

Justification for No Material or Nonsubstantive Change to Currently Approved Collection

AGENCY: Pension Benefit Guaranty Corporation (PBGC)

TITLE: Request for Coverage Determination

STATUS: OMB control number 1212-0072; expires 6/30/2028

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The Pension Benefit Guaranty Corporation (PBGC) is making changes, as a non-material change request, to the approved Request for Coverage Determination form and Request for Coverage Determination instructions. The applicable OMB Control Number 1212-0072 is scheduled to expire on June 30, 2028.

Under section 4021(a) of ERISA, a pension plan is covered under Title IV of ERISA unless it qualifies under one of the enumerated exemptions from coverage listed in section 4021(b). A plan with an unclear coverage status may submit a request for coverage determination, and PBGC will use the information submitted in the request to render a determination of whether the plan is covered under Title IV. The Request for Coverage Determination ICR consists of forms and instructions that are used by plans, both already established and not-yet-established, for requesting a PBGC determination regarding coverage status.

The proposed changes described below to the Request for Coverage Determination form and instructions are not substantive and do not expand the information collection. Rather, the changes merely clarify that PBGC's responsive letters relating to pension plans that are proposed-but-not-yet-established are denominated as "Assessments," as opposed to "Determinations."

Question 4 of Part II of the form asks whether the pension plan is (1) already established or (2) proposed-but-not-yet-established. If the pension plan is already established, PBGC issues a Coverage Determination that the existing plan is or is not covered under Title IV. If the pension plan is proposed-but-not-yet-established, PBGC instead issues an Assessment that the proposed plan would be or would not be covered under Title IV. Because the proposed pension plan does not yet exist, PBGC is assessing Title IV's application to a hypothetical scenario. Accordingly, it is appropriate to note that PBGC is issuing an Assessment, rather than a Determination, regarding the proposed plan's coverage under Title IV.

The purpose of these changes is to provide additional clarity for plan practitioners requesting guidance on PBGC coverage of plans under Title IV of ERISA.

These changes will not increase the hour or cost burden for this information collection or expand the universe of respondents.

The changes to the Request for Coverage Determination form are as follows:

Page 1: PBGC is adding a sentence to the box of text at the beginning of the page.

This form is used by a plan administrator or plan sponsor to request that the Pension Benefit Guaranty Corporation determine whether a plan is covered **or assess whether a proposed plan would be covered** under title IV of the Employee Retirement Income Security Act of 1974 (ERISA). For questions about this form, send an email to Coverage@pbgc.gov or call 800-736-2444 or 202-326-4242.

PBGC is also adding language regarding assessments to the box of text at the bottom of page 1.

Has PBGC issued a coverage determination **or assessment** for the plan before?
Yes No

If yes, provide an explanation in Part VIII, Narrative Information of the plan's changed circumstances from those of the prior determination **or assessment**.

The changes to the Request for Coverage Determination instructions are as follows:

Page 1: PBGC is adding a sentence to the box of text at the beginning of the page.

The Request for Coverage Determination form is used by a plan administrator or plan sponsor of a plan to request that the Pension Benefit Guaranty Corporation determine whether a plan is covered **or assess whether a proposed plan would be covered** under title IV of the Employee Retirement Income Security Act of 1974 (ERISA). For questions about this form, send an email to Coverage@pbgc.gov or call 800-736-2444 or 202-326-4242.

Under the **General Instructions** heading PBGC is adding assessment language to the paragraph beginning **Purpose of Form**:

This form is used to request that the Pension Benefit Guaranty Corporation (PBGC) determine whether **an established plan under Parts III-VI below (or a proposed plan under Parts III or IV only)** is covered under title IV of the Employee Retirement Income Security Act of 1974 (ERISA). PBGC will notify a requester in writing of its coverage determination **(or assessment letter for a proposed plan)**.

PBGC is adding "or assessment" to the section **How and Where to File**:

"Effective January 1, 2027, use of the e-Filing Portal will be required for all coverage determination **or assessment filings."**

PBGC is adding “or assessment” in the third paragraph:

“Also, as each coverage determination **or assessment** request is unique, a filer may provide information and documentation to support the filer’s position in addition to what is required.”

Page 2: Under section heading **Part II. All Plans, Required Information**, PBGC is adding “or assessment”

Check the box for a determination **or assessment** of either non-coverage or coverage under title IV of ERISA.

Page 3: Under section heading **Part III. Substantial Owners Plans, Required Information**, PBGC is adding “or assessment”

Complete this section only if the substantial owners plan exemption is applicable to this coverage determination **or assessment** request.

Under section heading **Part IV. Small Professional Service Employer Plans, Required Information**, PBGC is adding “or assessment”

Complete this section only if the small professional service employer plan exemption is applicable to this coverage determination **or assessment** request.

Page 6 In the **Paperwork Reduction Act Notice** section, PBGC is adding “or assess,”

PBGC needs this information so that it can determine **or assess** whether a plan is covered under title IV of ERISA.