

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

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Body

Washington: Office of the Federal Register has issued the following notice:

Department of Labor ----- Employee Benefits Security
Administration ----- 29 CFR Parts 2520 and 2590
Department of
Treasury Internal Revenue Service ----- 26 CFR Part 301 Pension
Benefit Guaranty Corporation 29 CFR Part 4065 Proposed Revision of Annual Information Return/Reports;
Proposed Rules Federal Register / Vol.

81 , No. 140 / Thursday, July 21, 2016 / Proposed Rules [[Page 47534]] -----
----- DEPARTMENT OF LABOR Employee Benefits Security Administration 29 CFR Parts 2520 and 2590
DEPARTMENT OF THE TREASURY Internal Revenue Service 26 CFR Part 301 PENSION BENEFIT GUARANTY
CORPORATION 29 CFR Part 4065 RIN 1210-AB63 Proposed Revision of Annual Information Return/Reports
AGENCY: Employee Benefits Security Administration, Labor, Internal Revenue Service, Treasury, Pension Benefit
Guaranty Corporation. ACTION: Notice of proposed forms revisions. -----
----- SUMMARY: This document contains proposed changes to the Form 5500 Annual Return/Report forms,
including the Form 5500, Annual Return/ Report of Employee Benefit Plan (Form 5500 Annual Return/Report), and
the Form 5500-SF, Short Form Annual Return/Report of Small Employee Benefit Plan (Form 5500-SF). The annual
returns/reports are filed for employee pension and welfare benefit plans under the Employee Retirement Income
Security Act of 1974 (ERISA) and the Internal Revenue Code (Code). The proposed revisions in this Notice reflect
efforts of the Department of Labor, the Internal Revenue Service, and the Pension Benefit Guaranty Corporation
(collectively Agencies) to improve employee benefit plan reporting for filers, the public, and the Agencies by
modernizing financial information filed regarding plans; updating fee and expense information on plan service
providers with a focus on harmonizing annual reporting requirements with the Department of Labor's final disclosure
requirements enhancing mineability of data filed on annual return/reports; requiring reporting by all group health
plans covered by Title I of ERISA, including adding a new Schedule J (Group Health Plan Information); and
improving compliance under ERISA and the Code through selected new questions regarding plan operations,
service provider relationships, and financial management of the plan. These revisions, which are being proposed in
conjunction with a recompute of the ERISA Filing and Acceptance System (EFAST2) contract, if adopted, generally
would apply for plan years beginning on or after January 1, 2019. EFAST2 is expected to begin processing the Plan

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

Year 2019 Form 5500 Annual Return/Report beginning January 1, 2020. The proposed revisions would affect employee pension and welfare benefit plans, plan sponsors, administrators, and service providers to plans subject to annual reporting requirements under ERISA and the Code. DATES: Written comments must be received by the Department of Labor on or before October 4, 2016. ADDRESSES: To facilitate the receipt and processing of written comment letters on the proposed regulation, EBSA encourages interested persons to submit their comments electronically. You may submit comments, identified by RIN 1210-AB63, by any of the following methods: Federal eRulemaking Portal: <http://www.regulations.gov>. Follow instructions for submitting comments. Email: e-ORI@dol.gov. Include RIN 1210-AB63 in the subject line of the message. Mail: Office of Regulations and Interpretations, Employee Benefits Security Administration, Attn: RIN 1210-AB63; Annual Reporting and Disclosure, Room N-5655, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Hand Delivery/Courier: Office of Regulations and Interpretations, Employee Benefits Security Administration, Attn: RIN 1210-AB63; Annual Reporting and Disclosure, Room N-5655, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Instructions: All comments received must include the agency name and Regulatory Identifier Number (RIN) for this rulemaking (RIN 1210- AB63). Persons submitting comments electronically are encouraged not to submit paper copies. All comments received will be made available to the public, posted without change to <http://www.regulations.gov> and <http://www.dol.gov/ebsa>, and made available for public inspection at the Public Disclosure Room, N-1513, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, including any personal information provided. FOR FURTHER INFORMATION CONTACT: Mara S. Blumenthal, Employee Benefits Security Administration (EBSA), U.S. Department of Labor, (202) 693- 8523, for questions relating to changes to the Form 5500, Form 5500-SF, Schedules A, C, D, G, and H, as well as the general reporting requirements under Title I of ERISA; Suzanne Bach, EBSA, U.S. Department of Labor, 202-693-8440, for questions relating to the collection of group health plan information; Leslie Larson, Internal Revenue Service (IRS), at the IRS taxpayer assistance answering service at 1-877-829-5500 (a toll-free number), for questions relating to Schedule R, Schedule E, as well as the general reporting requirements under Internal Revenue Code (Code); Steven Klubock, IRS, at 1-877-829- 5500, for IRS questions relating to the Schedules MB and SB; and Grace Kraemer or Theresa Anderson, Pension Benefit Guaranty Corporation (PBGC), (202) 326-4000 for questions relating to Schedules MB and SB of the Form 5500, and Lines 14 and 19 of Schedule R, as well as questions relating to the general reporting requirements under Title IV of ERISA. For further information on an item not mentioned above, contact Ms. Blumenthal. The telephone numbers referenced above are not toll-free numbers, except as otherwise provided. Customer service information: Individuals interested in obtaining information from the DOL concerning Title I of ERISA may call the EBSA Toll-Free Hotline at 1-866-444-EBSA (3272) or visit the DOL's Web site (www.dol.gov/ebsa). SUPPLEMENTARY INFORMATION: Sections 101 and 104 of Title I and section 4065 of Title IV of the Employee Retirement Income Security Act of 1974 (ERISA) and sections 6057(b), 6058(a), and 6059(a) of the Internal Revenue Code of 1986 (Code), and related regulations, impose annual reporting and filing obligations on pension and welfare benefit plans, as well as on certain other entities. Plan administrators, employers, and others generally satisfy these annual reporting obligations by filing the Form 5500, Annual Return/Report of Employee Benefit Plan together with any required schedules and attachments (Form 5500 Annual Return/Report), or Form 5500-SF, Short Form Annual Return/Report of Small Employee Benefit Plan (Form 5500-SF).\1\ Specifically, filing of the [[Page 47535]] Form 5500 or, for eligible filers the Form 5500-SF, with any required schedules and attachments in accordance with the instructions and related regulations, constitutes compliance under Title I of ERISA with the applicable limited exemption, alternative method of compliance, and simplified reporting prescribed in 29 CFR 2520.103-1, et seq. Such filings will also satisfy an applicable plan administrator's annual reporting obligation under section 4065 of Title IV of ERISA. Filing of a Form 5500 or Form 5500-SF, together with the required attachments and schedules in accordance with the instructions, by plan administrators, employers, and certain other entities also satisfies the annual filing and reporting requirements under Code sections 6057(b), 6058(a) and 6059(a).\2\ -----

----- \1\ Certain one-participant plans and foreign plans that are not subject to the requirements of section 104(a) of ERISA are required to file Form 5500-EZ with the IRS on paper, or voluntarily file electronically using Form 5500-SF to satisfy certain annual reporting and filing obligations imposed by the Code. Beginning with the 2015 plan year, however, some filers are required to file their annual returns electronically using Form 5500-SF instead of filing a paper Form 5500-EZ if the filer is required to file at least 250 returns of any type with the IRS. See Treasury Regulations section 301.6058-2 for more information on mandatory electronic filing of employee retirement benefit plan returns. \2\ Some filing requirements under these provisions are not within the

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

scope of this Notice. For example, multiple employer welfare arrangements and certain entities claiming exception are required to file with the DOL the Form M-1 (Report for Multiple Employer Welfare Arrangements (MEWAs) and Certain Entities Claiming Exception (ECEs)). ----- The Form 5500 Annual Return/Report serves as the principal source of information and data available to the DOL, the IRS, and the PBGC (collectively the Agencies) concerning the operations, funding, and investments of approximately 806,000 pension and welfare benefit plans. These plans cover roughly 143 million workers, retirees, and dependents of private sector pension and welfare plans \3\ with estimated assets of \$8.7 trillion.\4\ Accordingly, the Form 5500 Annual Return/Report is essential to each Agency's enforcement, research, and policy formulation programs. They are also an important source of information and data for use by other federal agencies, Congress, and the private sector in assessing employee benefit, tax, and economic trends and policies. The Form 5500 Annual Return/Report also serves as the primary means by which the operations of plans can be monitored by plan participants and beneficiaries and by the general public. -----

\3\ Source: U.S. Department of Labor, EBSA calculations using the March 2014 Current Population Survey Annual Social and Economic Supplement and the 2013 Medical Expenditure Panel Survey. \4\ EBSA projected ERISA covered pension, welfare, and total assets based on the 2013 Form 5500 Annual Return/Report filings with the U.S. Department of Labor (DOL), reported SIMPLE assets from the Investment Company Institute (ICI) Report: The U.S. Retirement Market, Second Quarter 2015, and the Federal Reserve Statistical Release Z.1 Financial Accounts of the United States (Sept. 18, 2015). ----- Generally, the Agencies have conducted a notice and comment rulemaking initiative to implement significant overhauls of the structure of the forms and schedules coincident with changes to the EFAST system. Past revisions to the forms and schedules have addressed changes to applicable law, changes in employee benefit plans and financial markets, and corresponding shifts in agency priorities and needs. The Agencies have also made changes to reduce costs and make filing and processing more efficient. In interim years, the Agencies have made other discrete changes as set forth annually in the "Changes to Note" section in the instructions, some of which have involved targeted rulemaking activity to implement reporting changes required by law.\5\ The Agencies' last major tri-agency revision to the Form 5500 Annual Return/Report was proposed in 2006, 71 FR 41615 (Jul. 21, 2006), and finalized in 2007, effective for the 2009 form series. 72 FR 64731 (Nov. 16, 2007). -----

----- \5\ See, e.g., Revisions to Annual Return/Report--Multiple- Employer Plans, Interim Final Rule, 79 FR 66617 (Nov. 10, 2014); Filings Required of Multiple Employer Welfare Arrangements and Certain Other Related Entities, Final Rule, 78 FR 13781 (Mar. 1, 2013). ----- This forms revision proposal generally is being coordinated with a recompete of the contract for the ERISA Filing Acceptance System II (EFAST2)--the wholly electronic system operated by a private-sector contractor for the processing of Form 5500 Annual Return/Report. The majority of proposed forms revisions are currently targeted for implementation in the Plan Year 2019 Form 5500 Annual Return/Report. Development of EFAST changes pursuant to a new contract could begin in spring 2018, with processing under the new contract starting on January 1, 2020. However, this planned implementation timeline may be impacted if there are modifications to the recompete contract acquisition plan. As a result, some forms revisions may be implemented in earlier or later form years, including but not limited to the IRS and PBGC changes for 2016 as shown in the proposed data elements in Appendix A. To the extent changes are made separately from a more general implementation of the proposed revisions, the Agencies will seek appropriate clearance under the Paperwork Reduction Act of 1995 (PRA) to implement the changes in connection with any given year's forms. The Agencies expect that the EFAST2 recompete would continue to deliver a user-friendly Web site, filing applications and web services, and contact center services similar to what is currently being provided. The existing EFAST2 web-based filing search application is expected to be enhanced and provided by EBSA. The Agencies expect that EFAST2 would continue to have the same or improved functionality and web services and is expected primarily to rely on existing EFAST2 software, components and logic. EFAST2 would continue to include a user-friendly web portal that provides registration, filing submission, filing acceptance, filing data dissemination, and help desk services. As part of the comprehensive review of how well the Form 5500 Annual Return/Report serves to implement the existing employee benefit plan filing requirements under Titles I and IV of ERISA and under the Code, the Agencies have considered intervening changes to the legal and regulatory environment for employee benefit plans, plan sponsors, plan service providers and others since the last major revision of the Form 5500 Annual Return/Report. This includes implementation of the Dodd- Frank Wall **Street** Reform and Consumer Protection Act, Public Law 111- 203, 124 Stat. 1376, (Jul. 21, 2010); statutory changes to ERISA and the Code relating to defined benefit pension plans in the Moving Ahead for

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

Progress in the 21st Century Act (MAP 21) (Pub. L. 112-141); the Cooperative and Small Employer Charity Pension Flexibility Act (CSEC Act) (Pub. L. 113-98); the Highway and Transportation Funding Act (HATFA) (Pub. L. 113-159); the Multiemployer Pension Reform Act of 2014, Division O of the Consolidated and Further Continuing Appropriations Act, 2015, (Pub. L. 113-235) (MPRA), and various regulatory actions adopted by the Agencies since the last major changes to the forms and instructions, including the DOL's final regulations at 29 CFR 2550.404a-5, 404c-5, and 408b-2. In addition, the enactment of the Patient Protection and Affordable Care Act (Affordable Care Act) \6\ expanded DOL's already growing oversight responsibilities with respect to the provision of group health benefits to workers in private sector employer-sponsored plans that provide group health benefits (also referred to herein as "group health plans"). In that regard, [[Page 47536]] the DOL has re-evaluated the existing reporting scheme for group health plans, which scheme was established well before the enactment of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, 110 Stat. 1936 (Aug. 21, 1996); Title I of the Genetic Information Nondiscrimination Act of 2008, Public Law 110-233, 122 Stat. 881 (May 21, 2008); the Mental Health Parity Act of 1996, Public Law 104-204, 110 Stat. 2944 (Sept. 26, 1996) and the Mental Health Parity and Addiction Equity Act of 2008, Public Law 110-343, 122 Stat. 3881 (Oct. 3, 2008); the Newborns' and Mothers' Health Protection Act of 1996, Public Law 104-204, 110 Stat. 2935 (Sept. 26, 1996); the Women's Health and Cancer Rights Act of 1998, Public Law 105-277, 112 Stat. 2681-436 (Oct. 21, 1998); and Michelle's Law, Public Law 110-381, 122 Stat. 4081 (Oct. 9, 2008), as well as the Affordable Care Act. -----

----- \6\ The Patient Protection and Affordable Care Act, Public Law 111-148, was enacted on March 23, 2010, and the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, was enacted on March 30, 2010. These statutes generally are collectively known as the "Affordable Care Act." -----

----- After reviewing the existing reporting scheme and the DOL's experience with oversight and enforcement, the DOL determined that, in order for it to more effectively fulfill its responsibilities under the expanded requirements under these laws, all plans that provide group health benefits should be subject to some level of annual reporting, with a focus on compliance issues. As described in more detail below, under the proposal, those plans that provide group health benefits that are already required to file a Form 5500 Annual Return/Report-- generally all large plans and small plans that are funded with a trust or that are otherwise not eligible for the annual reporting relief for unfunded and insured plans--would have to file group health plan information on a new separate schedule (Schedule J (Group Health Plan Information)), as well as complete those elements of the Form 5500 and schedules that those plans are already required to complete, as modified by this proposal. Plans that provide group health benefits that have fewer than 100 participants currently exempt from filing an annual report under 29 CFR 2520.104-20 because they are either completely "unfunded" or partially insured and partially unfunded now would be required to file a Form 5500 (except for those questions applicable only to pension plans) and the new Schedule J. Under the proposal, plans that provide group health benefits that have fewer than 100 participants that currently are exempt from annual reporting under 29 CFR 2520.104-20 because they are fully insured would be required to file with answers to certain questions on the Form 5500 and the Schedule J. Certain information collection requirements imposed under the Code, but not required under ERISA, had to be removed from the Form 5500 Annual Return/Report when DOL implemented its EFAST2 electronic filing requirement beginning with the 2009 Form 5500 Annual Return/Report. The Code did not permit the IRS to mandate electronic filing of "IRS- only" components of the Form 5500 Annual Return/Report with respect to filers of fewer than 250 returns, and regulations did not mandate such electronic filing with respect to any filers. Specifically, Schedules E, P, SSA, and T were not included in the 2009 Form 5500 Annual Return/ Report. Some of those information collection requirements can now be added back to the Form 5500 Annual Return/Report. On September 29, 2014, the Treasury Department issued final regulations under Code sections 6058 and 6059 mandating electronic filing of the Form 5500 Annual Return/Report (including actuarial schedules) for certain filers. T.D. 9695, 79 FR 58256 (Sept. 29, 2014). In general, 26 CFR 301.6058-2 provides that, in order to satisfy the filing requirements of Code section 6058, a Form 5500 Annual Return/Report must be filed electronically if the filer is required to file at least 250 returns of any type during the calendar year that includes the first day of the applicable plan year. Similarly, 26 CFR 301.6059-2 provides in general that, in order to satisfy the filing requirements of Code section 6059, actuarial reports filed with a Form 5500 Annual Return/Report must be filed electronically by filers required to file at least 250 returns during that calendar year. The regulations are generally effective for plan years beginning on or after January 1, 2015, but only for filings with a filing deadline (not taking into account filing extensions) after December 31, 2015. Finally, the Agencies took into account recommendations in reports from the Government Accountability Office (GAO), the DOL's Office of Inspector General (DOL-OIG), the United States

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

Treasury Inspector General for Tax Administration (TIGTA), and the ERISA Advisory Council that have been issued since the last major revision of the Form 5500 Annual Return/Report information collection requirements in connection with the 2009 return/report. See, e.g., U.S. Gov't Accountability Office, GAO-10-54, Private Pensions: Additional Changes Could Improve Employee Benefit Plan Financial Reporting (2009) (available at www.gao.gov/assets/300/298052.pdf); U.S. Gov't Accountability Office, GAO-14-441, Private Pensions: Targeted Revisions Could Improve Usefulness of Form 5500 Information (2014) (available at www.gao.gov/products/GAO-14-441); 2013 ERISA Advisory Council Report: Private Sector Pension De-risking and Participant Protections, Dep't of Labor, (available at www.dol.gov/ebsa/publications/2013ACreport2.html); Dep't of Labor Office Of Inspector Gen., 05-14-003-12-12, EBSA Could Improve Its Usage of Form 5500 Data (2014) (available at www.oig.dol.gov/public/reports/oa/2014/05-14-003-12-121.pdf); U.S. Gov't Accountability Office, GAO-14-92, Private Pensions: Clarity of Required Reports and Disclosures Could Be Improved (2013) (available at www.gao.gov/assets/660/659211.pdf); U.S. Gov't Accountability Office, GAO-14-92, Private Pensions: Clarity Of Required Reports And Disclosures Could Be Improved, Report to Congressional Requesters (2013) (available at www.gao.gov/assets/660/659211.pdf); U.S. Dep't of Labor Office of Inspector Gen., 09-13-001-12-121, Employee Benefits Security Administration Needs to Provide Additional Guidance And Oversight to ERISA Plans Holding Hard-to-Value Alternative Investments (2013) (available at www.oig.dol.gov/public/reports/oa/2013/09-13-001-12-121.pdf); U.S. Gov't Accountability Office, GAO-12-665, Private Sector Pensions: Federal Agencies Should Collect Data and Coordinate Oversight of Multiple-employer Plans (2012) (available at www.gao.gov/assets/650/648285.pdf); U.S. Dep't of Labor Office Of Inspector Gen., 09-12-002- 12-121, Changes Are Still Needed In The ERISA Audit Process To Increase Protections For Employee Benefit Plan Participants (2012) (available at www.oig.dol.gov/public/reports/oa/2012/09-12-002-12-121.pdf); U.S. Gov't Accountability Office, GAO-12-325, 401(K) Plans: Increased Educational Outreach and Broader Oversight May Help Reduce Plan Fees (2012) (available at www.gao.gov/products/GAO-12-325); U.S. Gov't Accountability Office, GAO-08-692, Defined Benefit Plans: Guidance Needed to Better Inform Plans of the Challenges and Risks of Investing in Hedge Funds and Private Equity (2012) (available at www.gao.gov/products/GAO-08-692); Treasury Inspector Gen. for Tax Administration, The Employee Plans Function Should Continue Its Efforts to Obtain Needed Retirement Plan Information (2011) (available at www.treasury.gov/tigta/auditreports/2011reports/ [[Page 47537]] 201110108fr.pdf); 2011 ERISA Advisory Council Report: Hedge Funds and Private Equity Investments, Dep't of Labor, (available at www.dol.gov/ebsa/publications/2011ACreport3.html); 2013 ERISA Advisory Council Report: Locating Missing and Lost Participants, Dep't of Labor, (available at www.dol.gov/ebsa/publications/2013ACreport3.html#2); 2010 ERISA Advisory Council Report: Employee Benefit Plan Auditing and Financial Reporting Models, Dep't of Labor, (available at www.dol.gov/ebsa/publications/2010ACreport2.html); 2008 ERISA Advisory Council Report: Working Group on Hard-to-Value Assets and Target Date Funds, Dep't of Labor, (available at www.dol.gov/ebsa/publications/2008ACreport1.html.) The DOL also is publishing elsewhere in today's Federal Register a Notice of Proposed Rulemaking with proposed amendments to the annual reporting regulations at Part 2520 of Chapter XXV of Title 29 of the Code of Federal Regulations to implement certain proposed Form 5500 Annual Return/Report changes under Title I of ERISA. To avoid unnecessary duplication of effort, public comments submitted in response to this Notice of Proposed Forms Revisions will be treated as public comments on the Notice of Proposed Rulemaking to the extent they include information relevant to the proposed regulatory amendments. Although the Agencies' historical practice of undertaking major updates of the Form 5500 Annual Return/Report generally has coincided with the move to and upgrades of the EFAST processing system, the Agencies also engage in an annual update process of the forms, schedules, and instructions. Some annual changes that are anticipated to be implemented by the IRS and the PBGC in connection with the 2016 plan year forms are discussed below. Those changes and other annual updates have involved, or may in the future involve, separate public notice and comment processes, for example, under the Paperwork Reduction Act (PRA). The Agencies intend that any annual update changes adopted during the pendency of the changes proposed in this Notice will be incorporated into what is published as part of the Notice of Final Forms Revisions as part of this process.\7\ -----

----- \7\ Minor changes not requiring notice and comment rulemaking or system changes or changes required by enactment of new laws may also be made between the publication of the Notice of Final Forms Revisions and the date when the revised forms, schedules, and instructions are available for e-filing through EFAST2. ----- As with previous major forms revisions cycles, the Agencies anticipate actively engaging in outreach and education regarding the forms revisions well in

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

advance of the plan year for which the majority of the revisions would be effective. II. Appendices A. Data Elements for Forms and Schedules Appendix A shows the questions/data elements that are on each form and schedule in the line-by-line sequence the items would appear on that form and schedule, as well as newly "structured" attachments, rather than showing mock-ups of "final" forms, schedules, and structured attachments. The Agencies expect that the final forms and schedules will have substantially the same format as the existing forms and schedules.\8\ The lists of data elements for each individual form, schedule, and "structured" attachment to the Schedule H, show all of the questions that would appear on that form, schedule, or attachment-- current questions, renumbered questions, revised questions, and new questions. The data elements are numbered in the sequence that the Agencies would expect to use in the final version of the forms and schedules. Next to the data elements, the Agencies have, to the extent feasible, indicated in brackets: -----

----- \8\ The Agencies intend to publish mock-ups of the forms on the DOL's Web site as part of the third party software developer certification process and in furtherance of public education efforts about the changes to be implemented. ----- (1) "[Current]" if it is the same question with the same line number on both the proposal and the current form or schedule; \9\ "[Current (2016)]" indicates IRS changes and/or PBGC changes that would **first** be made part of the forms and schedules for the 2016 form year, respectively. ----- \9\ The Agencies used the 2015 forms, schedules, and instructions as the "current" form version. With respect to IRS- only changes, the changes for 2016 that appear in the notice published by the IRS under the PRA, 81 FR 18687 (Mar. 31, 2016), are used in the proposed data elements and instructions and are so labeled, instead of showing the changes in the information collection under the Code that appear on the 2015 Form 5500 series, which the IRS has directed filers not to answer. See IRS Compliance Questions on the 2015 Form 5500 Series Returns (

<https://www.irs.gov/Retirement-Plans/IRS-Compliance-Questions-on-the-2015-Form-5500-Series>Returns>). -----

----- (2) "[Current Line X]" if the item is already on the form or schedule, but is renumbered in the proposal, to show where the item appears on the current form or schedule; (3) "[Current with revisions]" to indicate, with a short explanation, that the item is already on the form or schedule, but would be revised; and (4) "[New]" if the item is a new question or new to that form or schedule. Dates generally are shown in the data element sheets (as well as the instructions) as "20XX" for the Form filing year; "20XX-1" for the prior year, etc. The Agencies believe this approach of showing the intended changes to the wording of the data elements, but not providing a "mock up" of the forms and schedules, will reduce costs associated with publication of the proposed form changes in the Federal Register and provide greater flexibility for the related EFAST2 development processes. The Agencies also believe that this approach (i.e., taking the questions out of the disclosable form structure), gives a better opportunity to review the format, sequencing, and grouping of how the information would be asked and entered on each of the forms and schedules and how it ultimately could potentially be better presented for disclosure purposes. The Agencies seek comments on whether reordering or regrouping questions on the Form 5500 and schedules could enhance presentation of the information for disclosure purposes or minimize burden from a data-gathering, data-entry, recordkeeping, or other perspective, as well as suggestions on the structure or appearance of the forms as both on-line and printed documents. B. Proposed Instructions for Form 5500 Annual Return/Report Appendix B to this document shows the proposed instructions for the Form 5500 and its schedules. The proposed instructions include possible additional instructions and definitions for existing line items, as well as instructions for new items, and the proposed instructions reflect the elimination of current instructions for existing line items or schedules that would be deleted under the proposal. The Agencies expect that the revised instructions for the year in which the majority of the proposed forms changes are implemented, which will be generally coincident with the contracting and procurement process for EFAST2, will also reflect changes in intervening years, changes to law, and any needed additional clarifications and interpretations to the instructions for existing and proposed line items, as well as changes made in response to comments on the proposal. For ease of use by the different types of filers and to eliminate the need for the footnotes and exceptions in the current single [[Page 47538]] "Quick Reference Chart," the Agencies propose separate charts for the various types of filers (pension plans, direct filing entities (DFEs), group health plans, and welfare plans other than group health plans). These charts appear at the end of Appendix B (Form 5500 Annual Return/ Report Instructions). The Agencies believe this proposed change should help filers focus on the specific requirements applicable to the type of plan or entity for which the Form 5500 Annual Return/Report is being filed. OMB Control Numbers, PRA Notice, and up to date Business Codes are not shown here, but will continue to be included in both the Form 5500 Annual Return/Report and Form 5500-SF instructions published on the EFAST2 Web site for the form year(s) in which the

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

changes are implemented. C. Proposed Instructions for Form 5500-SF Appendix C to this document shows the proposed instructions for the Form 5500-SF. III. Request for Comments The Agencies believe that the modernization and restructuring of the Form 5500 Annual Return/Report being proposed in this Notice would support the Agencies' ability to implement strong and effective enforcement programs and better respond to inquiries from plan participants and beneficiaries, employers, other plan sponsors, and the public regarding employee benefit plans. Further, the Agencies believe that the proposed revisions would help them more effectively develop and implement regulations and other compliance assistance guidance, and use data for purposes of economic research, policy formulation, and monitoring benefits related developments and activities among ERISA-covered employee benefit plans. The Agencies generally invite comments and suggestions as to other alternative solutions and whether and how such alternatives would be more, or less, beneficial compared to the proposed changes to the forms, schedules, and instructions. Commenters are asked to take into account the costs and burdens to plans, participants and beneficiaries, plan fiduciaries, plan service providers, and other affected parties, in commenting on the proposed annual reporting changes, including any suggested alternatives. The request for comments includes areas on the existing forms, schedules, and instructions that the Agencies have not proposed changing, but which may benefit from further guidance, especially with regard to how an existing provision or instruction would apply for a particular segment of the filing population. IV. Discussion of Proposed Changes The proposed revisions in this Notice reflect priorities of and efforts by the DOL, IRS, and PBGC to improve reporting for filers and the public, other governmental users, as well as the Agencies by: (1) Modernizing financial information filed regarding plans; (2) updating fee and expense information on plan service providers, with a focus on harmonizing annual reporting requirements with the DOL's final disclosure requirements at 29 CFR 2550.408b-2; (3) enhancing mineability of data filed on annual return/reports; (4) requiring reporting by all group health plans covered by Title I of ERISA, including adding a new Schedule J (Group Health Plan Information); and (5) improving compliance under ERISA and the Code through selected new questions regarding plan operations, service provider relationships, and financial management of the plan. The changes in this proposal to the forms, schedules, instructions, and DOL regulatory exemptions and requirements are intended to further these objectives. A. Modernize Financial and Plan Operations Information An overriding objective of these proposed forms revisions is to modernize the Form 5500 Annual Return/Report financial information collection so that the presentation of plan trust financial and balance sheet information better reflects the investment portfolios and asset management practices of employee benefit plans. The basic objective of general purpose financial reporting is to provide information about the reporting entity for the Agencies' enforcement, research, and policy formulation programs; to assist other federal agencies, Congress, and the private sector in assessing employee benefit, tax, and economic trends and policies; and to assist plan participants and beneficiaries and the general public in better monitoring the activities and investments of employee benefit plans. The financial statements contained in the current Schedule H (Large Plan Financial Information) and Schedule I (Small Plan Financial Information) are based on data elements that have remained largely unchanged since the Form 5500 Annual Return/Report was established in 1975. Over the past four decades, the U.S. private pension system has shifted from defined benefit (DB) pension plans toward defined contribution (DC) pension plans, often participant-directed 401(k)-type DC pension plans. The financing of retirement benefits has changed dramatically coincident with the shift from DB to DC pension plans. In 1978, when legislation was enacted authorizing 401(k) plans that allow employees to contribute to their own retirement plan on a pre-tax basis, participants contributed only 29 percent of the contributions to DC pension plans and only 11 percent of total contributions to both DB and DC pension plans. "In the years following 1978, employee contributions to DC pension plans steadily rose to a peak of approximately 60 percent in 1999, where it has remained." See Dept't of Labor, Private Pension Plan Bulletin Abstract of 2012 Form 5500 Annual Reports, at 1 (2015). Simultaneously, the number of single-employer DB pension plans has decreased from 92,000 in 1990 to just under 29,000 single-employer pension plans in 2009. See U.S. Gov't Accountability Office, GAO-09-291, Defined Benefit Pensions: Survey Results of the Nation's Largest Private Defined Benefit Plan Sponsors Highlights (2009) (available at <http://www.gao.gov/new.items/d09291.pdf>). The shift from DB pension plans to DC pension plans has led to increased responsibility for participants to manage their own retirement savings, which includes having to select among investment options in their retirement plans. See Private Pension Plan Bulletin Abstract Of 2012 Form 5500 Annual Reports, at 2 (Of the 516,000 section 401(k)-type plans in 2012, 87.8 percent allowed participants to direct investment of all of their assets, and 3.1 percent allowed participants to direct investment of a portion of their assets.) The need for more relevant and comparable financial information is not limited to 401(k) and other DC pension plans; it also extends to DB pension plans. Reports from GAO, the DOL-

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

OIG, the ERISA Advisory Council, and the TIGTA also have focused on the need for increased transparency and accountability generally in connection with employee benefit plan investments in hard-to-value and alternative assets, as well as assets held through pooled investment vehicles. 1. Changes to Schedule H (Financial Information)--Balance Sheet and Income Statement Section 103 of ERISA requires plans to include in their annual report a statement of assets and liabilities of the plan, aggregated by categories and [[Page 47539]] reported at current value. It also requires plans to report a statement of earnings (losses) and expenses. Although the Form 5500 Annual Return/Report has undergone major revisions since its initial implementation in 1975, there has been little change to the basic balance sheet and income statement information on the Form 5500 Annual Return/Report since the return/report was first established. Under the proposal, Schedule H, Parts I and II, would retain the essential asset/ liability and income/expense structure of the current reporting requirement. The Agencies are proposing, however, to modify the asset breakouts on the balance sheet component of the Schedule H to enable more accurate and detailed reporting on the types of assets held by a plan, including alternative investments, hard-to-value assets, and investments through collective investment vehicles. The proposed changes take into account the fact that many of these more sophisticated and complex investments do not fit neatly into any of the existing reporting categories. As a result, filers inconsistently report on the various existing categories, and important financial information is obscured by consolidation of many diverse investments into the catch-all "other" category on the balance sheet on the Schedule H. The proposal would also update the income/expense statement of the Schedule H to get a better picture of earnings and expenses associated with plan investments and operations. In addition to the Agencies' assessment that Form 5500 Annual Return/Report financial reporting would benefit from improved transparency and accountability, the proposal to change the asset categories on the Schedule H balance sheet is supported by recent reports from both the GAO and the DOL-OIG. The GAO has noted that the plan asset categories on the Schedule H are not representative of current plan investments and provide little insight into the investments themselves, the level of associated risk, or the structures of these investments. GAO-14-441, Private Pensions: Targeted Revisions Could Improve Usefulness of Form 5500 Information, at 11-12. The proposed changes to the Schedule H also are consistent with the DOL-OIG recommendation that the Form 5500 Annual Return/Report be revised to improve reporting of hard-to-value and alternative investments. U.S. Dep't of Labor Office of Inspector Gen., 09-13-001-12-121, Employee Benefits Security Administration Needs to Provide Additional Guidance And Oversight to ERISA Plans Holding Hard-To-Value Alternative Investments, at 4, 19. Accordingly, the Agencies are proposing the following changes to the Schedule H balance sheet and income statement. Current Line 1a, "total noninterest bearing cash," would be reported as a breakout element under General Investments. This would also result in Line 1b "Receivables" and Line 1c "General Investments" being renumbered as Lines 1a and 1b respectively. Participant loans would continue to be reported as a separate line item, but would be reported as a breakout element under renumbered Line 1a as a "receivable" rather than under its current reporting classification under the heading "General Investments." This change is responsive to amendments made to "Generally Accepted Accounting Principles" (GAAP) by the Financial Accounting Standards Board (FASB), which required participant loans to be classified as notes receivable from participants. See Financial Accounting Standards Board, No. 2010-25, Plan Accounting--Defined Contribution Pension Plans (Topic 962) (2010). As notes receivable, participant loans would continue to be reported at their unpaid principal balance plus any accrued but unpaid interest. Under proposed Line 1b (currently Line 1c) "General Investments," the Agencies would add both new categories and new breakouts within existing categories. Cash and cash equivalents would be the first category under "General Investments." As indicated above, "noninterest bearing cash (such as cash on hand or cash in a non- interest bearing checking account)" would no longer be separated from "General Investments." Instead it would be a sub-breakout under "cash and cash equivalents." The category would also have sub-breakouts for interest bearing cash (assets that earn interest in a financial institution account such as interest bearing checking accounts, passbook savings accounts, or money market bank deposit accounts). While the breakouts are new, the information is already required to be reported on current Line 1c(1). The next category under "General Investments," would continue to be for reporting "Debt Interests/Obligations." The Form 5500 Annual Return/Report currently provides little in the way of detail or transparency about the range of plan investments in bonds, loans, and other debt instruments and obligations. For example, a single line item for "other loans" on the Schedule H currently covers, as indicated in the Form 5500 Annual Return/Report instructions, the value of loans for construction, securities loans, commercial and/or residential mortgage loans that are not subject to Code section 72(p), and other miscellaneous loans. See, e.g., 2015, Schedule H, Form 5500 Annual Return/Report Instructions. The general debt heading, as proposed, would keep the existing breakout for corporate

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

debt instruments. Breakouts under that category, however, would be investment grade debt and high-yield debt, rather than "preferred" and "all other," as on the current Schedule H. This change is intended to have the Schedule H financial information for all reporting plans regarding corporate debt instruments correspond to the more detailed financial information on Schedule R for defined benefit pension plans that have 1,000 participants or more. In addition, U.S. government securities would be broken out from other government securities. The instructions for the current forms advise filers to report such investments on the Schedule H financial statements in "Other" debt instruments. This proposal, however, includes more investment categories on the Schedule H to improve transparency from the current "other" categories. For example, there would be a breakout for other loans (other than loans to participants), exchange traded notes, and asset backed securities (other than real estate),^{10\} and debt obligations associated with real property would be reported under the real property category, rather than generally under "Other Debt Obligations." Thus, with respect to reporting such leveraged or collateralized transactions on the balance sheet portion of Schedule H, filers would be advised in the instructions to account for such transactions in the appropriate asset category in accordance with the individual characteristics of the investment. ----- \10\ The SEC similarly is working towards more transparency with regard to some of these assets. See Securities and Exchange Commission, Asset-backed Securities Disclosure and Registration, 79 FR 57,184 (Sept. 24, 2014). FINRA has also published an Investor Alert related on exchange traded notes to increase investor awareness of the associated risks. See Exchange-Traded Notes: Avoid Unpleasant Surprises, FINRA, www.finra.org/Investors/ProtectYourself/InvestorAlerts/TradingSecurities/P131262. See also U.S. Gov't Accountability Office, GAO-12-324, Recent Developments Highlight Challenged Of Hedge Fund And Private Equity Investing (2012) (discussing plan investment in distressed debt). -----

----- The next category under "General Investments" would continue to be "Corporate Stocks." Under the corporate securities category, filers would still distinguish between "preferred" and "[Page 47540]" "common" stock for reporting direct holdings of corporate securities. There would be new breakouts, however, for "publicly traded" and "non-publicly traded" securities under both the "preferred" and "common" stock elements. This proposed change is intended to present a more complete picture of plan investments in hard-to-value assets. The existing reporting line items for certain collective investment vehicles that are treated as holding plan assets under the DOL's plan asset regulation at 29 CFR 2510.3-101 (i.e., bank common or collective trusts (CCTs), insurance company pooled separate accounts (PSAs), entities meeting the conditions of DOL regulation 29 CFR 2510.103-12 (103-12 IEs), and master trusts) generally would be retained, but grouped together for reporting under a new category entitled "Eligible Pooled Investment Funds (Other Than Registered Investment Companies)." To increase transparency and improve the quality of data collected across various components of the Form 5500 Annual Return/Report, the proposal would significantly reconfigure existing reporting of assets held through the various types of pooled investment vehicles that have plan assets. Under the proposal, a plan's investments in CCTs and PSAs would be reported in the aggregate on single line items for each vehicle type on the Schedule H Line 1b balance sheet information regardless of whether the CCT or PSA files a Form 5500 Annual Return/Report as a DFE. This is a change from the current rule that has filers break out the underlying assets in the respective line items on the Schedule H balance sheet under "general investments" if the CCT or PSA has not filed a Form 5500 Annual Return/Report and in the aggregate on the CCT or PSA line if the Form 5500 Annual Return/Report has been filed. Instead, as discussed in more detail below, the Line 4i(1) Schedule of Assets held for Investment of either the plan or the CCT or PSA, depending on whether the CCT or PSA has filed, would be where the breakout of underlying assets would be reported. With respect to 103-12 IE reporting on Schedule H, the proposal generally continues the existing reporting requirements. Specifically, similar to the requirements for plans that invest in CCTs and PSAs, a plan that invests in an entity that files as a 103-12 IE would, in identifying each individual 103-12 IE on the Line 4i Schedules of Assets, have to include the value of the plan's investment in each 103-12 IE. Reporting regarding investments in master trusts by plans and reporting by master trusts, as described in more detail below, would be substantially revised, including reporting on the plan's asset and liability statements on Schedule H, Part I. Specifically, as they did prior to 1999, plans would report their total holdings in master trusts on Schedule H, Line 1b, on an aggregate basis, and the reporting concept of the master trust investment account (MTIA) would be eliminated. The participating plans' fractional interest in the various holdings of the master trust (which currently are reflected in the MTIA Form 5500 Annual Return/Report) now would be shown on the various plans' Schedule H, Line 4i(1) Schedule of Assets Held for Investment at End of Year and Line 4i(2) Schedule of Assets Disposed of During the Plan Year, as well as on the filings by the master trust itself. The DOL views the proposed changes to

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

annual reporting regarding these pooled investment vehicles as important and necessary in light of the large amount of plan assets (an estimated \$1.1 trillion) held by CCTs, PSAs, master trusts, and 103-12 IEs. See U.S. Gov't Accountability Office, GAO 12-121, Limited Scope Audits Provide Inadequate Protections To Retirement Plan Participants, at 1 (2014). As part of the focus on better reflecting and understanding how plans are investing, the Agencies also propose to replace the single line existing category entitled "Value of Interest in Funds Held in Insurance General Accounts (Unallocated Contracts)" by adding breakouts of various types of unallocated contracts. The proposal would add to the existing general category breakouts for deposit administration, immediate participation guarantees, guaranteed investment contracts, and "other" unallocated insurance contracts. These classes of contracts parallel the existing Schedule A reporting on insurance contracts with unallocated funds. Comments are specifically solicited on whether this breakout is sufficient or whether the value of investments in other or additional classes of insurance contracts, such as variable annuity contracts,\11\ should be listed on the Schedule H. ----- \11\ As discussed below, the proposal would add new questions to Schedule A regarding variable annuities. -----

----- The Agencies are also proposing changes to the existing category entitled, "Partnership/Joint Venture Interests." To clarify the reporting of these general partnership and joint venture investments, new sub-categories are being added to report the value of interest in "limited partnerships," "venture capital operating companies (VCOCs)," "private equity," "hedge funds," and "other partnership/joint venture interests." The Agencies' proposal was informed by the GAO's findings that there was a need for more detail on plan investment in hedge funds and private equity funds due to substantial increases in the percentage of plans investing in hedge funds and private equity. U.S. Gov't Accountability Office, GAO-12-324, Recent Developments Highlight Challenges With Hedge Fund And Private Equity Investing, at 19 (2012). In making this recommendation, GAO acknowledged that although there is no universally accepted definition, the term "hedge fund" is commonly used to describe pooled investment vehicles that are privately organized and administered by professional managers who engage in active trading of various types of securities, commodity futures, options contracts, and other investment vehicles, including relatively illiquid and hard-to-value investments. Similarly, "private equity fund" is commonly used to describe privately managed pools of capital that invest in companies that typically are not listed on a stock exchange. See, e.g., 2011 ERISA Advisory Council Report: Hedge Funds and Private Equity Investments (noting that plan sponsors have increased investment of defined benefit pension plan assets in hedge funds and/or private equity funds due to the need to increase diversification, decrease volatility, and enhance the plan's overall performance). The Agencies specifically invite comments on whether these definitions are adequate for purposes of Form 5500 Annual Return/Report financial reporting. In addition, because investments in the "Partnership/Joint venture interests" may or may not be holding plan assets under the DOL's plan asset regulation at 29 CFR 2510.3-101, the Agencies are proposing an off-balance sheet item in this category where filers would indicate the total value of such investments that are plan asset vehicles and those that are not. The real estate category on the Schedule H balance sheet would be expanded and include sub-categories to include investments in particular types of assets or pooled investment funds designed to invest primarily in real estate or real estate mortgages. In the Agencies' view, the current reporting requirements do not accurately reveal the extent and type of a plan's real estate and related holdings. The [[Page 47541]] proposed new breakouts are: Developed real property (other than employer real property), undeveloped real property (other than employer real property), real estate investment trusts (REITs), mortgage-backed securities (including collateralized mortgage obligations (CMOs)), real estate operating companies (REOCs), and "Other" real estate related investments. Adding these breakouts is consistent with the Agencies' objective of improving reporting on investments that constitute alternative or hard-to-value assets. See OECD/IOPS Good Practices on Pension Funds' Use of Alternative Investments and Derivatives, OECD, (available at

<http://www.oecd.org/finance/private-pensions/oecd-iops-good-practices-on-pension-funds-use-of-alternative-investments-and-derivatives.htm>.) Creating more specific categories also should help address concerns about inconsistencies in real property reporting cited by the report, GAO Targeted Revisions Could Improve Usefulness Of Form 5500 Information, at 10. A significant new reporting category is for investments in derivatives. The sub-categories in the derivatives category would be futures, forwards, options, swaps, and "Other." As in the other general categories, filers would enter a description for assets listed as "Other." Obtaining more specific information about the extent to which plans are engaged in hedging or in the listed types of derivative transactions would help address concerns raised by the GAO about limitations on usefulness of data on investments in derivatives under the current reporting structure. See generally U.S. Gov't Accountability Office, GAO-08-692, Defined Benefit Plans: Guidance Needed To Better Inform Plans Of

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

The Challenges And Risks Of Investing In Hedge Funds And Private Equity, at 25, 42-43 (expressing specific concerns about the way in which pension plans report investments in derivatives and suggesting that plan sponsors are currently reporting these types of investments in various different categories on the Schedule H, limiting the usefulness of the data.) The Agencies are also proposing a new category for foreign investments with breakouts to separately report holdings of foreign equities and debt interests. The Agencies propose that, for this reporting purpose, foreign equities would include American Depository Receipts, U.S.-traded foreign stocks and stocks traded on foreign markets. Foreign debt would include both long-term and short-term foreign debt investments, but would not include for purposes of a Form 5500 Annual Return/Report such foreign securities held through U.S. registered investment funds or exchange traded funds, CCTs, PSAs, 103- 12 IEs, or master trusts. There also would be subcategories for foreign real estate, currency, and "Other," with a description required for anything reported in the "Other" category. The Agencies also are proposing a new asset category on the Schedule H, "Tangible Personal Property," which category currently appears on the Schedule I, but not on the Schedule H. Under the proposal, the Schedule H would list on its face the main types of assets as reportable in this category, i.e. direct investments in tangible personal property, with sub-categories for collectibles, precious metals, and "Other." There would also be a separate breakout category for commodities, which would be divided into "Precious Metals" and "Other." Moving this category from the Schedule I to the Schedule H for all filers required to complete the Schedule H, including former Schedule I filers, would add transparency to these plan investment holdings. To the extent plans have direct investments in tangible personal property and commodities (as opposed to futures contracts or exchange traded funds), they are likely to be reported unhelpfully from a transparency perspective as "Other" on the existing Schedule H. Finally, the Agencies propose making reporting more transparent for assets held through participant-directed brokerage accounts. The proposal generally follows the same breakout requirements as the current rules. The current rules provide that assets held through participant-directed brokerage accounts may be reported either: (1) As individual investments in the applicable asset and liability categories in Part I and the income and expense categories in Part II, or (2) by including on the "Other" lines (Line 1c(15) on the balance sheet and 2c on the income statement) the total aggregate value of the assets and the total aggregate investment income (loss) before expenses, provided the assets are not loans, partnership or joint venture interests, real property, employer securities, or investments, including derivatives, that could result in a loss in excess of the account balance of the participant or beneficiary who directed the transaction. Under the proposal, filers would provide the total current value of all assets held through participant-directed brokerage accounts, except there would be separate sub-totals for brokerage account investments in tangible personal property, loans, partnership or joint venture interests, real property, employer securities, and investments that could result in a loss in excess of the account balance of the participant or beneficiary who directed the transaction. The current Form 5500 Annual Return/Report reporting rules already require that these types of assets be reported separately from other participant- directed brokerage account assets, similar to the reporting rules for investments in CCTs and PSAs that do not file their own Form 5500 Annual Return/Report. On the proposed Line 4i Schedules of Assets, assets held through a participant-directed brokerage account would be permitted to be reported in the aggregate as a single asset held directly by the plan. The broker would be identified as the issuer/ borrower/etc. In the element requiring the filer to indicate on what line the assets were reported on Line 1b, the filer would enter all the subcategories for types of investments held through a participant- directed brokerage account. The Agencies considered requiring filers to break out all assets held through a participant-directed brokerage account on the Line 4i Schedules of Assets. The Agencies also considered continuing to require filers to break out those specific assets that are currently required to be broken out on Line 1c. For example, the Agencies considered requiring a breakout of information on whether participants are investing in alternative and hard-to-value assets through participant-directed brokerage accounts. The Agencies determined, on balance, considering the benefits to the information and the relative potential burden, that having on the proposed balance sheet (Line 1b) a general breakout of asset types held through participant-directed brokerage accounts would be sufficient, and that details of each individual asset so held would not be required. The proposal to continue to allow filers to report assets held in participant-directed brokerage accounts in the aggregate is intended to be responsive to comments on the DOL's Request for Information, Question 38, 79 FR 49469, 49473 (Aug. 14, 2014) (RFI), which specifically asked whether changes should be made to the Schedule H to require more detail about investments made through brokerage windows. While some commenters on the RFI thought it made sense for the DOL to consider changes to the Form 5500 Annual Return/Report with respect to brokerage windows, others were concerned about the burden and costs such changes would impose on sponsors and participants and were unclear about the relative benefit of [[Page 47542]]

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

more information. The Agencies do not believe that there would be a substantial additional burden imposed by requiring aggregate participant-directed brokerage account assets to be reported separately instead of the current practice of reporting such assets in the catch- all "Other" category. Similarly, the Agencies believe that there would not be a substantial burden change in the proposed requirement to break out, on the Line 4i Schedules of Assets, the types of investments held in participant-directed brokerage accounts that are not eligible for aggregated reporting under current annual reporting rules. One of the goals of the proposed change is to get better information on securities lending practices and how they impact plan finances and operations. As indicated in the Financial Stability Oversight Council's (FSOC) Annual Report for 2014 (available at <http://www.treasury.gov/initiatives/fsoc/Documents/FSOC%202014%20Annual%20Report.pdf>), the global value of securities loans was approximately \$1.8 trillion in 2013. Pension plans are a large segment of the entities engaged in such transactions. Accordingly, the Agencies believe that more precise information is needed to understand how these transactions impact plans and how plans fit into the overall markets. The Agencies explored adding new breakout line items on the asset/liability and income expense statements to identify in more detail securities lending transactions. It is the understanding of the Agencies, however, that filers are reporting securities lending arrangements and similar transactions on the financial statements in various different ways, depending on whether the plan is borrowing or lending securities and the structure of the arrangement or transaction, including transactions such as repurchase agreements and sell/buy-back transactions where, technically, the plan no longer owns the securities. Accordingly, the Agencies believe that the best way to get information on securities financing transactions, without creating particularized line items that might not work for all types of transactions, is to instruct filers to report assets in the appropriate categories on the Schedule H and then identify the transactions in response to the newly proposed compliance questions. The new compliance question would ask whether the plan has investment acquisitions that are leveraged, including assets subject to collateralized lending activities (e.g., securities lending arrangements, repurchase agreements (repos), etc.). If "Yes," the plan would be required to identify whether the plan engaged in securities lending arrangements, including repurchase agreements or sell/buy-backs, or other transactions that subjected plan assets to a mortgage, lien, or other security interest, and to describe the arrangement. The plan would then have to report, as a total, the amount of cash obligated in connection with collateralized lending activities at end of year, the value of securities obligated in connection with collateralized lending activities at end of year, the value of other assets obligated in connection with collateralized lending activities at end of year, and the approximate ratio of collateralized/leveraged investments to total plan assets at end of year. The Agencies specifically request comments on whether there could be effective breakout line items on the balance sheet that would more clearly show assets that are subject to securities lending or similar arrangements or whether there are specific instructions that would be helpful for filers to know where to categorize the various components of such transactions on both the balance sheet and earnings statements on the Schedule H.

----- \12\ The term "securities loans" generally refers to the collateralized loan of a security from one party to another. Such a loan can have a pre-specified term, such as one business day, one week, or one month, or it can be "open." An open loan is ongoing until one of the parties to the trade decides to end it. ----- Under the "Income and Expense" statement in Part II of the Schedule H, the Agencies propose retaining the same basic structure for reporting income as on the current Schedule H, but with additional breakout categories. Notably, the "interest" income category includes a new breakout for government securities other than U.S. government securities, and the unrealized appreciation (depreciation) of assets category would be broken out to report separately partnership/joint venture interests, commodities investments, derivatives, employer securities, foreign investments (other than those held through U.S. registered investment funds), and employer real property, in addition to the existing breakouts for real estate, CCTs, PSAs, MTIAs, 103-12 IEs, and registered investment companies. These proposed changes are intended to better support investment monitoring by asset class and provide more consistent data for research and policy purposes. The proposal would also add new breakout categories to the "Administrative Expenses" category of the Income and Expenses section of the balance sheet. The Agencies have determined that to get a better picture of plan expenses, particularly those related to service providers, more detail in this category is warranted. Accordingly, data elements would be added for "Salaries and allowances," "Independent Qualified Public Accountant (IQPA) Audit fees," "Recordkeeping and Other Accounting Fees," "Bank or Trust Company Trustee/Custodial Fees" "Actuarial fees" "Legal fees," "Valuation/appraisal fees," and "Trustee fees/expenses (including travel, seminars, meetings)." \13\ ----- \13\ Other than IQPA Audit Fees and Bank or Trust Company Trustee/Custodial Fees, these questions were on the Form 5500

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

prior to 1999. See 1998 Form 5500, Line 32(g). ----- The Agencies are also proposing to change administrative expense reporting to identify when participant accounts are charged directly. The Agencies believe that this information is important to better understand how compensation arrangements impact participants, especially in defined contribution pension plans. The Agencies considered requiring filers to break out direct expenses on a service provider by service provider basis on Schedule C to show how and when they are charged to participant accounts rather than at the plan level. To minimize reporting burden under the proposal, however, the information would be reported only in the aggregate. Therefore, instead of requesting this information on the Schedule C, the Agencies have proposed revising the expense information on Schedule H. Specifically, the "Total" administrative expense line item on Schedule H would now require that administrative expenses charged directly against participant accounts be separately reported from those direct expenses charged to other plan asset sources. Filers would separate transaction-based charges to individual participant accounts and plan level expenses apportioned among participant accounts. With respect to the latter, filers would indicate whether the expenses were apportioned per capita, pro rata by account balance, or "Other" apportionment method that they would describe. This would give the Agencies and other users of the Form 5500 Annual Return/Report data a better idea of how and when participants are being charged administrative expenses, which is particularly important for defined contribution pension plans. [[Page 47543]]

2. Proposed Changes to Schedule H, Line 4i Schedules of Assets As indicated above, the proposed modernization of the financial reporting required on the Schedule H would include structural, data element, and instruction changes to the Line 4i Schedules of Assets. The current Line 4i Schedules ("Schedule of Assets Held for Investment at End of Year" and "Schedule of Assets Acquired and Disposed Within Year") are required under section 103 of ERISA to be included in the annual report, as currently implemented in the DOL's regulations at 29 CFR 2520.103-11.14 These schedules are filed by plans required to file the Schedule H and by certain DFEs. The schedules are a central element of the financial disclosure structure of ERISA because they are the only place in the Form 5500 Annual Return/Report where plans are required to list individual plan investments, identified by major characteristics, such as issue, maturity date, rate of interest, cost, and current value. Accordingly, these schedules are the only part of the Form 5500 Annual Return/Report that can be used to evaluate the year-to-year performance of a plan's individual investments. The reported information, however, suffers from several shortcomings. -----

14 To see the proposed changes to the DOL's regulations to implement these data element and instruction revisions, please see the DOL's Notice of Proposed Rulemaking--Annual Reporting, published elsewhere today in the Federal Register. ----- Perhaps most fundamentally, this information currently is not reported in a data-capturable format. Thus, although an image or picture of the attachments that are currently filed as non-standard attachments to filers' electronic Form 5500 Annual Return/Report filings is available through the EFAST2 public disclosure function, it is not viewable as part of the Schedule H, nor is the information included in the data sets that DOL prepares from the return/report filing data and publishes on its Web site (www.dol.gov/ebsa/foia/foia-5500.html). Also, the Line 4i Schedules of Assets are not always found in the same place in each Form 5500 Annual Return/Report filing. For example, the Line 4i Schedules of Assets are often incorporated in the larger audit report of the plan's IQPA that itself is filed as a nonstandard attachment to the Form 5500 Annual Return/Report.15 The schedules also do not require standardized methods for identifying and describing assets on the Line 4i Schedules of Assets. Under the current reporting rules, the same stock or mutual fund may be identified with various different names or by use of different abbreviations. The creation of more detailed and structured Line 4i Schedules of Assets is a specific recommendation of both the DOL-OIG and the GAO. See DOL Inspector Gen. EBSA Needs To Provide Additional Guidance And Oversight To ERISA Plans Holding Hard-To-Value Alternative Investments, at 4-5; GAO Private Pensions: Targeted Revisions Could Improve Usefulness of Form 5500 Information, at 37. -----

15 See EFAST2 FAQ 24a, (available at www.dol.gov/ebsa/faqs/faq-EFAST2.html) (advising filers of options in EFAST2 for filing the accountant's opinion and accompanying financial statements, indicating that they do not need to be "tagged" separately for filing purposes.) -----

The **first** proposed improvement would require filers to complete standardized Line 4i Schedules of Assets in a data-capturable format. The Agencies anticipate that EFAST2 would have separate "structured" locations for entering the data into the Form 5500 Annual Return/Report filing, using a standardized format that would enable incorporation of the Line 4i Schedules of Assets information into the datasets that EFAST and EBSA make available from each year's Form 5500 Annual Return/ Report and Form 5500-SF filings and enable DOL to more readily disclose the information, as required under Title I of ERISA. As under the current

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

reporting structure, there would continue to be two separate schedules of assets.\16\ The **first** would be the existing Schedule of Assets Held for Investment at End of Year. The second would modify the existing ``Schedule of Assets Acquired and Disposed of Within Year" to a ``Schedule of Assets Disposed of During the Plan Year." The objective of the current Schedule of Assets Acquired and Disposed of Within Year was to ensure that the Form 5500 Annual Return/Report (which generally captures financial information at the beginning and the end of the plan year) captured information on assets that may not have been held either at the beginning of the year or end of year because they were bought and sold within the same year. That structure, however, suffers from a significant gap in information about alternative investments and hard-to-value assets because neither of the current Schedules of Assets provides information on the sale of such assets if purchased in one year and sold in the middle of a subsequent year. The change in the Schedule of Assets Disposed of During the Plan Year to cover all investment assets disposed of during the plan year would close that gap, while continuing to capture transactions that involve the purchase and sale of investment assets within the same plan year. -----

----- \16\ The current Line 4i question generally asks whether the plan held assets for investment, referring to both Schedules of Assets. Because all filers, except filers for terminated plans, answer ``Yes" to indicate that they have assets held at end of year, answers to the current question do not reveal whether the plan also had assets acquired and disposed of during the plan year. The proposal would separate the question into two parts: Line 4i(1) asking whether the plan held investments at the end of the year; and Line 4i(2) asking whether the plan disposed of assets during the plan year. If the answer was ``Yes" to either question, the corresponding Schedule of Assets would need to be attached. ----- Both of the proposed Line 4i Schedules of Assets would continue to require filers to enter, as applicable, the existing data elements (1) identifying the issuer, borrower, lessor, or similar party; (2) describing the investment and identifying, as applicable, the issue, maturity date, rate of interest, par, or maturity value, including whether the asset/investment is subject to surrender charge; (3) reporting the cost of the asset; and (4) reporting the current value of the asset. A new data element on the Line 4i(1) Schedule of Assets Held for Investment would require the filer to indicate whether the plan or reporting DFE held the investments directly, through a master trust, CCT, PSA, or a 103-12 IE. If the assets are held through a DFE, the filer (whether a plan or an investing DFE) would be required to list each DFE as an investment and enter for each DFE in which the filer was invested, the name, employer identification number (EIN), and plan number (PN) used by the DFE on its own Form 5500. If a PSA or CCT in which the reporting plan or DFE invests has not filed a Form 5500 Annual Return/Report, the filer would have to check a **box** to indicate that the CCT or PSA has not filed a Form 5500 Annual Return/Report, and the investing plan or DFE would have to break out the underlying assets of the CCT or PSA on its own Line 4i(1) Schedule of Assets Held for Investment at End of Year. This aspect of the proposal is intended better to coordinate the information currently reported by plans and investing DFEs on Schedule D and on the Line 4i(1) Schedule of Assets Held for Investment at End of Year. The current instructions tell filers to use an asterisk to identify investments that involved a party-in-interest on the Line 4i Schedule of Assets Held for Investment at End of Year. Review of Form 5500 Annual Return/Report data, however, suggests that many filers may not be aware of the requirement, which is currently explained only in the instructions for Schedule H of the Form [[Page 47544]] 5500 Annual Return/Report. Identification of the involvement of a party-in-interest, therefore, has been inconsistent and incomplete. To address the issue, the proposal would replace the current requirement to include an asterisk with a check **box** to indicate whether the investment involved a party-in-interest. To indicate the type of asset generally, filers generally would be required to indicate on the Line 4i Schedule of Assets the category under which the value of the asset was included on the Schedule H asset statement (proposed Line 1b), or if held through a CCT or PSA that has not filed, where the individual assets would have been included on Line 1b if not held through the CCT or PSA. The proposal would add to the Line 4i(1) Schedule of Assets Held for Investment at End of Year a requirement to report investment identifiers such as CUSIP (Committee on Uniform Securities Identification Procedures), CIK (Central Index Key), and LEI (Legal Entity Identifier), if applicable, for each asset. Filers would also be expected to provide any other uniform number applicable to the entity or asset being reported, such as the Financial Instrument Global Identifier (FIGI), which is now coming into more common usage.\17\ The use of CUSIP in particular has been recognized by the GAO as a way to improve end-users' ability to aggregate analyses of the information contained on the Schedules of Assets. GAO Private Pensions: Targeted Revisions Could Improve Usefulness Of Form 5500 Information, at 17. -----

----- \17\ See U.S. Bank Adopts Bloomberg's New Industry-standard for Trustee Reporting, Bloomberg, (available at <http://www.bloomberg.com/company/announcements/u-s-bank-adopts-bloombergs-new-industry-standard-for-trustee-reporting/>) (reporting that U.S. Bank is the **first** corporate

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

trustee to adopt Bloomberg's transparent, open-source methodology.) -----

----- The Agencies recognize that some identifiers, particularly the LEI, are not yet widely used. The LEI is included in the proposal in anticipation of increased use by the time the rule becomes final. The LEI is intended to identify legally distinct entities that engage in a financial transaction. It has support from both industry and government agencies who view having a universal identifier of parties to financial transactions, such as the LEI, as an important response to the 2008 financial crisis and the best way to track and understand the true nature of risk exposures across the financial system. See, e.g., Statement on Legal Entity Identification for Financial Contracts, 75 FR 74146, 74147 (Nov. 30, 2010) (noting that precise and accurate identification of legal entities engaged in financial transactions is important to private markets and government regulation); Executive Office of the President of the United States, Nat'l Science and Technology Council, Smart Disclosure and Consumer Decision-making: Report of the Task Force on Smart Disclosure, at 13 (2013) (noting that the Administration is working to promote a LEI system). The use of LEI to identify pension plan transactions is particularly important because pension plan investments make up a large percentage of all investment assets and, as previously discussed, plans are increasingly invested in alternative investments that involve complicated financial structures and transactions. Under the proposal, filers would continue to be required to set forth the current value of each investment asset listed on the Line 4i Schedules of Assets. To improve reporting on hard-to-value assets where the current value is by definition not readily available, filers would be required to check a box for each individual investment listed to indicate whether the asset is "hard-to-value." This requirement is meant to supplement the current compliance question on the Schedule H that asks whether the plan held any investment assets whose value was not readily determinable on an established market or set by a third party independent appraisal. See, e.g., 2015 Form 5500 Annual Return/ Report Instructions for Schedule H. The aggregate compliance question, by itself, does not provide particularly useful information on hard-to- value assets. An examination of Form 5500 Annual Return/Report filings suggests substantial non-compliance or inaccurate reporting in the ways plans answer the question. See also DOL-OIG EBSA Needs To Provide Additional Guidance And Oversight To ERISA Plans Holding Hard-To-Value Alternative Investments, at 4-5, 18, and 19 (recognizing that the Form 5500 Annual Return/Report has a "limited ability to capture information on hard-to-value investments" and recommending that EBSA "improve Form 5500 [Annual Return/Report] data collection, analysis, and targeting of plans with hard-to-value investments."). The Agencies believe that the requirement for filers to indicate for each specific investment asset whether the asset is hard-to-value is in keeping with the goals of obtaining better information regarding plan assets. The instructions would also include a clearer definition of hard- to-value assets for this purpose. Specifically, assets that are not listed on any national exchanges or over-the-counter markets, or for which quoted market prices are not available from sources such as financial publications, the exchanges, or the National Association of Securities Dealers Automated Quotations System (NASDAQ), would be required to be identified as hard-to-value assets on the Line 4i Schedules of Assets. CCTs and PSAs that are invested primarily in hard- to-value assets must themselves be identified as hard-to-value assets, regardless of whether they are valued at least annually. Similar to the existing treatment in the instructions for registered investment companies, CCTs, and PSAs under the current rules, those registered investment companies, CCTs, and PSAs that are valued at least annually and are invested primarily in assets that are listed on any national exchanges or over-the-counter markets, or for which quoted market prices are available from sources such as financial publications, the exchanges, or the NASDAQ, however, would not need to be identified as hard-to-value assets on the Line 4i Schedules of Assets. A non-exhaustive list of examples of assets that would be required to be identified as hard-to-value on the proposed Schedules of Assets includes: Non-publicly traded securities, real estate, private equity funds; hedge funds; and real estate investment trusts (REITs). The Agencies believe this definition is generally consistent with the FASB audit and accounting requirements defining assets with a readily determinable fair value. See, e.g., FASB Accounting Standards Codification TM (ASC) (Topic 820). As discussed above, filers generally would be permitted to aggregate participant-directed brokerage account reporting on the Line 4i Schedules of Assets by indicating the value of all the brokerage account investments as a single entry (identifying the brokerage account information). In the element requiring filers to indicate the location where the asset was aggregated for purposes of balance sheet reporting on Line 1b, the filer would have to indicate all of the following applicable categories of investments: Tangible personal property, loans, partnership or joint venture interests, real property, employer securities, investments that could result in a loss in excess of the account balance of the participant or beneficiary who directed the transaction, and any asset that would be categorized as "Other." For the second of the Line 4i Schedules of Assets, which would correlate under the proposal to Schedule H, Line 4i(2), as noted above, [[Page 47545]] the Agencies propose to change "Schedule

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

of Assets Acquired and Disposed Within Year" to "Schedule of Assets Disposed of During the Plan Year." Filers currently report some information regarding the disposal of hard-to-value assets and alternative investments either on the Schedule H, Line 4i Schedule of Assets if the assets were both acquired and disposed of during the plan year, or, if the value of the transaction was five percent or more of total plan assets, on the Schedule H, Line 4j "Schedule of Reportable Transactions." The Agencies believe, however, that requiring reporting of hard-to-value assets and alternative investments acquired in one year and disposed of in another year, including investments that fall under the five percent limit of Line 4j, would provide the Agencies with a more complete report of the plan's annual investments. The limitations on what assets need to be reported on the Schedule of Assets Disposed of During the Plan Year would remain unchanged from the current exceptions from reporting on the Schedules of Assets not held at the end of the plan year. Thus, the following would continue to be excluded from the Line 4i(2) Schedule of Assets Disposed of During the Plan Year: ----- \18\

Title I of ERISA contemplates reporting transactions involving three percent or more of plan assets. ERISA section 103(b)(3)(H). By prior rulemaking, the DOL has limited that reporting requirement to transactions involving five percent or more of plan assets. The Agencies continue to believe that generally keeping the limit at transactions involving five percent or more of plan assets, with this change to the Line 4i schedules, will provide sufficient information about significant transactions during the plan year. -----

----- 1. Debt obligations of the U.S. or any U.S. agency. 2. Interests issued by a company registered under the Investment Company Act of 1940 (e.g., a mutual fund). 3. Bank certificates of deposit with a maturity of one year or less. 4. Commercial paper with a maturity of 9 months or less if it is valued in the highest rating category by at least two nationally recognized statistical rating services and is issued by a company required to file reports with the Securities and Exchange Commission under section 13 of the Securities Exchange Act of 1934. 5. Participations in a bank common or collective trust (CCT). 6. Participations in an insurance company pooled separate account (PSA). 7. Securities purchased from a broker-dealer registered under the Securities Exchange Act of 1934 and either: (1) Listed on a national securities exchange and registered under section 6 of the Securities Exchange Act of 1934 or (2) quoted on NASDAQ. Likewise, assets disposed of during the plan year would continue to exclude any investment that was not held by the plan on the last day of the plan year if that investment is reported in the annual report for that plan year in any of the following schedules: 1. The schedule of loans or fixed income obligations in default required by Schedule G, Part I; 2. The schedule of leases in default or classified as uncollectible required by Schedule G, Part II; 3. The schedule of nonexempt transactions required by Schedule G, Part III; or 4. The schedule of reportable transactions required by Schedule H, line 4j. The new proposed Line 4i(2) Schedule of Assets Disposed of Within Year, generally would have the same data elements as the current Schedule of Assets Acquired and Disposed of Within Year. To implement the change in the schedule from "acquired and disposed of during the plan year" to "disposed of during the plan year," however, filers would have to indicate the acquisition date. Basic parallel changes would be made to the Line 4i(2) Schedule to keep it generally consistent with the Line 4i(1) Schedule. Under the proposal, the Line 4j Schedule of Reportable (5%) Transactions would remain essentially unchanged. The current schedule of reportable transactions requires the filer to include information on the identity of the party involved in the reportable transaction or series of transactions. Consistent with the Line 4i Schedules of Assets, a checkbox is being added to this schedule to indicate whether the reportable transaction or series of transactions involved a person known to be a party-in-interest. Under the proposal, the Line 4j Schedule of Reportable (5%) Transactions would be structured in a standard format for data input and collection purposes; filers would not be able to use a nonstandard attachment. 3. Proposed Changes to DFE Reporting As described in parts A.1 and A.2 above in the context of the new Schedule H balance sheet information and the updated schedules of assets, respectively, the proposal includes changes as to what information about DFEs and their underlying investments needs to be reported by both the plan and the DFE. The proposal includes correlative changes to the Schedule D that are described below, including the elimination of the requirement of plans to complete Schedule D. The Agencies considered a number of alternatives in developing a proposal to address problems and concerns with regard to the consistency and quality of the reporting of assets held through collective investment vehicles, including DFEs. The Agencies considered whether both DFEs and plans should be required, on their Line 4i Schedule of Assets, to show the underlying investments of DFEs. The Agencies also considered eliminating filings for PSAs, CCTs, and 103-12 IEs and simply requiring plans to report on the Line 4i Schedules of Assets the plan's proportionate share of each of the underlying assets held by each PSA, CCT, or 103-12 IE in which the plan is invested. The Agencies invite comments on the most effective and efficient way to address the inconsistent and limited reporting of information invested through DFEs. The Agencies are particularly interested in information on

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

how investments in DFEs relate to investment alternatives in participant-directed accounts and how much of the underlying assets of DFEs consist of hard-to-value and alternative investments. This revised reporting structure for both the Schedule H and the Line 4i Schedules of Assets for reporting investments through pooled investment vehicles is intended to enable the Agencies, plan fiduciaries and service providers, and other users of the data to have a better and more complete picture of the investments of plans. For nearly 44 percent of all assets held by large pension plans, the public information on plans' investments on the Form 5500 Annual Return/Report is limited to the class of the pooled investment arrangements rather than the financial class of the underlying investments (including hard- to-value and alternative investments). See Dep't of Labor, 2010 Form 5500 Direct Filing Entity Bulletin: Abstract of 2010 Form 5500 Annual Reports (2013), at 6. The proposed changes to reporting information about assets held through DFEs on the Line 4i Schedules of Assets, as well as the proposed changes to the Schedule H balance sheet information, is also supported by the GAO's recommendation that the Agencies take steps to reduce the difficulty associated with matching a plan's investments with those reported in the DFE's filing. GAO Private Pensions: Targeted Revisions Could Improve Usefulness of Form 5500 Information, at 14-15. The proposed filing requirements for master trusts, CCTs and PSAs, 103-12 [[Page 47546]] IEs, group insurance arrangements (GIAs), and the plans that invest through these vehicles and the proposed revisions to Schedule D reporting are described more fully below.

a. DFE Reporting--Master Trusts Some plans participate in certain trusts, accounts, and other investment arrangements that file the Form 5500 Annual Return/Report as a DFE. In general, a master trust for Form 5500 Annual Return/Report filing purposes is a trust maintained by a bank or similar institution to hold the assets of more than one plan sponsored by a single employer or by a group of employers under common control. Unlike CCTs and PSAs, not every plan participating in the master trust necessarily has a proportionate share of all of the assets of the master trust. To get information about each plan's holdings within the master trust, the annual return/report has historically asked for information about so- called MTIAs. The Agencies understand that the MTIA reporting requirements are unique to the Form 5500 Annual Return/Report, do not fully correspond to actual trust accounting practices used for master trusts, and may not be well understood or consistently complied with by plans that use master trusts for investment and reinvestment of assets. Accordingly, the proposal would eliminate MTIA reporting and replace it with what is intended to be a simpler approach. Under the MTIA reporting concept, each pool of assets held in a master trust is treated as a separate MTIA if: (1) Each plan that has an interest in the pool has the same fractional interest in each of the assets in the pool as its fractional interest in the pool, and (2) each such plan cannot dispose of its interest in any asset in the pool without disposing of its interest in the pool. Under this test, it is possible for a single asset to be an MTIA if ownership of the asset meets the above test. Currently, a separate Form 5500 Annual Return/ Report must be filed for each MTIA, among other things, listing the underlying assets of the MTIA on Schedule H and the aggregate value of each investing plan's ownership interest in the MTIA on Schedule D. The filing of each MTIA is deemed to be part of the Form 5500 Annual Return/Report of the investing plan, and the plan administrator is, therefore, ultimately responsible for MTIAs filing their Form 5500 Annual Return/Report, even if the bank or other third party is the person that files for the MTIA. According to GAO, MTIAs account for roughly 20.4% of the total assets of large defined contribution pension plans. See Private Pensions: Targeted Revisions Could Improve Usefulness Of Form 5500 Information, at 14. Accuracy of filings showing investments in master trusts (regardless of reporting structure) is therefore important to have a complete picture of plan investments. To facilitate consistent reporting, the Agencies now propose to eliminate the concept of a separate MTIA filing as part of the changes to Schedules D and H and the Line 4i Schedules of Assets. Prior to 1999, master trusts were required to file the Form 5500 Annual Return/Report; information about MTIAs was provided in an attachment to the consolidated master trust filing. See, e.g., 1998 Form 5500 Annual Return/Report and Instructions. Under the proposal, master trust filing would return to something closer to the pre-1999 structure. Specifically, a Form 5500 Annual Return/Report would be required to be filed for each master trust in which a plan has an interest. The master trust, like a MTIA under the current rules, would be required to include as part of its Form 5500 Annual Return/Report, a Schedule D to list all participating plans. The Schedule D listing of participating plans would include the requirement to report the total value of each participating plan's investment assets in the master trust. Plans would report their investments in master trusts in detail on their Schedule H, Line 4i(1) Schedule of Assets Held for Investment at End of Year, including the name and EIN of the master trust used on the master trust's Form 5500 Annual Return/Report. Plans would also list the aggregate value of their investment in master trusts on the Schedule H balance sheet. The proposal also would change the instructions to address what the Agencies understand to be inconsistency in the way master trust expenses are reported. Specifically, under the proposal, the master trust's report would include expenses that are allocable

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

equally to all plans investing in the master trust. All other expenses would have to be allocated to the individual participating plans and reported at the individual plan level. Finally, the regulations and instructions would provide that to be a master trust for reporting purposes, either the master trust must operate on a calendar year or the master trust and all of the plans invested in the master trust must operate on the same fiscal year. Where the master trust is on a calendar year and a participating plan on a fiscal year other than a calendar year, similar to Schedule A reporting of insurance contracts, the information reported by the plan would be for the master trust year ending within the plan year. The combined changes for reporting by both investing plans and master trusts on both the Schedule H balance sheet and the Line 4i Schedules are intended better to effectuate the purposes underlying the current combination of MTIA, Schedule H (including the Line 4i Schedules), and Schedule D reporting. This should make it easier to understand the finances of the master trust as a whole, as well as the finances of the plans investing through a master trust. The Agencies invite comments to provide alternative suggestions on how to improve the transparency and accuracy of reporting plans' proportionate ownership of interests in assets held through a master trust.

b. DFE Reporting--CCTs and PSAs As with the existing rules, under the proposal, a Form 5500 Annual Return/Report may be, but is not required to be, filed for a CCT or a PSA. The proposal would change the filing requirements with respect to CCTs and PSAs as follows. As discussed above, regardless of whether a CCT or PSA in which the plan invests files a Form 5500 Annual Return/ Report as a DFE, the plan would report the interests in the CCT or PSA on the CCT or PSA line of the Schedule H balance sheet (Part I, Line 1b), although there would be breakouts within those categories to give a general idea of the types of assets held through the CCT or PSA. The changes should result in a clearer statement of total plan assets invested through these collective investment vehicles. The current requirement to break out the assets of non-filing CCTs or PSAs would be retained, but the proposal would shift the details of the underlying investments to the newly structured Line 4i(1) Schedule of Assets. Under the proposed revisions, investing plans, on their own Line 4i Schedules of Assets, would be required to list each underlying investment, identifying that the investment was held through a non-filing CCT or PSA, including the CCT's or PSA's name and other identifying information, as well as the information on the underlying asset.

----- \19\ As discussed above, if the CCT or PSA files a Form 5500 Annual Return/Report, the holdings in the CCT or PSA could be listed on the plan's Line 4i(1) Schedule of Assets at the CCT/PSA level (corresponding to the breakout categories on the balance sheet statement). Thus, the PSA or CCT filing of a Form 5500 Annual Return/Report, including the Line 4i(1) Schedule of Assets Held for Investment, would relieve each participating plan from reporting detailed information regarding the underlying investments. ----- [[Page 47547]] In this regard, the Agencies note that under current DOL regulations CCTs and PSAs are required to provide information about the underlying assets of the CCT or PSA to participating plans and provide plans with relief from reporting the underlying assets of the CCT or PSA if the CCT or PSA files the Form 5500 Annual Return/Report, but that CCTs and PSAs are not required themselves to file the Schedules of Assets. The regulation would be amended to provide that plans are relieved from breaking out the individual assets on the Schedule H, Line 4i Schedules of Assets, if the CCT or PSA instead files its own Form 5500, including the Schedule H and the Schedule of Assets Held for Investment. Also, the regulation would indicate that providing the information needed for a plan to complete the Line 4i Schedules of Assets constitutes compliance with the requirement to transmit information regarding the assets held by the CCT or PSA. With this change, information regarding the underlying investments of CCTs and PSAs, which have been provided only to plan fiduciaries, will now be part of the annual return/report data set; it will be filed either by the participating plans or by the CCT or PSA.

c. DFE Reporting--103-12 IE The DOL's regulation at 29 CFR 2520.103-12 provides that an entity in which two or more unrelated plans invest that is not a CCT, PSA, or master trust, and which is deemed to hold plan assets under the DOL's regulations at 29 CFR 2510.3-101 that voluntarily chooses to file a Form 5500 Annual Return/Report for itself on behalf of its investing plans, is treated as a "103-12 IE" filing entity for Form 5500 Annual Return/Report reporting purposes. Under the proposal, reporting for these pooled investment vehicles generally remains unchanged, except to the extent that the data elements for the existing forms and schedules have changed for all filers. For a plan to be able to report investments in such entities as a single investment on the balance sheet portion of Schedule H, as under the current reporting rules, the entity in which the plan invested would have to complete its own Form 5500, together with a Schedule H and Line 4i Schedules of Assets, as well as Schedules A, C, D, G, as revised in the proposal, and the entity's own IQPA report. Under the proposal, similar to reporting assets held through participant-directed brokerage accounts, filers would have to indicate all the Line 1b balance sheet breakout categories for types of underlying investment of each 103-12 IE, but would not have to identify each individual investment.

d. DFE Reporting--GIAs The reporting

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

requirements for GIAs would generally remain unchanged, except GIAs would be subject to the same changes in reporting as comparable welfare plans, including the new requirements for welfare plans that provide health benefits. As under the current rules, welfare plans that are fully insured, including group health plans, would still have the exemption from filing the Form 5500 Annual Return/Report if they participate in a GIA that has filed its Form 5500 Annual Return/Report. GIAs would continue to be required to file all the same forms, schedules, and attachments as a large group health plan funded with a trust. GIAs that provide group health coverage would be required to file a separate Schedule J for each separate employer's participating plan.

e. DFE Reporting--Changes to Schedule D The Agencies propose to continue the Schedule D requirement for DFEs in which plans invest, but not for plans participating in DFEs. DFEs would continue to report identifying information about the participating plan and the dollar value of each investing plan's interests in the DFE as of the end of the DFE reporting year. Participating plans, because they would now be reporting detailed information about investments in DFEs on their Line 4i Schedules of Assets, would no longer have to complete the Schedule D.

4. Better Information on Plan Terminations, Mergers, and Consolidations The Agencies propose revisions to existing Schedule H and Form 5500-SF questions on plan terminations, mergers, and consolidations. **First**, the Agencies propose expanding the question that asks whether the plan has adopted a resolution to terminate so that it also asks for the effective date of the plan termination, the year in which assets were distributed to plan participants and beneficiaries, and whether the plan transferred assets or liabilities to another plan. Second, the proposal would add a question asking filers to indicate whether another plan transferred assets or liabilities to the reporting plan (other than pursuant to a direct rollover). If the plan received a transfer of assets or liabilities from another plan, the filer would be asked to provide the date and type of transfer (merger, consolidation, spinoff, other). This new information is intended to provide better information on transfers of participant benefit obligations over the years. Third, if the plan is a defined contribution pension plan that terminated and transferred plan assets to a financial institution and established accounts in the name of missing participants, the filer would be asked to provide the name and EIN of the financial institution, the date the assets were transferred to the institution, the number of accounts established, and the total amount transferred. Although the question would not ask the filer to identify individual affected participants or beneficiaries, this requirement is designed to help missing participants locate information about their accounts, in some cases years after the plan termination when the plan or plan sponsor may no longer exist or have records of the accounts it established. Asking for information about accounts created for missing participants after plan termination would also be responsive to the ERISA Advisory Council's recommendations that the DOL use the Form 5500 Annual Return/Report to obtain more consistent reporting on accounts that hold missing participant plan assets. See 2013 ERISA Advisory Council Report: Locating Missing and Lost Participants, Dep't of Labor (available at www.dol.gov/ebsa/publications/2013ACreport3.html#2). In this 2013 report, the Advisory Council noted that another issue with "lost" or "missing" participants for ongoing plans as well as terminating plans, especially 401(k) plans, is "uncashed" checks, particularly checks sent to participants who have left employment where the Code permits the plan to "cash out" the participant. Id. The report noted that a plan was not necessarily able to tell whether uncashed checks were sent to the wrong address (a "lost" or "missing" participant issue) or whether a participant received the check but had not cashed it. To get better information about the magnitude of the problem with respect to defined contribution pension plans and to make plan fiduciaries aware that they should, at a minimum, have procedures in place to verify that a participant's address is good before a check is mailed and to keep track of the number of uncashed checks and the amount involved, the proposal would also add to both the Schedule H and the Form 5500-SF a compliance question for defined contribution pension plans asking whether there were any uncashed checks at the end of the plan year. If there were any uncashed checks at the end of the year, filers would be required ^{[[Page 47548]]} to report how many uncashed checks there were and the total dollar value of the uncashed checks. Defined contribution pension plan filers would also be asked to describe briefly in an open text field the procedures that they followed to verify a participant's address and with respect to monitoring the uncashed checks. The proposed instructions provide that for Form 5500 Annual Return/Report reporting purposes, an uncashed check is one that is no longer negotiable or is subject to limited payability. In proposing to add a compliance question instead of telling filers how to account for the assets associated with uncashed checks on the Schedule H, the Agencies recognize that the ERISA Advisory Council indicated that there are questions regarding how the underlying assets represented by uncashed checks should be reported on the Form 5500 Annual Return/Report. Because of the variety of situations that might result in uncashed checks and the different ways uncashed checks might be accounted for in an ongoing plan, the Agencies have chosen to add a compliance question, leaving flexibility in the balance sheet reporting on Schedule H and on the Form 5500-SF and, where

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

applicable, the IQPA report. The ERISA Advisory Council and some of the witnesses who testified recommended that the DOL publish guidance to advise plan fiduciaries how to handle uncashed checks, among other issues regarding missing or lost participants and beneficiaries and how to address the assets associated with those participants or beneficiaries. In making this recommendation, it was recognized that there was a tension between the mandatory distribution requirements under the Code and fiduciary responsibilities. In the absence of further guidance with regard to how to handle uncashed checks, the DOL notes (as stated above) that plans should at least have policies and procedures in place to verify participant addresses, for searching for missing participants and for fiduciaries to keep track of or be made aware of the number of uncashed checks and the total value of such checks that remained uncashed at the end of the plan year. Depending on the type of plan, the terms of the plan, and the status of the plan sponsor, there may be actions needed to satisfy fiduciary obligations with regard to benefit payments.

5. Changes to Financial Reporting for Small Plans

a. Changes to Form 5500-SF

In general, small plans that are invested only in "eligible" plan assets and otherwise meet the existing requirements for eligibility to file the Form 5500-SF would continue to be able to file the Form 5500-SF.

20\ Welfare plans with fewer than 100 participants that do not provide group health benefits and that are required to file an annual return/report and that meet the eligibility requirements for the Form 5500-SF will still be able to use the Form 5500-SF to satisfy their filing requirement. Welfare plans with fewer than 100 participants that provide group health benefits are not eligible to use the Form 5500-SF.

21\ For Form 5500-SF filers, there would be a modest additional breakout on the balance sheet information to give a basic picture of the types of eligible assets in which Form 5500-SF eligible small plans are invested. Specifically, filers would have to categorize the plans' investments into one of the following categories: (1) Cash/cash equivalents; (2) money market funds; (3) publicly traded stock (preferred/common); (4) publicly traded bonds, including government securities; (5) interests in registered investment companies (mutual funds, unit investment trusts, closed end funds); (6) interests in PSAs; (7) interests in CCTs; and (8) interests in insurance policies/ contracts other than PSAs, e.g. annuity contracts. In contrast to the Schedule H balance sheet financial breakout categories, there would be no "Other" category for the balance sheet financials on the Form 5500-SF. If a small plan were to be invested in any assets other than those in the eight listed categories, it would not be eligible to file the Form 5500-SF.

20\ The Form 5500-SF was developed and adopted for 2009 Form 5500 Annual Return/Report in part to provide a simplified report required under the Pension Protection Act of 2006. The DOL continues to believe, as discussed when implementing the 2009 forms revisions, 72 FR 64731 (Nov. 16, 2007), that the requirement in the PPA to provide "simplified" reporting for plans with fewer than 25 participants is satisfied by making available the simplified reporting in the 5500-SF only to those plans invested in eligible assets--generally easy to value assets. Section 1103(b) of the Pension Protection Act of 2006, (PPA) 120 Stat. 780, 1057, requires the Secretary of the Treasury/IRS and the Secretary of Labor to provide for the filing of a simplified annual return for any retirement plan which covers fewer than 25 participants on the first day of the plan year and which (1) meets the minimum coverage requirements of section 410(b) of the Internal Revenue Code without being combined with any other plan of the business that covers the employees of the business; (2) does not cover a business that is a member of an affiliated service group, a controlled group of corporations, or a group of businesses under common control; and (3) does not cover a business that uses the services of leased employees (within the meaning of section 414(n) of the Code). The PPA provision does not include specific requirements as to the form or content of the simplified filing.

21\ Currently welfare plans with fewer than 100 participants, including those that provide group health benefits, that are not exempt from the requirement to file an annual return/report (e.g., those that are funded with a trust) are permitted to file the Form 5500-SF, if otherwise eligible.

As discussed in more detail below, the proposal would eliminate the current Form 5500 and Form 5500-SF line items that require the filer to input "plan characteristics codes" onto the form from a list in the instructions. Instead, the filer would complete a series of separate questions. In general, those changes involve requesting information about plan characteristics as a series of "Yes"/"No" and check box questions to make the forms easier to complete, make the forms more straightforward as a disclosure document, and improve the quality of the data. In addition, as with Form 5500 Schedule H filers, the proposal would require that the Form 5500-SF filed for a participant-directed individual account plan must include an electronic copy of the comparative chart of designated investment alternatives (DIAs) currently required to be provided to participants of such plans under 29 CFR 2550.404a-5. The Agencies believe that although this information would not be filed in a data captured structure and, thus, would not be as readily data mineable, attaching the already required 404a-5 comparison chart would allow participants and beneficiaries in participant-directed individual account plans to access the most recent and prior year comparative charts through

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

the EFAST Form 5500 Annual Return/Report public disclosure feature. It would also enable the Agencies to monitor more effectively compliance by participant-directed individual account plans with this important disclosure requirement. It also would provide important information regarding investment features and investment fees and expenses. We also understand that private third parties would be able to use the copies of the comparative charts to develop more individualized tools to help plan sponsors, plan fiduciaries, and participants and beneficiaries evaluate and compare their plans' investment options. The Agencies believe that a requirement that the plan administrator of a participant-directed individual account plan attach an electronic copy of an existing document should be less burdensome than adding new questions that would require the same data to be entered onto the form or schedules to collect the information. [[Page 47549]] The Agencies seek comment as to whether there would be any real additional burden, other than transition costs to move to the new method, to enter the data in a structured format rather than attaching a copy of the existing document.

b. Changes to Filing Exemptions and Requirements for Small Plans Not Eligible To File the Form 5500-SF As discussed above, various oversight and advisory bodies have identified a significant need for better information regarding employee benefit plan investments, in particular regarding plans invested in hard-to-value and alternative investments. In that regard, the Agencies are proposing a number of changes for small plans that are not Form 5500-SF eligible filers. **First**, the Schedule I would be eliminated. Like the Form 5500-SF, the Schedule I does not require small plan filers to provide detailed plan asset information. Since small plan filers are the majority of annual return/report filers overall (taking into account both Form 5500-SF and Form 5500 filers), this shortcoming impairs the utility of the Form 5500 Annual Return/Report as a tool to obtain a meaningful picture of small plan investments in hard-to-value and other assets. As the GAO has noted, the limited financial information provided on the Schedule I creates a challenge for participants, beneficiaries, oversight agencies, researchers, and other users of the Form 5500 or Form 5500 data. GAO Targeted Revisions Could Improve Usefulness of Form 5500 Information, at 18. Accordingly, under the proposed change, small plans that are not eligible to file the Form 5500-SF and that currently file the Schedule I would be required to complete the Schedule H and the applicable Line 4i Schedules of assets. Small plans with simple investment portfolios would not see a significant increase in their annual reporting burden. Although this would result in additional reporting details for those small plans with complex portfolios that include hard-to-value or alternative investments, the Agencies believe that such small plans should have more transparent financial statements. In light of changes in the financial environment and increasing concern about investments in hard-to-value assets and alternative investments, the Agencies continue to believe that requiring small plans invested in such assets to report separate financial information regarding hard-to-value investments is important for regulatory, enforcement, and disclosure purposes. Although such small plans would be required to complete the Schedule H instead of the Schedule I, including the Line 4i(1) and 4i(2) Schedules of Assets, to minimize increased burden, small plans that meet the specified requirements, as they can under the current rules, would continue to be eligible for a waiver of the annual examination and report of an independent qualified public accountant (IQPA) under 29 CFR 2520.104-46. As is currently the case, under the proposal, all welfare plans with fewer than 100 participants that are required to file an annual return/report are eligible for a waiver of the annual examination and report of an IQPA under 29 CFR 2520.104-46(b)(2). The Agencies are also proposing to change the rules for determining when a plan is exempt from the requirement to include an IQPA report with its filing. In that regard, the Agencies are proposing to add to the Form 5500 a new question, for defined contribution pension plans only, asking for the number of participants with account balances at the beginning of the plan year. Defined contribution pension plans would determine whether they have to file as a large plan and whether they have to attach an IQPA report based on the number of participants with account balances as of the beginning of the plan year, as reported on the face of the Form 5500 or Form 5500-SF. Currently, the IQPA requirement is based on the total number of participants (including those eligible but not participating in a Code section 401(k) or 403(b) plan) at the beginning of the plan year. With the changes in the reporting requirements for small plans (for example, the elimination of the Schedule I), this would minimize burden, but would still provide a picture of the types of investments and fees of small plans (plans with fewer than 100 participants that have an account balance) without requiring them to cover the cost of an audit. For **first** plan year filings, the plan would have to have fewer than 100 participants with account balances both at the beginning of the plan year and the end of the plan year. The proposal would also require a Schedule C to be filed by small pension plans that are not eligible to file the Form 5500-SF, small welfare plans that provide group health benefits that are not unfunded or insured (e.g., funded using a trust), and other small welfare plans that are not unfunded or insured plans and are not eligible to file the Form 5500-SF. Currently, only large plans must file a Schedule C, thus excluding a large portion of plans from having to disclose service provider fees. The

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

Agencies recognize the burdens small plans face in complying with disclosure obligations, but requiring certain small plans to file a Schedule C would address some of the GAO's concerns that not all critical information on indirect compensation is being reported to the Agencies. See GAO Targeted Revisions Could Improve Usefulness of Form 5500 Information, at 25-26 ("Given these various exceptions to fee reporting requirements, Schedule C may not provide participants, the government, or the public with information about a significant portion of plan expenses and limits the ability to identify fees that may be questionable."). In addition, the rule would better align financial information reporting with recently adopted disclosure rules to broaden the fees that are reported by the affected plans. Id. at 50.

6. New Information on Employer Matching Contributions, Employee Participation Rates, and Plan Design for Defined Contribution Pension Plans The Agencies are proposing changes that are intended to collect better information on pension plan coverage and performance as retirement savings vehicles. The focus is on participant-directed defined contribution pension plans, which are becoming the primary source of retirement savings for many of America's workers. Specifically, the proposal would add new questions to the Form 5500, Form 5500-SF, and Schedule R on participation, contributions, and asset allocation by age, and participant-level diversification. The questions ask for the number of participants making catch-up contributions, investing in default investment options, maximizing the employer match, and deferring compensation. Also, questions would be added to the Form 5500 and Form 5500-SF to collect information on the number of participants in defined contribution pension plans with account balances as of the beginning of the plan year and on the number of participants that terminated employment during the plan year that had their entire account balance distributed. There are also new questions about whether the plan uses a default investment alternative for participants who fail to direct assets in their account and which type of investment alternative is used.

7. Changes to Reporting on Schedule G (Financial Transaction Schedules) The proposal would reconfigure Schedule G's reporting to require more uniform and detailed information on loans, fixed income obligations, and leases in default, including swaps/options and derivative transactions. By creating specific data elements on the existing Schedule G line items for plans to identify specifically swaps and options that would otherwise generically have been reported as loans or fixed income obligations in default or uncollectible, the proposed Schedule G is intended to provide a more complete picture of issues of default, uncollectibility, or conflict of interest (nonexempt) transactions with respect to plan investment in these types of hard-to-value assets.

8. Re-introduction of Schedule E To Improve Information on Employee Stock Ownership Plans (ESOPs) Prior to 2009, the Schedule E (ESOP Annual Information) was an IRS component of the Form 5500 Annual Return/Report used to collect information regarding ESOPs. As with the other "IRS-only" schedules that are part of the Form 5500 Annual Return/Report, the Schedule E was removed from the 2009 Form 5500 Annual Return/Report when DOL mandated electronic filing of the Form 5500 Annual Return/Report as part of EFAST2 due to statutory limits on the IRS's authority to mandate electronic filing of such information for filers of fewer than 250 returns. A limited number of the questions on the Schedule E were moved to the Schedule R beginning with the 2009 Form 5500 Annual Return/Report. The Schedule R is not an "IRS-only" schedule nor were the questions that were moved to the Schedule R IRS-only. Accordingly, filing of the current ESOP information on the Schedule R was subject to DOL's electronic filing mandate under Title I of ERISA. The Agencies propose to bring back to the Form 5500 Annual Return/Report a revised version of the Schedule E, which now generally would be required reporting under both Title I of ERISA and the Code and thus would be open to public inspection. The new version would include some of the questions on the pre-2009 Schedule E, revisions to other questions, and additional new questions. The questions moved to the Schedule R for the 2009 revisions would be removed from the Schedule R and instead be included on the new and revised Schedule E. The Agencies believe the use of a single schedule for all ESOP questions would simplify the filing of Form 5500 Annual Return/Report for both ESOP and non-ESOP filers. In addition, a single schedule for ESOPs would also be a more effective and efficient information collection tool for the Agencies. The questions on the proposed Schedule E are divided into sections based on whether the ESOP stock was acquired by a securities acquisition loan, whether the stock is readily tradable on an established securities market (including stock acquired by securities acquisition loans), whether the ESOP has an outstanding securities acquisition loan, and some miscellaneous questions. Part I of the proposed Schedule E would apply only if the ESOP acquired common or preferred stock with the proceeds of a securities acquisition loan. Several questions relate to the valuation of the stock acquired by the ESOP and, in particular, cases where a premium is paid for a controlling interest in a company where, in fact, a controlling interest is not acquired. Questions would also be included regarding the release of common stock from a suspense account and its allocation. For example, a question would ask for the method used when stock is released from the suspense account (similar to Line 5 of the 2008 Schedule E) in accordance with Treasury regulations. See 26 CFR

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

54.4975-7(b)(8). As with Line 4 of the 2008 Schedule E, the proposed Schedule E would also ask if the ESOP holds preferred stock and further ask for the method by which the preferred stock is convertible into common stock. Part II of the proposed Schedule E would ask questions related to compliance issues when stock that is not readily tradable on an established securities market is acquired by an ESOP. Specifically, with respect to each acquisition of stock, the proposed schedule would ask for information on the relationship of the seller of the stock to the plan or to the employer, and whether the seller is a party-in-interest or a disqualified person under the prohibited transaction rules of Title I of ERISA and the Code, respectively. Further, the proposed schedule would ask for the total consideration paid and the date of the transaction. The proposed schedule would also ask if the stock was valued by an independent appraiser and, if not, the identity of the person who valued the stock. Lastly, Part II would ask for the valuation method(s) used to value the stock. Each of these questions would assist the Agencies in identifying possible issues in the acquisition of stock, including whether the stock was properly valued and whether a prohibited transaction may have occurred. Part III of the proposed Schedule E asks questions applicable to ESOPs with outstanding securities acquisition loans. Unlike the 2008 Schedule E which only asked whether the ESOP had a securities acquisition loan, the proposed Schedule E would ask for more information regarding these loans. The proposed schedule asks for basic information regarding the amount and date of the loan, as well as the interest rate on the loan. In order to address possible prohibited transactions and situations where the ESOP may have paid too much for the stock, the proposed Schedule E also would ask for the lender's relationship to the plan and the plan sponsor, whether the lender is a disqualified person or a party-in-interest, and whether the loan was guaranteed by a disqualified person or a party-in-interest. Part III also would ask questions regarding whether the loan is in default and whether the loan has been refinanced. A loan that is in default raises issues as to whether the plan sponsor is making substantial and recurring payments to the ESOP and whether the ESOP has been terminated, in which case all of the ESOP shares should be distributed. Part IV of the proposed Schedule E would include miscellaneous questions. Specifically, to address compliance concerns under Title I of ERISA, the proposed schedule would ask whether employee elective deferrals were used to satisfy any securities acquisition loan. With the exception of the elective deferral question, which addresses a DOL compliance issue and not an issue under the Code, the Part IV questions are carried over from the 2008 Schedule E and continue to address significant compliance issues under the Code, including whether the amount of the dividend is reasonable and whether the requirements of 26 CFR 1.404(k)-3T are satisfied. Specifically, the proposed Schedule E would ask whether the ESOP is maintained by an S corporation and whether there are any disqualified persons under Code section 409(p)(4) (lines 1a and 1b of the 2008 Schedule E), whether any unallocated securities (or proceeds from unallocated securities) were used to repay an exempt loan (Line 6 of the 2008 Schedule E), and whether the plan sponsor paid dividends deductible under Code section 404(k) (Line 2b of the 2008 Schedule E). This last question is further broken down on the proposed schedule to include information as to the amount of the deduction, the dividend rate, and whether the dividends were used to reacquire stock held by the ESOP. As described above, several of the questions on the proposed Schedule E would be IRS-only questions. These questions are subject to the electronic filing rules imposed by Treasury [[Page 47551]] regulations, but they are not subject to the DOL electronic filing mandate. The IRS-only questions would be identified on the Schedule E itself or in the Schedule E instructions. Accordingly, although filers would be required to answer most questions on the proposed Schedule E electronically using EFAST2, some filers who are not subject to the IRS electronic filing requirements and elect not to answer the questions through EFAST2 would have the option of answering the IRS-only questions on the IRS's Form 5500 SUP "Annual Return of Employee Benefit Plan Supplemental Information," which is a separate paper based IRS-only information collection system maintained by the IRS outside of the EFAST2 system.

B. Improve Fee and Service Provider Transparency (Schedules C and H) The Agencies continue to make efforts to improve the reporting and disclosure of service provider compensation. The key focus of the proposed changes in this regard is to harmonize Form 5500, Schedule C, reporting of indirect compensation with the disclosures required under the DOL's final regulation under Title I of ERISA on service provider compensation at 29 CFR 2550.408b-2. As discussed above in the section on small plan reporting changes, the proposal would also expand Schedule C reporting to those pension plans required to file the Form 5500, regardless of size.²² The current Form 5500, Schedule C indirect compensation reporting rules, including the exception from reporting of "eligible indirect compensation," were implemented for the 2009 forms. See 72 FR 74731 (Nov. 16, 2007). Those changes were part of a three-pronged regulatory initiative that included the DOL's plan-level disclosure regulations under 29 CFR 2550.408b-2 and participant-level disclosure regulations under 29 CFR 2550.404a-5. At the time the Schedule C rules were finalized, the 408b-2 disclosure regulations had not yet been promulgated. Some elements of the

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

Schedule C, for example, the eligible indirect compensation provisions, were adopted in light of the fact that it was not certain at the time what the 408b-2 final rule would require. Those provisions were also meant to respond to concerns from the regulated community, especially large service providers with many ERISA-covered plan clients, about having to create two different record-keeping systems to meet the various requirements of Form 5500 Annual Return/Report and 408b-2 disclosures should the later promulgated 408b-2 provisions differ from the Form 5500 Annual Return/Report reporting requirements on indirect compensation. With the service provider disclosure rules now final at 29 CFR 2550.408b-2, the Agencies are proposing various changes to the Schedule C to better harmonize it with the disclosure requirements under the 408b-2 final rule. -----

----- \22\ Form 5500-SF filers would not be required to file the Schedule C, but small defined contribution pension plans filing the Form 5500-SF, as well as any defined contribution pension plans required to file the Form 5500, Schedule H, would be required to attach the comparison chart required to be disclosed to participants and beneficiaries under the DOL's regulation at 29 CFR 2550.404a-5. Form 5500-SF filers also would continue to be required to answer a question on total insurance fees and commissions, that parallels the total insurance fee and commission question on Schedule A. ----- **First**, the Schedule C would be changed to require reporting of indirect compensation only for "covered" service providers and for compensation that is required to be disclosed, as defined in 29 CFR 2550.408b-2(c)(1). The Agencies expect that this change would improve Schedule C reporting because it would essentially require the pension plan administrator to report the actual compensation paid to or received by covered service providers based on the expected compensation included in the 408b-2 disclosures that the service provider furnished to the plan as part of the process of establishing and maintaining the service contract or arrangement with the plan. The instructions similarly have been clarified to track more closely the language of the 408b-2 regulation. In making this an across-the-board Schedule C change to provide for consistency in the annual return/report requirements, the Agencies recognize that the changes proposed to the Schedule C would also apply to certain welfare plans that are not subject to the 408b-2 regulation. The principal consequence of the proposed changes for those welfare plans is to narrow the classes of service providers that would be required to be reported and more clearly define the types of compensation that must be reported on the Schedule C. Thus, we believe that the proposed changes will be improvement for welfare plan reporting. Another key element of the proposed changes to Schedule C consistent with the final regulations at 29 CFR 2550.408b-2 is the elimination of the reporting concept of "eligible indirect compensation." Under the current reporting rules, the types of indirect compensation that can be treated as "eligible indirect compensation" are fees or expense reimbursement payments charged to investment funds and reflected in the value of the investment or return on investment of the participating plan or its participants, finder's fees, "soft dollar" revenue, float revenue, and/or brokerage commissions or other transaction-based fees for transactions or services involving the plan that were not paid directly by the plan or plan sponsor (whether or not they are capitalized as investment costs). Under the current requirements, rather than disclosing the identity of the service provider and reporting information about the services provided and compensation received by the service provider, the plan administrator must merely confirm that the plan received certain written disclosures that describe: (1) The existence of the indirect compensation; (2) the services provided for the indirect compensation or the purpose for payment of the indirect compensation; (3) the amount (or estimate) of the compensation or a description of the formula used to calculate or determine the compensation; and (4) the identity of the party or parties paying and receiving the compensation. The GAO has been critical of the concept of "eligible indirect compensation" and other limitations on Schedule C reporting of indirect compensation received by plan service providers. See GAO Private Pensions: Additional Changes Could Improve Employee Benefit Plan Financial Reporting. In its response published with that report, the DOL generally agreed that reporting indirect compensation on Schedule C should be coordinated with the implementation of new requirements in the then proposed regulation under section 408(b)(2) of ERISA. Part of the reason for the concept of eligible indirect compensation was the timing of the move to the electronic filing system and attendant forms changes relative to the timing of the 408b-2 regulation. There is no counterpart to "eligible indirect compensation" under 29 CFR 2550.408b-2. In this regard, the proposed Schedule C would eliminate current Line 1 (which enables plans to acknowledge that they had service providers that received only eligible indirect compensation). Current Line 2, used for reporting both direct and indirect compensation, would be made new Line 1. To effectuate the elimination of the "eligible indirect compensation" reporting concept, there would no longer be a corresponding element to current Line 2(f), which asks whether a listed service provider that received other direct or indirect compensation also received eligible indirect compensation. [[Page 47552]] In changing the reporting requirements to better track the 408b-2 regulation,

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

the Agencies recognize that part of the reason for having developed the concept of "eligible indirect compensation" was concern expressed by commenters that it would be difficult to generate specific dollar amounts at the plan level, especially in the case of omnibus level charges. In that regard, the proposed Schedule C instructions borrow from instructions in the Schedule A on determining plan-level allocation of insurance contract fees and commissions. Specifically, the Schedule C instructions permit any reasonable method of allocation to be used to estimate plan level fees for the Schedule C, provided the method is disclosed to the plan administrator. This approach provides a substantial amount of flexibility for service providers in determining the amounts to report. The DOL invites comments on this proposed method for plan level allocation of indirect compensation generated at an "omnibus" level, including whether there are particular types of indirect compensation for which it would be unduly expensive or burdensome to report a dollar amount or estimate at the plan level. To further conform the Schedule C reporting rules to the disclosure requirements in 29 CFR 2550.408b-2, filers would be required to report "covered" service providers who have received \$1,000 or more in total direct and indirect compensation (i.e., money or anything else of monetary value in connection with services rendered to the plan or the person's position with the plan during the plan year, including payments from participants' accounts). As on the current Schedule C, plans would only need to report other service providers (e.g., an accountant that received only direct compensation) who received \$5,000 or more in direct compensation in connection with services rendered to the plan or the person's position with the plan during the plan year, including payments from participants' accounts. To make reporting of the information specific to each service provider more straightforward, instead of having repeating line items on Schedule C, the proposal would have filers use a separate Schedule C for each service provider required to be reported. With this formatting change, the proposed Line 1 of the Schedule C generally would retain the same identifying elements as the current Line 2, with the following changes. Similar to the proposal to amend the regulation at 2550.408b-2, see 79 FR 13949, 13962 (Mar. 14, 2014), this proposal seeks to add to Schedule C a requirement to report contact information for service providers that are not natural persons. Filers would be required to identify a person or office, including contact information, that the plan administrator may contact with regard to the information required to be disclosed on the Schedule C. The proposal would also clarify and expand the existing question that asks the filer to indicate generally whether the service provider has a relationship to the employer, an employee organization, or a person known to be a party-in-interest. The proposal would now state that filers should indicate any relationship of the service provider to the plan, for example, employer, plan sponsor, plan sponsor employee, plan employee, named fiduciary, employee organization, and "Other," with a description. With the prevalence of revenue sharing arrangements, the Agencies believe that better information on the relationship between service providers and the plan, various fiduciaries and parties-in-interest, including relationships among plan service providers, is important to understand the relationship between compensation and services to the plan. Under the proposal, filers would be required on Schedule C, as in the 408b-2 disclosures for pension plans, to indicate (by checking a **box**) whether the service providers receiving compensation are fiduciaries within the meaning of section 3(21) of ERISA. As noted in the GAO report, GAO Private Pensions: Targeted Revisions Could Improve Usefulness Of Form 5500 Information, some filers have expressed confusion about how to answer the current question which requires filers to identify both service and fee codes in the same line item, despite the instruction that requires entering all codes that apply. To address this concern and to improve quality of the data, the proposal clarifies the required reporting on the types of services provided and the types of compensation received by individual service providers by separating the existing compound question into two separate reporting elements, one line item to indicate service codes and the other to indicate compensation codes. To minimize both burden and potential confusion, filers would need to report service codes for all service providers, regardless of the type of compensation received, but would only have to indicate compensation codes for indirect compensation. A new service type would be added for information technology/ computer support. "Information technology/computer support," for the purposes of Line 1c, would include computer office automation, information processing, local and wide area network support, services supporting hardware, software, telecommunications systems, including automated telephone response systems and systems security. The proposed Schedule C instructions would continue to permit filers to offset from the total amounts of direct compensation the amounts received from a so-called ERISA recapture or ERISA budget account or similar account. Because filers are permitted to report a net figure, however, it is not possible to determine whether such an account has been used. With the increasing use of such accounts, see generally Advisory Opinion 2013-03A (Jul. 3, 2013), DOL believes it is important for the Form 5500 to indicate whether such accounts are being used as part of the plan's fee and revenue sharing structures. The proposal thus includes a "Yes"/"No" question on Schedule C's revised Line 1, to ask whether any such

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

account or arrangement has been used by the plan during the plan year. The proposal would also add a question asking whether the service provider arrangement includes recordkeeping services to a plan without explicit compensation for some or all of such recordkeeping services or with compensation for such recordkeeping offset or rebated in whole or in part based on other compensation received by the service provider, or an affiliate or subcontractor. If so, the filer would be required, using the same methodology used in the service provider's estimate of the cost to the plan of recordkeeping services, to enter as a dollar figure the amount of compensation the service provider received for recordkeeping services. The Agencies believe that this information will better enable a cost comparison in an environment where there are different fee structures and methods of calculating compensation. The proposed Line 1 would also include a data element that asks whether the service provider listed on the Schedule C was also identified on Schedule A as having received insurance fees and commissions. Filers are not required to report on Schedule C insurance fees and commissions that are already reported on Schedule A. The question is designed to help users of the Form 5500 Annual Return/ Report data identify service providers where some fees and commissions are reported on Schedule A and some on Schedule C. In the proposed Line 2, filers would report direct compensation paid to the service provider by the plan. The [[Page 47553]] Agencies considered having filers break out payments as follows: Direct payments by a plan out of a plan account, charges to a plan forfeiture account, charges to fee recapture accounts, charges to a plan trust account before allocations to individual participant accounts, direct charges to individual participant accounts, and "Other," with a description. Rather than requiring that detailed breakout on the Schedule C, the Agencies concluded that they could still obtain a better picture of how the plan pays direct compensation by instead adding a breakout of how participant accounts are charged to the Schedule H "Administrative Expense" line and requiring information regarding recapture accounts in the form of a "Yes/No" question on Schedule C. On proposed Line 3, filers would report the total amount of compensation received by the covered service provider identified in Line 1a in connection with services provided to the plan from sources other than the plan or plan sponsor, including charges against plan investments. The amount of compensation reported would include compensation received by an affiliate or subcontractor in connection with the services rendered to the plan, where the compensation is reported as part of a bundled service arrangement. Total indirect compensation would now be required to be reported as a dollar amount. The Agencies recognize that service providers accustomed to disclosing fees by way of a formula may not be able to quantify exactly the dollar amount of the compensation received during the plan year. Thus, although a dollar amount would be required, the proposal would permit reporting an estimated dollar amount. If the dollar amount is an estimate, the filer still would be required to indicate that a formula was used in determining the actual compensation paid to or received by the service provider. As with the current Line 3, filers would continue to identify the source(s) of the indirect compensation received by the covered service provider identified in Line 1, and would also identify the type of fee or compensation. For each source, filers would be required to enter a dollar figure or estimate of the amount of compensation, and, if a formula was used to calculate an estimate, a description of the formula. To increase overall fee transparency, as well as to identify potential conflicts of interest in related party transactions, a new question would be added that would require filers to indicate whether the arrangement with each covered service provider required to be reported on Schedule C involved any related party compensation. If "Yes," the filer would be required to indicate the services for which the compensation was paid, the names of the payor(s) and recipient(s) of such compensation, status as an affiliate or subcontractor (indicated by checkbox), and the amount of the compensation. To further ensure consistency between 29 CFR 2550.408b-2 and Schedule C, the proposed rule would also modify the instructions. The instructions, as proposed, would increase the threshold for reporting non-monetary compensation in Schedule C from \$100 to \$250. A corresponding change also would be made to the Schedule A instructions for reporting fees and commissions. The proposed instructions also would clarify the requirements for reporting the travel or educational expenses of plan employees or trustees, including reimbursement, on both Schedule C and Schedule H. This clarification is being made in response to requests for further guidance following the issuance of Supplemental FAQs About the 2009 Schedule C (available at <http://www.dol.gov/ebsa/faqs/faq-sch-C-supplement.html>). The FAQs state that for Schedule C purposes, reportable compensation includes money and other things of value, such as gifts and trips, received directly or indirectly by a person from the plan in connection with services rendered to the plan or the person's position in the plan. In addition, they explain that disbursements to a plan trustee for transportation, lodging, meals, and similar expenses incurred while engaging in official plan business are considered reportable compensation. The requests for clarification argued that the DOL should not treat as reportable compensation expense reimbursements that are not treated as taxable under the Code by the IRS. The DOL continues to believe that getting information on the

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

value of trustee expenses, including expense reimbursement, is important for compliance purposes. It is persuaded, however, that amounts that are not taxable to the trustee need not be identified as "indirect" compensation. Therefore, the instructions would be clarified to provide that trustee and employee expense reimbursements are required to be reported on Schedule C only if the amounts are taxable compensation for trustees or employees. Should trustees receive from the plan travel, education, conferences or similar expenses, or reimbursements therefore, that exceed the limits under the Code, they would have to include them as threshold expenses for Schedule C and include the "fee code" for "reimbursement" when identifying trustee compensation. For reporting those amounts paid for or reimbursed by the plan regardless of whether they are taxable to the trustee, a proposed new breakout line item under the "administrative expenses" category would be added to Schedule H to report aggregate plan expenditures on trustee travel, meetings, education and similar expenses, whether paid directly by the plan or as a reimbursement to trustees.²³ Non-monetary compensation in the form of travel, conferences, entertainment, etc., provided by parties other than the plan, that is not de minimis, as defined in the instructions, would continue to be reportable indirect compensation. -----

²³ The proposed question is similar to a question that was on the Form 5500 prior to 1999. See 1998, Form 5500, Line 32g(8). ----- The proposed Schedule C still would ask filers to identify service providers who fail or refuse to provide information to the filer, including a description of the information that the service provider failed or refused to provide. The instructions would continue to provide that filers, before identifying a fiduciary or covered service provider as a person who failed or refused to provide information on indirect compensation, should contact the fiduciary or service provider to request the necessary information. For these purposes, if a "covered" service provider has failed or refused to provide information regarding indirect compensation, that service provider would be presumed to meet the \$1,000 reporting threshold. The Agencies also continue to believe that it is important to have filers identify the termination of service providers on the annual return/report. That question, however, would be moved to the Schedule H from the Schedule C to associate it with a new compliance question, described below, asking whether any service providers were terminated. Although it would be moved to the Schedule H, the proposal would remain substantially unchanged, retaining the requirement to provide information for all terminated accountants and actuaries regardless of the reason for termination because of the importance of the involvement of actuaries and accountants in the preparation of the annual return/ report. The proposal would change the questions to add a check box for the filer to indicate whether it was an accountant or actuary that was terminated. The instructions for this section would also [[Page 47554]] be updated to provide a "Tip" stating that if the only reason for a change of appointment of an enrolled actuary was a temporary leave of absence due to non-work circumstances of the enrolled actuary, the filer would so indicate in the "explanation" field. Along with moving the existing Schedule C question on termination of actuaries and accountants to the Schedule H, the proposal would also add a question on the Schedule H regarding the termination of any service provider for a material failure to meet the terms of a service arrangement or failure to comply with Title I of ERISA, including the failure to provide required disclosures under 29 CFR 2550.408b-2. Although not requiring identification of all service providers in all circumstances, the Agencies believe that there are service providers other than actuaries or accountants, such as fiduciaries, recordkeepers, third party administrators, and custodians who play a sufficiently important role in plan operations that information on their termination is significant. The Agencies specifically seek comments on whether the proposed new question should be limited to a narrower class of service providers or specific termination circumstances. C. Better Quality, Accessibility, and Usability of Data (Data Mineability) Another key component of the proposal is to make the Form 5500 Annual Return/Report more data mineable and accessible for research, policy analysis, and enforcement purposes. EBSA is responsible for collecting the Form 5500 Annual Return/Report, in part, to fulfill the statutory requirements under Sections 104 and 106 of ERISA, which require that DOL make annual reports filed under Title I of ERISA available to the public. Section 504 of the Pension Protection Act of 2006, Public Law 109-280 (PPA), requires DOL to display certain annual report information on the Internet within 90 days after filing. EBSA must also make the data from all of the reports filed under Title I of ERISA available to those seeking the information under the Freedom of Information Act (FOIA). EBSA fulfills its FOIA responsibilities by making the Form 5500 Annual Return/Report data available for downloading in bulk (see <http://www.dol.gov/ebsa/foia/foia.html>). These bulk data files, which EBSA updates at the end of each month with the Form 5500 Annual Return/Report data collected during that month, are downloaded by private-sector organizations that, in some cases, also make the data available on the Internet. Thus, most returns/reports are currently open to public inspection, and the contents are public information subject to publication on the Internet. Mandatory e-filing, which was implemented for the 2009 Form filing year,

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

starting January 1, 2010, has changed both the regulated community's and the government's ability to use the Form 5500 Annual Return/Report data. The data sets developed from e-filing information has been helping researchers, businesses, and other plan professionals. The Form 5500 Annual Return/Report data sets can be one of the major building blocks for a private organization to use in developing information for employees and employers on plan administration. In addition, the government can provide much more timely and complete data as a result of e-filing more cost effectively. For instance, the data sets are posted on the Internet and updated monthly. In addition, the images of the filings (facsimiles) and the scanned and uploaded attachments are made available at no cost to the requester. As indicated in the White House Report of the Task Force on Smart Disclosure, in commenting on the Form 5500 Annual Return/Report, "[s]mart disclosure is also helping employers and employees make decisions about 401(k) and other workplace retirement plans. These data sets can help employees better understand their retirement options and employers better understand the quality of the plans they offer, with the help of third parties that analyze the data." Id. at 13. The SEC has also acknowledged the importance of innovative approaches to data collection and use, citing its enhanced data mining as the basis for improvements in its enforcement efforts. See New Investigative Approaches and Innovative Use of Data and Analytical Tools Help Drive Successful Enforcement Year, SEC, (available at <http://www.sec.gov/News/PressRelease/Detail/PressRelease/1370543184660>). The Agencies generally plan to continue the data publication processes currently in place and provide an even more robust Form 5500 Annual Return/Report web-based search application. This application would allow users to develop more custom queries to better target desired data. Further, this enhanced dissemination service would include options to download data in various machine-readable and open formats (such as Excel or comma separated value [CSV] files), as specified in the President's Open Data policy. Expanding the downloadable options would facilitate researching and comparing plan information. The dissemination could also support predefined queries presented in a dashboard format to graphically illustrate individual plan performance as well as performance in comparison to plans of similar size or features. Part of the goal of the proposal is to change the structure of the data filed as part of the Form 5500 Annual Return/ Report in order to facilitate those applications and expand the use and usefulness of the Form 5500 Annual Return/Report data generally, as well as to make the Form 5500 Annual Return/Report a better disclosure tool.\24\ -----

---- \24\ The Agencies believe that the proposed changes intended to improve the quality of the data, for example, eliminating compound questions, using simpler language, moving attachments into text fields that show on the face of the form or schedule when completed, and adding more definitions and instructions, would also help make the Form 5500 Annual Return/Report a more readable disclosure document. The GAO has recommended broadly that the Agencies work to improve the clarity of required disclosures. See generally GAO Private Pensions: Clarity of Required Reports and Disclosures Could Be Improved. ----- 1.

Structured Data Attachments A critical way in which the Agencies propose to enhance the mineability of the Form 5500 Annual Return/Report data is by structuring and standardizing the schedules required to be attached to the form. Currently, for example, the Line 4i attachments to Schedule H (Schedule of Assets Held for Investment at End of Year, Schedule of Assets Disposed of During Plan Year and the Schedule of Reportable Transactions) cannot be searched electronically because they currently are not filed in a standardized electronic format. As a result, policymakers, the Agencies, and the public have difficulty accessing key information about the plan's investments. The Agencies' proposal to standardize the Schedule H, Line 4i Schedules of Investments is intended to be responsive to the OIG's recommendation that the Agencies create a searchable reporting format for the Schedule H, Line 4i Schedules of Assets and otherwise increase the accessibility of Form 5500 Annual Return/Report information, particularly information on hard-to value assets and multiple-employer plans. See DOL-OIG EBSA Needs to Provide Additional Guidance and Oversight to ERISA Plans Holding Hard-To-Value Alternative Investments, at 17. See also Private Pensions: Targeted Revisions Could Improve Usefulness of Form 5500 Information, at 37; see also U.S. Gov't Accountability Office, GAO-12- 665, Federal Agencies Should Collect Data And Coordinate Oversight of Multiple Employer Plans (2012), at 30. [[Page 47555]] Other currently unstructured data or new elements would also be collected as structured data under the proposal, including the lists of employers participating in multiple-employer and controlled group plan members required to be attached to the Form 5500 Annual Return/Report or Form 5500-SF; the Schedule H, Line 4a Schedule of Delinquent Contributions; and the Line 4j Schedule of Reportable Transactions. The proposal also would eliminate the instructions for Schedule A that permit filing as an attachment "appropriate schedules of current rates filed with the appropriate state insurance department or by providing a statement regarding the basis of the rates in an attachment, in lieu of completing information on "Contracts With Allocated Funds." The instructions would instead direct the filer to enter

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

a statement regarding the basis of the rates into an open text field on the Schedule A. Information on contracts with allocated contracts would therefore be completed on the Schedule A as structured data. The Agencies specifically invite comments as to whether entering a statement in an open text field on the Schedule A, relative to attaching a rate schedule(s) or statement regarding the basis of the rates, would create a significant burden or make it difficult to provide accurate information.

2. Move Information Collection From Attachments to Open Text Fields on Face of Forms and Schedules This proposal also increases the accessibility of data by replacing some of the attachments to the schedules with text fields. Similar to the proposed specific data elements for the Schedule H Line 4i Schedules, which replace the existing suggested format for an unstructured attachment, the Agencies believe that shifting to use of text fields on the face of the schedules instead of having information be supplied in non-standard attachments concentrates information on the Form 5500 and the schedules and thus improves data mineability. For the Schedule G (Financial Transaction Schedules), the nonspecific requirement to provide "detailed descriptions" in an open text field, including a variety of elements to report loans and leases in default or uncollectible, has been replaced with individual questions on each of the elements originally required to be in the detailed description. In addition, attachments to the Schedule G in the form of "Overdue Loan Explanation" and "Overdue Lease Explanation" for loans and leases that are overdue or uncollectible would be replaced with open data fields on the face of the Schedule G. The purpose of these changes would be to standardize the information, to make the data less subject to individual variation where unwarranted, to simplify reporting on the Schedule G transactions for filers, and to make it easier to search and use the data. The Agencies also are proposing expanded data elements on the actuarial schedules (Schedules MB and SB), including information previously reported on PDF attachments. Under the proposal, single- employer and multiemployer plans that are currently required to provide a Schedule of Active Participant Data as a PDF attachment would be required to input the data into Schedules MB and SB. Supplemental information required by enrolled actuaries who have not fully reflected regulatory requirements under ERISA or the Code in completing the Schedule MB or SB would be reported on the schedules rather than on PDF attachments. A number of questions on the Schedule SB would be required to be reported on the schedule rather than on PDF attachments. This would include reporting of information on the plan's late election to apply funding balances to quarterly installments; an adjustment to the amount of the credit balance reported in the prior year in the first year a plan is subject to the minimum funding requirements of Code section 430 or ERISA section 303; use of multiple mortality tables and substitute mortality tables; a change in non-prescribed actuarial assumptions and a method change for the current plan year; and a schedule of amortization bases. The Agencies also propose to consolidate certain data reported on the Schedule SB on PDF or other similar attachments. The discounted employer contribution PDF attachment would be consolidated with the list of contributions currently included on the Schedule SB. Also, for plans in at-risk status for the current plan year, the PDF attachment describing the at-risk assumptions for the assumed form of payment would be consolidated with the attachment describing the other actuarial assumptions. Withdrawal liability payments will be reported separately from plan year contributions on the Schedule MB. In addition, for both Schedules SB and MB, the schedule of all amortization bases currently filed as a PDF attachment would be consolidated with the schedule of new amortization bases. New questions would be added requiring multiemployer plans and single-employer plans that input data into the Schedule of Active Participant Data to report on the Schedules MB and SB the average age of active participants, and the average credited service of active participants as of the valuation date. Also, multiemployer plans and single-employer plans that have retired participants and beneficiaries as of the valuation date and terminated vested participants as of the valuation date would be required to input data into two new schedules on Schedules MB and SB--the Schedule of Retired Participants and Beneficiaries Receiving Payment Data and the Schedule of Terminated Vested Participant Data. This information on retired participants and beneficiaries and terminated vested participants would be reported according to age bracket, but information would not be required to be reported for an age grouping consisting of 10 or fewer participants. Additionally, all plans would report the average age and average in-pay annual benefit for retired participants and beneficiaries receiving payment. Plans with terminated vested participants would report the average age and average annual benefit, and assumed form of payment and the assumed first age of payment. Expanding the data elements to require that new information and information previously reported on PDF attachments be reported in a data mineable format would allow for more refined projections of the financial positions of multiemployer and single-employer plans. This is especially critical for PBGC's multiemployer program, as well as for its single-employer program. Information reported in a data mineable format would also facilitate more refined projections and calculations for individual plans. Computer programs could be written to read the data and provide estimated funding calculations and projections for plans. This would provide information essential to the

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

Agencies' enforcement efforts and for their ability to target plans with likely compliance issues. Furthermore, the availability of the data would assist private-sector auditors and auditors in validating a plan actuary's calculations. The data would also provide new opportunities for research. Currently, there is no source of system-wide data on defined benefit pension plan participants with age, service, and average benefit levels. The availability of such data would allow for more refined projections of future coverage and benefits adequacy for plan participants and beneficiaries. As more of this data is collected over the years, the data could be analyzed to identify trends in plan coverage and benefits. [[Page 47556]] Also, proposed system-wide changes in legislation and regulations could be more effectively modeled. As discussed in more detail below, the Agencies also propose to allow the plan actuary to sign Schedules MB and SB electronically. The plan actuary can access the EFAST2 Web site at www.efast.dol.gov to register for electronic credentials to sign or submit filings.

3. Plan Characteristics Codes and Other Identifying Codes Replaced With Yes/No Questions and Checkboxes on Face of Forms In addition, the use of "codes" appearing in the instructions would be limited and refined to the extent feasible. New "Yes"/"No" and check **box** questions would replace most Form 5500 and Form 5500-SF questions that currently require filers to list Plan Characteristics Codes. These changes are intended to refine how data will be collected and overlay all of the other changes being proposed here. On the Schedule C, rather than entering, multiple codes to identify both types of fees/compensation and kinds of services, the filer would check as many **boxes** as are applicable to indicate all types of services for each provider identified. In another element that is for reporting only sources of compensation from parties other than the plan or plan sponsor, filers will separately indicate all types of fees/compensation. This is intended to improve the quality of the data, and make the Schedule C easier to read from a disclosure perspective. It is also intended to address concerns raised by the GAO about the fee and service codes. See GAO Private Pensions: Targeted Revisions Could Improve Usefulness of Form 5500 Information, at 27. Comments are specifically invited regarding whether additional or different types of services or fees should be listed in order to improve the picture of service providers to the plan.

4. Compound Questions Separated The Agencies would separate out reporting for the various types of direct filing entities to make clearer what the precise reporting requirements are for each type of entity. They would also clarify the instructions to the forms and schedules by separating compound questions. In this regard, the Agencies recognize that putting one question on each line rather than asking filers to complete multiple subsections, while streamlining the completion process, would nevertheless make some schedules appear longer, even though no additional information is actually required to be reported. This is particularly evident for Schedules C and G, both of which currently contain multiple compound questions.

5. More Detailed Identifiers, Instructions, and Definitions The proposal adds clarifying definitions and instructions to improve the consistency of responses. For example, the proposal clarifies conventions for identifying filers by name and identifying number(s). The proposal also requires plans to use legal entity and other industry and regulatory identifiers whenever possible. These changes are intended to help the Agencies compare plan participation, investment options, and investment performance from year-to-year. It should also help mitigate confusion about the legal entities with which the plan transacts. These changes are intended to address the concerns raised by the GAO in recommending that "the Agencies develop a central repository for Employer Identification Numbers (EINs) and Plan Numbers (PNs) for filers and service providers to improve the comparability of form data across filings." GAO Private Pensions: Targeted Revisions Could Improve Usefulness of Form 5500 Information, at 37. The proposal would add more explicit instructions, for example, on reporting delinquent participant contributions and completing the Line 4i Schedules of Assets. In addition, because filers would be asked to identify plan characteristics and type through questions on the face of the Form 5500/5500-SF instead of using codes in the instructions, there are proposed instructions for various questions in this information category. These definitional changes and additions are intended to help ensure that data would be reported consistently and would be more accessible, thus improving the usefulness of the data.

D. New Group Health Plan Reporting Requirements and Information The DOL proposes to expand reporting to all employee benefit plans providing group health benefits, including plans that claim grandfathered status and retiree-only plans.²⁵ Currently, generally most plans that provide group health benefits that have fewer than 100 participants meet the conditions in existing regulations at 29 CFR 2520.104-20 to be exempt from the requirement to file the Form 5500 Annual Return/Report because they are fully insured, unfunded, or a combination of unfunded and insured.²⁶ Although there may be sources of aggregate estimates regarding group health plans, the current lack of plan level information for employee benefit plans that provide group health benefits, especially those that have fewer than 100 participants, complicates not only DOL's ability to enforce regulations, but also diminishes the effectiveness and efficacy of EBSA's ability to develop health care regulations. The Affordable Care Act also requires the Secretary of Labor to provide Congress

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

with an annual report, see, e.g., "Self-Insured Health Benefit Plans 2015,"²⁷ containing general information on self-insured employee health benefit plans and financial information regarding employers that sponsor such plans. That report is supposed to be based on data contained in the Form 5500 Annual Return/Report. However, as noted above, many self-insured health benefit plans currently are not required to file annually with the DOL and, even for those that do file, the Form 5500 Annual Return/Report currently collects only limited information. -----

-----²⁵ All "group health plans" that meet the definition in 733(a) of the Act, including plans that claim "grandfathered" status under 29 CFR 2950.715-1251, would be required to file a Form 5500 and applicable schedules, including the proposed Schedule J, regardless of whether such plans are exempt from certain market reform requirements under ERISA Sec. 732(a) (exemption for certain small group health plans that have less than two participants who are current employees) or ERISA Sec. 733(c) (group health plans consisting solely of excepted benefits). Employee welfare benefit plans as defined in ERISA Sec. 3(1) that do not meet the definition of "group health plan" under 733 of the Act (i.e., they do not provide medical care) are not subject to the proposed enhanced reporting requirements applicable to group health plans.²⁶ ERISA 733(a) defines a "group health plan" as "... an employee welfare benefit plan to the extent that the plan provides medical care (as defined in paragraph (2) and including items and services paid for as medical care) to employees or their dependents (as defined under the terms of the plan) directly or through insurance, reimbursement, or otherwise." (Emphasis added). ERISA 3(1) defines an "employee welfare benefit plan" as "any plan, fund or program which was ... established or maintained by an employer or by an employee organization ... to the extent that such plan, fund or program was established or is maintained for the purpose of providing for its participants or their beneficiaries ... medical, surgical, or hospital care or benefits."²⁷ Available on the DOL's Web site at:

<https://www.dol.gov/ebsa/pdf/ACASelfFundedHealthPlansReport2015.pdf>. -----

----- To remedy this information gap, under the proposal, all ERISA- covered plans that provide group health benefits, regardless of size, and regardless of whether funded with a trust, unfunded, or a combination unfunded/insured, would be required to file a Form 5500 Annual Return/Report, including the new Schedule J (Group Health Plan Information), as well as any other applicable schedules. However, small, fully-insured group health plans would [[Page 47557]] be required to only answer a limited number of questions on the Form 5500 and the new Schedule J. The current exemptions from financial reporting on Schedule H, G, and C for insured plans, unfunded plans, and plans that are combination of unfunded/insured that meet the requirements of 29 CFR 2520.104-44 would continue to apply for all welfare plans, including group health plans, regardless of size.²⁸ The current exemption from financial reporting on Schedule G for welfare plans that cover fewer than 100 participants as set forth in 29 CFR 2520.104-46 would also continue to apply. -----

-----²⁸ Currently, welfare plans that are unfunded, fully-insured, or a combination of unfunded and insured are required to file the Form 5500, including Schedule A "Insurance Information" if applicable, but, under 29 CFR 2520.104-44, the plan is not required to engage an independent qualified public accountant and need not complete Schedules C or H. The proposal would not change these reporting provisions. Similarly, the exemption in 29 CFR 2520.104-20 from filing any Form 5500 for fully insured, unfunded, or combination small welfare plans that are not group health plans is also not being changed in this proposal. -----

---- Currently plans that provide group health benefits that have fewer than 100 participants that are not unfunded or insured (e.g., funded using a trust) are not exempt under 29 CFR 2520.104-20 from the requirement to file a Form 5500 Annual Return/Report and are not exempt from the financial reporting requirements under 29 CFR 2520.104-44. These plans generally file either the Form 5500-SF or the Form 5500 and the Schedule H or Schedule I, including financial and compliance information. Under the proposed rule, plans that provide group health benefits that have fewer than 100 participants that are not unfunded or insured (e.g., funded using a trust) would be required to complete the Schedule H (because Schedule I is being removed and group health plans are not permitted to use Form 5500-SF), as well as Schedule C, if applicable. However, unless such a plan is invested in alternative or hard-to-value assets, completing the Schedule H would only modestly expand the current financial and compliance reporting for the affected small welfare plans. Requiring reporting on Schedule H by these plans with fewer than 100 participants that provide group health benefits would ensure that such plans are filing at least as much financial and compliance information as other small welfare plans (those that do not provide group health benefits) that are not unfunded or insured (e.g., funded using a trust), for which the reporting requirements remain largely unchanged.²⁹ -----²⁹ The proposal does not change the current eligibility requirements for small welfare plans that are not group health plans to use Form 5500-SF. -----

----- As indicated above, small, fully insured group health plans would

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

be required to answer only certain questions on the Form 5500 and on the Schedule J. This limited filing, which would be similar in scope to the limited pension plan reporting for plans established under section 408 of the Code that requires such plans to complete certain Form 5500 questions and no schedules, see, e.g., 2015 Form 5500 Instructions, Limited Pension Plan Reporting, is intended to serve as an annual registration statement with basic identifying and insurance information. The DOL considered whether to have small, fully insured group health plans file a separate registration statement either annually or based on certain events following the establishment of the plan (e.g., initial, final, change in insurance carrier). However, we believe that it will be less burdensome to have such plans file limited information through EFAST2, using the Form 5500, particularly for those small employers that already use the system to report for their pension plans. Comments are specifically solicited in this regard. In addition, sections 2715A and 2717 of the Public Health Service Act (PHS Act), as added by the Affordable Care Act, established new reporting requirements for non-grandfathered group health plans and health insurance issuers offering non-grandfathered group or individual health insurance coverage.³⁰ The DOL is considering whether a group health plan could satisfy its reporting obligations under PHS Act section 2715A and 2717, as incorporated into section 715(a)(1) of ERISA, by filing a completed Form 5500 and Schedule J, and providing that information to the parties as required under PHS Act section 2715A and 2717 (generally HHS, DOL, Treasury, State insurance commissioners, enrollees and the public).³¹ Much of the information required to be reported under PHS Act sections 2715A and 2717, for example, data on enrollment, claims payment policies and practices, and claims denials is information that is to be included in the proposed Schedule J. In an effort to reduce duplicative reporting and the attendant costs to plans subject to ERISA, the DOL is specifically soliciting comments on the feasibility of such an approach as a means of compliance with PHS Act sections 2715A and 2717 as incorporated into section 715(a)(1) of ERISA.³² ----- ³⁰ Section 2715A of the PHS Act extends the transparency reporting provisions set forth in section 1311(e)(3) of the Affordable Care Act (applicable to issuers of "qualified health plans" offered through Exchanges) to non-grandfathered group health plans and health insurance issuers offering non-grandfathered group or individual health insurance coverage. In particular, section 1311(e)(3) of the Affordable Care Act requires disclosure of: claims payment policies and practices, periodic financial disclosures, and information on enrollment, disenrollment, number of denied claims, rating practices, out-of-network cost-sharing and payments, rights under title I of the Affordable Care Act, and other information as determined appropriate by the Secretary of Health and Human Services. Section 2717 of the PHS Act requires non-grandfathered group health plans and health insurance issuers offering non-grandfathered group or individual health insurance coverage to report on quality of care metrics, for example, reporting on effective case management, care coordination, chronic disease management, and medication and care compliance initiatives. Although sections 2715A and 2717 of the PHS Act do not apply to grandfathered group health plans, the proposal is to require all group health plans subject to ERISA, including grandfathered group health plans, to file Schedule J.³¹ Nonfederal governmental plans (as defined in PHS Act section 2791(d)(8)(C)) and health insurance issuers (as defined in PHS Act section 2791(b)(2) and ERISA section 733(b)(2)) are not required to file annual reports pursuant to ERISA sections 103 or 104. Accordingly, any reporting required of such plans and issuers to satisfy PHS Act sections 2715A and 2717 will be addressed separately by HHS in future rulemakings and/or guidance.³² Sections 2715A and 2717 of the PHS Act are also incorporated into section 9815(a)(1) of the Code. The Treasury Department and the IRS intend to publish proposed regulations in 26 CFR 54.9815-2715A and 54.9815-2717 clarifying that group health plans required to file an annual report pursuant to section 104 of ERISA that comply with the reporting requirements in 29 CFR 2520.103-1 (including filing any required schedules to the annual report) would satisfy the reporting requirements of sections 2715A and 2717 of the PHS Act, as incorporated in the Code. Group health plans that are not required to file an annual report pursuant to section 104 of ERISA but that are subject to sections 2715A and 2717 of the PHS Act as incorporated in the Code, will not be required to do any reporting to comply with sections 2715A and 2717 of the PHS Act, as incorporated in the Code, unless and until the Treasury Department and the IRS issue subsequent further guidance or rulemaking regarding any such reporting by such plans. ----- 1. New Schedule J (Group Health Plan Information) The proposed Schedule J (Group Health Plan Information) would report information about group health plan operations and ERISA compliance, plus compliance with certain provisions of the Affordable Care Act.³³ Group health plans that are part of a GIA and subject to the exemption from filing under 29 CFR 2520.104-43 would not be required to file the Schedule J. A GIA's Form 5500 Annual Return/Report filing, [[Page 47558]] however, would have to include a separate Schedule J for each group health plan participating in the GIA. ----- ³³ The Schedule J does not relate to the employer shared responsibility

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

provisions under section 4980H of the Code, the related reporting requirements under section 6056 of the Code, or the reporting requirements for providers of minimum essential coverage under section 6055 of the Code. -----

----- The proposed Schedule J would collect information on the characteristics of the plan that is providing group health benefits, including the approximate number of participants and beneficiaries covered under the plan at the end of the plan year, and the number of persons offered and receiving coverage under the plan through COBRA, Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99-272, 100 Stat. 82), 29 U.S.C. 1161, et seq., whether the plan offers coverage for employees, spouses, children, and/or retirees, and what type of group health benefits are offered under the plan, for example, medical/surgical, pharmacy or prescription drug, mental health/ substance use disorder, wellness program, preventive care, vision, dental, or various other types of benefits. With respect to the collection of COBRA coverage information, the DOL requests comments regarding the costs and feasibility of providing this data, whether the proposed data elements would effectively show the annual take up rate and the total number of participants electing COBRA coverage, and whether any additional data elements regarding COBRA coverage would be helpful for the regulated community to evaluate COBRA's impact on plans and participants. The DOL also proposes that plans that provide group health benefits provide information on whether their health plan funding and benefit arrangement is through a health insurance issuer and whether benefits are paid through a trust or from the general assets of the employer. Schedule J would also ask whether there were participant and/or employer contributions.\34\ With respect to plans that use a prototype health insurance policy or arrangement (sometimes referred to as "off-the-shelf" plans/policies), the DOL is also requesting that such plans provide, if applicable, the relevant unique identifying information (such as a state assigned policy identification number) of the prototype/off-the-shelf policy or arrangement. The DOL requests comments on this proposed data element and whether there are specific health insurance policy identification systems employed by States or issuers that would most accurately and cost effectively provide information about usage of such policies to provide plan benefits. -----

----- \34\ For purposes of Schedule J reporting, "participant contributions" include all elective contributions under a cafeteria plan (arrangement under Code section 125.). -----

----- Additionally, plans that provide group health benefits are asked to report whether one or more of the plan's benefit package options are claiming grandfathered status under the Affordable Care Act,\35\ whether the plan is a high deductible health plan,\36\ a health flexible spending account (FSA) (or includes a health FSA as a component), or a health reimbursement arrangement (HRA) \37\ (or includes an HRA as a component). Please note that due to PHS Act section 2711 (prohibition on annual dollar limits) and 2713 (preventive services requirements), HRAs that are subject to the market reforms (that is, those that cover two or more active employees and do not consist solely of excepted benefits) are considered to comply with the annual dollar limit prohibition and preventive service requirement if the HRA is "integrated" with another group health plan that complies with the annual dollar limit prohibition and the preventive services requirement.\38\ -----

----- \35\ "Grandfathered" health plans generally are those that were in existence on March 23, 2010, and haven't been changed in ways that substantially cut benefits or increase costs for participants. For regulations addressing grandfathered status, see 29 CFR 2950.715-1251. \36\ A "high deductible health plan" is defined under section 223(c)(2) of the Code and generally is a plan that has a higher annual deductible than a typical health insurance plan and a maximum limit on the sum of the annual deductible and out-of-pocket medical expenses that an enrollee must pay for covered expenses. \37\ An HRA typically consists of a promise by an employer to reimburse medical expenses, including insurance premiums, for the year up to a certain amount, with unused amounts available to reimburse medical expenses in future years. See IRS Notice 2002-45. \38\ An HRA is a group health plan and is subject to the market reforms, including the prohibition of annual dollar limits for essential health benefits and the requirement to provide coverage of certain recommended preventive services without cost sharing. Regulations addressing these annual and lifetime limit prohibitions state that a stand-alone HRA offered to active employees violates these prohibitions but that an "integrated" HRA does not violate the annual limits prohibition, as long as other group health plan coverage offered with the integrated HRA complies with the market requirements. See 80 FR 72192 at 72261 (Nov. 18, 2015) and DOL Technical Release 2013-03 (Sept. 13, 2013) for a description of the lifetime and annual limit requirements applicable to HRAs, including the "integration" requirements. -----

----- The proposed Schedule J also would ask whether the plan received rebates, refunds, or reimbursements from a service provider such as a medical loss ratio (MLR) rebate under the Affordable Care Act and offset rebates from favorable claims experience. If so, filers would be required to report the type of service provider, the amount received and how the rebates were used (e.g., returned to

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

participants, premium holiday, payment of benefits, or other). In addition, the proposed Schedule J would request that group health plans identify any service providers to the plan (not already reported on Schedule A (Insurance Information) or Schedule C (Service Provider Information)) by providing the name, address, telephone number, employer identification number, and, if applicable, the National Insurance Producer Registry--National Producer Number (NPN) as established by the National Association of Insurance Commissioners (NAIC). Such service providers include a third party administrator/claims processor, including an issuer subject to an "administrative services only (ASO)" contract, mental health benefits manager, wellness program manager, substance use disorder benefits manager, pharmacy benefit manager/drug provider, or independent review organization. Schedule J also asks for the total premium payment made for any "stop loss" coverage, as well as information on the attachment points of coverage, individual claim limits, and/or the aggregate claim limit contained in the policy. -----

----- \39\ A "wellness program" is defined in 29 CFR 2590.702(f) to include "any program designed to promote health or prevent disease" and includes programs that condition benefits (including cost-sharing mechanisms) or the premium or employer contribution amounts on an individual satisfying a standard that is related to a health factor as well as those programs that do not include conditions for obtaining a reward that are based on an individual satisfying a standard that is related to a health factor. -----

----- For group health plans that are not required to complete a Schedule H (generally, fully insured, unfunded plans, or combination insured/ unfunded plans), the proposal would require that information regarding employer and participant contributions be reported on the Schedule J, including employer contributions received, participant contributions received, employer contributions receivable, participant contributions receivable, other contributions received or receivable (including non- cash contributions) and the total of all contributions. Filers would also be required to report whether there was a failure to timely transmit participant contributions to the plan. The proposed Schedule J also would seek claims payment data, including information on how many post-service benefit claims (benefit claims) were submitted during the plan year, how many benefit claims were approved during the plan year, how many benefit claims were denied during the plan year, how many benefit claim denials were appealed during the plan year, how many appealed claims were upheld as denials, how many were payable after appeal, and whether there were any claims for benefits that were not adjudicated within the required timeframes. The proposed Schedule J would also seek data on how many pre-service claims were appealed during the plan year, and how many of those appeals were upheld during the plan year as denials and how many were approved during the plan year after appeal. With respect to group health plans, the DOL claims procedure regulation subdivides claims for benefits into various categories, including pre-service and post-service claims. A pre-service claim is defined as any claim for a benefit under a group health plan with respect to which the terms of the plan condition receipt of the benefit, in whole or in part, on approval of the benefit in advance of obtaining medical care. A post-service claim is defined as any claim for a benefit under a group health plan that is not a pre- service claim. See 29 CFR 2560.503-1(m). As used throughout this proposal, "claims" includes both pre-service and post-service claims. ----- \40\ A

denial as referenced in this notice is given the same meaning as "adverse benefit determination" as defined in 29 CFR 2560.503-1(m)(4). Accordingly, a denial or adverse benefit determination is a denial, reduction, or termination of, or a failure to provide or make payments (in whole or in part) for, a benefit, including any such denial, reduction, termination, or failure to provide or make payment that is based on a determination of a participant's or beneficiary's eligibility to participate in a plan, and including, with respect to group health plans, a denial, reduction, or termination of, or a failure to provide or make payment (in whole or in part) for, a benefit resulting from the application of any utilization review, as well as a failure to cover an item or service for which benefits are otherwise provided because it is determined to be experimental or investigational or not medically necessary or appropriate. -----

----- In addition, plans would be asked to report whether the plan was unable to pay claims at any time during the plan year and, if so, the number of unpaid claims. Plans would also be asked to report the total dollar amount of claims paid during the plan year, and if the plan provides benefits through an insurance policy, to identify any delinquent payments to the insurance carrier within the time required by the carrier, and whether any delinquencies resulted in a lapse in coverage. The proposal would add a similar question to Schedule A; delinquencies identified on Schedule A would not need to be reported again on Schedule J. In an effort to collect more robust data on claims adjudication practices and policies, the DOL is considering, in addition to the information requested in the new Schedule J, whether to require plans to report more information on denied claims, such as the dollar amount of claims that were denied during the plan year, the denial code, and/ or whether the claims were for mental health and substance use disorder benefits or for medical/surgical benefits. Proposed

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

Schedule J requires plans to report the dollar value of claims paid during the plan year. Analyzing this data in terms of claims adjudication practices would be limited if the dollar amount of claims denied during a plan year is not also reported. The DOL understands, however, that reporting information on denied claims may present definitional and data classification challenges, e.g., possible need for a more uniform classification of denial codes for Form 5500 Annual Return/Report reporting than may currently be in place across plans and issuers. In addition, there may be a need to establish a uniform measure for "dollar amount," for example, should it be based on a provider's point-of-service fees, the schedule of fees the plan has negotiated with service providers, Medicare reimbursement rates, or state-published prevailing fees, or some other "reasonable" method for determining the dollar amount of denied claims. Therefore, the DOL is specifically seeking public comments on whether this is reasonable information to collect and, if so, the methodology a plan would employ to determine and report the "dollar amount of claims denied" during a plan year, denial code, and type of claim. Further, as noted above, the Notice of Proposed Rulemaking that is being published with this Notice includes proposed conforming amendments in 29 CFR 2590.715-2715A and 29 CFR 2590.715-2717 to clarify that compliance with the proposed annual reporting requirements by plans subject to ERISA that provide group health benefits would satisfy the reporting requirements under PHS Act sections 2715A and 2717 incorporated in ERISA through ERISA section 715(a)(1). The DOL is specifically seeking public comments in this Notice on the proposed annual reporting requirements for plans that provide group health benefits, including the new Schedule J, in light of the Supreme Court's recent decision in *Gobeille v. Liberty Mutual Insurance Co.*, 136 S.Ct. 936 (2016). The proposed Schedule J would also request compliance information from plans providing group health benefits. The proposed compliance section of the Schedule J asks if all plan assets were held in trust, held by an insurance company qualified to do business in a State, or as insurance contracts or policies issued by such an insurance company consistent with section 403 of ERISA and 29 CFR 2550.403a-1 and 2550.403b-1, whether plan assets are not held in trust based on reliance on Technical Release 92-01, whether the plan's summary plan description (SPD) and summaries of any material modifications (SMM), and summary of benefits and coverage (SBC) are in compliance with the applicable content requirements, whether coverage provided by the plan is in compliance with applicable federal laws and the DOL's regulations thereunder, which may include the portability and nondiscrimination provisions of the Health Insurance Portability and Accountability Act of 1996, Title I of the Genetic Information Nondiscrimination Act of 2008, the Mental Health Parity Act of 1996, the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, the Newborns' and Mothers' Health Protection Act of 1996, the Women's Health and Cancer Rights Act of 1998, Michelle's Law, and the Affordable Care Act. The DOL believes that self-reporting compliance information will help inform future compliance studies. Furthermore, the DOL believes that the inclusion of such compliance questions will encourage plans to evaluate whether or not they meet the group health plan requirements of ERISA, potentially increasing the voluntary compliance by ERISA plans. Finally, the DOL would move the current questions on the Form 5500 that ask all welfare plans to report on whether they are subject to, and if so, have complied with the Form M-1 filing requirements, to the Schedule J.⁴¹ This would limit these questions to welfare plans that provide group health benefits. Form 5500/Schedule J filers that must file the Form M-1 would not be required to answer on the Schedule J those compliance questions answered on the Form M-1. -----

----- ⁴¹ Multiple Employer Welfare Arrangements that provide health benefits must file the M-1 with the Department. The M-1 questions, which would be unchanged under the proposal, ask whether the plan was subject to the Form M-1 filing requirements during the plan year, whether the plan is currently in compliance with the Form M-1 filing requirements, and for the filer to provide the Receipt Confirmation Code for the most recent Form M-1 that was required to be filed under the Form M-1 filing requirements. -----

----- [[Page 47560]] 2. Limited Form 5500 Annual Return/Report Reporting for Small, Fully Insured Group Health Plans The DOL proposes to eliminate the current exemption from filing for small, fully insured group health plans and proposes to require only a very limited Form 5500/Schedule J filing. As noted above, the DOL has not previously collected annual report data on small welfare plans that qualify for the exemption under the regulations at 29 CFR 2520.104-20. For small fully insured plans that provide health benefits, the DOL is proposing to replace that exemption with a new limited exemption as an alternative form of reporting. Specifically, these small plans would be required to complete Lines 1-5, i.e. basic identifying information, on the Form 5500, and Lines 1-8 on Schedule J, i.e., basic participation, coverage, insurance company, and benefit information. Requiring small, fully insured plans that provide group health benefits to file very rudimentary identifying and health benefit and coverage information would ensure that the DOL obtains basic information on all ERISA covered group health plans. Because these small, fully insured group health plans are subject to separate regulatory oversight indirectly by reason of

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

state insurance regulation of the insurance provider and insurance contract, the DOL is seeking only basic plan and insurance information to be filed annually and is not seeking the broader Schedule J annual information requested of small self-insured and large plans regarding plan administration and benefits. This information would allow the DOL to track total health plan counts, and coordinate its enforcement efforts relating to plans providing benefits through common issuers. For example, fully-insured plans using the same insurance provider often have documents containing provisions that are similar. Through these new filings, the DOL would be able to better identify those plans that may be affected by noncompliant provisions and better coordinate its enforcement efforts with affected service providers and other Federal and State agencies. Also, this information would enhance the DOL's policy analysis and research with respect to participant trends.

E. Proposed Changes To Enhance Compliance and Oversight One of the critical purposes of the Form 5500 Annual Return/Report is to promote compliance both by requiring plan administrators to review particular aspects of plan operations in order to meet their annual reporting requirement and by enabling the Agencies to review basic plan compliance issues in an efficient manner. Accordingly, the Agencies propose adding a series of compliance questions on the Form 5500 and on the Form 5500-SF, and also the Form 5500-SUP for those filers who are not subject to the IRS electronic filing mandate in 26 CFR 301.6058-2 and elect to answer these questions on a paper return.

1. IRS-Only Changes

a. IRS-Only Questions for 2016 Plan Years and Form 5500-SUP For certain years prior to 2009, the Schedules E, P, SSA, and T were required to be filed to meet annual return requirements under the Code and IRS regulations, but they were not information collections of the DOL or the PBGC. The DOL electronic filing mandate applied beginning with the 2009 Form 5500 Annual Return/Report and resulted in the last of these "IRS-only" schedules being dropped from the Form 5500 Annual Return/Report because the IRS could not mandate that these schedules be filed electronically. As "IRS-only" schedules, they were not covered by the DOL electronic filing requirement. Accordingly, with the exception of a limited number of questions on the Schedule E that were relocated to the Schedule R, the questions on these schedules were no longer included on the Form 5500 Annual Return/Report. The questions were either eliminated altogether or, in the case of questions on the Schedule SSA, added to a new IRS form, Form 8955-SSA, Annual Registration Statement Identifying Separated Participants With Deferred Vested Benefits. The 2011 TIGTA report, *The Employee Plans Function Should Continue Its Efforts to Obtain Needed Retirement Plan Information*, notes that the lack of information contained on Schedules E, P, and T can negatively impact the IRS's ability to effectively focus on specific factors of noncompliance when selecting retirement plans for examination. This lack of information may result in the IRS selecting relatively compliant plans, which increases the burden on these plans and affects the IRS's ability to identify and focus on potentially noncompliant plans. This could result in participants receiving an incorrect amount of benefits. The IRS has decided to make changes to the Form 5500 Annual Return/Report to address these issues. The IRS added IRS-only compliance questions to the 2015 Form 5500 and the 2015 Form 5500-SF, but subsequently directed filers not to answer the questions for 2015. The IRS is modifying some of these questions and intends to make these IRS-only questions mandatory on the 2016 Form 5500 and Form 5500-SF. See the Federal Register Notice "Proposed Collection; Comment Request for the Annual Return/Report of Employee Benefit Plan" published by the IRS on March 31, 2016 (81 FR 18687). Other IRS-only questions may be added prior to the form year in which the EFAST2 contract recompete and other forms revisions are implemented. Regardless of the timing of implementation of any of the IRS-only questions on the annual return, any comments received in response to this notice with respect to these questions will be considered in future revisions of these forms. The IRS added to the 2016 forms and schedules various questions related to common compliance problems that will make it easier for the IRS to administer the filing program. Two of the IRS-only questions added for 2016 are questions that were optional on the 2014 Form 5500 and 2014 Form 5500-SF. Both 2014 forms request information regarding the preparer of the annual return/report and the plan's trust. IRS intends that both the 2016 Form 5500 and the 2016 Form 5500-SF include a box in the signature block of the form for information regarding the preparer's name and address. Similarly, line 6 of both Schedules H and I of the 2016 Form 5500 Annual Return/Report, and line 14 of the 2016 Form 5500-SF, would request information regarding the name of the plan's trust, the trust's employer identification number (EIN), the name of the trustee or custodian, and the trustee or custodian's telephone number. This information will enable the IRS to more efficiently monitor the compliance of the retirement plan trusts exempt from tax under Code section 501(a). The IRS also included several other compliance questions on the 2016 Forms 5500 and 5500-SF that are addressed in the 2014 Forms 5500 and 5500-SF and that require entry of plan characteristics codes. The IRS has found that characteristic codes result in inadequate responses and are commonly misunderstood by filers, and believes it would be better to enhance these codes with separate questions. For example, the IRS replaced

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

characteristic code 2J, which identifies the plan as including a cash or deferred arrangement under Code section 401(k), with a line item on the 2016 Forms 5500 and 5500-SF. Similarly, Code 3D, a characteristic code that currently applies to pre-approved [[Page 47561]] pension plans, is replaced with a separate line item on the 2016 Forms 5500 and 5500-SF. The IRS also added two questions for 2016 that were questions on the Schedule T, Qualified Pension Plan Coverage Information, before it was eliminated. Specifically, line 4b of the Schedule T asked if the employer aggregated plans in testing whether the plan satisfied the nondiscrimination and coverage tests of Code sections 401(a)(4) and 410(b). Also, line 4f of the Schedule T asked whether the plan satisfied the coverage requirements of Code section 410(b) on the basis of either the ratio percentage test or the average benefit test. These questions were added to the 2016 Forms 5500 and 5500-SF. These questions are helpful to the IRS when performing pre-audit analysis and allowed the IRS to narrow any inquiries when information was requested from the plan. The return of these questions also reflects the elimination of optional coverage and nondiscrimination demonstrations in the IRS determination letter process. See Rev. Proc. 2015-6, 2015-1 I.R.B. 198 and Announcement 2011-82, 2011-52 I.R.B. 1052. The IRS also added other IRS-only questions to the 2016 Forms 5500 and 5500-SF in order to address various compliance issues. Specifically, there are new questions as to whether the plan sponsor used the design-based safe harbor rules, the current year ADP test, or prior year ADP test for nonhighly compensated employees in accordance with 26 CFR 1.401(k)-2(a)(2)(iii) to satisfy the nondiscrimination requirements of Code sections 401(k)(12), (13). The IRS also added questions as to whether the employer is an adopter of a master and prototype plan or a volume submitter plan that is subject to a favorable opinion or advisory letter from the IRS, and the date of that favorable letter. This question will help determine the plan's remedial amendment period and remedial amendment cycle under Code section 401(b) and Rev. Proc. 2007-44, 2007-28 I.R.B. 54 (as modified by Rev. Proc. 2008-56, 2008-2 C.B. 826; and Rev. Proc. 2009-36, 2009-2 C.B.304); Notice 2009-97, 2009-2 C.B. 972; and Notice 2010-48, 2010-27 I.R.B. 9. The IRS added a similar question for individually-designed plans as to whether an individually designed plan received a favorable determination letter from the IRS. The IRS has found that issues have arisen regarding the failure of plan sponsors to make timely amendments to their plan document to reflect changes in the law. The IRS also added a question to the 2016 Forms 5500 and 5500-SF as to whether any distributions during the plan year were made to an employee who attained age 62 and had not separated from service for defined benefit plans or money purchase pension plans. The IRS has found various qualification and taxability issues related to such distributions. Those filers who are required by the electronic filing regulations to file the Form 5500 Annual Return/Report electronically will be required to answer these IRS compliance questions electronically using EFAST2 for the 2016 and later plan years. The IRS will provide a paper- only form containing these IRS compliance items for use by filers who are not subject to the electronic filing requirements of the Treasury regulations and who elect not to answer the questions through EFAST2. A draft of the paper-only form, Form 5500-SUP, Annual Return of Employee Benefit Plan Supplemental Information, was released for public comment in October, 2014. The 2016 Form 5500-SUP is expected to be modified to reflect the changes proposed for 2016 plan year.

b. IRS-Only Questions for Later Plan Years In addition to the questions the IRS included on the 2016 Forms 5500 and 5500-SF, the IRS proposes to add new questions for later plan years. Some of these additional questions were previously included on the 2008 Schedule E (ESOP Annual Information). Specifically, Line 1a of the 2008 Schedule E asked whether the ESOP is maintained by an S corporation and, if so, whether any prohibited allocations were made to any disqualified persons. Line 2b of the Schedule E asked whether the employer maintaining the ESOP paid dividends deductible under Code section 404(k). Line 4 of the 2008 Schedule E asked if the ESOP held any preferred stock and under what formula that preferred stock was convertible into common stock. Line 6 of the 2008 Schedule E asked if any unallocated securities were used to pay an exempt loan and, if so, asked for the method used. Line 16 of the 2008 Schedule E asked if the employer made payments in redemption of stock held by an ESOP to terminating participants and deducted them under Code section 404(k). All of these questions will be added to the new Schedule E, ESOP Annual Information. The IRS notes that any questions added to the proposed Schedule E with respect to Code section 404(k) will be included pursuant to Code section 6047(e) rather than Code section 6058 (the section pursuant to which the other IRS-only question are included on the Form 5500). Thus, the disclosure rules of Code section 6104(b) are not applicable and a separate process will need to be in place so that any information provided with respect to Code section 404(k) will be compliant with the appropriate disclosure rules. The IRS also proposes to add three questions to the Forms 5500 and 5500-SF that will insure that the filers are aware of certain Code requirements in areas where the IRS has found significant noncompliance. In the **first** area, the IRS proposes to add a question for defined benefit pension plans as to whether the plans comply with the participation requirements

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

of Code section 401(a)(26). In the second, the IRS proposes to ask whether minimum required distributions were made to 5% owners in accordance with Code section 401(a)(9). This question addresses issues as to the qualification of the plan, the taxability of distributions, and the possible imposition of excise taxes under Code section 4974. In the third, the IRS proposes to add a question as to whether hardship distributions were made during the plan year for a section 401(k) plan. The IRS has found various qualification and taxability issues related to such distributions. The IRS also proposes to add a question to the Forms 5500 and 5500-SF as to whether the plan provides for designated Roth contributions under Code section 402A. The question would identify plans that have added Roth contribution features. Designated Roth contributions and Roth conversions add a new layer of recordkeeping and tax reporting for plan administration, and the IRS has found various issues related to recordkeeping and reporting. As noted previously, because the plan characteristics codes sometimes provide inadequate responses and are commonly misunderstood by filers, the IRS proposes to replace these codes with separate questions to the Forms 5500 and 5500-SF. For example, the IRS proposes to replace characteristic codes 2L and 2M regarding Code sections 403(b)(1) and 403(b)(7) arrangements with separate line items. Also, characteristic code 1I currently applies to frozen defined benefit pension plans that do not provide any new benefit accruals as of the last day of the plan year. Neither the Form 5500 nor the Form 5500-SF, however, currently requests similar information regarding frozen defined contribution pension plans. The IRS proposes to add a question to these forms for defined contribution pension plans asking whether the plans are frozen. [[Page 47562]]

The IRS also proposes to add a line item to the Forms 5500 and 5500-SF for plans electing non-church plan status under Code section 410(d). 26 CFR 1.410(d)-1(c)(3) provides that a plan administrator may elect non-church plan status by attaching a statement to the Form 5500 Annual Return/Report. Although such statements can be attached to the EFAST2 filing as a PDF, the proposed change would facilitate the process by which the IRS determines which plans have elected non-church plan status and thus allow the IRS to apply the appropriate criteria in determining compliance. There also is a new IRS question on the Schedule H and Form 5500-SF regarding unrelated business taxable income (UBTI) under Code sections 511 and 512. Although qualified plans are generally required to report UBTI on Form 990-T, Exempt Organization Business Income Tax Return, the IRS has found it difficult to get timely information regarding this taxable income. Lastly, a trustee's signature would be added in the trustee information section on the Schedule H and the Form 5500-SF. The signature is intended to satisfy the requirements under Code section 6033(a) for an annual information return from every Code section 401(a) organization exempt from tax under Code section 501(a). As discussed in more detail below, because this is an IRS-only signature, filers who file fewer than 250 returns during the year will be able to satisfy this signature requirement by filing the Form 5500-SUP.

c. New Schedule for IRS-Only Compliance Questions As noted above, the IRS proposes to add various IRS-only questions to the Form 5500 Annual Return/Report and to the Form 5500-SF and also issue a Form 5500-SUP for those filers who are not subject to the IRS electronic filing mandate in 26 CFR 301.6058-2 and elect to answer these questions on a paper return. These new IRS-only compliance questions do not apply to welfare plans. With respect to the Form 5500 and the Form 5500-SF, the IRS is considering whether these questions should be added to these forms individually based on subject matter or whether they should be added collectively on a single IRS-only schedule. If the questions are added individually, they would appear on the forms and schedules based on subject matter. Thus, for example, ESOP questions would appear on a new Schedule E while other compliance questions may appear on Form 5500-SF and revised Schedules H, MB, R, and SB. On the other hand, if these IRS compliance questions are added collectively, they would appear on a completely new IRS-only schedule. Comments are specifically requested as to whether a separate schedule that would include all of the IRS-only questions should be made part of the Form 5500 Annual Return/Report.

2. New Schedule H and Form 5500-SF Compliance Questions An area of particular recent focus for DOL has been compliance with ERISA section 411. Accordingly, the proposal would add a new question under Part IV of Schedule H asking whether any person disqualified under ERISA section 411 was permitted to serve the plan. ERISA section 411 disqualifies people who have been convicted of certain crimes from serving as an administrator, fiduciary, officer, trustee, custodian, counsel, agent, employee, consultant, or adviser of any employee benefit plan for a specified period. The statute also prohibits people who are currently disqualified from representing a plan in any capacity, and from having any decision-making authority or custody or control of the monies, funds, assets, or property of an employee benefit plan. This proposed question on disqualification would facilitate competent plan administration and improve due diligence by encouraging the plan administrator to determine whether any of the plan's fiduciaries, employees, and service providers potentially participated in an act prohibited by ERISA section 411. Another proposed compliance question, which also supports the Agencies' goals in obtaining better

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

information on investments and related fees for defined contribution pension plans, involves whether the plan is a participant-directed account plan, and, if so, whether the plan provided participants with the fee disclosures required by 29 CFR 2550.404a-5. As discussed earlier with respect to the Form 5500-SF, the proposal also requires administrators to attach the comparison chart to Schedule H. These questions would help plan administrators comply with 29 CFR 2550.404a-5. This proposed question is also responsive to the GAO's recommendation that the Agencies seek specific information on QDIAs. GAO Targeted Revisions Could Improve Usefulness of Form 5500 Information, at 18. A plan that is a participant-directed account plan also must report the number of DIAs under the plan, the number of DIAs that are index funds, and whether a designated investment manager (DIM) was made available to participants and beneficiaries. These new questions appear on both Schedule H and on the Form 5500-SF. The proposal also would add a new compliance question asking whether the employer sponsoring the plan paid administrative expenses that were not reported as service provider compensation on Schedule C or a plan administrative expense on Schedule H. Where the only compensation received by a service provider in connection with a plan is direct payment from the plan sponsor, the information is not required to be reported on Schedule C. To minimize burden, while still providing a clearer picture on the Form 5500 Annual Return/Report of all service providers to plans, regardless of who pays those service providers, the Agencies are proposing only to ask whether the plan has any such service providers rather than require identification and other Schedule C information for such service providers. The Agencies are requesting comments on whether there should be a minimum threshold compensation amount for this question and, if so, what the amount should be. The proposal also would add a question asking whether the plan sponsor or its affiliates provided any services to the plan in exchange for direct or indirect compensation. This information would help the Agencies obtain a complete picture of the relationship between the plan and the plan sponsor, including the extent to which the sponsor may also be acting as a fiduciary or service provider. An affirmative answer may indicate potential conflicts of interest and would be useful for DOL enforcement. Another proposed compliance question would require filers to indicate whether the plan had any leveraged investment acquisitions, the total amount of those acquisitions, and the ratio of the leveraged investments to total plan assets. In addition to helping ensure that the plan administrator has a complete picture of the potential risk and reward associated with the plan's assets, these questions would improve the Agencies' understanding of plan operations. Plans with a high ratio of leveraged investments, such as options, futures, and margin-type investments, may be at greater risk. By identifying these plans, the Agencies would be better able to target and track performance of high-risk plans. This question would only be added to the Schedule H, and not the Form 5500-SF. Leveraged investments are not "eligible plan assets" for purposes of the Form 5500-SF. Small plans that have such investments must file the Form 5500. [[Page 47563]] In the existing section regarding the IQPA report, filers would be required to indicate whether the accountant orally or in writing communicated various governance issues discovered during the audit, including errors or irregularities, illegal acts, material internal control weaknesses, and the existence of plan qualification issues. This question is intended to enhance compliance by highlighting the existing duty of the plan administrator to read and review the audit report and, if necessary, to engage in a discussion with the auditor about the report's contents. In addition to helping the plan administrator ensure that the audit is comprehensive, the answers to these questions would provide participants with information about potential problems with the management of plan assets. Also, in situations where the plan administrator reports that the auditor has identified problems with the audit, the Agencies would have an opportunity to conduct a closer review of the plan's finances. In addition to the existing question asking whether the IQPA has relied on the limited scope audit provisions in 29 CFR 2520.103-8, the proposal would require filers to attach the certification of investment information created by certain banks or insurance companies to ensure the plan is qualified to be subject to a limited scope audit. This change would also encourage plan administrators to maintain documentation consistent with the limited scope audit requirements. The change is being made in conjunction with revisions to the DOL's regulation at 29 CFR 2520.103-8 to set forth specific requirements for the attachment, including the requirement that the certification appear on a separate document from the list of plan assets covered by the certification, which list generally would be required to be reported on the Schedule H, Line 4i Schedules of Assets, using the structured data entry format through EFAST. The required attachment of the proposed, updated certification would also make the Agencies' review of limited scope audits more robust by enabling them to follow up on plans that use the limited scope exemption but fail to attach the necessary certification. See DOL-OIG: Changes Are Still Needed in the ERISA Audit Process to Increase Protections for Employee Benefit Plan Participants at 17 (EBSA should improve the quality of its audit documentation reviews by adding procedures to ensure that "all plan assets are either certified by a qualifying financial institution or tested by

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

the IQPA"). Obtaining the certification would also allow EBSA to better determine which of the plan's assets are subject to a limited scope audit and which require a full IQPA report. Id. at 4 ("EBSA's review guide did not specifically address audits in which the plan custodian certified some, but not all, plan assets in limited scope audits.") The Agencies also propose standardizing information reported on Schedule H, Line 4a, to foster filers' compliance with regulations and guidance governing delinquent participant contributions and loan repayments. Under the proposed changes, filers would complete a standardized, structured attachment that includes information about whether the correction of the delinquency was made within or outside of the Voluntary Fiduciary Correction Program (VFCP) and Prohibited Transaction Exemption 2002-51. As under the current requirements, filers must continue to report the deficiency until correction is made. The proposed changes also facilitate accurate reporting by requiring the delinquent contribution information to be included in supplemental schedules. Including such information in supplemental schedules would help ensure that IQPAs address delinquent contributions and loan repayments in their audit reports, consistent with generally accepted auditing standards. The proposal also includes new questions on Schedule G (Financial Transaction Schedules). To gather additional information about the plan's transactions and relationships, especially nonexempt prohibited transactions, the Agencies propose asking for more detailed information about the nature of nonexempt prohibited transactions engaged in by the plan. In addition to the current requirement to provide the name and contact information for the parties involved with the nonexempt transaction, and their relationship to the plan, employer, employee organization, plan sponsor, or other party-in-interest, the proposal asks filers to check a box indicating the nature of the nonexempt transaction. The check boxes generally follow the prohibitions of ERISA section 406 and Code section 4975 and include, for example, sale of any property to/from the plan, exchange of any property, lease of any property to/from the plan, lending of money to/from the plan, other extension of credit to/from the plan, furnishing of goods to/from the plan, etc. The proposal also asks a new question about whether the transaction is discrete or ongoing and whether the transaction has been fully corrected, either through or outside of the VFCP. The proposal also asks for the date the transaction was fully corrected, a description of the corrective action and whether, if a nonexempt transaction occurred with respect to a disqualified person, and the person was notified, a Form 5330 was filed with the IRS to pay the excise tax on the transaction. The proposal would add new line items on Schedule A for reporting whether any premium payments were overdue and, if so, the amount delinquent, and whether there was a policy or contract reported on the Schedule that was issued by an insurance company wholly owned by the plan or the plan sponsor. An affirmative answer to questions on delinquent premium payments and whether the plans holds a contract issued by an insurance company that is wholly owned by the plan or plan sponsor would alert DOL to potential insurance cancellation and other conflict of interest issues. The DOL issued new guidance in 2015 regarding economically targeted investments (ETIs) made by ERISA-covered retirement plans. ETIs are investments that are selected for benefits they create in addition to the investment return to the employee benefit plan investor. The DOL previously addressed issues relating to ETIs in Interpretive Bulletin 94-1, 29 CFR 2509.94-1 (IB 94-1) and Interpretive Bulletin 2008-1, 29 CFR 2509.08-1 (IB 2008-1). IB 94-1 had corrected a misperception that investments in ETIs are incompatible with ERISA's fiduciary obligations. On October 17, 2008, the department replaced IB 94-1 with IB 2008-01. However, the DOL concluded that in the seven years since its publication, IB 2008-01 had unduly discouraged fiduciaries from considering ETIs and environmental, social and governance ("ESG") factors under appropriate circumstances, and issued Interpretive Bulletin 2015-01, 29 CFR 2509.2015-1 (IB-2015-1). IB-2015-1 confirmed the DOL's longstanding view from IB 94-1 that fiduciaries may not accept lower expected returns or take on greater risks in order to secure collateral benefits, but may take such benefits into account as "tiebreakers" when investments are otherwise equal with respect to their economic and financial characteristics. IB- 2015-1 also acknowledges that ESG factors may have a direct relationship to the economic and financial value of an investment. When they do, these factors are more than just tiebreakers, but rather are proper components of the fiduciary's analysis of the economic and financial merits of competing investment choices. [[Page 47564]] Changes in the financial markets, particularly improved metrics and tools allowing for better analyses of investments, are enabling plan fiduciaries to make better and more evidence-based decisions on ETIs and ESG factors in evaluating the merits of competing investment choices. Some private sector sources are developing structured ESG research data for evaluating corporate performance. The DOL is interested in public comments, including analysis on costs and benefits, on whether collecting information related to ETI and ESG investment activities of ERISA-covered plans on the Form 5500, such as whether plans incorporate ESG factors into their investment analysis, would add value to this growing data source and allow ERISA fiduciaries to more easily consider the role ESG factors could or should play in their investment decisions. The DOL requests comments regarding the best way to use the Form

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

5500 to collect information with respect to ESG investment activities that is standardized, comparable, and reliable. For example, public companies are already subject to requirements to disclose material risks, including relevant risks associated with climate change, per Securities and Exchange Commission Interpretation: Commission Guidance Regarding Disclosure Related to Climate Change [Release Nos. 33-9106; 34-61469; FR-82]. The DOL specifically requests comments on whether we could use the SEC disclosure requirements for public companies as a basis for a Form 5500 information collection.

3. Schedules MB and SB--New Questions and Identifying Information for Attachments The Agencies are proposing to add new questions to the actuarial schedules (Schedules MB and SB) to enhance compliance. On the Schedule SB, reporting of the target normal cost would be revised to separate out the plan-related expenses. By requiring this breakdown, the Agencies and other users of Schedule SB data such as firms conducting actuarial research would be able to more accurately project liabilities and future required contributions. The Agencies also propose to add a new question to the Schedule SB to require single-employer plans with 500 or more participants as of the valuation date to report projections of expected benefit payments to be paid for the entire plan (not including expected expenses) for each of the next ten plan years starting with the plan year to which the filing relates. For this purpose the plan would assume that there were no additional accruals, experience (e.g., termination, mortality, and retirement) consistent with the plan's valuation assumptions, and that no new entrants would be covered by the plan. The requirement would not be applicable to plans with fewer than 500 participants as of the valuation date. This information would enable the Agencies to determine how much of a plan's assets are needed to pay benefits to participants. This information would also help in assessing the adequacy of current assets and contributions to satisfy the disclosed benefit commitments. In March 2015, PBGC asked OMB to approve, and in June 2015, OMB approved adding a similar question for the 2015 Schedule MB, to be reported on a PDF attachment. The Agencies are now proposing that the question be added to the Schedule MB itself.

4. Form 5500 and Form 5500-SF PBGC Compliance Questions For 2016, PBGC is proposing to add a question to the existing question on Schedules H and I, Line 5c, that asks, if a plan is a defined benefit plan, whether it is covered by the PBGC insurance program. The new question would ask filers that checked the box "Yes" to enter the My PAA generated confirmation number for the PBGC premium filing for this plan year. In this proposal, PBGC is proposing moving the questions to the Form 5500 and Form 5500-SF. In comparing Form 5500 Annual Return/Report data to PBGC premium filing data, the agency has found PBGC-covered plans for which no premiums have been paid and filers incorrectly claiming that they have PBGC-covered plans. By requiring reporting of the My PAA generated confirmation number on the Form 5500 and Form 5500-SF, PBGC will be better able to match Form 5500 Annual Return/Report filings to PBGC premium filings, bring in new premium filings, as well as improve the data collected on the Forms. Also, for the 21st Century initiative changes, the Agencies are proposing to move Line 5c on Schedule H and I to Line 9a(4) of the Form 5500 and Line 12a(4) of the Form 5500-SF. The new question described above about PBGC premium filings would be added to these lines.

F. Miscellaneous Technical and Conforming Changes for Forms and Instructions Various other technical and conforming changes to the forms, schedules, and instructions are being proposed as part of the substantial restructuring of the Form 5500 Annual Return/Report described in this notice. Several of the more significant of these changes are as follows. On both the Form 5500 and the Form 5500-SF, filers that check the "single-employer plan" box in accordance with the instructions, but which have multiple employers obligated to contribute to the plan that are members of a controlled group, would be required to file an attachment identifying the participating employers. This requirement would be similar to the requirement, effective with the 2014 annual return/report forms, to attach a list of participating employers with a good faith percentage of the contributions to the plan of each participating employer, for plans that file as "multiple-employer" plans. To implement ERISA section 103(g) resulting from the Cooperative and Small Employer Charity Pension Flexibility Act (CSEC Act), Public Law 113-97, 128 Stat. 1101 (April 7, 2014), the DOL published an interim final rule in November 2014, 79 FR 66617 (Nov. 10, 2014). The DOL intends that the CSEC Act reporting changes will be made final effective with the implementation of final forms revisions following this proposal. Under the CSEC Act interim final rule, filers that check the "multiple-employer plan" box are required to provide a list of participating employers and a good faith estimate of the percentage of total contributions made by each participating employer during the plan year. The DOL received four comments on the interim final rule and six additional comments on an emergency PRA submission published separately. A central concern of the commenters is that the list of participating employers is essentially the client list developed by entities that sponsor multiple-employer plans for professional employer organizations (PEOs) or other associations. The commenters asserted that the publication of the participating employer information could negatively affect their business model by enabling competitors to target client

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

employers. These commenters suggested that the DOL could not implement the CSEC Act law change by asking for the required information to be reported on the Form 5500 because the list of employers is proprietary information. Certain commenters suggested, in the alternative, that if the information was required to be reported, it should not be publicly disclosed. One commenter suggested that the DOL should not apply the requirement to defined contribution or welfare plans because the CSEC legislation focused on ERISA [[Page 47565]] minimum funding requirements which do not apply to the majority of defined contribution pension plans or to any group health and welfare plans. That commenter suggested that the DOL could instead obtain the participating employer information through the use of its subpoena authority or could limit the requirement by providing an alternate method of compliance. The commenter also suggested allowing plans that are multiple employer welfare arrangements (MEWAs) that fund benefits through VEBAs to satisfy the employer list requirement by submitting the VEBA information and either removing the contribution requirement entirely or clarifying that the filers need only include gross contribution information rather than break out the information by employers and employees.\42\ -----

----- \42\ The DOL notes that the CSEC Act reporting requirements only apply to multiple-employer plans and thus the requirement only applies to those MEWAs that are in fact plans. Individual plans participating in a non-plan MEWA must file their own Form 5500 Annual Return/Report unless otherwise exempt. ----- The DOL has considered these comments but has decided not to make changes to the multiple-employer plan reporting requirements described in the interim final rule. The CSEC Act makes provision of participating employer information a reporting requirement under section 103 of ERISA. Section 104(a)(1) of ERISA provides generally that the contents of the annual report must be open for public inspection. The DOL continues to believe that the reporting requirements made effective for the 2014 form year by the interim final rule are a reasonable and appropriate way to implement Congress's directive in the CSEC Act. Furthermore, the Agencies believe that this information is important for plan oversight, research, and enforcement purposes. Because participating employers generally are not otherwise identified on the Form 5500 or its schedules,\43\ the Agencies have no other information on the number or identity of participating employers in multiple-employer plans. The Agencies also believe that similar information would be helpful for participating members of a plan that covers members of a controlled group that files under the reporting rules as a "single-employer" plan. Accordingly, under the proposal, a new check box would be added for a plan to identify that it covers members of a controlled group. Plans checking that box would be required to provide the same basic identifying and contribution information as are multiple-employer plans under the CSEC Act changes. -----

----- \43\ In a requirement added under the PPA, filers are required to provide certain information on Schedule R, for each employer that contributed more than 5% of total contributions to a multiemployer defined benefit pension plan during the plan year (measured in dollars). -----

----- The Form 5500, as proposed, would ask filers to identify and provide contact information for the "named fiduciary" under ERISA section 3(21). The Agencies note that as for any other address and identifying information required on the annual return/report, named fiduciary addresses and phone numbers (and those of the employer and plan administrator) should be the actual addresses and phone numbers for those entities/individuals and not the address of a service provider or entity that is completing the filing. This has been an area of inaccurate data entry as the entity that fills out the form has not always entered correct data in correct boxes. As a result, the data is misleading for participants and beneficiaries and for the Agencies. New breakout questions would be added to both the Form 5500 and the Form 5500-SF, for defined contribution pension plans to report the number of participants with account balances as of the beginning of the plan year; the number of participants that made contributions during the plan year; and the number of participants that terminated employment during the plan year that had their entire account balance distributed. The following new information would also be required to be reported on the Form 5500 or Form 5500-SF in the questions that are intended to replace the current plan characteristics code structure: 1. The current requirement for defined benefit pension plans to identify whether the filing is for a frozen plan would be extended to defined contribution pension plans. 2. Defined contribution pension plans would now be required to identify whether the plan is a SIMPLE 401(k) plan under Code sections 401(k)(11) and 401(m)(10). 3. Defined contribution pension plans would now be required to identify whether the plan has a designated Roth feature. 4. Defined contribution pension plans that have participant-directed brokerage accounts would now be required to enter the number of participants using such accounts during the plan year. 5. Defined contribution pension plans would have to indicate whether the plan has an intended qualified default investment alternative(s) (QDIA) and, if so, to indicate the type(s) of alternative(s). 6. Pension plans would be required to report if the plan is an eligible combined plan under Code section 414(x). 7. Pension plans

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

would be required to report if a rollover from a plan was used to start up the business sponsoring the plan (a Rollovers as Business Start-Ups or ROBS transaction). 8. Pension plans would be required to report if the plan is electing church plan status under Code Section 410(d). 9. Defined contributions pension plans would be required to indicate whether they provide financial education and/or financial advice for participants. 10. Plans would be required to report if the plan provides long term care insurance. 11. On the Form 5500, plans that provide group health benefits would have to indicate, more specifically, whether they provide medical/surgical benefits, pharmacy or prescription drug benefits, mental health/substance use disorder benefits, wellness program, preventive care services, emergency services, and pregnancy benefits. The signature section on the Form 5500 would be revised to add a checkbox to indicate whether the plan is a Taft-Hartley plan and to provide a dedicated signature area for both a "management" and a "labor" trustee. In addition to the changes described above, the Schedule A and its instructions would be clarified to specify that the plan is required to report the insurance carrier's NAIC "Company Code," when reporting the "NAIC number." Plans that provide group health benefits through an insurance contract would also be required to provide the insurance carrier's required health plan identification number (HPID) under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Schedule J would require filers to provide the NAIC Producer Code if there is a stop loss policy associated with the plan's obligation to pay health benefits. The Agencies invite comment on whether a particular NAIC type number or other identifying number, as well as the HPID, would be best to produce the most consistent and accurate identifier of insurance companies required to be identified on the Form 5500 Annual Return/Report. On new Line 2 of the Schedule A, plans would be required to report if the policy or contract was issued by an insurance company that is wholly owned by the plan or the plan sponsor. The current questions and instructions on Schedule A for persons covered under an insurance contract [[Page 47566]] that reported on Schedule A would be clarified and expanded. The instructions are clarified to make explicit that the existing requirement to report the approximate number of persons includes participants, beneficiaries, and dependents covered under the contract. For welfare benefit contracts, the question has also been particularized to require the approximate number of persons covered for each type of benefit. To improve the data, there would be new checkboxes on the Schedule A to enable filers to indicate whether the contract covered accidental death and disability (AD &D) or long term care insurance. The existing element on the Schedule A to identify that plan assets are in insurance company "pooled separate accounts" would be broken into "pooled separate accounts" and "other" separate accounts. If "other," filers would be required to enter a description of the separate account. Plans that provide life insurance would be required to indicate, on Schedule A, whether a life insurance contract is "term life" or "other." If the life insurance contract is other than "term life," the filer would continue to have to enter a description. The Schedule C instructions with regard to exceptions for reporting employees whose compensation is less than \$25,000 would be clarified to provide that, for Schedule C purposes, compensation does not include the employer portion of FICA and FUTA taxes as part of the total compensation of an employee. It does, however, include salary, bonuses, overtime, and all indirect compensation from persons other than the plan received in connection with the person's position with the plan or services provided to the plan. As discussed above, the instructions would be modified to specify that expenses for travel, education, conferences, meals, etc., whether paid directly by the plan or reimbursed to the employee, have to be included in determining total compensation of plan employees, but only if such payments would be reportable as taxable income to the employee. As with similar clarifying changes to Schedule C and the Schedule H, Line 4i Schedules of Assets, plans would now be required to report on Schedule A the relationship to the plan, employer, employee organization, sponsor, fiduciary, or other party-in-interest of the agent, broker, or other person to whom commissions or fees were paid. When reporting on Schedule A that an insurance company failed to provide the information needed to complete the annual return/report, if it is "fee and commission" information that is not provided, then filers would only need to check a box to so indicate. Filers would continue to have a place to describe other types of information. In addition to the changes described above to the Schedule H, filers would be required to report, in the existing section on the IQPA report on the Schedule H, the state in which the IQPA report was issued. The existing questions for Form 5500 Annual Return/Report filers to indicate plan funding and benefit arrangements would be added to the Form 5500-SF. In response to the concerns of certain practitioners regarding their ability to comply with filing requirements where PBGC has trusteeship of a plan and there is no longer a plan administrator to complete the filing or the ability to pay a service provider for the work necessary to fulfill the filing obligation, the Agencies are proposing to simplify the final filing requirements for plans trusteeship by PBGC that have 500 or fewer participants. Specifically, the question on whether the plan has come under the trusteeship of the PBGC would be moved from current plan characteristic code 1H on the Form 5500 and part of Line 4k on the Schedule H and Line 13b on the

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

Form 5500-SF to a checkbox on Part I of the Form 5500. Form 5500 Annual Return/Report filers that, as of the date the return/report is filed but not later than the due date of the return/report with automatic extension, have been trustees by PBGC under section 4041(c) or 4042 of ERISA, would be required to check that box and enter the date of PBGC trusteeship in the space provided. Plans with 500 or fewer participants (see Part II, Line 6, asking for participant count) that check this box would be required to complete all of Part I and Lines 1, 2, 3, 6, 9a(3) and 9a(4) of Part II; this would be the last Form 5500 Annual Return/Report they would need to file. Form 5500 Annual Return/ Report filers with plans with more than 500 participants (in Part II, Line 6) would be required to complete the Form 5500 in the same manner as they have in the past and would need to file a Form 5500 for a following short plan year (depending on when the plan was trusteeship). Similarly, Form 5500-SF filers with plans that, as of the date the return/report is filed but not later than the due date of the return/ report with automatic extension, have been trustees by PBGC under section 4041(c) or 4042 of ERISA, would be required to check a box in Part 1A and enter the date of PBGC trusteeship in the space provided. Plans that check this box would be required to complete all of Part I and Lines 1, 2, 3, 5 (if applicable), 6, 9a(3) and 9a(4) of Part II. The proposal to simplify final filing requirements is limited to PBGC-trusteed plans with 500 or fewer participants for a number of reasons. PBGC generally needs the information contained in the final annual return/report to calculate its claims for underfunding and unpaid minimum funding contributions, to prepare its financial statements, and to value participant benefits. Larger plans tend to have more complex asset structures and include hard-to-value assets, while smaller plans are more likely to lack the resources needed to meet their actuarial and filing obligations for the final plan year and final short plan year. It has been primarily representatives of small plans that have contacted PBGC and DOL to request relief from filing requirements for PBGC-trusteed plans. In PBGC's experience, larger plans usually comply with the filing requirement for the final plan year and the final short plan year. The companies that maintain these larger plans typically build the cost of plan administration into their balance sheets, even if the plan is terminated in an involuntary or distress termination. Moreover, in PBGC's experience, for most larger plans, the cost of filing the annual return/report is paid from plan assets. Even when paid by the plan sponsor, PBGC believes that the cost of filing for a larger plan is a relatively insignificant component of the sponsor's overall business expenses. PBGC also believes that exempting larger plans from completing certain schedules or sections of the annual return/report would not result in a meaningful cost savings to the plan sponsor and could result in the inability to compile important information in the event that the plan is terminated. An involuntary or distress termination involves a complex actuarial and economic analysis by PBGC that may continue for a year or more and does not always result in termination. The process of preparing the annual return/report continues through and beyond the plan year. PBGC believes that limiting the reporting obligations for larger plans anticipating termination might cause a plan to stop the ongoing process that culminates with the filing, even though a termination is not ultimately approved. This would significantly impair PBGC's actuarial and financial analysis for the ongoing plan. The Agencies also propose to accept the electronic-signature by the plan [[Page 47567]] actuary on the Schedules MB and SB, and the electronic-signature by the plan trustee for trust information on the Form 5500-SF and Schedule H. The plan actuary or plan trustee can access the EFAST2 Web site at www.efast.dol.gov to register for electronic credentials to sign or submit filings. If a plan actuary or a plan trustee chooses not to sign electronically, then the actuary or trustee must sign the schedule or Form, and an electronic reproduction must be attached to the Form 5500 or Form 5500-SF. This electronic reproduction must be labeled "Trustee Signature" for trust information on the Schedule H or Form 5500-SF, and "Actuary Signature" for the plan actuary on the Schedule MB or SB, and must be included as a Portable Document Format (PDF) attachment or any alternative electronic attachment allowable under EFAST2, if it is not electronically signed.

G. Electronic Filing of Certain IRS-Only Forms The Agencies propose to enable filers to file IRS Forms 5500-EZ and 5558 through EFAST by creating an electronic version of each of these forms. The Agencies believe that the anticipated increase in electronic filing resulting from the creation of an electronic version of these forms would have various beneficial effects. For example, the electronic filing of these forms would benefit the filers and the Agencies by reducing errors that are more likely to occur during the manual preparation and processing of paper returns and reports. Electronic filing also results in faster settling of accounts and better customer service. See Private Pensions: Targeted Revisions Could Improve Usefulness of Form 5500 Information.

1. Form 5500-EZ The Form 5500-EZ, Annual Return of One-Participant (Owners and Their Spouse) Retirement Plan, is generally used by one-participant plans and certain foreign plans to satisfy their filing requirements with the IRS under Code section 6058. The Form 5500-EZ is currently filed on paper with the IRS. Although the Form 5500-EZ cannot currently be filed electronically, one-participant plans and foreign plans (beginning with the 2014 plan year) may elect to electronically file the Form 5500-SF using the EFAST2

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

system instead of filing the paper Form 5500-EZ with the IRS. One-participant plans and foreign plans that file the Form 5500-SF rather than file the Form 5500-EZ are required to complete only certain lines on the Form 5500-SF. These lines are the same as, or are similar to, lines on the Form 5500-EZ. Accordingly, one-participant plans and foreign plans filing the Form 5500-SF are required to answer only those questions they would have been required to answer if they had filed the Form 5500-EZ. The IRS's electronic filing mandate regulation described above applies to filers of the Form 5500-EZ as well as to filers of Form 5500 and Form 5500-SF. One-participant plans and foreign plans that file at least 250 returns during the applicable calendar year generally are therefore now required to file the Form 5500-SF electronically using the EFAST2 system beginning with the 2015 plan year. See T.D. 9695, 79 FR 58256 (Sept. 29, 2014). The IRS proposes to provide an electronic version of the Form 5500-EZ to be filed on the EFAST2 system. This electronic version would be in addition to the paper version. Accordingly, except to the extent they are subject to the electronic filing mandate, one-participant plans and foreign plans subject to the filing requirements of the Code would be able to elect to file either the paper version of the Form 5500-EZ with the IRS or file the electronic version through EFAST2. These filers would no longer be allowed to file the Form 5500-SF. One-participant plans and foreign plans that are required by 26 CFR 301.6058-2 to file electronically would be required to file the electronic version of the Form 5500-EZ. Currently, less than 15 percent of one-participant plans file the electronic Form 5500-SF instead of the paper Form 5500-EZ. The IRS believes that creating an electronic version of the Form 5500-EZ to replace the Form 5500-SF for one-participant and foreign plans would encourage these filers to file electronically because they would no longer need to deal with the longer Form 5500-SF and its instructions. The IRS further believes that filers would be more likely to file an electronic Form 5500-EZ instead of a Form 5500-SF because, unlike when filing the Form 5500-SF, they would not need to make a separate determination as to which questions to answer. As with any Form 5500-SF currently filed by a one-participant plan for purposes of the Code, the information filed on the electronic version of the Form 5500-EZ on the EFAST2 system will not be published by the DOL on the Internet.

2. Form 5558 Filers may currently obtain a one-time extension of time to file a Form 5500 Annual Return/Report and a Form 8955-SSA, by filing IRS paper Form 5558, Application for Extension of Time To File Certain Employee Plan Returns, on or before the normal due date of the return/report. The IRS proposes to create an electronic version of the Form 5558 to be processed through EFAST2, which would enable filers to use the same system to request an extension that they use to file Form 5500 Annual Return/Report. The electronic filing of this form would benefit the filers and the Agencies by reducing errors that are more likely to occur during the manual preparation and processing of paper returns and reports. Electronic filing also results in faster settling of accounts and better customer service. Under this proposal, the paper Form 5558 would continue to be filed with the IRS by those filers who wish to file the Form 5558 on paper. The Form 5558 is also currently used for extensions of time to file Form 5330, Return of Excise Taxes Related to Employee Benefit Plans. It is anticipated that the extension of time to file Form 5330 could not be filed electronically using EFAST. The Form 5330 is used to report various violations of the Code related to retirement plans and requires a payment of excise taxes to the IRS. The instructions to the Form 5558 state that any tax due to be paid under the Form 5330 must be paid with the Form 5558 and that interest is charged on taxes not paid by the due date even if an extension of time to file is granted. Accordingly, the IRS proposes to create a new paper form for extensions of time to file the Form 5330. It is anticipated that this new extension form would have provisions similar to those in the Form 5558 to the extent they apply to the Form 5330.

H. Regulations Relating to the Proposed Form As noted above, certain amendments to the annual reporting regulations are necessary to accommodate some of the proposed revisions to the forms. The DOL is publishing separately today in the Federal Register proposed amendments to the DOL's annual reporting regulations. That document includes a discussion of the findings required under sections 104 and 110 of ERISA that are necessary for the DOL to adopt the Form 5500 Annual Return/Report, including the Form 5500-SF, if revised as proposed herein, as an alternative method of compliance, limited exemption, and/or simplified report under the reporting and disclosure requirements of Part 1 of Subtitle B of Title I of ERISA.

I. Paperwork Reduction Act Statement As part of continuing efforts to reduce paperwork and respondent burden, the general public and Federal agencies are invited to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This helps to ensure that requested data will be provided in the desired format, reporting burden (time and financial resources) will be minimized, collection instruments will be clearly understood, and the impact of collection requirements on respondents is properly assessed. Currently, the DOL is soliciting comments concerning the proposed revision of the Form 5500 Annual Return/Report, which is an information collection request subject to the PRA. A copy of the ICR may be obtained by contacting the person listed in the PRA Addressee section below. The

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

DOL has submitted a copy of the proposed forms revisions to the Office of Management and Budget (OMB) in accordance with 44 U.S.C. 3507(d) for its review of the DOL's information collection. The IRS and the PBGC intend to submit separate requests for OMB review and approval based upon the final forms revisions. The DOL and OMB are particularly interested in comments that:

Evaluate whether the proposed collection of information is

necessary for the proper performance of the functions of the Agencies,

including whether the information will have practical utility;

Evaluate the accuracy of the estimate of the burden of the

proposed collection of information, including the validity of the

methodology and assumptions used;

Enhance the quality, utility, and clarity of the

information to be collected; and

Minimize the burden of the collection of information on

those who are to respond, including through the use of appropriate

automated, electronic, mechanical, or other technological collection

techniques or other forms of information technology, e.g., permitting

electronic submission of responses.

Written comments must be submitted to the office shown in the PRA

Addressee within 75 days of publication of the Notice of Proposed Forms

Revision to ensure their consideration.

PRA Addressee: Address requests for copies of the ICR to G.

Christopher Cosby, Office of Policy and Research, U.S. Department of

Labor, Employee Benefits Security Administration, 200 Constitution

Avenue NW., Room N-5718, Washington, DC 20210. Telephone: (202) 693-

8410; Fax: (202) 219-4745; Email: ebbsa.opr@dol.gov These are not toll-

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

free numbers. ICRs submitted to OMB also are available at <http://www.RegInfo.gov>.

Type of Review: Revision of a currently approved collection.

Agencies: Employee Benefits Security Administration (OMB Control No. 1210-0110); Internal Revenue Service (OMB Control No. 1545-1610); Pension Benefit Guaranty Corporation (OMB Control No. 1212-0057).

Title: Form 5500 Series.

Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions.

Form Number: DOL/IRS/PBGC Form 5500 and Schedules.

Total Respondents: The total number of annual Form 5500 filers will be approximately 2.97 million.

Total Responses: See ``Total Respondents" Above.

Frequency of Response: Annually.

Estimated Total Burden Hours: 1.52 million.

Estimated Time per Response, Estimated Burden Hours, Total Annual Burden: See below for each Agency.

Total Annualized Costs: \$667.7 million.

The Agencies' burden estimation methodology excludes certain activities from the calculation of ``burden." If the activity is performed for any reason other than compliance with the applicable federal tax administration system or the Title I annual reporting requirements, it was not counted as part of the paperwork burden. For example, most businesses or financial entities maintain, in the

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

ordinary course of business, detailed accounts of assets and liabilities, and income and expenses for the purposes of operating the business or entity. These recordkeeping activities were not included in the calculation of burden because prudent business or financial entities normally have that information available for reasons other than federal tax or Title I annual reporting. Only time for gathering and processing information associated with the tax return/annual reporting systems, and learning about the law, was included. In addition, an activity is counted as a burden only once if performed for both tax and Title I purposes. The Agencies also have designed the instruction package for the Form 5500 Annual Return/Report so that filers generally will be able to complete the Form 5500 Annual Return/Report by reading the instructions without needing to refer to the statutes or regulations. The Agencies, therefore, have included in their PRA calculations a burden for reading the instructions and find there is no recordkeeping burden attributable to the Form 5500 Annual Return/Report.

The DOL solicits comments regarding whether or not any recordkeeping beyond that which is usual and customary is necessary to complete the Form 5500 Annual Return/Report. Comments are also solicited on whether the Form 5500 Annual Return/Report instructions are generally sufficient to enable filers to complete the Form 5500 Annual Return/Report without needing to refer to the statutes or

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

regulations.

J. Paperwork and Respondent Burden

Estimated time needed to complete the forms listed below reflects the combined requirements of the IRS, the DOL, and the PBGC. The times will vary depending on individual circumstances. The estimated average times are:

Pension plans

Small, ineligible for 5500- Small, eligible for 5500-

Large

SF

SF

Form 5500..... 1 hr, 52 min..... 1 hr, 20 min.....

Schedule A..... 2 hr, 55 min..... 2 hr, 55 min.....

Schedule MB..... 8 hr, 27 min..... 7 hr, 28 min..... 7 hr, 28 min.

Schedule SB..... 6 hr, 38 min..... 6 hr, 49 min..... 6 hr, 49 min.

Schedule C..... 3 hr, 28 min..... 3 hr, 20 min.....

Schedule E..... 3 hr, 18 min..... 3 hr, 18 min.....

Schedule G..... 13 hr, 51 min.....

Schedule H..... 11 hr, 50 min..... 8 hr, 12 min.....

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

Schedule R..... 1 hr, 54 min..... 1 hr, 6 min.....

Form 5500-SF..... 2 hr, 54 min.

[[Page 47569]]

Welfare plans that include health benefits

Small, unfunded,

combination unfunded/

Large fully insured, or funded Small, fully-insured

with a trust

Form 5500..... 1 hr, 46 min..... 1 hr, 15 min.....

Schedule A..... 3 hr, 42 min..... 2 hr, 45 min.....

Schedule C..... 4 hr, 25 min..... 4 hr, 25 min.....

Schedule G..... 11 hr, 4 min.....

Schedule H..... 12 hr, 46 min..... 8 hr, 41 min.....

Schedule J..... 3 hr, 30 min..... 3 hr, 30 min.....

Subset of Form 5500 and Schedule 20 min.

Large	5500-SF	SF
-------	---------	----

Form 5500-SF..... 2 hr, 54 min.

Master trusts	CCTs	PSAs	103-12 IEs	GIAs
---------------	------	------	------------	------

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

Form 5500..... 1 hr, 51 min..... 1 hr, 31 min..... 1 hr, 25 min..... 1 hr, 42 min..... 1 hr, 29 min.

Schedule A..... 2 hr, 56 min..... 2 hr, 50 min..... 2 hr, 49 min..... 2 hr, 53 min..... 3 hr, 6 min.

Schedule C..... 3 hr, 43 min..... 1 hr, 18 min..... 41 min..... 2 hr, 41 min..... 1 hr, 52 min.

Schedule D..... 45 min..... 24 min..... 17 min..... 33 min..... 29 min.

Schedule G..... 12 hr, 46 min..... 9 hr, 20 min.....

Schedule H..... 12 hr, 19 min..... 11 hr, 47 min..... 11 hr, 43 min..... 12 hr, 16 min..... 12 hr, 1 min.

The aggregate hour burden for the Form 5500 Annual Return/Report

(including schedules and short form) is estimated to be 1.52 million

hours annually. The hour burden reflects filing activities carried out

directly by filers. The cost burden is estimated to be \$667.7 million

annually. The cost burden reflects filing services purchased by filers.

Presented below is a chart showing the total hour and cost burden of

the revised Form 5500 Annual Return/Report separately allocated across

the DOL and the IRS. There is no separate PBGC entry on the chart

because, as explained below, its share of the paperwork burden is very

small relative to that of the IRS and the DOL.

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

Agency		Pension plans		Welfare plans		Total		Total		

		Large	Small	Large	Small	Large	Small		DFEs	

DOL.....	Hours 000s.....		323	251	133	294	457	545	32	
1,034										
	\$MM.....	\$80.4	\$103.6	\$118.2	\$181.4	\$198.6	\$285.0	\$6.4		
\$490.0										
IRS.....	Hours 000s.....		196	222	12	35	208	257	18	
484										
	\$MM.....	\$42.9	\$111.3	\$2.1	\$16.9	\$45.0	\$128.2	\$2.9		
\$176.1										

The paperwork burden allocated to the PBGC includes a portion of the general instructions, basic plan identification information, a portion of Schedule MB, a portion of Schedule SB, a portion of Schedule H, and a portion of Schedule R. The PBGC's Estimated Share of Total Form 5500 Annual Return/Report Burden is: 1,300 Hours and \$1.6 million per year.

APPENDIX A

1. Form 5500--Annual Return/Report of Employee Benefit Plan
2. Form 5500-SF--Annual Return Report of Small Employee Benefit Plan

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

3. Schedule A--Insurance Information
4. Schedule C--Service Provider Information
5. Schedule D--DFE/Participating Plan Information
6. Schedule E--ESOP Information
7. Schedule G--Financial Transaction Schedules
8. Schedule H--Financial Information
9. Schedule H, Line 4a Schedule of Delinquent Participant

Contributions

10. Schedule H, Line 4i(1) Schedule of Assets Held for Investment at

End of Year

11. Schedule H, Line 4i(2) Schedule of Assets Disposed of During the

Plan Year

12. Schedule H, Line 4j Schedule of Reportable Transactions

13. Schedule J--Group Health Plan Information

14. Schedule MB--Multiemployer Defined Benefit Pension Plan

Actuarial Information and Certain Money Purchase Plan Information

15. Schedule R--Retirement Plan Information

16. Schedule SB--Single Employer Defined Benefit Pension Plan

Actuarial Information

Form 5500 (Annual Return/Report of Employee Benefit Plan)

Part I Annual Report Identification Information [Same As Current Part I

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

Except As Indicated]

For calendar plan year 20XX or fiscal plan year beginning DD/MM/
20XX and ending DD/MM/20XX+1

[[Page 47570]]

A [Current A, Except as indicated in **boxes** (3) and (5)] This
return/report is for (check the correct **box**; for DFE's check the DFE
type):

(1) [**ballot**] a single-employer plan

(2) [**ballot**] a multiple-employer plan (not multiemployer)

(Filers checking this **box** must attach a list of participating
employer information in accordance with the form instructions)

(3) [**ballot**] [New] a plan for a controlled group of
corporations, a group of trades or businesses under common control,
or an affiliated service group (see instructions) (Filers checking
this **box** must attach a list of controlled group member information

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

in accordance with the form instructions)

(4) **[ballot]** a multiemployer plan

(5) **[ballot]** [Puts DFE checkboxes on face of Form 5500 instead

of entering ``Codes" From Instructions] a direct filing entity

(DFE). Check DFE type (see instructions):

[ballot] Master Trust

[ballot] CCT

[ballot] PSA

[ballot] 103-12 IE

[ballot] GIA

B [Current, Except Adds **Box** (5)] This return/report is (check as applicable) (see instructions):

(1) **[ballot]** the **first** return/report

(2) **[ballot]** an amended return/report

(3) **[ballot]** the final return/report

(4) **[ballot]** a short plan year return/report (less than 12

months)

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

(5) **[ballot]** [Current PCC 1H and part of current Schedule H,

Line 4k for PBGC-trusted plans revised to include date of

trusteeship] a plan trusted by PBGC.

Filers checking this **box**, enter date of trusteeship. (Filers

checking **box** B(5) for plans that have 500 or fewer participants at

the beginning of the plan year need to complete only certain line

items on the Form 5500). (See instructions)

C [Current] If the plan is a collectively-bargained plan, check

here **[ballot]**

D [Current] Check applicable **box** if filing under an extension or

through the DFVC Program:

(1) **[ballot]** Form 5558

(2) **[ballot]** automatic extension

(3) **[ballot]** special extension (enter description)

(4) **[ballot]** the DFVC program

Part II Basic Plan Information Enter all requested information. (You

must use the same plan/DFE name, PN, and EIN as in the previous year's

annual return/report, except as provided in Line 5.)

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

1a [Current] Name of Plan

1b [Current] Three-digit plan number (PN)

1c [Current] Effective date of plan

2a [Current] Plan sponsor's name (employer, if for a single-employer plan) and address; include room or suite number, city or town, state or province, country, and ZIP or foreign postal code (if foreign, see instructions)

2b(1) [Current] Plan sponsor's Employer Identification Number (EIN)

(2) [New] Plan sponsor's legal entity identifier (LEI) if available (see instructions)

2c [Current] Sponsor's telephone number

2d [Current] Business code (see instructions)

3a [Current] Plan administrator's name and address

[Current] **ballot** Check if same as Plan Sponsor Name **ballot**

Check if same as Plan Sponsor Address

3b [Current] Administrator's EIN

3c [Current] Administrator's telephone number

4a [New] Named Fiduciary's name and address (see instructions).

ballot Check if same as Plan Sponsor Name

ballot Check if same as Plan Sponsor Address

4b [New] Named Fiduciary's EIN

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

4c [New] Named Fiduciary's telephone number

5 [Current Line 4, except as indicated] If the name, EIN or LEI of the plan sponsor has changed since the last return/report filed for this plan, enter the name, EIN, LEI, and the plan number from the last return/report:

5a Sponsor's Name

5b(1) EIN

(2) [new] LEI if available

5c Plan Number

6 [Current Line 5] Total number of participants at the beginning of the plan year

7 [Current Line 6, Except 7g(1), (3), and (4) now added] Number of participants (welfare plans complete only Lines 7a(1), 7(a)(2), 7b, 7c, 7d, and 7g(3)).

7a(1) Total number of active participants at the beginning of the plan year

(2) Total number of active participants as of the end of the plan year

7b Retired or separated participants receiving benefits as of the end of the plan year

7c Other retired or separated participants entitled to future benefits as of the end of the plan year

7d Subtotal. Add Lines 7a(2), 7b, and 7c.

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

7e Deceased participants whose beneficiaries are receiving or
are entitled to receive benefits as of the end of the plan year

7f Total. Add Lines 7d and 7e

7g If you are filing for defined contribution pension plan, you
must complete Line 7g(1)-(4). Welfare plans complete only Line
7g(3). Defined benefit pension plans skip to Line 7h.

(1) [New] Number of participants with account balances as of the
beginning of the plan year

(2) [Current Line 6g] Number of participants with account
balances as of the end of the plan year

(3) [New] Number of participants that made contributions during
the plan year

(4) [New] Number of participants that terminated employment
during the plan year that had their entire account balance
distributed as of the end of the plan year

7h Number of participants that terminated employment during the
plan year with accrued benefits that were less than 100% vested:

8 [Current Line 7] Enter the total number of employers obligated
to contribute to the plan (only multiemployer plans complete this
item)

9a [Current Line 8 Plan Characteristics Codes Entered In A List
From Instructions Now Separate Questions on Face of Form] Check the

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

appropriate **box** to indicate the type of plan. If the plan provides pension benefits, answer the applicable 9a questions below. See the instructions for additional details. (Plans that provide only welfare benefits check the **box** for "Welfare plan" and then skip to question 9b.)

ballot [New] Defined benefit pension plan

ballot [New] Defined contribution pension plan

ballot [New] Welfare plan

9a(1) Check the appropriate **box**(es) to indicate how the benefits are calculated (Defined benefit pension plans only)

ballot [Current PCC 1A] Benefits are primarily pay related

ballot [Current PCC 1B] Benefits are primarily flat dollar

(includes dollars per year of service)

ballot [Current PCC 1C] Cash balance plan

ballot [Current PCC 1C] Pension equity plan (PEP)

ballot [Current PCC 1C] Other hybrid plan

ballot [Current PCC 1D] Floor-offset plan

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

9a(2) Does your plan have any of the Internal Revenue Code arrangements listed below? (Defined benefit pension plans only).

Yes ☐ No ☐

If "Yes", check all that apply.

[Current PCC 1E] ☐ Code Section 401(h) arrangement

[Current PCC 1F] ☐ Code Section 414(k) arrangement

9a(3) [Current PCC 1H] Is this a defined benefit pension plan that was terminated and closed out for PBGC purposes? (See instructions.)

Yes ☐ No ☐

9a(4) [Current Schedule H, Line 5c, revised to add a new sentence at the end on PBGC premium filings. For 2016, PBGC proposed that the new sentence be added to Line 5c of the Schedule H] If the plan is a defined benefit pension plan, is it covered under the PBGC insurance program (see ERISA section 4021)?

☐ Yes ☐ No ☐ Not determined

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

If ``Yes" is checked, enter the My PAA confirmation number from the PBGC premium filing for this plan year. (See instructions.)

9a(5) [Current PCC 1I] Is this a frozen pension benefit plan?
(Both defined benefit and defined contribution pension plans must answer this question.)

[ballot] Yes [ballot] No

9a(6) [Current PCC 1D and 2D; new requirement to enter name of other plan or arrangement] Are plan benefits subject to offset for retirement benefits provided in another plan or arrangement of the employer?

[ballot] Yes [ballot] No

If ``Yes" enter name, EIN, and LEI of the sponsor and PN of the other plan or arrangement

9a(7) If this is a defined contribution pension plan, indicate the type(s) of plan (check all that apply):

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

ballot [Current PCC 2E] Profit-sharing plan

ballot [Current PCC 2I] Stock bonus plan

ballot [Current PCC 2C] Money purchase plan

ballot [Current PCC 2B] Target benefit plan

ballot [Current PCC 2D] Offset plan

9a(8) If this is a defined contribution pension plan, check the appropriate **box**(es) to indicate the type(s) of arrangements under

[[Page 47571]]

which the plan operates for purposes of the Code (check all that apply):

ballot [Current PCC 2J] Code section 401(k) arrangement

ballot [Current PCC 2K] Code section 401(m) arrangement

ballot [New] SIMPLE 401(k) plan under Code sections 401(k)(11) and 401(m)(10)

ballot [New] Safe harbor 401(k) plan under Code sections 401(k)(12) and 401(m)(11)

ballot [New] Safe harbor 401(k) plan using automatic contribution arrangements under Code sections 401(k)(13) and 401(m)(12)

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

[ballot] [Current PCC 2N] Code section 408 accounts or annuities

[ballot] [Current PCC 2L] Code section 403(b)(1) arrangement

[ballot] [Current PCC 2M] Code section 403(b)(7) arrangement

9a(9) If this is a defined contribution pension plan, check all the appropriate **box**(es) to indicate all type(s) of features your plan has.

[ballot] [Current PCC 2S] Automatic Enrollment

[ballot] [New] Designated ROTH

[ballot] [Current PCC 2A] Age/service weighted or new comparability or similar plan

[ballot] [New] Financial education for participants

[ballot] [New] Financial advice for participants

[ballot] [New] Other (specify)

9a(10) Is this a participant-directed defined contribution pension plan? **[ballot]** Yes **[ballot]** No

If "Yes," check all that apply:

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

[ballot] [Current PCC 2F] ERISA section 404(c) plan

[ballot] [Current PCC 2G] Total participant-directed account plan

[ballot] [Current PCC 2H] Partial participant-directed account plan

[ballot] [Current PCC 2R] Participant-directed brokerage accounts.

If you check this **box**, enter the number of participants using
the participant-directed brokerage account(s)

9a(11) [Current PCC 2T; new breakouts to indicate types of
default accounts] Does the plan have default investment alternatives
that are intended to be qualified default investment alternatives
(QDIA) (see instructions) for participants who fail to direct assets
in their account?

[ballot] Yes **[ballot]** No

If "Yes," check all applicable **boxes** to indicate type(s) of
QDIA.

[ballot] Target date/life cycle fund

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

☐ Fixed income

☐ Money market or equivalent (under 29 CFR 2550.404c-5(e))

☐ Balanced fund

☐ Professionally managed account

☐ Other (specify)

9a(12) [New] Is this an Eligible Combined Plan under Code
section 414(x)?

☐ Yes ☐ No

9a(13) [New] Check this ☐ if a rollover from a plan (including
an individual retirement plan) was used to start up the business

(ROBS) sponsoring this plan: ☐

9a(14) If this is a profit sharing or money purchase plan
combined with an ESOP, or a plan requiring that all or part of
employer contributions be invested and held, at least for a limited
period, in employer securities check all that apply. (You must
attach a Schedule E if the plan is an ESOP or has ESOP features).

☐ [Current PCC 2P] Leveraged ESOP

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

ballof [Current PCC 2O] ESOP other than a leveraged ESOP

ballof [Current PCC 2Q] ESOP of an S corporation

ballof [Current PCC 3I] Other plan requiring that all or part of
employer contributions be invested and held, at least for a limited
period, in employer securities

9a(15) Other Pension Benefit Features (Check all that apply):

ballof [Current PCC 3D; 2016 Schedule R Line 17a] IRS Pre-approved
plan.

If you check this **box** enter:

(1) most recent adoption date

(2) the IRS opinion or advisory letter's serial number.

ballof [Current PCC 3B] Plan covering self-employed individuals

ballof [Current PCC 3C] Plan not intended to be qualified under
Internal Revenue Code

ballof [Current PCC 3D-breakout] Master and prototype (M &P) plan

ballof [Current PCC 3D-breakout] Volume submitter plan

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

[ballot] [New] Plan sponsor(s) received services of leased employees

[ballot] [Current PCC 3J] U.S.-based plan that covers residents of

Puerto Rico and is qualified under both Code section 401 and section

1165 of Puerto Rico Code

[ballot] [New] Electing church plan under Code Section 410(d).

9b [Current Line 8b; now multiple questions instead of plan

characteristic codes entered in a list from instructions; PCC 4T,

and 4U eliminated] If the plan provides welfare benefits, complete

Lines 9b(1)-9b(4). Plans that do not provide any welfare benefits

skip to question 10.

9b(1) [Modification and expansion of current PCC 4A, 4D, 4E]

Does the plan provide health, dental, or vision coverage?

[ballot] Yes **[ballot]** No

If ``Yes," check all that apply:

[ballot] [New Breakout of current PCC 4A] medical/surgical benefits

[ballot] [New Breakout of current PCC 4A] pharmacy or prescription

drug benefits

[ballot] [New Breakout of current PCC 4A] mental health/substance

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

use disorder benefits

[ballot] [New Breakout of current PCC 4A] wellness program

[ballot] [New Breakout of current PCC 4A] preventive care services

[ballot] [New Breakout of current PCC 4A] emergency services

[ballot] [New Breakout of current PCC 4A] pregnancy benefits

[ballot] [Current PCC 4E] vision

[ballot] [Current PCC 4D] dental

9b(2) Does the plan provide disability benefits?

[ballot] Yes **[ballot]** No

If ``Yes," check all that apply.

[ballot] [Current PCC 4F] Temporary disability (accident and

sickness)

[ballot] [Current PCC 4H] Long-term disability

9b(3) Does the plan provide welfare benefits other than health,
dental, vision, or disability?

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

[ballot] Yes **[ballot]** No

If ``Yes," check all that apply.

[ballot] [Current PCC 4B] Life insurance

[ballot] [Current PCC 4L] Death benefits (include travel accident
but not life insurance)

[ballot] [New] Long term care insurance

[ballot] [Current PCC 4J] Apprenticeship and training

[ballot] [Current PCC 4C] Supplemental unemployment

[ballot] [Current PCC 4K] Scholarship (funded)

[ballot] [Current PCC 4G] Prepaid legal

[ballot] [Current PCC 4I] Severance pay

[ballot] [Current PCC 4P] Taft-Hartley Financial Assistance for
Employee Housing Expenses

[ballot] [Current PCC 4Q] Other (Enter description.)

9b(4) If the plan is a welfare plan that does not provide health
benefits, check the appropriate **box** to indicate whether the plan

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

will stop or stopped filing in an earlier year in reliance on 29 CFR

2520.104-20. (If the plan provided group health benefits, it is not

eligible for the limited exemption in 29 CFR 2520.104-20 and must

file a Form 5500 Annual Return/Report in accordance with the

instructions annually, regardless of plan size.)

[ballot] [Current PCC 4R] Unfunded, fully insured, or combination

unfunded/fully insured welfare plan that does not provide health

benefits that will not file an annual report for next plan year

pursuant to 29 CFR 2520.104-20. (Plans that check this **box** should

not check "final return/report" in Part I, **Box** B.)

[ballot] [Current PCC 4S] Unfunded, fully insured, or combination

unfunded/fully insured welfare plan that does not provide health

benefits that stopped filing annual reports in an earlier plan year

pursuant to 29 CFR 2520.104-20. (Plans that check this **box** should

not check "**first** return/report" in Part I, **Box** B.)

10a [Current Line 9a] Plan funding arrangement (Check all that apply.)

(1) **[ballot]** Insurance

(2) **[ballot]** Code section 412(e)(3) insurance contracts

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

(3) **[ballot]** Trust

(4) **[ballot]** General assets of the sponsor

10b [Current Line 9b] Plan benefit arrangement (Check all that apply.)

(1) **[ballot]** Insurance

(2) **[ballot]** Code section 412(e)(3) insurance contracts

(3) **[ballot]** Trust

(4) **[ballot]** General assets of the sponsor

11 [Current Line 10, Except check **box** added for Schedule E and

Schedule J and Eliminated For Schedule I] Check all applicable **boxes**

in 11a and 11b to indicate which schedules are attached, and, where indicated, enter the number attached. (See instructions).

11a Pension Schedules

(1) **[ballot]** Schedule R (Retirement Plan Information)

(2) **[ballot]** Schedule E (Employee Stock Ownership Plan

Information)

(3) **[ballot]** Schedule MB (Multiemployer Defined Benefit Plan and

Certain Money

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

Purchase Plan Actuarial Information)--signed by the plan actuary

(4) **[ballot]** Schedule SB (Single-Employer Defined Benefit Plan

Actuarial Information)--signed by the plan actuary

11b General Schedules

(1) **[ballot]** Schedule H (Financial Information)

(2) **[ballot]** Schedule A (Insurance Information) Enter number of

Schedules A attached (See instructions.)

(3) **[ballot]** Schedule C (Service Provider Information) Enter

number of Schedules C attached (See instructions.)

(4) **[ballot]** Schedule D (DFE/Participating Plan Information)

(5) **[ballot]** Schedule G (Financial Transaction Schedules)

(6) **[ballot]** Schedule J (Group Health Plan Information)

[Current Part III Form M-1 information moved to Schedule J]

[JURAT and SIGNATURE BLOCK to appear on **first** page, as with
current form]

CAUTION: A penalty for the late or incomplete filing of this
return/report will be assessed unless reasonable cause is
established.

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

Under penalties of perjury and other penalties set forth in the instructions, I declare that I have examined this return/report, including accompanying schedules, statements and attachments, as well as the electronic version of this return/report, and to the best of my knowledge and belief, it is true, correct, and complete.

SIGN HERE Signature of plan administrator

Enter Date:

Enter name of individual signing as plan administrator

SIGN HERE Signature of employer/plan sponsor

[ballot] [New] Check here if two signatures for Taft-Hartley

plan

(1) Management trustee signature (2) Labor trustee signature

Enter Date:

Enter name(s) of individual(s) signing as employer or plan

sponsor

SIGN HERE Signature of DFE

Enter Date:

Enter name of individual signing as DFE

Preparer's name (including firm name, if applicable) and

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

address; include room or suite number.

Preparer's telephone number

Line A(2) Schedule

Complete as many entries as needed to report the required
information for all participating employers.

Multiple-Employer Plan Participating Employer Information

(Heading for this chart must include Name of Plan, and EIN/PN as shown
on the Form 5500)

(a) Name of participating employer.	(b) EIN.....	(c) Percent of Total Contributions.
--	--------------	--

(a) Name of participating employer.	(b) EIN.....	(c) Percent of Total Contributions.
--	--------------	--

Line A(3) Schedule

Complete as many entries as needed to report the required

=====

(Heading for this chart must include Name of Plan, and EIN/PN as shown on the Form 5500). Complete elements (a), (b), and (c) to provide the name, EIN, and percent of total contributions of each controlled group member.)

[illegible]

I, Except New **Box** A(3)]

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

For calendar plan year 20XX or fiscal plan year beginning DD/MM/

20XX and ending DD/MM/20XX+1

A [Current except as shown] This return/report is for:

(1) ☐ **ballot** a single-employer plan

(2) ☐ **ballot** a multiple-employer plan (not multiemployer)

(Filers checking this ☐ **box** must attach a list of participating employer information in accordance with the form instructions)

(3) ☐ **ballot** [New] a plan of a controlled group of corporations, group of trades or businesses under common control, or an affiliated service group (see instructions) (Filers checking this ☐ **box** must attach a list of controlled group member information in accordance with the form instructions)

(4) ☐ **ballot** a one-participant plan

(5) ☐ **ballot** foreign plan

B [Current] This return/report is (check as applicable) (see instructions):

(1) ☐ **ballot** the **first** return/report

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

(2) **[ballot]** the final return/report

(3) **[ballot]** an amended return/report

(4) **[ballot]** a short plan year return/report (less than 12 months)

(5) **[ballot]** [Part of current Line 13b for PBGC-trusted plans revised to include date of trusteeship] A plan trusted by PBGC.

Filers checking this **box**, enter the date of trusteeship __/__/__.

(If you checked **box** B(5), you only need to complete only certain line items. (See Instructions.)

C [Current] Check the applicable **box** if filing under an extension or through the DFVC Program:

(1) **[ballot]** Form 5558

(2) **[ballot]** automatic extension

(3) **[ballot]** special extension (enter description)

(4) **[ballot]** DFVC program

Part II Basic Plan Information--Enter all requested information [Same

As Current Part II (Lines 1-6), except as shown] (You must use the same

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

plan name, PN, and EIN as in the previous year's annual return/report,

except as provided in Line 5.)

1a Name of Plan

1b Three-digit plan number (PN)

1c Effective date of plan

2a [Current except as shown] Plan sponsor's name (employer, if for a single-employer plan) and address; include room or suite number, city or town, state or province, country, and ZIP or foreign postal code (if foreign, see instructions)

2b(1) Plan sponsor's Employer Identification Number (EIN)

(2) [New] Plan sponsor's legal entity identifier (LEI) if available (see instructions)

2c Sponsor's telephone number

2d Business code (see instructions)

3 [Current except as shown] Plan administrator's name and address

ballot Check if same as Plan Sponsor Name

ballot Check if same as Plan Sponsor Address

3a Plan Administrator's Name and address

3b Administrator's EIN

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

3c Administrator's telephone number

4a [New] Named Fiduciary's name and address (see instructions).

[ballot] Check if same as Plan Sponsor Name

[ballot] Check if same as Plan Sponsor Address

4b [New] Named Fiduciary's EIN

4c [New] Named Fiduciary's telephone number

5 [Current Line 4 except to add LEI] If the name, EIN, or LEI of the plan sponsor has changed since the last return/report filed for this plan, enter the name, EIN, LEI, and the plan number from the last return/report:

5a Sponsor's Name

5b(1) EIN

(2) [New] LEI (if available)

5c Plan Number

6 [Current Line 5] Total number of participants at the beginning of the plan year

[[Page 47573]]

7 [Current Line 6] Number of participants (welfare plans complete only Lines 7a(1), 7a(2), 7b, 7c, and 7d).

7a(1) [Current Line 5d(1)] Total number of active participants

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

at the beginning of the plan year

(2) [Current Line 5d(2)] Total number of active participants as
of the end of the plan year

7b [New] Retired or separated participants receiving benefits as
of the end of the plan year

7c [New] Other retired or separated participants entitled to
future benefits as of the end of the plan year

7d [New] Subtotal. Add Lines 7a(2), 7b, and 7c

7e [New] Deceased participants whose beneficiaries are receiving
or are entitled to receive benefits as of the end of the plan year

7f [New] Total. Add Lines 7d and 7e

7g If you are filing for defined contribution pension plan, you
must complete Line 7g(1)-(4). Welfare plans complete only Line
7g(3). Defined benefit pension plans skip to Line 7h.

(1) [New] Number of participants with account balances as of the
beginning of the plan year

(2) [Current Line 5c] Number of participants with account
balances as of the end of the plan year

(3) [New] Number of participants that made contributions during
the plan year

(4) [New] Number of participants that terminated employment
during the plan year that had their entire account balance
distributed as of the end of the plan year

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

7h [Current Line 5e] Number of participants that terminated

employment during the plan year with accrued benefits that were less

than 100% vested

Part III--Form 5500-SF Eligibility Information [New ``Part" title for

existing eligibility questions]

8a [Current Line 6a] Were all of the plan's assets during the

plan year invested in eligible assets? (See instructions.)

[ballot] Yes **[ballot]** No

8b [Current Line 6b] Are you claiming a waiver of the annual

examination and report of an independent qualified public accountant

(IQPA) under 29 CFR 2520.104-46? (See instructions on waiver

eligibility and conditions.)

[ballot] Yes **[ballot]** No

8c [New] Did the plan provide group health benefits?

[ballot] Yes **[ballot]** No

If you answered ``No" to Line 8a or 8b, or ``Yes" to Line 8c,

the plan cannot use Form 5500-SF and must instead file the Form 5500

and any required Schedules and attachments.

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

Part IV--Financial Information [Current Part III, with new breakouts]

9 [Current Line 7] Plan Assets and Liabilities [Columns for (a)

Beginning of Year (BOY) and (b) End of Year (EOY) Values for 9a-9d]

9a [Current Line 7a] Total plan assets

9b [Current Line 7b] Total plan liabilities

9c [Current Line 7c] Net plan assets (subtract Line 9b from Line

9a)

10 [Current Line 8] Income, Expenses, and Transfers for this

Plan Year

10a [Current Line 8a] Contributions

(1) Received or receivable in cash from:

(A) [Current Line 8a(1)] Employers

(B) [Current Line 8a(2)] Participants

(2) [Current Line 8a(3)] Others (including rollovers from IRAs/

other plans)

10b [Current Line 8b] Other income (loss)

10c [Current Line 8c] Total income (add Lines 10a(1)(A) and (B),

10a(2), 10b and 10c)

10d [Current Line 8d] Benefits paid (including direct rollovers

and insurance premiums to provide benefits)

10e [Current Line 8e] Certain deemed and/or corrective

distributions (see instructions)

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

10f [Current Line 8f] Administrative service providers

(salaries, fees, commissions)

10g [Current Line 8g] Other expenses

10h [Current Line 8h] Total expenses (add Lines 10e, 10f, 10g,
and 10h)

10i [Current Line 8i] Net income (loss) (subtract Line 10h from
Line 10d)

10j [Current Line 8j] Transfers to (from) the plan (see
instructions)

11 [New] Specific Assets [Columns for (a) Beginning of Year
(BOY) and (b) End of Year (EOY) Values] [New]

11a Cash/cash equivalents

11b [New] Securities, except employer securities, traded on a
public exchange

(1) Stock

(2) Bonds

(3) Other

11c [New breakout] Government securities issued by the United
States or a State

11d [New] Interests in registered investment companies (Mutual
funds, Unit Investment Trusts, Closed End Funds)

11e [New] Interests in insurance company pooled separate
accounts (PSAs)

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

11f [New] Interests in insurance investment and annuity

contracts (other than PSAs)

11g [New] Interests in bank common collective trusts (CCTs)

11h [New] Interests in bank investment contracts (other than CCTs)

11i [New] Participant loans

Part V--Plan Characteristics Information [Current Part IV]

12a [Current Line 8a; Now multiple questions instead of Plan Characteristic Codes (PCC) entered in a list from Instructions]

Check the appropriate **box** to indicate the type of plan. If the plan provides pension benefits, answer the applicable 12a questions below; see the instructions for additional details. (Plans that provide only welfare benefits check the **box** for ``Welfare Plan" and then skip to question 12b.)

ballot Defined benefit pension plan

ballot Defined contribution pension plan

ballot Welfare plan

12a(1) Check the appropriate **box**(es) to indicate how the benefits are calculated (Defined benefit pension plans only.)

ballot [Current PCC 1A] Benefits are primarily pay related

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

[ballot] [Current PCC 1B] Benefits are primarily flat dollar

(includes dollars per year of service)

[ballot] [Current PCC 1C breakout] Cash balance plan

[ballot] [Current PCC 1C breakout] Pension equity plan (PEP)

[ballot] [Current PCC 1C breakout] Other hybrid plan

[ballot] [Current PCC 1D] Floor-offset plan

12a(2) Does your plan have any of the Internal Revenue Code arrangements listed below? Check all that apply. Defined benefit pension plans only)

[ballot] [Current PCC 1F] Code Section 414(k) arrangement

12a(3) [Current PCC 1H] Is this a defined benefit pension plan that was terminated and closed out for PBGC purposes (see instructions)?

[ballot] Yes **[ballot]** No

12a(4) [Current Line 6c, revised to add a new sentence at the end on PBGC premium filings. For 2016, PBGC proposed that the new sentence be added to Line 5c of the Schedule H] If the plan is a defined benefit pension plan, is it covered under the PBGC insurance program (see ERISA section 4021)?

[ballot] Yes **[ballot]** No **[ballot]** Not determined

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

If ``Yes" is checked, enter the My PAA confirmation number from
the PBGC premium filing for this plan year. (See instructions)

12a(5) [Current PCC 1I expanded to include DC as well as DB
pension plans] Is this a frozen pension benefit plan? (Both defined
benefit and defined contribution pension plans must answer this
question.)

[ballot] Yes **[ballot]** No

12a(6) [Current PCC 1D and 2D; new requirement to provide
identifying information about sponsor of other plan or arrangement]
Are plan benefits subject to offset for retirement benefits provided
in another plan or arrangement of the employer?

[ballot] Yes **[ballot]** No

If ``Yes," enter name, EIN, and LEI of sponsor and PN of other
plan or arrangement

12a(7) If this is a defined contribution pension plan, indicate
the type(s) of plan (check all that apply):

[ballot] [Current PCC 2E] Profit-sharing plan

[ballot] [Current PCC 2I] Stock bonus plan

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

ballot [Current PCC 2C] Money purchase plan

ballot [Current PCC 2B] Target benefit plan

ballot [Current PCC 2D] Offset plan

12a(8) If this is a defined contribution pension plan, check the appropriate **box**(es) to indicate the type(s) of arrangements under which the plan operates for purposes of the Code (check all that apply):

ballot [Current PCC 2J] Code section 401(k) arrangement

ballot [Current PCC 2K] Code section 401(m) arrangement

ballot [New] SIMPLE 401(k) plan under Code sections 401(k)(11) and 401(m)(10)

ballot [New] Safe harbor 401(k) plan under Code sections 401(k)(12) and 401(m)(11)

ballot [New] Safe harbor 401(k) plan using automatic contribution arrangements under Code sections 401(k)(13) and 401(m)(12)

ballot [Current PCC 2N] Code section 408 accounts or annuities

ballot [Current PCC 2L] Code section 403(b)(1) arrangement

ballot [Current PCC 2M] Code section 403(b)(7) arrangement

12a(9) If this is a defined contribution pension plan, check the appropriate **box**(es)

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

[[Page 47574]]

to indicate the type(s) of features your plan has:

ballot [Current PCC 2S] Automatic Enrollment

ballot [New] Designated ROTH

ballot [Current PCC 2A] Age/service weighted or new comparability

or similar plan

ballot [New] Financial education for participants

ballot [New] Financial advice for participants

ballot [New] Other (specify)

12a(10) If this a participant-directed defined contribution

pension plan, check all that apply:

ballot [Current PCC 2F] ERISA section 404(c) plan

ballot [Current PCC 2G] Total participant-directed account plan

ballot [Current PCC 2H] Partial participant-directed account plan

ballot [Current PCC 2R] Participant-directed brokerage accounts.

If you check this **box**, enter the number of participants using the

participant-directed brokerage account(s)

12a(11) [New] (A) Does the plan have default investment

alternatives that are intended to be qualified default investment

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

alternatives (QDIA) (see instructions) for participants who fail to
direct assets in their account?

[ballot] Yes **[ballot]** No

(B) If ``Yes," indicate type(s) of QDIA (Check all that apply)

[ballot] Target date/life cycle fund

[ballot] Fixed income

[ballot] Money market or equivalent (under 2550.404c-5(e))

[ballot] Balanced/target allocation fund

[ballot] Professionally managed account

[ballot] Other (specify)

12a(12) [New] Is this an Eligible Combined Plan under Code
section 414(x)?

[ballot] Yes **[ballot]** No

12a(13) [New] Check this **box** if a rollover from a plan
(including an individual retirement plan) was used to start up the
business (ROBS) sponsoring this plan: **[ballot]**

12a(14) Other Pension Benefit Features (check all that apply):

[ballot] [Current PCC 3D; 2016 Line 17a] IRS Pre-approved plan. If

you check this **box** enter: (1) most recent adoption date and (2) the
IRS opinion or advisory letter's serial number

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

[ballot] [Current PCC 3B] Plan covering self-employed individuals

[ballot] [Current PCC 3C] Plan not intended to be qualified under

Internal Revenue Code

[ballot] [Current PCC 3D-breakout] Master and prototype (M&P) plan

[ballot] [Current PCC 3D-breakout] Volume submitter plan

[ballot] [New] Plan sponsor(s) received services of leased employees

[ballot] [Current PCC 3J] U.S.-based plan that covers residents of

Puerto Rico and is qualified under both Code section 401 and section

1165 of Puerto Rico Code

[ballot] [New] Electing church plan under Code Section 410(d)

12b If the plan provides welfare benefits, complete Lines

12b(1)-(3). Plans that do not provide any welfare benefits skip to

question 13.

12b(1) Does the plan provide disability benefits?

[ballot] Yes **[ballot]** No

If ``Yes," check all that apply.

[ballot] [Current PCC 4F] Temporary disability (accident and

sickness)

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

[ballot] [Current PCC 4H] Long-term disability

12b(2) Does the plan provide welfare benefits other than disability?

[ballot] Yes **[ballot]** No

If ``Yes," check all that apply.

[ballot] [Current PCC 4B] Life insurance

[ballot] [Current PCC 4L] Death benefits (include travel accident but not life insurance)

[ballot] [New] Long term care insurance

[ballot] [Current PCC 4J] Apprenticeship and training

[ballot] [Current PCC 4C] Supplemental unemployment

[ballot] [Current PCC 4K] Scholarship (funded)

[ballot] [Current PCC 4G] Prepaid legal

[ballot] [Current PCC 4I] Severance pay

[ballot] [Current PCC 4P] Taft-Hartley Financial Assistance for Employee Housing Expenses

[ballot] [Current PCC 4Q] Other (Enter description. Caution: If the plan provides health benefits, you must file the Form 5500.)

12b(3) If the plan is a welfare plan that does not provide

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

health benefits, check the appropriate **box** to indicate whether the plan will stop or stopped filing in an earlier year in reliance on 29 CFR 2520.104-20. (If the plan provided group health benefits, it is not eligible for the exemption in 29 CFR 2520.104-20 and must file a return/report annually, regardless of plan size.)

[ballot] [Current PCC 4R] Unfunded, fully insured, or combination unfunded/fully insured welfare plan that will not file an annual report for next plan year pursuant to 29 CFR 2520.104-20. (Plans that check this **box** should not check ``final return/report" in Part I, **Box** B.)

[ballot] [Current PCC 4S] Unfunded, fully insured, or combination unfunded/fully insured welfare plan that stopped filing annual reports in an earlier plan year pursuant to 29 CFR 2520.104-20. (Plans that check this **box** should not check ``**first** return/report" in Part I, **Box** B.)

13a [New; taken from current Form 5500 Line 9a] Plan funding arrangement (check all that apply)

(1) **[ballot]** Insurance

(2) **[ballot]** Code section 412(e)(3) insurance contracts

(3) **[ballot]** Trust

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

(4) **[ballot]** General assets of the sponsor

13b [New to Form 5500-SF; current Form 5500 Line 9b] Plan

benefit arrangement (check all that apply)

(1) **[ballot]** Insurance

(2) **[ballot]** Code section 412(e)(3) insurance contracts

(3) **[ballot]** Trust

(4) **[ballot]** General assets of the sponsor

Part VI--Plan Operations Compliance Questions [Current Part V]

During the plan year:

14a [Current Line 10a revised] Was there a failure to transmit to the plan any participant contributions or repayments as of the earliest date on which such contributions can reasonably be segregated from the employer's general assets as described in 29 CFR 2510.3-102? Continue to answer "Yes" for any prior year failures until fully corrected. (See instructions and DOL's Voluntary Fiduciary Correction Program.)

[ballot] Yes **[ballot]** No Amount

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

14b [Current Line 10b] Were there any nonexempt prohibited

transactions with any party-in-interest? (Do not include

transactions reported on Line 14a.)

[ballot] Yes [ballot] No Amount

14c [Current Line 10c revised] Was this plan covered by one or

more fidelity bonds naming the plan as insured that provide coverage

for losses due to fraud or dishonesty by persons who handle plan

funds or other property?

[ballot] Yes [ballot] No Amount

14d [Current Line 10d] Did the plan have a loss, whether or not

reimbursed by a fidelity bond covering the plan, that was caused by

fraud or dishonesty?

[ballot] Yes [ballot] No Amount

14e [Current Line 10e] Were any fees or commissions paid to any

brokers, agents, or other persons by an insurance carrier, insurance

service, or other organization that provides some or all of the

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

benefits under the plan?

ballot Yes ballot No Amount

14f [Current Line 10f] Has the plan failed to provide any
benefit when due under the plan?

ballot Yes ballot No Amount

14g [Current Line 10h] If this is an individual account plan,
was there a blackout period? (See 29 CFR 2520.101-3.)

ballot Yes ballot No

14h [Current Line 10i] If 14h was answered ``Yes," check the box
if you either provided the required notice or one of the exceptions
to providing the notice applied under 29 CFR 2520.101-3:

ballot Yes ballot No

14i [New] Is this a participant-directed individual account plan
(e.g., a 401(k)-type or 403(b) defined contribution pension plan),

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

subject to the requirements in 29 CFR 2550.404a-5 to disclose plan
and investment related information to participants and
beneficiaries?

[ballot] Yes **[ballot]** No

14j [New] If you answered ``Yes" to Line 14i, did the plan
provide participants and beneficiaries the plan and investment
disclosures required under 29 CFR 2550.404a-5?

[ballot] Yes **[ballot]** No

If you answered ``Yes," you must attach the investment option
comparative chart or charts that were used to satisfy the disclosure
requirement in 29 CFR 2550.404a-5(d)(2).

14k [New] If you answered ``Yes," to Line 14i, enter the number
of designated investment alternatives (DIAs) available under the
plan and indicate the number of DIAs that are index funds. Also,
check all that apply to indicate the types of DIAs available under
the plan:

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

[ballot] Domestic Stock/Equity

[ballot] Bond/income

[ballot] Balanced/target allocation

[[Page 47575]]

[ballot] Money Market

[ballot] Target date/Lifecycle

[ballot] International/Global Stock/Equity

[ballot] Sector/economy segment

[ballot] Other funds (Describe)

14l [New] If you answered ``Yes," to Line 14j, did the plan
make available to participants and beneficiaries a designated
investment manager (DIM)?

[ballot] Yes **[ballot]** No

If ``Yes," enter name of DIM.

14m [New] If you answered ``Yes," to Line 14j, did the plan

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

make available to participants and beneficiaries any brokerage window, self-directed brokerage account or similar plan arrangements that enabled participants to select investments beyond those designated by the plan?

[ballot] Yes **[ballot]** No

If you answered ``Yes" to Line 14m, enter the number of participants that utilized the account or arrangement and the total amount held in such account(s):

14n [New] Did the plan trust incur unrelated business taxable income (UBTI)?

[ballot] Yes **[ballot]** No **[ballot]** NA

If ``Yes", enter amount.

14o [New] Did any employer or employer organization sponsoring the plan pay any of the administrative expenses of the plan that were not reported on Line 10g?

[ballot] Yes **[ballot]** No

14p [New] Did any person who is disqualified under ERISA Section

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

411, serve or was permitted to serve the plan in any capacity?

[ballot] Yes **[ballot]** No

14q [New] Did the plan sponsor or its affiliates provide any services to the plan in exchange for direct or indirect compensation?

[ballot] Yes **[ballot]** No

14r [New] Have any of the plan's service providers been terminated for a material failure to meet the terms of a service arrangement or failure to comply with Title I of ERISA, including the failure to provide required disclosures under 29 CFR 2550.408b-2?

[ballot] Yes **[ballot]** No

If ``Yes," complete elements (1)-(7) to identify the service provider.

(1) Name:

(2) EIN:

(3) Enter applicable service code from Line 2c(1) for describe services provided to plan:

(4) Address:

(5) Telephone:

(6) Explanation of reason for termination:

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

(7) **[ballot]** Check if termination was due to failure to provide required disclosures under 29 CFR 2550.408b-2.

14s [New (based on 1998 Line 8a)] Is the plan's summary plan description (SPD), including any summary descriptions of modifications, in compliance with the content requirements in 29 CFR 2520.102-3? (See instructions.)

[ballot] Yes **[ballot]** No

14t [New] If this is an individual account plan, were there any checks to participants or beneficiaries that were uncashed as of the end of the plan year? **[ballot]** Yes **[ballot]** No. If ``Yes," complete 14t(1)-(4)

(1) Enter number of uncashed checks

(2) Enter total value of uncashed checks

(3) Describe the procedures followed by the plan to verify a participant's or beneficiary's address before a check was mailed.

(4) Describe the procedures followed by the plan to monitor uncashed checks, including steps to locate ``missing" participants.

Part VII--Pension Funding Compliance [Current Part VI Renumbered]

15 [Current Line 11] Is this a defined benefit pension plan subject to minimum funding requirements? (If ``Yes," see

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

instructions and complete Schedule SB (Form 5500) and line 14a

below)

[ballot] Yes **[ballot]** No

15a [Current Line 11a] Enter the unpaid minimum required contribution for all years from Schedule SB (Form 5500) Line 44.

16 [Current Line 12] Is this a defined contribution pension plan subject to the minimum funding requirements of section 412 of the Code or section 302 of ERISA?

[ballot] Yes **[ballot]** No. If ``Yes," complete Line 15a or Lines

15b, 15c, 15d, and 15e below, as applicable. 16a If a waiver of the minimum funding standard for a prior year is being amortized in this plan year, see instructions, and enter the date of the letter ruling granting the waiver:

If you completed Line 16a, complete Lines 3, 9, and 10 of Schedule MB (Form 5500), and skip to line 20.

16b Enter the minimum required contribution for this plan year.

16c Enter the amount contributed by the employer to the plan for this plan year:

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

16d Subtract the amount in Line 16c from the amount in Line 16b.

Enter the result (enter a minus sign to the left of a negative

amount):

16e Will the minimum funding amount reported on Line 16d be met
by the funding deadline?

[ballot] Yes [ballot] No [ballot] N/A

Part VIII Plan Termination Information--[Current Part VII Revised and
Expanded]

17a [Current Line 13a; Revised to Ask About Any Resolution to
Terminate] Has a resolution to terminate the plan been adopted in
any plan year?

[ballot] Yes [ballot] No If ``Yes," complete Line 17a(1)-(3) below:

(1) [New] Effective date of plan termination

(2) [New] Year the plan assets were distributed to plan participants
and beneficiaries

(3) [Current Line 13a] Enter the amount of plan assets that reverted
to the employer this year:

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

17b [Part of current Line 13b with a new subpart to report the year.] Were all the plan assets distributed to participants or beneficiaries?

[ballot] Yes **[ballot]** No

17c [Current Line 13c] Transfer to other plans. If this plan transferred assets or liabilities to another plan since the 20XX-1 filing provide the following information with respect to each plan to which the assets or liabilities were transferred. Complete as many entries as needed to identify all transfers.

(1) [Current 13c(2)] EIN

(2) [Current 13c(3)] PN

(3) [New] Date of transfer

(4) [Current 13c(1)] Name of Plan:

(5) [New] Type of transfer:

[ballot] Merger

[ballot] Consolidation

[ballot] Spinoff

[ballot] Other (Describe)

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

(6) [Part of current Line 13b] Were all plan assets transferred

to another plan?

[ballot] Yes **[ballot]** No

17d [New] Transfers from other plans. If another plan

transferred assets or liabilities to this plan since the 20XX-1

filing, or in the case of a ***first*** plan filing, transferred assets or

liabilities in conjunction with the creation of this new plan,

provide the following information with respect to each plan from

which assets or liabilities were transferred:

(1) EIN

(2) PN

(3) Date of transfer

(4) Name of Plan:

(5) Type of transfer: Type of transfer:

[ballot] Merger

[ballot] Consolidation

[ballot] Spinoff

[ballot] Other ([New] Describe)

17e [New] Terminated Defined Contribution Pension Plans:

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

Transfers to Financial Institution. Did this plan, as part of the procedures for terminating the plan, transfer plan assets to interest bearing federally insured bank accounts in the name of missing participants?

[ballot] Yes **[ballot]** No

If ``Yes," complete elements (1)-(5). List each financial institution where plan assets were transferred. You must continue reporting this information until the final return/report is filed for the plan.

(1) Financial Institution's Name

(2) Financial Institution's EIN

(3) Date of transfer

(4) Number of accounts established

(5) Total amount transferred

Part IX--Trustee Information--[Current Part III But Not Optional; see

IRS Federal Register Notice ``Proposed Collection; Comment Request for the Annual Return/Report of Employee Benefit Plan"]

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

18a [Current Line 14a] Name of Trust

18b [Current Line 14b] Trust EIN

18c [New] Name of Trustee/Custodian Check [ballot] if custodian

18d [New] Trustee's or custodian's telephone number

[New--intended to be electronic signature] Date and Signature of

Trustee/Custodian

SIGN HERE Signature of plan trustee or custodian:

Enter Date:

Enter name of individual signing as trustee or custodian

Part X IRS Compliance Questions [See IRS Federal Register Notice

``Proposed Collection; Comment Request for the Annual Return/Report of

Employee Benefit Plan"]

19a [2016 Line 15a] Is this plan a 401(k) plan?

[[Page 47576]]

[ballot] Yes [ballot] No

If ``No," skip b.

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

19b [2016 Line 15b] How did the plan satisfy the
nondiscrimination requirements for employee deferrals under section
401(k)(3)? Check all that apply

☐ Design-based safe harbor method

☐ ``Prior year" ADP test

☐ ``Current year" ADP test

☐ N/A

20a [2016 Line 16a] What testing method was used to satisfy the
coverage requirements under section 410(b) for the plan year. Check
all that apply:

☐ Ratio percentage test

☐ Average benefit test

☐ N/A

20b [2016 Line 16b] Did the plan satisfy the coverage and
nondiscrimination requirements of sections 410(b) and 401(a)(4) for
the plan year by combining this plan with any other plan under the
permissive aggregation rules?

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ballot Yes **ballot** No

21 [New] If this is a defined benefit pension plan, does the plan comply with Code section 401(a)(26) participation requirements?

ballot Yes **ballot** No

22a [2016 Line 17b] If the plan is a master and prototype plan (M&P) or volume submitter plan that received a favorable IRS opinion letter or advisory letter, enter the date of the letter __/__/__ and the serial number.

22b [2016 Line 17d] If the plan is an individually-designed plan that received a favorable determination letter from the IRS, enter the date of the most recent determination letter __/__/__.

23a [2016 Line 19] If this is a section 401(k) plan, were hardship distributions made during the plan year?

ballot Yes **ballot** No

23b [2016 Line 19] If this is a defined benefit plan or a money purchase pension plan, did the plan make any distributions during

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

the plan year to employees who have attained age 62 and who were not

separated from service when the distributions were made? [ballot]

Yes [ballot] No

24 [New] Were required minimum distributions made to 5% owners who have attained age 70½ (regardless of whether or not retired) as required under section 401(a)(9)(C)?

[ballot] Yes [ballot] No [ballot] N/A

25 [New] As of the last day of the plan year, has the plan ceased to permit contributions and prohibit entry by new participants?

[ballot] Yes [ballot] No

[JURAT and SIGNATURE BLOCK to appear on first page, as with current form] CAUTION: A penalty for the late or incomplete filing of this return/report will be assessed unless reasonable cause is established.

Under penalties of perjury and other penalties set forth in the instructions, I declare that I have examined this return/report, including accompanying schedules, statements and attachments, as well as the electronic version of this return/report, and to the

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

best of my knowledge and belief, it is true, correct, and complete.

SIGN HERE Signature of plan administrator:

Enter Date:

Enter name of individual signing as plan administrator

SIGN HERE Signature of employer/plan sponsor:

Enter Date:

Enter name(s) of individual(s) signing as employer or plan sponsor

[New] Trustee Signature for Purposes of the Code:

SIGN HERE Signature of plan trustee or custodian:

Enter Date:

Enter name of individual signing as trustee or custodian

Preparer's name (including firm name, if applicable) and

address; include room or suite number.

Preparer's telephone number

Line A(2) Schedule

Complete as many entries as needed to report the required

information for all participating employers.

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

Multiple-Employer Plan Participating Employer Information

[Insert Name of Plan, and EIN/PN as shown on the Form 5500]

(d) Name of participating employer.	(e) EIN..... Total Contributions.	(f) Percent of
--	---	----------------

(d) Name of participating employer.	(e) EIN..... Total Contributions.	(f) Percent of
--	---	----------------

Line A(3) Schedule

Complete as many entries as needed to report the required
information for all participating employers.

Controlled Group Plan Member Information

[Heading for this chart must include Insert Name of Plan, and EIN/PN as
shown on the Form 5500]

[Complete elements (a), (b), and (c) to provide the name, EIN, and
percent of total contributions of each controlled group member]

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

(d) Name of controlled group (e) EIN..... (f) Percent of
member. Total
Contributions.

(a) Name of controlled group (b) EIN..... (c) Percent of
member. Total
Contributions.

Schedule A--Insurance Information

[Current Identifying Information] For calendar plan year 20XX or
fiscal plan year beginning DD/MM/20XX and ending DD/MM/20XX+1

A Name of Plan

B Three-digit plan number (PN)

C Plan sponsor's name as shown on Line 2a of Form 5500

D Employer Identification Number of plan sponsor (EIN)

Part I--Information Concerning Insurance Contract Coverage.

Provide information for each contract on a separate Schedule A.

Individual contracts grouped as a unit in Parts II and III can be

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

reported on a single Schedule A.

1. Coverage and General Information:

a. [Current 1a] Name of insurance carrier:

b. [Current 1b] EIN of insurance carrier:

c. [More Specific Than Current 1c By Requiring ``Company" Code

Instead of NAIC Code Generally] NAIC Company Code

d. [Current 1d] Contract or policy identification number:

e. [New] Health plan identification number (HPID) (if subject to
the Health Insurance Portability and Accountability Act (HIPAA))

[Current Line 1e moved as breakout by benefit type in new Line

9]

f. [Current 1(f) and (g)] Policy or contract year (1) beginning

____(2) ending ____

2. [New] Was the policy or contract issued by an insurance
company that is wholly owned by the plan or the plan sponsor?

[ballot] Yes **[ballot]** No

[Current 2 Moved to New Part IV]

Part II--Investment and Annuity Contract Information. [Current
Part II] Where individual contracts are provided, the entire group
of such individual contracts with each carrier may be treated as a
unit for purposes of this report.

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

3. [Current Line 4] Current value of plan's interest under this

contract in the general account at contract year end.

4. [Current Line 5, with PSAs. ``Other" and Variable Annuity

Contracts broken out; new to provide information on variable annuity

contract features] Current value of plan's interest under this

contract in separate accounts and variable annuities at contract

year end.

[ballof] Pooled separate accounts

[ballof] Other separate accounts

[ballof] Variable annuities. If you check this **box**, indicate whether

the variable annuity contract has any of the following (check all

that apply):

(i) Types of subaccounts:

[ballof] Domestic Stock/Equity

[ballof] Bond/income

[ballof] Balanced/target allocation

[ballof] Money Market

[ballof] Target date/Lifecycle

[ballof] International/Global Stock/Equity

[ballof] Sector/economy segment

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

[ballof] Other subaccounts (Describe)

(ii) Features

[ballof] Death benefit

[ballof] Guaranteed living benefit

[ballof] Other (specify)

5. [Current Line 6] Contracts With Allocated Funds:

a. State the basis of premium rates

b. Premiums paid to carrier

c. Premiums due but unpaid at the end of the year

d. If the carrier, service, or other organization incurred any

specific costs in connection with the acquisition or retention of
the contract or policy:

(i) Enter amount

(ii) Specify the nature of the costs

e. Type of contract:

(i) **[ballof]** Individual policies

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

(ii) **[ballot]** Group deferred annuity

(iii) **[ballot]** Other (specify)

f. If contract purchased, in whole or in part, to distribute

benefits from a terminating plan, check here: **[ballot]**

6. [Current Line 7] Contracts With Unallocated Funds (Do not
include portions of these contracts maintained in separate accounts)

a. Type of contract:

(1) **[ballot]** Deposit administration

(2) **[ballot]** Immediate participation guarantee

(3) **[ballot]** Guaranteed investment

(4) **[ballot]** Other (specify)

b. Balance at the end of the previous year

c. Additions:

(1) Contributions deposited during the year

(2) Dividends and credits

(3) Interest credited during the year

(4) Transferred from separate account

(5) Other (specify)

(6) Total additions

d. Total of balance and additions (add Lines 8b and 8c(6))

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

e. Deductions:

(1) Disbursed from fund to pay benefits or purchase annuities

during year

(2) Administration charge made by carrier

(3) Transferred to separate account

(4) Other (specify)

(5) Total deductions

f Balance at the end of the current year (subtract Line 8e(5)

from Line 8d)

Part III Welfare Benefit Contract Information [Current Part III,

Except As Noted By Line] If more than one contract covers the same

group of employees of the same employer(s) or members of the same

employee organizations(s), the information may be combined for

reporting purposes if such contracts are experience-rated as a unit.

Where contracts cover individual employees, the entire group of such

individual contracts with each carrier may be treated as a unit for

purposes of this report.

7. [Current Line 8 Combined With Current Line 1e Broken Out By

Benefit Type; AD&D and Long Term Care Are New Breakouts] Benefit

type. Check all applicable **boxes** and enter approximate number of

persons covered at end of contract year by benefit type. (See

instructions)

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

Columns for the following questions for ``Benefit Type" and for

``Approximate number of persons covered for each benefit listed"

a [ballot] Health (other than dental or vision)

b [ballot] Dental

c [ballot] Vision

d [ballot] Life insurance: [new breakout] [ballot] term [ballot]

other (specify)

e [ballot] Temporary disability (accident and sickness)

f [ballot] Long-term disability

g [ballot] Supplemental unemployment

h [ballot] Prescription drug

i [ballot] [New] Accidental death and disability

j [ballot] [New] Long term care insurance

k [ballot] Other (specify)

8 [Current Line 8i, j, k, l, m] Type of Contract. (Check

applicable box.)

a [ballot] Stop-loss (large deductible)

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

b [**ballot**] HMO contract

c [**ballot**] PPO contract

d [**ballot**] Indemnity contract

e [**ballot**] Other (specify)

9 [Current Line 9, Including Subparts] Experience-rated

contracts:

9a Premiums:

(1) Amount received

(2) Increase (decrease) in amount due but unpaid

(3) Increase (decrease) in unearned premium reserve

(4) Earned $((1) + (2) - (3))$

9b Benefit charges

(1) Claims paid

(2) Increase (decrease) in claim reserves

(3) Incurred claims (add (1) and (2))

(4) Claims charged

9c Remainder of premium:

(1) Retention charges (on an accrual basis)

(A) Commissions

(B) Administrative service or other fees

(C) Other specific acquisition costs

(D) Other expenses

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

(E) Taxes

(F) Charges for risks or other contingencies

(G) Other retention charges

(H) Total retention

(2) Dividends or retroactive rate refunds. Check here to

indicate whether these amounts were:

ballot Paid in cash, or **ballot** credited.

9d Status of policyholder reserves at end of year:

(1) Amount held to provide benefits after retirement

(2) Claim reserves

(3) Other reserves

9e Dividends or retroactive rate refunds due. (Do not include amount entered in Line 9c(2).)

10. [Current Line 10, Including Subparts] Nonexperience-rated contracts:

10a. Total premiums or subscription charges paid to carrier

10b. If the carrier, service, or other organization incurred any specific costs in connection with the acquisition or retention of the contract or policy, other than reported in Part IV, Line 13 (Fee and Commission Information) report amount:

10c [Part of Current Line 10b] Specify nature of costs of amount

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

reported on line 10b:

11 [New]

a Were there any premium payment delinquencies for premiums due but unpaid during the year?

[ballof] Yes [ballof] No If ``Yes," enter number of times delinquent and for each delinquency enter the number of days delinquent.

b If you answered ``Yes" to line 11a, indicate whether any premium delinquency resulted in a lapse in coverage. If you answered ``No" to line 11a, enter ``N/A"

[ballof] Yes [ballof] No [ballof] N/A.

Part IV Fee and Commission Information

12 [Current Line 2] Insurance fee and commission information.

Enter in Line 12 the total fees and total commissions paid in connection with the insurance carrier and contract entered in Line 1. List the agents, brokers, and other persons in descending order of the amount paid.

12a Total amount of commissions paid.

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

12b Total amount of fees paid

13 [Current Line 3] Persons receiving commissions and fees.

(Complete as many entries as needed to report all persons).

13a [Current 3a] Name and address of the agent, broker, or other person to whom commissions or fees were paid.

13b [New] Relationship to plan, employer, employee organization, sponsor, fiduciary, or other party-in-interest

13c [Current 3b] Amount of sales and base commissions paid

13d [Current 3c] Amount of fees and other commissions paid

13e [Current 3d] Purpose of fees and other commissions paid

13f [Current 3e] Organization code (see instructions)

Part V Provision of Information [current Part IV]

14a [Current Line 11] Did the insurance company fail to provide any information necessary to complete Schedule A?

[ballot] Yes [ballot] No

14b [Current Line 12, Except Checkbox Added for ``Fee and Commission" and ``Other" Instead of Just Open Text Field] If the answer to Line 14a is ``Yes," specify the information not provided:

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

ballot Fee and commission information **ballot** Other (specify)

Schedule C (Service Provider Information) [NEW FORMAT WHERE SEPARATE
SCHEDULE C IS FILED FOR EACH SERVICE PROVIDER RATHER THAN SINGLE
SCHEDULE C FILED THAT COVERS MULTIPLE SERVICE PROVIDERS]

[Current header and identifying information] For calendar plan
year 20XX or fiscal plan year beginning DD/MM/20XX and ending DD/MM/
20XX+1

A Name of plan

B Three-digit plan number [PN]

C Plan sponsor's name as shown on Line 2a of Form 5500

D Employer Identification Number (EIN)

[New (Revision of current indirect compensation reporting
language to harmonize with 29 CFR 2550.408b-2)] You must complete a
separate Schedule C, in accordance with the instructions, for (1)
each covered service provider who received \$1,000 or more in total
direct and indirect compensation (i.e., money or anything else of
monetary value) in connection with services rendered to the plan or
the person's position with the plan during the plan year, including
payments from participants' accounts and (2) other persons who
received \$5,000 or more in direct compensation in connection with

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

services rendered to the plan or the person's position with the plan during the plan year, including payments from participants' accounts.

A ``covered service provider'' for Schedule C reporting purposes includes: (1) ERISA fiduciary service providers to the plan or to a ``plan asset'' vehicle in which the plan invests; (2) investment advisers registered under Federal or State law; (3) persons who provide recordkeeping or brokerage services to a participant-directed individual account plan in connection with designated investment alternatives (e.g., a ``platform provider''); or (4) providers of one or more of the following services to the plan who

[[Page 47578]]

received compensation from parties other than from the plan or plan sponsor in connection with such services: accounting, auditing, actuarial, banking, consulting, custodial, insurance, investment advisory, legal, recordkeeping, securities or other investment brokerage, third party administration, or valuation services.

[Deleted--Current Line 1 ``Information on Persons Receiving Only Eligible Indirect Compensation"]

Part I Service Provider Information

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

1 [Current Line 2, except as indicated] Information on Service

Providers Receiving Compensation in Connection with Services

Rendered to the Plan or Their Position with the Plan.

1a [Current Line 2a, but adds requirement to give contact information for service providers that are natural persons] Enter name, EIN and address for the service provider. For a self-employed individual that does not have an EIN, you may enter ``None" instead of an EIN. If the service provider identified is not an individual, in addition to the name, EIN and address of the entity, provide the name of and address for an individual or office that the plan would contact for information about the service arrangement. (See instructions.)

(1) Name of Service Provider

(2) EIN

(3) LEI (if available)

(4) Address

(5) Name of Contact

(6) Address of Contact

1b [Current Line 2c, except refers to relationship to plan rather than employer, plan sponsor or person known to be party-in-interest, and enumerates types of parties-in-interest instead of

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

having all but the employer or employee organization to be reported

as ``other'' person known to be a party-in-interest] Indicate

whether the person identified in Line 1a has one of the following

relationships to the plan. Check ``not applicable'' if the service

provider does not have one of the listed relationships:

- (1) ☐ **Employer**
- (2) ☐ **Plan Sponsor**
- (3) ☐ **Named fiduciary**
- (4) ☐ **Plan Sponsor Employee**
- (5) ☐ **Plan Employee**
- (6) ☐ **Employee Organization**
- (7) ☐ **Other party-in-interest (describe)**
- (8) ☐ **Not applicable**

1c [Current Line 2b (``Service codes'' only)] Check the

appropriate **box(es)** to identify all services provided by the person

identified in Line 1a:

- (1) ☐ **Plan Administrator**
- (2) ☐ **Contract Administrator/third party administrator**
- (3) ☐ **Trustee (discretionary)**
- (4) ☐ **Trustee (directed)**

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

(5) **[ballot]** Investment management

(6) **[ballot]** Recordkeeping and information management

(computing, tabulating, data processing, etc.)

(7) **[ballot]** Claims Processing

(8) **[ballot]** Custodial (securities)

(9) **[ballot]** Custodial (other than securities)

(10) **[ballot]** Insurance agents and brokers

(11) **[ballot]** Insurance services

(12) **[ballot]** Real estate brokerage

(13) **[ballot]** Securities brokerage

(14) **[ballot]** Investment advisory (participants)

(15) **[ballot]** Investment advisory (plan)

(16) **[ballot]** Consulting (other than investment advice/

management) (Enter description)

(17) **[ballot]** Valuation (appraisals, etc.)

(18) **[ballot]** Accounting (including auditing)

(19) **[ballot]** Actuarial

(20) **[ballot]** Form 5500 Annual Return/Report preparation

(21) **[ballot]** Legal

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

(22) **[ballot]** Participant loan processing

(23) **[ballot]** Participant communication

(24) **[ballot]** Information technology/computer support

(25) **[ballot]** Copying and duplicating

(26) **[ballot]** Other services (Describe)

1d [New] Check here **[ballot]** if the person identified on Line 1a was a fiduciary within the meaning of section 3(21) of ERISA at any time during the plan year.

1e [New] Was the person identified in Line 1a also identified on Schedule A filed for this plan year as having received insurance fees and commissions?

[ballot] Yes **[ballot]** No

1f [New] Did the service provider arrangement include use of an ERISA recapture, ERISA budget, or similar account during the plan year?

[ballot] Yes **[ballot]** No

1g(1) [New] Did the service provider arrangement include recordkeeping services to a pension plan without explicit compensation for some or all of such recordkeeping services or with

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

compensation for such recordkeeping offset or rebated in whole or in part based on other compensation received by the service provider, or an affiliate or subcontractor? Only pension plans answer line 1g(1) and 1g(2).

[ballot] Yes **[ballot]** No

1g(2) [New] If you answered ``Yes" to line 1g(1), using the same methodology used in the service provider's estimate of the cost to the plan of recordkeeping services, enter as a dollar figure the amount of compensation the service provider received for recordkeeping services.

2 [Current Line 2d] Direct Compensation Paid by or Charged to Plan. Enter the total amount of direct payments by the plan to the person identified in Line 1a. If none, enter ``-0-".

3 [Current Line 2(g) and Line 3 revised] Indirect compensation received by covered service providers from sources other than the plan or plan sponsor, including charges against plan investments.

[Current Lines 2f and 2h eliminated]

3a [Current Line 2(g) as revised because ``eligible indirect compensation" concept eliminated] Total amount of compensation received by the covered service provider identified in Line 1a in connection with services provided to the plan from sources other

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

than the plan or plan sponsor, including charges against plan investments. Include compensation received by an affiliate or subcontractor in connection with the services rendered to the plan. Do not include here related party compensation paid among the person, affiliate or subcontractor reported on Line 4. (See instructions)

3b [Current Line 3] For compensation reported on Line 3a, identify each source from whom the person identified in Line 1a received compensation. (See instructions). Complete as many entries as needed to report the required information for each source.

(1) Enter name

(2) EIN

(3) LEI (if available)

(4) Enter as a dollar figure the amount or estimate of compensation received from the source identified in Line 3b(1).

(5) Check the appropriate **box**(es) to identify all type(s) of fees/compensation received by the provider identified in Line 1a from the source identified in Line 3b(1).

(A) [**ballot**] Investment management fees

(B) [**ballot**] Sales loads (front end and deferred)

(C) [**ballot**] Account maintenance fees

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

- (D) **[ballot]** ``Soft dollars" commissions
- (E) **[ballot]** Securities brokerage commissions and fees
- (F) **[ballot]** Shareholder servicing fees
- (G) **[ballot]** Sub-transfer agency (subaccounting) fees
- (H) **[ballot]** Finders' fees/placement fees
- (I) **[ballot]** Distribution (12b-1) fees
- (J) **[ballot]** Insurance brokerage commissions and fees
- (K) **[ballot]** Insurance mortality and expense charges
- (L) **[ballot]** Insurance wrap fees
- (M) **[ballot]** Termination fees (surrender charges, etc.)
- (N) **[ballot]** Float revenue
- (O) **[ballot]** Non-monetary compensation (Enter description)
- (P) **[ballot]** Commissions other than securities and insurance
(e.g., real estate commissions)
- (Q) **[ballot]** Recordkeeping fees
- (R) **[ballot]** Other fees/compensation (Enter description)
- (6) If the amount of compensation reported in Line 3b(4) was an
estimate based on a formula, check here **[ballot]** and enter a
description of the formula used to determine the service provider's
eligibility for or the amount of the compensation.

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

4a [New] Did the service arrangement involve any related party

compensation? (See instructions). If the answer to Line 4a is

“Yes,” complete Line 4b(1)-(4)

4b(1) Describe the services for which the compensation was paid

(2) Enter names of

(A) the payor and

(B) the recipient of the compensation

(3) Identify status as an ballot affiliate or ballot

subcontractor

(4) Enter the amount of the compensation

Part II Service Providers Who Fail or Refuse to Provide Information

[Current Part II; because a separate Schedule C would be provided for

each service provider, no need to provide the name and EIN of the

service provider who failed or refused to provide information; current

Lines 4a and 4b eliminated]

5a [Current Line 4] Check this box if the service provider

failed or refused to provide the information necessary to complete

this Schedule.

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

5b [Current Line 4c] Describe the information that the service

provider failed or refused to provide.

[[Page 47579]]

Schedule D

[Current header and identifying information] For calendar plan

year 20XX or fiscal plan year beginning DD/MM/20XX and ending DD/MM/

20XX+1

A Name of plan

B Three-digit plan number (PN)

C Plan or DFE sponsor's name as shown on Line 2a of Form 5500:

D Employer Identification Number (EIN)

[Current Part I eliminated]

[Current Part II, with added items for dollar value of investing

plan/DFE interest as of end of reporting DFE year and check **box**

whether DFE had investors other than plans covered by Title I of

ERISA that file the Form 5500 Annual Return/Report].

1 Information on Participating Plans (to be completed by DFEs)

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

Complete as many entries as needed to report all participating plans.

1a Plan name (as shown on Line 1a of the plan's most recent Form 5500/Form 5500-SF):

1b Name of plan sponsor (as shown on line 2a of the plan's most recent Form 5500/Form 5500-SF):

1c(1) EIN of sponsor of investing plan (as shown on Line 2b of the plan's most recent Form 5500/Form 5500-SF)

1(c)(2) PN of investing plan (as shown on Line 1b of the plan's most recent Form 5500/Form 5500-SF)

1d [New] Dollar value of investing plan/DFE interest at end of reporting DFE year:

1e [New] If the DFE had investors other than plans that are required to file the Form 5500 or Form 5500-SF (see instructions), check here [**ballot**].

Schedule E (ESOP Annual Information)

Heading [Change from 2008 to list DOL and IRS/Treasury instead of just Treasury/IRS]

[Change from 2008 to add Title I Authority to Code Authority]--

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

This schedule is required to be filed under section 104 of the Employee Retirement Income Security Act of 1974 (ERISA) and sections 6058(a) and 6047(e) of the Internal Revenue Code (the Code).

[Change from 2008, which specified Schedule E NOT Open to Public Inspection] Disclosure: This Form is Open to Public Inspection.

[2008 Basic Identifying Information] For calendar plan year 20XX or fiscal plan year beginning DD/MM/20XX and ending DD/MM/20XX+1

A Name of plan:

B Plan number

C Plan sponsor's name as shown on Line 2a of Form 5500

D EIN

Part I Employer Stock Acquired with a Securities Acquisition

Loan [New]--Complete this Part only if the ESOP had an outstanding securities acquisition loan within the meaning of Code section 4975(d)(3) and ERISA section 408(b)(3) during the plan year.

Common Stock

1a [New] Enter the number of common shares of employer stock held in the ESOP at the end of the plan year.

1b [New] Enter percent of issued and outstanding common stock

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

held in the ESOP at the end of the plan year.

1c [Current Schedule R, Line 12] Are the shares readily tradable

on an established securities market? **[ballot]** Yes **[ballot]** No

1d [New] Enter number of allocated common shares at the end of
the plan year.

1e [New] Enter number of unallocated common shares at the end of
the plan year.

1f [2008 Schedule E, Line 5] If common stock was released from a
loan suspense account, indicate the methods used:

[ballot] Principal and interest

[ballot] Principal only

[ballot] Other (Describe method):

Preferred Stock

1g [2008 Schedule E, Line 4] Did the ESOP hold preferred stock
at the end of the plan year?

[ballot] Yes **[ballot]** No

1h [New breakout] If convertible based on a ratio, enter ratio.

1i [New breakout] If convertible by some other method, describe
the method of conversion.

Part II [New breakout] Employer Stock Acquired Complete this

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

Part only if the ESOP acquired during the plan year employer

securities not readily tradable on an established securities market.

Complete as many entries as necessary to report each separate transaction.

2a [New] Enter seller's relationship to plan, employer, or other party-in-interest (if no relationship, enter ``unrelated third party")

2b [New] Is seller a party-in-interest? [**ballot**] Yes [**ballot**] No

2c [New] Enter total consideration paid for stock

2d [New] Enter date of transaction

2e [New] Check the applicable **box** and enter the identifying information if an independent fiduciary, trustee, or investment manager approved the transaction

[**ballot**] Trustee

[**ballot**] Investment Manager

[**ballot**] Independent fiduciary

Name

Street Address

City

State

Zip Code

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

EIN

2f [New] Identify the independent appraiser that valued the employer securities. (If an independent appraiser did not value the employer securities, enter ``None." CAUTION: See Code section 401(a)(28)(C) if you enter ``None.")

Name

Street Address

City

State

Zip Code

EIN

2g [New] What valuation approach was used to value the stock acquired? (Check all that apply.)

ballof Asset**ballof** Income**ballof** Market**ballof** Book Value**ballof** Other (Enter description):

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

Part III Securities Acquisition Loans [2008 Schedule E, Line 2a,

with new breakouts as indicated]--Complete this Part only if the

ESOP had outstanding securities acquisition loans within the meaning

of Code section 4975(d)(3) and ERISA section 408(b)(3) during the

plan year. Complete as many entries as necessary to report all

outstanding loans.

3a [New breakout] Lender's relationship to plan, employer, or

other party-in-interest (if no relationship, enter ``unrelated third

party")

3b [New breakout] [ballof] Check box if lender is a party-in-

interest?

3c [New breakout] Is the loan guaranteed by a party-in-interest?

[ballof] Yes [ballof] No

3d [New breakout] Enter original amount of loan

3e [2008 Schedule E, Line 9a] Enter date of loan

3f [New breakout] Enter interest rate (if variable enter terms)

3g [New breakout] Is the loan in default?

[ballof] Yes [ballof] No If ``Yes," enter the amount overdue.

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

3h [New breakout] (1) Was the loan refinanced or amended during
the plan year?

[ballot] Yes **[ballot]** No

If ``Yes," complete Line 3h(2) and (3)

(2) Enter date of amendment or refinancing.

(3) Enter the outstanding balance at date of refinancing or
amendment

Part IV Other General Information

4a [New] Were employee elective deferrals used to satisfy any
securities acquisition loan?

[ballot] Yes **[ballot]** No

4b [2008 Schedule E, Lines 1a and 1b] If the ESOP is maintained
by an S corporation, are there any disqualified persons as described
in Code section 409(p)(4)?

[ballot] Yes **[ballot]** No

4c [2008 Schedule E, Line 6] Were unallocated securities or

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

proceeds from the sale of unallocated securities used to repay any
exempt loan (within the meaning of Code section 4975(d)(3) and ERISA
section 408(b)(3))?

[ballot] Yes **[ballot]** No

If ``Yes," attach a description of the transaction.

4d [2008 Schedule E, Line 2b] Did the employer maintaining the
ESOP pay dividends (deductible under Code section 404(k)) on the
employer's stock held by the ESOP during the employer's tax year in
which the plan year ends?

[ballot] Yes **[ballot]** No

If ``Yes," answer (d)(1)-(3).

(1) What was the amount of the deduction taken?

(2) What was the dividend rate?

(3) Did the employer make payments in redemption of stock held
by an ESOP to ESOP participants and deduct them under Code section
404(k)(1)?

[ballot] Yes **[ballot]** No

[[Page 47580]]

Schedule G--Financial Transactions

[Current header and identifying information] For calendar plan
year 20XX or fiscal plan year beginning DD/MM/20XX and ending DD/MM/
20XX+1

[Identification information same as current Schedule G]

A Name of plan

B Three-digit plan number (PN)

C Plan sponsor's name as shown on Line 2a of Form 5500

D Employer Identification Number (EIN)

Part I. [Current Part I] Schedule of Loans or Fixed Income Obligations

in Default or Classified as Uncollectible

1 [Current Line 1] Schedule of Loans in Default or Classified as
Uncollectible. Complete as many entries as needed to report all

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

loans in default or classified as uncollectible. (See Instructions.)

1a [Current Part I(b)] Identity and address of obligor

Name

Street Address

City

State

Zip Code

1b [New Breakout] Relationship to plan. (Check all **boxes** that apply.) Obligor is a:

ballot [New breakout] participant

ballot [Current Part I(a)] party-in-interest (e.g. employer, employee organization, employee of the plan, or other party-in-interest)

Enter description of the relationship (If no relationship exists, enter ``unrelated third party")

1c [Part of Current Part I(c)] Check to indicate whether the loan is:

ballot in default

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

ballot uncollectible

1d [Current Part I(d)] Enter original amount of loan

1e [Part of Current Part I(c)] Enter original interest rate. If

variable, describe terms.

1f [Part of Current Part I(c)] Date of loan origination

1g [Part of Current Part I(c)] Maturity date

1h (1) [Part of Current Part I(c)] Was the loan secured by

collateral? **ballot** Yes **ballot** No If ``Yes," complete elements

(2) and (3).

(2) [New breakout] Was the security interest perfected? **ballot**

Yes **ballot** No

(3) [Part of Current Part I(c)] Enter a description of

collateral and value of collateral:

Collateral type

Collateral value

1i [Part of Current Part I(c)] Scheduled payment frequency

(e.g., monthly, annually). Enter description

1j [Current Part I(e) and (f)] Amount received during reporting

year:

Principal

Interest

1k [Current Part I(h) and (i)] Amount overdue:

Principal

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

Interest

11 [Current instructions require an attachment with this information]. Enter a description of what steps the plan administrator has taken or will be taking to collect overdue amounts for each loan listed.

2 Schedule of Fixed Income Obligations in Default or Classified as Uncollectible. [Breaks out fixed income obligations from loans; current Schedule G has filers completing same elements for both loans and fixed income obligations.] Complete as many entries as needed to report all fixed income obligations in default or classified as uncollectible. (See Instructions.)

2a [Current Part I(b)] Identity and address of obligor

Name

Street Address

City

State

Zip Code

2b [Current Part I(a)] Check **ballot** if party-in-interest (e.g. employer, employee organization, employee of the plan, or other party-in-interest) was involved in the transaction.

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

[New breakout] Enter description of the relationship. If no relationship exists, enter ``unrelated third party."

2c [Part of current Part I(c)] Check to indicate whether the fixed income obligation is:

[ballof] in default

[ballof] uncollectible

2d [New breakout; part of description in current Part I(c)]

Check applicable boxes to indicate the nature of the fixed income obligation:

[ballof] Bond

[ballof] Option

[ballof] Swap

[ballof] Future contract

[ballof] Forward contract

[ballof] Other (Enter description)

2e [Part of current Part I(c)] Date of issuance

2f [Part of current Part I(c)] Maturity date

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

2g [Part of current Part I(c)] Enter coupon yield or interest

rate

2h [Current Part I(e)] Principal amount of fixed income

obligation

2i [Current Part I(h) and (i)] Amount overdue:

Principal

Interest

2j [Current instructions require an attachment with this

information] Enter a description of what steps the plan

administrator has taken or will be taking to collect overdue amounts

for each fixed income obligation listed.

Part II Schedule of Leases in Default or Classified as

Uncollectible. Complete as many repeating entries as needed to

report all leases in default or classified as uncollectible. (See

instructions.)

3a [Current Part II(b)] Identity and address of lessor/lessee:

Name

Street Address

City

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

State

Zip Code

3b [Current Part II(a) and (c)] Relationship to plan, employer, employee organization, or other party-in-interest (if no relationship, enter ``unrelated third party"). Check to indicate whether lessor/lessee is [ballot] party-in-interest and enter description of relationship (including whether plan is lessor or lessee):

3c [Part of current Part II] Overdue Lease Explanation. Check to indicate whether the lease is in [ballot] default [ballot] uncollectible.

3d [Part of current Part II(d)] Enter the address of the leased property:

Street Address

City

State

Zip Code

3e [Part of current Part II(d)] Enter date of lease origination

3f [Current Part II(e)] Original cost of leased property

3g [Current Part II(f)] Current value of leased property at time of lease

3h [Current Part II(g)] Gross rental receipts during the plan

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

year

3i [Current Part II(h)] Expenses paid during the plan year

3j [Current Part II(i)] Net receipts

3k [Part of current Part II(d)] Scheduled payment frequency

(e.g., monthly, annually)

3l [Part of current Part II(d)] Lease expiration date

3m [Current Part II(j)] Amount in arrears

3n [Current instructions require an attachment with this

information]. Enter an explanation of what steps the plan

administrator has taken or will be taking to collect overdue amounts

for each lease listed.

Part III Nonexempt Transactions. Complete as many entries as
needed to report all nonexempt transactions.

CAUTION: If a nonexempt prohibited transaction occurred with
respect to a disqualified person, the disqualified person should
generally file a Form 5330 with the IRS to pay the excise tax on the
transaction.

Line 4 [Current Part III(a)]

4a Name and address of party-in-interest (or parties in
interest, if multiple) involved in the nonexempt prohibited
transaction:

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

Name

Street Address

City

State

Zip Code:

4b [Current Part III(b)] Relationship to plan, employer,
employee organization, plan sponsor, fiduciary, or other party-in-
interest

4c [Revision of Current Part III(c), but current requirement to
provide a description of transaction replaced with checkboxes;
written description only required for ``other"] Type of nonexempt
transaction (Check all that apply):

ballot Sale of any property to/from the plan

ballot Exchange of any property

ballot Lease of any property to/from the plan

ballot Lending of money to/from the plan

ballot Other extension of credit to/from the plan

ballot Furnishing of goods to/from the plan

ballot Furnishing of services to/by the plan

ballot Furnishing of facilities to/by the plan

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

[ballof] Other transfer to a party-in-interest, of any income or
assets of the plan

[ballof] Other use by or for the benefit of a party-in-interest, of
any income or assets of the plan

[ballof] Acquisition, on behalf of the plan, of any employer
security or employer real property in violation of ERISA 407(a)

[ballof] Acting in a fiduciary's individual or any other capacity in
any transaction involving the plan on behalf of a party (or
represent a party) whose interests are

[[Page 47581]]

adverse to the interests of the plan or the interests of its
participants and beneficiaries

[ballof] A receipt of any consideration for his or her personal
account by a party-in-interest who is a fiduciary from any party
dealing with the plan in connection with a transaction involving the
income or assets of the plan

[ballof] Other (enter description)

4d [New] Check the appropriate **box** (see instructions) to
describe nature of transaction:

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

ballot Discrete

ballot Ongoing

4e [Part of current Part III (c)] Date of the transaction or, if ongoing, date of **first** instance

4f [Part of current Part III (c)] Amount involved in nonexempt transaction

4g [Current Part III (j)] Net gain (or loss) on the transaction

4h [New] Has the transaction been fully corrected (see instructions)? **ballot** Yes **ballot** No

If "Yes", check the correct **box** below and complete (i) and (j):

ballot Transaction corrected outside VFCP

ballot Transaction corrected through the VFCP

ballot Transaction pending correction through VFCP

4i [New] If the transaction was fully corrected, enter the date the transaction was fully corrected: MM/DD/20YY

4j [New] If the nonexempt transaction was corrected enter a

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

description of the corrective action (i.e. reversal, disgorgement,
loan repaid, payment to plan, etc.)

4k [New] If the nonexempt transaction occurred with respect to a
disqualified person, and the person was notified, was a Form 5330
filed with the IRS?

[ballof] Yes

[ballof] No

[ballof] Unknown

[ballof] Not required-VFCP

[ballof] Disqualified person was not notified

Schedule H--Financial Information

[Current header and identifying information] For calendar plan
year 20XX or fiscal plan year beginning DD/MM/20XX and ending DD/MM/
20XX+1

A Name of Plan

B Three-digit plan number (PN)

C Plan sponsor's name as shown on line 2a of Form 5500

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

D Employer Identification Number of plan sponsor (EIN)

Part I Asset and Liability Statement

1. [Current Line 1, except reference to ``MTIA" changed to

``Master Trust;" changes to individual data elements as indicated]

Current value of plan assets and liabilities at the beginning and

end of the plan year. Combine the value of plan assets held in more

than one trust. Report the value of the plan's interest in a

commingled fund containing the assets of more than one plan on a

line-by-line basis unless the value is reportable on Lines 1b(5)-

1b(8). Do not enter the value of that portion of an insurance

contract which guarantees, during this plan year, to pay a specific

dollar benefit at a future date. Round off amounts to the nearest

dollar. Master trusts, CCTs, PSAs, and 103-12 IEs do not complete

Lines 1a(1), (2) and (3), 1g, 1h, and 1i. CCTs, PSAs, and 103-12 IEs

also do not complete Lines 1(c)(1) and (2) and 1d. (See

instructions.)

Assets [Columns for (a) Beginning of Year (BOY) and (b) End of

Year (EOY) Values]

[Current Line 1a Moved to Line 1b(1)]

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

1a [Current 1b] Receivables (less allowance for doubtful

accounts):

(1) [Current 1b(1)] Employer contributions

(2) [Current 1b(2)] Participant contributions

(3) [Current 1c(8)] Notes receivable from participants

(participant loans)

(4) [Current 1b(3)] Other

1b [Current 1c; with changes as indicated] General investments--

(1) [Current 1a] Total noninterest-bearing cash

(2) [Current 1c(1) with new breakouts]

(A) Interest-bearing cash

(B) Certificates of deposit

(C) Money market accounts

(3) [New breakouts] Debt interests/obligations (other than

employer securities, participant loans, and foreign investments)

(A) [Current 1c(2)] U.S. Government securities

(B) [New] Other government securities

(C) [Current 1c(3)] Corporate debt instruments (other than

employer securities)

(i) Investment grade

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

(ii) High-yield debt

(D) [New] Exchange Traded Notes

(E) [New] Asset backed securities (other than real estate)

(F) [New and Partial Current 1c(7)] Other debt interests

(4) [Current 1c(4)] Corporate stocks (other than employer

securities and foreign investments):

(A) [New breakout] Publicly traded

(i) Preferred

(ii) Common

(B) [New breakout] Non-publicly traded

(i) Preferred

(ii) Common

(5) [Current 1c(13)] Registered investment companies (Mutual funds, Unit Investment Trusts, Closed End Funds)

(6) [New breakout] Eligible Pooled Investment Vehicles (other than registered investment companies)

(A) [Current 1c(10)] Total value of interest in pooled separate accounts (PSA)

(B) [Current 1c(9)] Total value of interest in common collective trusts (CCT)

(C) [Current 1c(12)] Value of interest in 103-12 investment entities (103-12 IEs) (See instructions)

(D) [Current 1c(11)] Total value of interest in master trusts

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

(7) [Current 1c(14)] Value of interest in funds held in

insurance general account (unallocated contracts)

(A) [New breakout] Deposit administration

(B) [New breakout] Immediate participation guarantee

(C) [New breakout] Guaranteed investment contracts

(D) [New breakout] Other unallocated insurance contracts

(Describe)

(8)(A) [Current 1c(5)] Partnership/joint venture interests

(i) [New breakout] Value of interest in limited partnerships

(ii) [New breakout] Value of interest in venture capital

operating companies (VCOC)

(iii) [New breakout] Private equity

(iv) [New breakout] Hedge funds

(v) [New breakout] Other partnership/joint venture interests

(Describe)

(B) [New sub-part question not part of sum on balance sheet]

(i) Total partnership/joint venture interests that do not hold

plan assets under the DOL's plan asset regulation at 29 CFR 2510.3-

101.

(ii) Total partnership/joint venture interests that hold plan

assets under the DOL's plan asset regulation at 29 CFR 2510.3-101.

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

(9) [Current 1c(6)] Real Estate Investments (other than employer
real property and foreign investments)

(A) [New breakout] Developed real property (other than employer
real property)

(B) [New breakout] Undeveloped real property (other than
employer real property)

(C) [New breakout] Publicly Traded Real Estate Investment Trusts
(REITs)

(D) [New breakout] Non-Publicly Traded Real Estate Investment
Trusts (REITs)

(E) [New breakout] Mortgage-Backed Securities (Including
Collateralized Mortgage Obligations)

(F) [New breakout] Real Estate Operating Company (REOC)

(G) [New breakout] Other real estate related investments
(Describe)

(10) [New breakout] Commodities (direct investments)

(A) [New breakout] Precious metals

(B) [New breakout] Other (Describe)

(11) [New breakout] Derivatives

(A) [New breakout] Futures

(B) [New breakout] Forwards

(C) [New breakout] Options

(D) [New breakout] Swaps

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

(E) [New breakout] Other (Describe, e.g., collateralized debt

obligations other than real estate)

(12) [Current 3g on Schedule I] Tangible Personal Property

(including collectibles)

(13) [New breakout] Foreign investments (Other than those held

through registered investment companies or eligible pooled

investment vehicles)

(A) Equities

(B) Debt interests

(C) Real estate

(D) Currency

(E) Other (Describe)

(14) [New breakout] Value of assets held in participant-directed

brokerage accounts (See instructions)

(A) Tangible personal property

(B) Loans

(C) Partnership or joint venture interests

(D) Real property

(E) Employer securities

(F) Investments that could result in a loss in excess of the

account balance of the participant or beneficiary who directed the

transaction, including derivatives

(G) Other (including cash/cash equivalents, registered

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

investment companies, corporate equities, corporate debt

instruments)

1c [Current 1d except breakout for non-publicly traded stock and
debt] Employer-related investments

[[Page 47582]]

(1) Employer securities

(A) Publicly traded stock

(B) Non-publicly traded stock

(C) Publicly traded debt instruments

(D) Non-publicly traded debt

(2) Employer real property

1d [Current 1e] Buildings and other property used in plan
operation

1e [Current 1c(15)] Other ([New] Describe)

1f [Current 1f] Total assets (Add Lines 1a through 1e.)

Liabilities [Columns for (a) BOY (b) EOY Values]

1g [Current 1g] Benefit claims payable

1h [Current 1h] Operating payables

1i [Current 1i] Acquisition indebtedness

1j [Current 1j] Other liabilities

1j(1) [New] Enter description

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

1k [Current 1k] Total liabilities (add all amounts in Lines 1g

through 1j)

Net Assets

1l [Current] Net assets (subtract Line 1k from Line 1f)

Part II Income and Expense Statement

2 [Current 2] Plan income, expenses, and changes in net assets for the year. Include all income and expenses of the plan, including any trust(s) or separately maintained fund(s) and any payments/receipts to/from insurance carriers. Round off amounts to the nearest dollar. Master trusts, CCTs, PSAs, and 103-12 IEs do not complete Lines 2a, 2b, 2e, 2f, and 2g.

2a [Current 2a] Contributions--

(1) Received or receivable in cash from:

(A) Employers

(B) Participants

(C) Others (including rollovers from IRAs/other plans)

(2) Noncash contributions

(3) Total contributions. Add Lines 2a(1)(A), (B), (C), and Line 2a(2).

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

2b [Current 2b(1)(E) with new breakouts] Interest on notes

receivable from participants (participant loans)

(1) Received in cash

(2) Receivable in cash

(3) Total. Add Lines 2b(1) and 2b(2).

2c [Current 2b with new breakouts] Earnings on investments.

Provide the total of all earnings by asset type including interest, dividends, gain (loss) on sale of property, unrealized appreciation (depreciation), net investment gain (loss), as appropriate for asset type. Report on Lines 2c(1)(A) and 2(c)(2)(A), respectively, interest and dividends on debt and equity instruments held directly by the plan.

(1) Interest on debt instruments/obligations

(A) Interest bearing cash (including money market and certificates of deposit)

(B) U.S. government securities

(C) Other government securities

(D) Corporate debt instruments

(E) Loans (other than to participants)

(F) Other

(G) Total interest. Add Line 2c(1)(A) through (F)

(2) Dividends (other than employer securities)

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

- (A) Preferred stock
- (B) Common stock
- (C) Registered investment company shares (e.g., mutual funds)
- (D) Total dividends. Add Line 2c(2)(A) through (C).

(3) Rents

(4) Net gain (loss) on sale of assets

- (A) Aggregate proceeds
- (B) Aggregate carrying amount (see instructions)
- (C) Subtract Line 2c(4)(B) from Line 2c(4)(A) and enter result
- (5) Unrealized appreciation (depreciation) of assets

- (A) Real estate
- (B) Partnership/joint venture interests that do not hold plan

assets

- (C) Commodities (direct investments)
- (D) Derivatives
- (E) Employer securities
- (F) Foreign investments (other than those held through U.S.

registered investment funds)

- (G) Employer real property
- (H) Other (Describe)
- (6) Pooled Investment Vehicles
- (A) Net investment gain (loss) from common/collective trusts
- (B) Net investment gain (loss) from pooled separate accounts

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

(C) Net investment gain (loss) from master trusts

(D) Net investment gain (loss) from 103-12 investment entities

(E) Net investment gain (loss) from registered investment

companies (e.g., mutual funds)

2d [Current 2d] Total income. Add all income amounts in column

(b).

Expenses--[Current]

2e [Current 2e] Benefit payment and payments to provide

benefits:

(1) Directly to participants or beneficiaries

(A) [New breakout from current 2d(1)] Direct rollovers

(B) [New] Hardship distributions made from a section 401(k) plan

(C) [Current 2016 Line 4o] Distributions to employees who have attained age 62 and who were not separated from service when the distributions were made for a defined benefit plan or a money purchase pension plan

(D) [Current 2e(1) except rollovers no longer reported in other]

Other

(2) [Current] To insurance carriers for the provision of

benefits

(3) [Current] Other

(4) [Current] Total benefit payments. Add Lines 2e(1) through

(3).

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

2f [Current] Corrective distributions (See instructions.)

2g [Current] Certain deemed distributions of participant loans

(See instructions.)

2h [Current] Interest expense

2i [Current 2i with new breakouts as indicated] Administrative

expenses:

(1) [New Breakout (1998 Line 32g(1))] Salaries and allowances

(2) [Current 2i(2)] Contract administrator fees

(3) [Current 2i(3)] Investment advisory and management fees

(4) [New Breakout] IQPA Audit fees

(5) [New based on 1998 Line 32g(2)] Recordkeeping and other

accounting fees

(6) [New Breakout] Bank or Trust Company Trustee/Custodial Fees

(7) [New Breakout (1998 Line 32g(3))] Actuarial fees

(8) [New Breakout (1998 Line 32g(6))] Legal fees

(9) [New Breakout (1998 Line 32g(7))] Valuation/appraisal fees

(10) [New Breakout (1998 Line 32g(8))] Trustee fees/expenses

(including travel, seminars, meetings, etc.)

(11) [Current 2i(4)] Other

(12) [12(C) is Current 2i(5); (A) and (B) are new breakouts]

Total administrative expenses

(A) Total paid by the plan, except charges directly against

participant accounts

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

(B) Total payments charged directly against participant accounts

(i) Transaction-based charges to individual participant accounts

(ii) Plan level expenses apportioned among participant accounts

(iii) Indicate how apportioned:

[ballof] per capita

[ballof] pro rata by account balance

[ballof] other (describe):

(C) Total. (The amount shown in (C) should be the total of elements (A) and (B). Element (C) should also be the same as the total of Lines 2i(1) through (11).)

2j [Current 2j] Total expenses. Add all expense amounts in column (b) (EOY) and enter total.

Net Income and Reconciliation

2k [Current] Net income (loss). Subtract Line 2j from Line 2d.

2l [Current] Transfers of assets--

(1) [Current 2l(1)] Transfers to this plan. Total at EOY

(2) [Current 2l(2)] Transfers from this plan. Total at EOY

Part III Accountant's Opinion.

Subject to certain exceptions, the administrator of an employee benefit plan who files a Schedule H must engage an Independent Qualified Public Accountant (IQPA) pursuant to ERISA section

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

103(a)(3)(A) and 29 CFR 2520.103-1(b). This requirement also applies to a Form 5500 Annual Return/Report filed for a 103-12 IE and for a GIA (see 29 CFR 2520.103-12 and 29 CFR 2520.103-2). The IQPA's report must be attached to the Form 5500 Annual Return/Report when a Schedule H is attached unless you check Line 3h(1), (2), (3), or (4) on the Schedule H. An IQPA Report generally consists of an Accountant's Opinion, Financial Statements, Notes to the Financial Statements, and Supplemental Schedules.

3 [Current] Complete Lines 3a through 3g if the opinion of an IQPA is attached to this Form 5500 Annual Return/Report. Complete Line 3h if an opinion is not attached.

3a [Current] The attached opinion of an IQPA for this plan is (see instructions):

(1) [ballot] Unqualified

(2) [ballot] Qualified

(3) [ballot] Disclaimer

(4) [ballot] Adverse

3b [Current question; new requirement to attach certification(s)] Did the IQPA perform a limited scope audit pursuant to 29 CFR 2520.103-8 and/or 103-12(d)?

[ballot] Yes [ballot] No

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

If ``Yes" you must attach a copy of the certification(s).

(Although you must attach a copy of the certification(s), you do not need to include any attachments to the

[[Page 47583]]

certification itemizing the assets to which the certification(s) apply.)

3c [Current] Enter the name and EIN of the IQPA (or accounting firm) below:

(1) Name

(2) EIN

(3) Name of audit engagement partner

3d [New] Identify the state in which the opinion was issued

3e [New] Did you review and discuss the IQPA report with the accountant?

[ballot] Yes **[ballot]** No

3f [New] Did the accountant advise you whether the IQPA report, including the financial statements and/or notes required to be attached to this return/report or the IQPA's communications with those charged with governance (SAS 114 and 115), disclosed any of

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

the following (check all that apply):

- (1) ☐ Errors or irregularities
- (2) ☐ Illegal acts
- (3) ☐ Material internal control weaknesses
- (4) ☐ A loss contingency indicating that assets are
impaired or a liability incurred
- (5) ☐ That the plan sponsor may not be a going concern
- (6) ☐ The existence of plan qualification issues pursuant
to the Internal Revenue Code
- (7) ☐ Any unusual or infrequent events or transactions
occurring subsequent to the plan year end that might significantly
affect the usefulness of the financial statements in assessing the
plan's present or future ability to pay benefits (explain)

3g [New] Did your IQPA have a peer review performed in
accordance with their state's requirements?

☐ Yes ☐ No

If "Yes," complete elements (1) through (5).

- (1) Name of peer reviewer
- (2) Year of their last peer review

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

(3) Rating received in their last peer review report

(4) Number of years that the peer reviewer has been the firm's

peer reviewer

(5) Whether the peer review covered employee benefit plans

3h [Current 3d] The opinion of an IQPA is not attached because

(check appropriate **box**):

(1) [**ballot**] This form is filed for a CCT, PSA, or master trust.

(2) [**ballot**] Pursuant to 29 CFR 2520.104-50, the IQPA report will be attached to the next Form 5500 Annual Return/Report.

(3) [**ballot**] The IQPA report was not completed in time. If you check this **box**, you must explain the reason for the failure to comply with the IQPA requirement in a timely fashion and indicate date by which an amended filing will be made with an IQPA report.

(4) [Current 4k on Schedule I] [**ballot**] The plan is a small plan and is eligible to claim a small plan audit waiver of the annual examination and report of an IQPA under the conditions set forth in 29 CFR 2520.104-46. (See instructions). In addition to meeting other conditions in 29 CFR 2520.104-46, in order to be a small plan for this purpose, the plan must have fewer than 100 participants as of the beginning of the plan year as reported on Form 5500 or be eligible to claim small plan status under 29 CFR 103-1(d) and had 120 or fewer participants as of the beginning of the plan year.

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

Defined benefit pension plans and welfare plans use the number reported on Form 5500, Line 6 for this measure. Defined contribution pension plans use the number reported on Form 5500, Line 7g(1). (See instructions.)

Part IV Compliance Questions

Employee benefit plans must complete all lines that apply.

Employee benefit plans must complete all lines that apply. Small employee benefit plans that were eligible for and claimed the small plan audit waiver by checking Line 3g(4), must complete all elements in Part IV, except such small plans do not need to attach Schedules G or the Line 4j Schedule of Reportable Transactions, even if they answer ``Yes" to Lines 4b, 4c, 4d, or 4j. CCTs and PSAs complete only Line 4i(1). Master trusts and 103-12 IEs complete only Lines 4b, 4c, 4d, 4i, 4j, and 4s. GIAs complete only Lines 4b, 4c, 4d, 4i, 4j, and 4k.

During the plan year:

4a [Current; but would require use of specified structured data format to complete and file Line 4a schedule] Was there a failure to transmit to the plan any participant contributions or repayments as of the earliest date on which such contributions can reasonably be

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

segregated from the employer's general assets as described in 29 CFR

2510.3-102?? (See instructions). Continue to answer ``Yes" for any

prior year failures until fully corrected. (See instructions and

DOL's Voluntary Fiduciary Correction Program.) If you answered

``Yes," you must complete the Line 4a schedule to provide details

about the failure to transmit, including any corrective action

taken.

[ballot] Yes **[ballot]** No Amount

4b [Current] Were any loans by the plan or fixed income

obligations due the plan in default as of the close of the plan year

or classified during the year as uncollectible? Disregard

participant loans secured by the participant's account balance. If

you answered ``Yes," see instructions for requirements to attach

Schedule G (Form 5500) Part I. Small plans that were eligible for

and claimed the small plan audit waiver under 29 CFR 2520.104-46 do

not need to attach Schedule G Part I.

[ballot] Yes **[ballot]** No Amount

4c [Current] Were any leases to which the plan was a party in

default or classified during the year as uncollectible? If you

answered ``Yes," see instructions for requirements to attach

Schedule G (Form 5500) Part II. Small plans that were eligible for

and claimed the small plan audit waiver under 29 CFR 2520.104-46 do

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

not need to attach Schedule G Part II.

[ballot] Yes **[ballot]** No Amount

4d [Current] Were there any nonexempt prohibited transactions with any party-in-interest? (Do not include transactions reported on Line 4a. If you answered ``Yes," see instructions for requirements to attach Schedule G (Form 5500) Part III. Small plans that were eligible for and claimed the small plan audit waiver under 29 CFR 2520.104-46 do not need to attach Schedule G Part III.

[ballot] Yes **[ballot]** No Amount

4e [Current Line 4e revised] Was this plan covered by one or more fidelity bonds naming the plan as insured that provide coverage for losses due to fraud or dishonesty by persons who handle plan funds or other property? (See instructions.)

[ballot] Yes **[ballot]** No Amount

4f [Current] Did the plan have a loss, whether or not reimbursed by the plan's fidelity bond, that was caused by fraud or dishonesty?

[ballot] Yes **[ballot]** No Amount

4g [Current Line 4g revised] Did the plan hold any assets that either did not have a readily determinable fair value or were not valued by an independent third party appraiser? (See instructions)

[ballot] Yes **[ballot]** No Amount

4h [Current] Did the plan receive any noncash contributions

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

whose value was neither readily determinable on an established market nor set by an independent third party appraiser?

[ballot] Yes **[ballot]** No Amount

4i [Current Line 4i; Except would now break out question into 4i(1) and 4i(2) and require use of specified structured data format to complete and file Schedules of Assets]

(1) Did the plan have assets held for investment at the end of the year? If ``Yes," you must complete the Line 4i(1) Schedule of Assets Held for Investment at End of Year.

[ballot] Yes **[ballot]** No

(2) Did the plan have assets held for investment that were sold or otherwise disposed of during the plan year (see instructions)? If ``Yes," you must complete the Line 4i(2) Schedule of Assets Disposed of During the Plan Year.

[ballot] Yes **[ballot]** No

4j [Current, but would require use of specified structured data format to complete and file Line 4j Schedule of Reportable Transactions] Were any plan transactions or series of transactions in excess of 5% of the current value of plan assets? If ``Yes," you must complete the Schedule of Reportable Transactions. (See instructions). Small plans that were eligible for and claimed the small plan audit waiver do not need to attach the Line 4j Schedule of Reportable Transactions.

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

[ballot] Yes **[ballot]** No

[Part of current Line 4k moved to Form 5500; part moved to Part
V of Schedule H]

4k [Current 4l] Has the plan failed to provide any benefit when
due under the plan?

[ballot] Yes **[ballot]** No Amount

4l [Current 4m] If this is an individual account plan, was there
a blackout period? (See instructions and 29 CFR 2520.101-3.)

[ballot] Yes **[ballot]** No Amount

4m [Current 4n] If you answered ``Yes" to Line 4l, check the
``Yes" **box** here if you either provided the required notice or one
of the exceptions to providing the notice applied under 29 CFR
2520.101-3.

[ballot] Yes **[ballot]** No

4n [New] Is this a participant-directed individual account plan
(e.g., a 401(k)-type or 403(b) defined contribution pension plan),
subject to the requirements in 29 CFR 2550.404a5 to disclose plan
and investment related information to participants and
beneficiaries?

[ballot] Yes **[ballot]** No

4o [New] If you answered ``Yes" to Line 4n, did the plan

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

provide participants and

[[Page 47584]]

beneficiaries the plan and investment disclosures required under 29

CFR 2550.404a-5?

[ballot] Yes **[ballot]** No

If you answered ``Yes," you must attach the investment option comparative chart or charts that were used to satisfy the disclosure requirement in 29 CFR 2550.404a-5(d)(2).

4p [New] If you answered ``Yes," to Line 4n, enter the number of designated investment alternatives (DIAs) available under the plan and indicate the number of DIAs that are index funds. Also, check all that apply to indicate the types of DIAs available under the plan:

[ballot] Domestic Stock/Equity

[ballot] Bond/income

[ballot] Balanced/target allocation

[ballot] Money Market

[ballot] Target date/Lifecycle

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

[ballot] International/Global Stock/Equity

[ballot] Sector/economy segment

[ballot] Other funds (Describe)

4q [New] If you answered ``Yes," to Line 4n, did the plan make available to participants and beneficiaries a designated investment manager (DIM)?

[ballot] Yes **[ballot]** No Enter name of DIM.

4r [New] If you answered ``Yes," to Line 4n, did the plan make available to participants and beneficiaries any brokerage window, self-directed brokerage account or similar plan arrangements that enabled participants to select investments beyond those designated by the plan?

[ballot] Yes **[ballot]** No

If you answered ``Yes" to Line 4r, enter the number of participants that utilized the account or arrangement

4s [New] Did the plan trust incur unrelated business taxable income (UBTI)?

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

☐ **ballot** Yes ☐ **ballot** No ☐ **ballot** NA

If ``Yes," enter amount,

4t [New] Were all plan assets valued at least annually at fair

market value?

☐ **ballot** Yes ☐ **ballot** No

4u [New] Did any employer sponsoring the plan pay any of the

administrative expenses of the plan that were not reported on

Schedule H, Line 2i?

☐ **ballot** Yes ☐ **ballot** No

4v [New] Did any person who is disqualified under ERISA Section

411, serve or was permitted to serve the plan in any capacity?

☐ **ballot** Yes ☐ **ballot** No

4w [New] Does the plan have investment acquisitions that are

leveraged, including assets subject to collateralized lending

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

activities (e.g., securities lending arrangements, repurchase

agreements (repos), etc.)?

[ballot] Yes **[ballot]** No If ``Yes," you must complete Lines 4w(1),

(2), and (3).

(1) Check **box** to indicate type of activity:

[ballot] securities lending, including repurchase agreements or

sell/buy-backs

[ballot] other, e.g., transactions that subjected plan assets to a

mortgage, lien, or other security interest (describe)

(2) (A) amount of cash obligated in connection with

collateralized lending activities at end of year

(B) value of securities obligated in connection with

collateralized lending activities at end of year

(C) other assets obligated in connection with collateralized

lending activities at end of year

(3) approximate ratio of collateralized/leveraged investments to

total plan assets at end of year

4x [New] Did the plan sponsor or its affiliates provide any

services to the plan in exchange for direct or indirect

compensation?

[ballot] Yes **[ballot]** No

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

4y [New (based on 1998 Line 8a)] Is the plan's summary plan description (SPD), including any summary descriptions of modifications, in compliance with the content requirements in 29 CFR 2520.102-3? (See instructions.)

[ballot] Yes **[ballot]** No

4z [New] If this is an individual account plan, were there any checks to participants or beneficiaries that were uncashed as of the end of the plan year? **[ballot]** Yes **[ballot]** No. If ``Yes," complete

4z(1)-(4)

- (1) Enter number of uncashed checks
- (2) Enter total value of uncashed checks
- (3) Describe the procedures followed by the plan to verify a participant's or beneficiary's address before a check was mailed.
- (4) Describe the procedures followed by the plan to monitor uncashed checks, including steps to locate ``missing" or ``lost" participants.

Part V Termination Information on Accountants, Enrolled Actuaries and Other Service Provider

(See Instructions.) (Complete as many entries as needed.)

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

5 [Current Part III of Schedule C except adds check **boxes** to

element (c)] Has any accountant or actuary been terminated? [**ballot**]

Yes [**ballot**] No If ``Yes, complete elements (a)-(f).

5a Name

5b EIN

5c [Current element (c), but adds check **boxes** to distinguish
between accountant and actuary] Position and title (See
instructions.)

[**ballot**] Accountant

[**ballot**] Actuary

5d Address

5e Telephone

5f Explanation of reason for termination

6 [New] Have any of the plan's service providers, other than an
accountant or actuary who has been identified in Line 5, been
terminated for a material failure to meet the terms of a service
arrangement or failure to comply with Title I of ERISA, including
the failure to provide required disclosures under 29 CFR 2550.408b-

2? [**ballot**] Yes [**ballot**] No If ``Yes," complete elements (a)-(e) to
identify the service provider.

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

6a Name

6b EIN

6c Address

6d Telephone

6e Explanation of reason for termination

6f **[ballot]** Check if termination was due to failure to provide

required disclosures under 29 CFR 2550.408b-2.

Part VI Plan Termination Information

7a [Revised to ask about any resolution to terminate regardless of when adopted] Has a resolution to terminate the plan been adopted? You must continue to report a pending resolution until the plan terminates and is no longer filing the Form 5500 Annual Return/Report. (See instructions.)?

[ballot] Yes **[ballot]** No If ``Yes," complete Line 7a(1)-(3) below:

(1) [New] Effective date of plan termination:

(2) [New] Year the plan assets were distributed to plan participants and beneficiaries:

(3) [Current 5a] The amount of plan assets that reverted to the employer this year

7b [Current 5b] Transfer to other plans. Did this plan transfer assets or liabilities to another plan since the (20XX-1) filing?

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

[ballot] Yes **[ballot]** No If ``Yes," complete elements (1)-(5) to

provide the following information with respect to each plan to which
the assets or liabilities were transferred. Complete as many entries
as needed to identify all transfers.

(1) [Current 5b(2)] EIN

(2) [Current 5b(3)] PN

(3) [New] Date of transfer:

(4) [Current 5b(1)] Name of Plan (Use name on transferee plan's

Form 5500 Annual Return/Report filing.):

(5) [New] Type of transfer:

[ballot] Merger

[ballot] Consolidation

[ballot] Spinoff

[ballot] Other (Describe)

(6) [Part of current Line 4k] Were all plan assets transferred

to another plan? **[ballot]** Yes **[ballot]** No

[Current 5c moved to Form 5500]

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

7c [New] Transfers from other plans. Did another plan

transferred assets or liabilities to this plan since the (20XX-1)

filing, or in the case of a **first** plan filing, transfer assets or

liabilities in conjunction with the creation of this new plan?

ballot Yes **ballot** No If ``Yes," provide the following

information with respect to each plan from which assets or

liabilities were transferred:

(1) EIN

(2) PN

(3) Date of transfer

(4) Name of Plan (Use name on transferor Plan's Form 5500 Annual

Return/Report filing.):

(5) Type of transfer:

ballot Merger

ballot Consolidation

ballot Spinoff

ballot Other (Describe)

7d [New] Terminated Defined Contribution Pension Plans:

Transfers to Financial Institution. Did this plan, as part of the

procedures for terminating the plan, transfer plan assets to

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

interest bearing federally insured bank accounts in the name of
 missing participants? **[ballot]** Yes **[ballot]** No If ``Yes," complete
 elements (1)-(5). List each financial institution where plan assets
 were transferred. You must continue reporting this information until
 the final return/report is filed for the plan.

[[Page 47585]]

(1) Financial Institution's Name

(2) Financial Institution's EIN

(3) Date of transfer

(4) Number of accounts established

(5) Total amount transferred

7e [Part of current Line 4k with a new subpart to report the
 year.] Were all the plan assets distributed to participants or
 beneficiaries? **[ballot]** Yes **[ballot]** No

Part VI--Trustee Information--[Current Part V but proposed no longer
 optional starting 2016 See IRS Federal Register Notice ``Proposed
 Collection; Comment Request for the Annual Return/Report of Employee
 Benefit Plan"]

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

8 Complete as many entries as needed to identify all trusts

holding plan assets. Do not include trusts that are part of pooled

investment funds that hold the assets of two or more unrelated

plans.

8a [Current] Name of Trust

8b [Current] Trust EIN

8c [New] Name of Trustee/Custodian

(1) [New] Trustee/Custodian Address

(2) [New] Telephone Number

(3) [New--intended to be electronic signature] Date and

Signature of Trustee/Custodian:

Trustee Signature for Purposes of the Code

SIGN HERE Signature of plan trustee or custodian:

Enter Date:

Enter name of individual signing as trustee or custodian:

Schedule H Line 4a--Schedule of Delinquent Participant Contributions

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

(a) Amount remitted late to plan (b) Amount due, (c) Number of (d)(1) Amount (e) Amount pending (f) Amount (g) Check here if (h) For any amount (i)(1) If

during plan year but unremitted contribution corrected in VFCP correction in corrected outside participant loan reported in reporting for a

repayments are during the plan cycles involved (2) Amount not VFCP VFCP Element (d), did multiemployer

you file your IRS year (number of corrected under included: plan, amount, if

5330 and pay any, determined payrolls) PTE 2002-51. **[ballot]** Form

during the plan applicable excise

year to be taxes?

uncollectible **[ballot]** Yes

(2) Explain what **[ballot]** No.

steps were taken

collect to

overdue amounts

Line 4i(1) Schedule of Assets Held for Investment at End of Year

(Complete as many entries in each element as needed to identify all

assets held for investment at end of year)

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

(a) Assets Held directly by the plan (including assets held through an participant-directed brokerage window) For each asset which the plan holds for

investment purposes that is not a type of assets required to be listed in (b) through (e) below, complete elements (i)-(vii).

-

(vii) Description

of investment,

including, as

applicable, share

class, maturity

date, rate of

interest, par or

(iv) CUSIP, CIK, maturity value,

(i) Check if issuer, borrower, (ii) Name of (iii) Is the asset LEI, NAIC Company (vi) Indicate

Sch. including whether

lessor or similar party is party- issuer, borrower, a hard-to-value Code, other (v) Cost H, Line 1b

asset asset/investment

in- interest [ballot] lessor, or similar asset? [ballot] Yes registration category. is

subject to

party [ballot] No number: surrender charge.

See instructions

for reporting

assets held

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

through a
 participant-
 directed brokerage
 account.

(b) Investments in Master Trust (repeat as many entries as needed to identify holdings in master trusts) For each master trust in which the plan

invested, break out plan's interest in each asset in the master trust(s) in elements (i)-(viii). Do not include master trust holdings in which the plan

has no interest.

(i) Enter name, EIN/PN of sponsor of master trust used on master trust's Form 5500.

(viii) Description
 of investment,
 including, as

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

(v) Enter all that applicable, share

(iii) Name of (iv) Is the asset a apply: EIN, CUSIP, class,
maturity

(ii) Check if issuer, borrower, issuer, borrower, hard-to-value CIK, LEI, NAIC (vii) Indicate
Sch. date, rate of

lessor or similar party is party- lessor, or similar asset? [ballot] Yes Company Code, other (vi) Cost H, Line
1b asset interest, par or

in- interest [ballot] party (See [ballot] No registration category maturity
value,

instructions) number: including whether

asset/investment

is subject to

surrender charge.

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

(c) Investments in PSAs and CCTs (repeat as many entries as needed to identify holdings in PSAs and CCTs) If the PSA filed a Form 5500, complete

elements (i)-(vii) indicating the value of the plan's shares in the PSA or CCT. For PSAs or CCTs that have not filed a Form 5500, break out plan's

proportionate interest in each asset in the PSA of CCT in elements (i)-(ix) and include the name and identifying numbers for the non-filing CCT or PSA,

as well a description of the asset held through the non-filing CCT or PSA.

-

(i) Enter name, EIN/PN of sponsor of CCT/PSA.
lessor or similar party

(ii) Check if issuer, borrower,

----- is party-in-interest [ballot]

(ix) Description

of investment,

including, as

(iv) Name of

(vi)) Enter all

applicable, share

(iii) Did the PSA or CCT filed a issuer, borrower, (v) Is the asset a that apply: EIN,
class, maturity

Form 5500 Yes [ballot] No lessor, or similar hard-to-value CUSIP, CIK, LEI, (viii) Indicate
date, rate of

[ballot] party (see asset? [ballot] Yes NAIC Company Code: (vii) Cost Sch. H, Line 1b
interest, par or

Instructions) [ballot] No Other registration asset category maturity
value,

number:

including whether

asset/investment

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

is subject to

surrender charge.

(d) Investments in 102-12 Investment Entities (repeat as many entries as needed to identify holdings in 103-12

IEs). For each 103-12IE in which the plan invested, complete elements (i)-(vii) indicating the value of the

plan's shares in the in each 103-12IE in elements (i)-(viii).

(i)Enter name, EIN of provider of the 103-12 IE.

(ii) Check if

----- issuer,

borrower,

lessor or

similar party

is party-in-

interest

ballot

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

(viii)

(v) Enter all Description of
that apply: investment,
(iv) Is the EIN, CUSIP, including, as
(iii) Name of issuer, asset a hard-to- CIK, LEI, NAIC (vii) Indicate applicable,
borrower, lessor, or similar value asset? Company Code: (vi) Cost Line 1b asset share class,
party (See instructions) **ballot** Yes Other category. maturity date,
ballot No registration rate of
number: interest, par
or maturity
value,
including
whether asset/
investment is
subject to
surrender
charge.

FEDERAL REGISTER: Proposed Revision of Annual Information Return/Reports

Line 4i(2) Schedule of Assets Disposed of During the Plan Year

[Current elements of Schedule of Assets Acquired and Disposed of
During Plan Year; element (b) currently unlettered] (Complete as
many entries as necessary to identify all assets sold during plan
year

(a) Enter name, EIN of issuer, borrower, lessor, or similar party
similar party is party-in-

(b) Check if issuer, borrower, lessor or

interest **[ballot]**

(j) Description

(d) Enter all

of investment,

that apply: EIN,

including

(c) Check if asset was CUSIP, CIK, LEI, (e) Sch. H, Line
maturity date,

(h) Expenses (i) Net gain

acquired during plan year
(loss) on rate of

NAIC Company

1b category

(f) Cost

(g) Selling

incurred with

[ballot]

Code, Other

price

disposal of

transaction

interest,

registration

asset

collateral,

number:

par, or

maturity value

Schedule H, Line 4j--Schedule of Reportable Transactions

[Current Line 4j Schedule, except (a) is new and remaining elements
are re-lettered in sequence] Complete as many repeating elements as
necessary to identify all reportable transactions.

In case of any query regarding this article or other content needs please contact:
editorial@plusmediasolutions.com

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