CFR part 4003) to clarify that the Agency's Appeals Board may refer certain categories of appeals to other PBGC departments for a written response and to remove determinations under section 4022A of the Employee Retirement Income Security Act of 1974 (ERISA) from the scope of part 4003. The proposed amendments also include minor clarifying and technical changes to the rules for administrative review of agency decisions.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Unfunded Mandates:** No

**CFR Citation:** 29 CFR 4003 (To search for a specific CFR, visit the Code of Federal Regulations)

**Legal Authority:** 29 USC 1302(b)(3)

**Legal Deadline:** None

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**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

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Pension Benefit Guaranty Corporation (PBGC)

**Title:** Interest on Premium Overpayments

**Abstract:** This is a proposed rule to amend PBGC's regulation on Payment of Premiums (29 CFR part 4007) to implement section 406 of the Pension Protection Act, which authorizes PBGC to pay interest on premium overpayments refunded to designated payors, subject to PBGC regulations. Under the statute, interest is to be calculated at the same rate and in the same manner as interest is calculated for premium underpayments.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

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**Title:** Assessment of and Relief From Information Penalties

**Abstract:** The PBGC has issued a number of policy statements about penalties over the last few years. For the convenience of the public, the PBGC is replacing those policy statements with an updated and expanded set of information penalty policies codified in its regulations.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**CFR Citation:** 29 CFR 4003; 29 CFR 4011; 29 CFR 4071

**Legal Authority:** 28 USC 2461 note; 29 USC 1302(b)(3); 29 USC 1303(a); 29 USC 1371

**Legal Deadline:** None

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**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** www.pbgc.gov/regs

**Public Comment URL:** www.pbgc.gov/regs
Related RINs: Split From 1212-AA95

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Pension Benefit Guaranty Corporation ( PBGC )
RIN:  1212-AB10

Title:  Premium Rates; Payment of Premiums; Flat Premium Rates, Variable Rate Premium Cap, and Termination Premium; Deficit Reduction Act of 2005; Pension Protection Act of 2006

Abstract:  The PBGC is amending its regulations on Premium Rates and Payment of Premiums to implement certain provisions of the Deficit Reduction Act of 2005 and the Pension Protection Act of 2006 that are effective beginning in 2006 or 2007. The provisions that would be implemented by this rule change the flat premium rate, cap the variable-rate premium in some cases, and create a new “termination premium” that is payable in connection with certain distress and involuntary plan terminations.

Priority:  Other Significant
Agenda Stage of Rulemaking:  Final Rule

Major:  No
Unfunded Mandates:  No

CFR Citation:  29 CFR 4006; 29 CFR 4007 (To search for a specific CFR, visit the Code of Federal Regulations )

Legal Authority:  29 USC 1302, 1303, 1306, 1307; sec 8101, PL 109-171; sec 401, PL 109-280; sec 402, PL 109-280

Legal Deadline:  None

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Regulatory Flexibility Analysis Required:  No

Government Levels Affected:  No

Small Entities Affected:  No

Federalism:  No

Energy Affected:  No

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Pension Benefit Guaranty Corporation ( PBGC )
RIN:  1212-AB11

Title:  Premium Rates; Payment of Premiums; Variable Rate Premium; Pension Protection Act of 2006
Abstract: The Pension Protection Act of 2006 changes the rules for computing the variable-rate premium. PBGC is amending its regulations on Premium Rates and Payment of Premiums to implement these changes.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 4006; 29 CFR 4007 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 29 USC 1306; 29 USC 1307

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Pension Benefit Guaranty Corporation (PBGC)

RIN: 1212-AA55

Title: Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets

Abstract: The PBGC proposes to amend its benefit valuation and asset allocation regulations by improving its valuation assumptions and methods. Chief among the modifications the PBGC is considering are modifications to the structure of its retirement assumptions.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 4044, subpart B (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 29 USC 1302(b)(3); 29 USC 1341; 29 USC 1301(a); 29 USC 1344; 29 USC 1362

Legal Deadline: None

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Federalism: No
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Public Comment URL: www.pbgc.gov/regs
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