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Proposed Multiemployer Composite Plans: Background and Analysis

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Summary

Multiemployer pension plans are sponsored by more than one employer in the same industry and are maintained as part of a collective bargaining agreement. The challenges facing one type of multiemployer plan—defined benefit (DB) plans, in which participants receive regular monthly benefit payments in retirement—have led stakeholders to seek alternative pension plan designs that could alleviate some of the concerns but retain some of the beneficial features.

Among the proposals is a new type of multiemployer pension plan called a *composite plan*. A composite plan would be neither a DB pension nor a defined contribution (DC) pension (such as 401(k) plans, in which participants have individual accounts that can provide a source of income in retirement). Since composite plans would be neither DB nor DC plans, authorizing legislation would be necessary to implement the proposal. Legislative language authorizing composite plans was first circulated in a discussion draft in 2016. The discussion draft was introduced, with some modifications, in the 115th Congress as H.R. 4997, the Giving Retirement Options to Workers Act of 2018 (the GROW Act), by Representatives Phil Roe and Donald Norcross. In the 116th Congress, the GROW Act was included in H.R. 6379, the Take Responsibility for Workers and Families Act, and H.R. 6800, the HEROES Act.

Composite plans are the third element of a 2013 proposal by representatives of an organization of multiemployer pension and health plans to reform multiemployer DB pension plans. The first two elements were adopted as the Multiemployer Pension Reform Act of 2014 (MPRA, enacted as Division O in the Consolidated and Further Continuing Appropriations Act, 2015; P.L. 113-235). These elements consist of (1) proposals to strengthen the current multiemployer system and (2) measures to assist plans in very poor financial condition.

The main features of a composite plan include the following:

- Employer contributions would generally be a stable amount and would not need to increase in response to investment losses.
- Participants would receive monthly benefits for the lifetime of the participant (and spouse, if married).
- Participants' benefits could decrease if the plan's assets experienced investment losses or increased plan liabilities for other reasons.
- Composite plans would not be covered by Pension Benefit Guaranty Corporation (PBGC) insurance and would not receive financial assistance from PBGC if a composite plan were to become insolvent and unable to pay participants' benefits.
- Composite plans would not feature withdrawal liability, which is an exit fee employers in underfunded multiemployer DB plans must pay to leave the plan.

For employers, composite plans would offer several advantages over DB plans. For example, employers would not have to pay withdrawal liability when leaving the plan, and the plan would not have to pay PBGC insurance premiums. In addition, stable contributions likely would be an attractive feature.

Participants' benefits in composite plans would be in the form of monthly benefit payments. The amount of the benefit would be calculated using a formula. However, the benefit amounts could increase or decrease, depending on the investment experience of the plan. The composite plan proposal contains a procedure to address situations in which plan assets fall below a specified percentage of plan liabilities, such as could occur if there were investment losses. This

realignment program includes proposed, though not mandatory, contribution increases and mandatory benefit reductions.

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On September 9, 2016, Representative John Kline, chairman of the House Committee on Education and the Workforce in the 114th Congress, issued a discussion draft that would authorize a new multiemployer pension plan called a *composite plan*.¹ The discussion draft was introduced, with some modifications, as H.R. 4997, the Giving Retirement Options to Workers Act of 2018 (the GROW Act), by Representatives Phil Roe and Donald Norcross in the 115th Congress. In the 116th Congress, the GROW Act was included in H.R. 6379, the Take Responsibility for Workers and Families Act, and H.R. 6800, the HEROES Act.

A composite plan would contain features of two types of existing pension plans: (1) defined benefit (DB) plans, in which participants receive regular monthly benefit payments in retirement (which some refer to as a “traditional” pension), and (2) defined contribution (DC) plans (of which the 401(k) plan is the most common), in which participants have individual accounts that can provide a source of income in retirement.² Since composite plans would be neither DB nor DC plans, authorizing legislation is necessary to implement the proposal.

This report provides background on multiemployer pension plans; summarizes the GROW Act, which would authorize composite plans, and explains the main features of these proposed plans; and explores various policy discussions surrounding composite plans, including their potential benefits and drawbacks for employers and employees, their possible implications for the Pension Benefit Guaranty Corporation (PBGC), and their potential effects on the broader retirement system.

Background on Multiemployer Pensions

In addition to being classified as DB or DC plans, pension plans are also classified by whether they are sponsored by one employer (single-employer plans) or by more than one employer (multiemployer and multiple employer plans). Multiemployer pension plans are sponsored by employers in the same industry and maintained as part of a collective bargaining agreement.³

In 2018, there were 1,373 multiemployer DB pension plans that covered 10.6 million participants.⁴ In 2016 (the most recent year for which funding information is available), 1,375 multiemployer plans had \$467.0 billion in assets and \$1,105.5 billion in liabilities (future benefit obligations) for a total amount of underfunding of \$638.5 billion.⁵

¹ For more information about pension plans, see CRS Report R43305, *Multiemployer Defined Benefit (DB) Pension Plans: A Primer*; CRS Report R45187, *Data on Multiemployer Defined Benefit (DB) Pension Plans*; and CRS Report R45311, *Policy Options for Multiemployer Defined Benefit Pension Plans*.

² In some DB plans, plan participants have the option to receive a lump-sum payment at retirement in lieu of the annuity. An annuity is a monthly payment for life. In some DC plans, plan participants have the option to purchase annuities with some or all of their account balances.

³ Multiple employer plans are sponsored by more than one employer but are not maintained as part of a collective bargaining agreement. Multiple employer pension plans are not common and are not covered by any of the provisions in the GROW Act. The Government Accountability Office (GAO) indicated that about 0.7% of private-sector pension plans were multiple employer pension plans. See U.S. Government Accountability Office, *Federal Agencies Should Collect Data and Coordinate Oversight of Multiple Employer Plans*, GAO-12-665, September 13, 2012, p. 10, at <http://www.gao.gov/assets/650/648285.pdf>.

⁴ Unless specifically mentioned, data on multiemployer plans and on the Pension Benefit Guaranty Corporation (PBGC) are from prior to the effects of Coronavirus Disease 2019 (COVID-19) and the resulting market downturn and recession. See Pension Benefit Guaranty Corporation, *2017 Pension Insurance Data Tables*, Tables M-5 and M-6, at https://www.pbgc.gov/sites/default/files/2017_pension_data_tables.pdf.

⁵ See Pension Benefit Guaranty Corporation, *2017 Pension Insurance Data Tables*, Tables M-9, at https://www.pbgc.gov/sites/default/files/2017_pension_data_tables.pdf.

Underfunded multiemployer plans that meet specified financial criteria are required to report to the Internal Revenue Service (IRS) their financial condition as being in one of several categories. The categories are (1) *endangered* (or a subcategory called *seriously endangered*) (both are sometimes called “yellow zone”),⁶ (2) *critical* (sometimes called “red zone”),⁷ and (3) *critical and declining*.⁸ Plans that do not meet the criteria for any of these categories are sometimes referred to as being in the “green zone.” Analysis of 2017 pension plan disclosures indicated that of 1,229 plans that reported their zone status, 132 plans were in endangered or seriously endangered status, 190 plans were in critical status, 113 plans were in critical and declining status, and 794 were in green zone status.⁹

To address the concerns about likely insolvency of a number of multiemployer plans, Congress approved changes to multiemployer DB pension funding rules in the Multiemployer Pension Reform Act of 2014 (MPRA, enacted as Division O in the Consolidated and Further Continuing Appropriations Act, 2015; P.L. 113-235).¹⁰ Among other provisions, plans in critical and declining status may be eligible to apply to the Department of the Treasury to reduce benefits. MPRA did not address new pension plan structures, such as composite plans.¹¹ Some Members of Congress indicated that the proposal for composite plans is a continuation of the work done in MPRA.¹²

Pension Benefit Guaranty Corporation Insurance

The PBGC was established by the Employee Retirement Income Security Act of 1974 (ERISA; P.L. 93-406) to insure benefits in private-sector DB pension plans.¹³ It operates two insurance

⁶ A plan is in endangered status if (1) the plan’s funding ratio is less than 80% funded or (2) the plan has a funding deficiency in the current year or is projected to have one in the next six years. A plan is seriously endangered if it meets both of these criteria. The funding ratio is the amount of plan assets divided by the value of plan liabilities. A pension plan’s assets are primarily investments purchased with employer contributions and accumulated investment earnings. A plan’s liabilities are primarily future benefit obligations calculated as a present value.

⁷ A plan is in critical status if any of the following conditions apply: (1) the plan’s funding ratio is less than 65% and in the next six years the value of the plan’s assets and contributions will be less than the value of benefits; (2) in the current year, the plan is not expected to receive 100% of the contributions required by the plan sponsor, or the plan is not expected to receive 100% of the required contributions for any of the next three years (four years if the plan’s funding percentage is 65% or less); (3) the plan is expected to be insolvent within five years (within seven years if the plan’s funding percentage is 65% or less); or (4) the cost of the current year’s benefits and the interest on unfunded liabilities are greater than the contributions for the current year, the present value of benefits for inactive participants is greater than the present value of benefits for active participants, and there is expected to be a funding deficiency within five years.

⁸ Among plans that are in critical status, a plan is in declining status if the plan actuary projects the plan will become insolvent within the current year or, depending on certain circumstances as specified in 26 U.S.C. 432, within either the next 14 years or 19 years, as specified in the Multiemployer Pension Reform Act of 2014 (MPRA, enacted as Division O in the Consolidated and Further Continuing Appropriations Act, 2015; P.L. 113-235).

⁹ See Table 2 in CRS Report R45187, *Data on Multiemployer Defined Benefit (DB) Pension Plans*.

¹⁰ For more information on MPRA, see CRS Report R43305, *Multiemployer Defined Benefit (DB) Pension Plans: A Primer*.

¹¹ See House Committee on Education and the Workforce, “Kline Releases Discussion Draft to Modernize Multiemployer Pensions,” press release, September 9, 2016, at <https://republicans-edlabor.house.gov/news/documentsingle.aspx?DocumentID=400989>.

¹² See, for example, Opening Statements by Representative Phil Roe and Representative Jared Polis, U.S. Congress, House Committee on Education and the Workforce, Subcommittee on Health, Employment, Labor, and Pensions, *Examining Reforms to Modernize the Multiemployer Pension System*, 114th Cong., 1st sess., April 29, 2015, at <https://republicans-edlabor.house.gov/calendar/eventsingle.aspx?EventID=398718>.

¹³ ERISA was enacted in 1974 to provide a comprehensive federal scheme for the regulation of employee pension and

programs: one for single-employer pension plans and a second for multiemployer pension plans. The two programs operate independently of each other.

When a multiemployer DB pension plan becomes insolvent, PBGC provides financial assistance to the plan to pay participants' benefits. When a multiemployer plan receives financial assistance from PBGC, the plan must reduce participants' benefits to a maximum per participant benefit as set in statute.¹⁴ The maximum benefit is calculated as: 100% of the first \$11 of the monthly benefit rate, plus 75% of the next \$33 of the monthly benefit rate, times the participant's years of credited service. For example, an individual with 30 years of service in the plan could receive a maximum benefit of $[30 \times (100\% \times \$11 + 75\% \times \$33)] = \$12,870$ per year.¹⁵ The benefit is lower for individuals with fewer than 30 years of service in the plan.

PBGC's multiemployer program receives funds from premiums paid by participating employers (\$310 million in FY2019) and from the interest earnings off the investment of unused premium income (\$442 million in FY2019).¹⁶ The poor financial condition of some multiemployer DB pension plans threatens the solvency of PBGC's multiemployer insurance program. There are no provisions in law that provide for assistance from the U.S. Treasury in the event of PBGC's insolvency. ERISA states that "the United States is not liable for any obligation or liability incurred by the corporation."¹⁷

At the end of FY2019, PBGC reported a deficit of \$65.2 billion in the multiemployer insurance program.¹⁸ If a sufficient number of multiemployer pension plans exhaust their plan assets and become unable to pay promised benefits, it is likely that PBGC would also exhaust its assets. PBGC indicated that insolvency is likely by the end of 2025 and a near certainty by 2026.¹⁹

The Congressional Budget Office (CBO) provided several estimates of PBGC's financial condition.²⁰ CBO's *cash-based* estimates account for spending and revenue in the years when they are expected to occur. CBO estimates that from 2017 to 2026, PBGC will be obligated to pay \$9 billion in claims but will only have sufficient resources to pay \$6 billion. From 2027 to 2036, claims to PBGC will be \$35 billion but PBGC will only have sufficient resources to pay \$5 billion. CBO also provided *fair-value* estimates, which are the present value of all expected future claims for financial assistance, net of premiums received.²¹ CBO's fair-value estimate of PBGC's future obligations was \$101 billion.

welfare benefit plans offered by private-sector employers. More information is available at CRS Report RL34443, *Summary of the Employee Retirement Income Security Act (ERISA)*.

¹⁴ See ERISA 4022A(c).

¹⁵ The PBGC maximum benefit for participants in multiemployer pension plans is not adjusted annually for inflation and was last adjusted in 2001.

¹⁶ See Pension Benefit Guaranty Corporation, *Annual Report 2019*, November 15, 2019, p. 26, at <https://www.pbgc.gov/sites/default/files/pbgc-fy-2019-annual-report.pdf>.

¹⁷ See 29 U.S.C. §1302(g)(2).

¹⁸ See Pension Benefit Guaranty Corporation, *Annual Report 2019*, November 15, 2019, p. 26, at <https://www.pbgc.gov/sites/default/files/pbgc-fy-2019-annual-report.pdf>.

¹⁹ See Pension Benefit Guaranty Corporation, *FY2018 PBGC Projections Report*, at <https://www.pbgc.gov/sites/default/files/fy-2018-projections-report.pdf>.

²⁰ Congressional Budget Office, *Options to Improve the Financial Condition of the Pension Benefit Guaranty Corporation's Multiemployer Program*, 51356, August 2016, at <https://www.cbo.gov/publication/51356>.

²¹ Present value is the current value of a future sum of money. For an explanation of present value in the context of a pension plan, see CRS Report R46366, *Single-Employer Defined Benefit Pension Plans: Funding Relief and Modifications to Funding Rules*.

Defined Benefit, Defined Contribution, and Proposed Composite Plans: Comparison of Main Features

Table 1 compares the main features of DB, DC, and proposed composite plans.

Table 1. Main Features of Defined Benefit, Defined Contribution, and Proposed Composite Plans

Feature	Defined Benefit Plan	Defined Contribution Plan	Proposed Composite Plan
Contributions	Made by employer ^a	Made by employer, participant, or both	Made by employer
Benefit Calculation	Based on a formula	No set amount; funds accumulate in participant's account	Based on a formula
Investment Risk	Borne by employers whose contributions increase in response to investment losses	Borne by participants	Borne by participants, though employers can choose to increase contributions in response plan underfunding.
Longevity Risk	None	Borne by participant	None
Pension Benefit Guaranty Corporation Coverage	Yes	No	No
Allocation of Plan Investments	Chosen by plan	Chosen by participant from investment options chosen by plan	Chosen by plan
Withdrawal Liability	Yes	N/A	No

Source: Congressional Research Service.

- a. In 2011 (the most recent year for which data are available), 4% of private-sector defined benefit plans required employee contributions. See U.S. Department of Labor, Bureau of Labor Statistics, *National Compensation Survey: Employee Benefits in the United States, March 2011*, at <https://www.bls.gov/ncs/ebs/benefits/2011/ebb10048.pdf>.

Overview of the GROW Act

As a result of the financial challenges facing multiemployer DB pension plans, stakeholders have sought alternative pension plan designs, such as composite plans, that could alleviate some of the concerns but retain some of the beneficial features. These alternative plan designs would need to be authorized in ERISA.²²

²² Congressional committees have held a number of hearings on multiemployer pension plans. In the 116th Congress, see U.S. Congress, House Committee on Ways and Means, *Markup Of Multiemployer Pensions Legislation*, Markup of H.R. 397, 116th Cong., 1st sess., July 19, 2019, at <https://waysandmeans.house.gov/legislation/markups/markup-hr-397-rehabilitation-multiemployer-pensions-act-2019>; and U.S. Congress, House Committee on Education and Labor, Subcommittee on Health, Employment, Labor, and Pensions, *The Cost Of Inaction: Why Congress Must Address The Multiemployer Pension Crisis*, 116th Cong., 1st sess., March 7, 2019, at <https://www.govinfo.gov/content/pkg/CHRG-116hhrg35661/html/CHRG-116hhrg35661.htm>. The House Education and Workforce Committee held a hearing on the composite plan proposal discussion draft. See U.S. Congress, House Committee on Education and the Workforce, Subcommittee on Health, Employment, Labor, and Pensions, *Discussion Draft to Modernize Multiemployer Pensions*, 114th Cong., 2nd sess., September 22, 2016. In addition, in 2018, composite plans were discussed by the Joint Select

The proposal for composite plans for plan sponsors was included in *Solutions Not Bailouts*, a 2013 report by a coalition of labor and management groups organized by the National Coordinating Committee for Multiemployer Plans (NCCMP), an organization of multiemployer pension and health plans.²³ Advocates for composite plans note that plans similar to composite plans are found in other countries.²⁴ For example, the Canadian government and several provinces in Canada have been considering or implementing the regulatory changes needed for employers to more widely adopt alternative plan structures, which are referred to as target benefit plans in Canada.²⁵

Main Features of the Proposed Composite Plan

A composite plan, as would be authorized in the GROW Act, would be neither a DB nor a DC pension plan, though it would contain elements of both. As discussed in greater detail in the following sections, the main features of the proposed composite plan would be the following:

- A participant's benefit amount would be based on a formula and payable as a life annuity.²⁶
- Employer contributions²⁷ would remain at a fixed amount (as negotiated between labor and management) and would not be required to increase in response to underfunding.²⁸
- Composite plans would be required to maintain a projected funding ratio of 120%.²⁹ If the amount of the plan's assets were insufficient to pay 120% of the promised benefits, the plan would be required to take corrective action to restore the funding ratio to 120%.
 - The options for corrective actions (called a *realignment program* in the GROW Act) include possible employer contribution increases (if agreed to

Committee on the Solvency of Multiemployer Pension Plans. See <https://www.pensions.senate.gov/>.

²³ More information about NCCMP is available at <http://www.nccmp.org>. The report is available at <http://www.solutionsnotbailouts.com/>.

²⁴ See the Association of General Contractors, *Multiemployer Pension Reform*, April 2016, at https://www.agc.org/sites/default/files/Multiemployer%20Pension%20Reform%20April%202016_0.pdf.

²⁵ See, for example, Government of Canada, Department of Finance, *Consultation Paper - Pension Innovation for Canadians: The Target Benefit Plan*, at <https://www.canada.ca/en/department-finance/programs/consultations/2014/pension-innovation-canadians-target-benefit-plan.html>.

²⁶ For example, a plan might pay a monthly benefit of \$30 times the number of years of service in the plan. This is current practice in multiemployer DB pension plans. In a composite plan, the benefit is in the form of a fixed annuity that can be reduced as part of a realignment program (discussed later in the report).

²⁷ Nearly all contributions in private-sector DB pension plans are employer contributions. DOL data in 2011, the most recent year for which data are available, indicated that among private-sector workers who participated in DB plans, 4% were required to make an employee contribution to the plans. See DOL, *National Compensation Survey: Employee Benefits in the United States*, March 2011, at <http://www.bls.gov/ncs/ebs/benefits/2011/ebb10048.pdf>.

²⁸ For example, a DB pension plan can become underfunded as a result of investment losses. Under current law, employers must make up for plan underfunding.

²⁹ The funding ratio is the amount of plan assets divided by the value of plan liabilities. A pension plan's assets are primarily the market value of investments purchased with employer contributions and accumulated investment earnings. A plan's liabilities are primarily estimates of future benefit obligations calculated as a present value using the expected rate of return on investments as the discount rate.

by the bargaining parties) and reductions to participants' benefits (which do not require agreement by the bargaining parties).³⁰

- Composite plans would *not* be covered by PBGC. Therefore, plan sponsors would not pay PBGC premiums and participants' benefits would not be protected if the plan were to become insolvent.
- Composite plans would *not* feature withdrawal liability. Withdrawal liability is a payment or series of payments by an employer that seeks to no longer participate in a multiemployer DB pension plan. The calculation of withdrawal liability is based on the employer's share of unfunded benefits that are owed to participants in the plan.

An existing multiemployer DB pension plan (except for a plan that was in critical status) could adopt a composite plan while maintaining an existing DB plan. The existing plan would be referred to as a *legacy plan*. The main features of a legacy plan would be

- participants in a legacy plan whose employers opted for the composite plan would cease to earn benefits in the legacy plan and begin to earn benefits in the composite plan;³¹ and
- employers would generally be required to contribute to the legacy plan at minimum funding levels (called a *transition contribution rate*). The minimum funding levels should, in principle, restore the legacy plan to a 100% funding level over time. The legacy plans would continue to be insured by PBGC.

Key Provisions in the GROW Act

This section summarizes in greater detail the main provisions in the GROW Act.³² The bill authorizes the creation of multiemployer composite plans and establishes the requirements that composite plans would have to meet. The bill also establishes rules for existing multiemployer DB plans to which composite plans would be added.

Legislation that affects private-sector pensions often amends both Title 29 (Labor Code) and Title 26 (Internal Revenue Code [IRC]) of the *U.S. Code*. The provisions in the GROW Act that amend the IRC are identical or nearly identical to the provisions that amend the Labor Code. Therefore, the IRC provisions are not included in this more detailed summary. For ease of comparison, the headings in this summary generally align with the headings in the GROW Act.

³⁰ Apart from the benefit reductions allowed under MPRA, ERISA Section 204(g) generally prohibits a pension plan from reducing or eliminating participants' earned benefits (called the *anti-cutback rule*). For more information, see CRS Report RL34443, *Summary of the Employee Retirement Income Security Act (ERISA)*.

³¹ The GROW Act does not contain any provisions to transfer benefit obligations from legacy plans to composite plans. Some discussions in Canada have considered whether to allow the conversion of the DB pension to a target benefit plan, which could subject these benefits to being reduced in the event of funding shortfalls. For more information, see Department of Finance - Canada, *Consultation Paper Pension Innovation for Canadians: The Target Benefit Plan Section 4.8. Conversion of Pension Plans to Target Benefit Plans*, April 2014, at <https://www.canada.ca/en/department-finance/programs/consultations/2014/pension-innovation-canadians-target-benefit-plan.html#oc372117662>.

³² A section-by-section of the GROW Act as introduced in 2018 is available at <https://www.necanet.org/docs/default-source/Pension-Reform/grow-act-section-by-section-summary.pdf?sfvrsn=3>.

Requirements for a Composite Plan

A composite plan would be an employer-sponsored multiemployer pension plan that would be neither a DB plan (in which the benefit is fixed and cannot be reduced except under MPRA) nor a DC plan (in which participants have ownership of funds in an account).

A composite plan would systematically pay benefits that would be calculated according to a formula specified in the plan.³³ The benefit would be a monthly payment beginning at retirement and lasting for the life of the participant (and spouse, if married). The benefit could be reduced as part of a realignment program.

In the first year of the composite plan, the employer's contribution would be 120% of the plan's normal cost.³⁴

Each year, the plan would make two actuarial determinations of the plan's financial condition: (1) current funded ratio (CFR) and (2) projected funded ratio (PFR). These will be defined in the "Funded Ratios; Actuarial Assumptions" section of this report.

If the plan's PFR were less than 120%, the plan would be required to take corrective action, called a realignment program (described in detail later in this report).

The plan's trustees would include a retiree or beneficiary who would be receiving benefits from the plan.³⁵

A composite plan could be added as a component to an existing multiemployer plan or could be adopted as a stand-alone plan, provided the multiemployer DB plan is not in critical status nor is expected to be for the next five years.

If a composite plan were to be added to a multiemployer plan, the composite plan and multiemployer plan would be maintained as separate plans. The assets of each plan could be held in a single trust provided separate accounts were maintained. The plans could, but would not be required to, pool their assets.

The assets of each of the plans would be held, invested, reinvested, managed, administered, and distributed for the exclusive benefit of the participants and beneficiaries of each component. The assets of one component could not be used to pay for the benefits of the other component.

Funded Ratios; Actuarial Assumptions

Each year, a composite plan would report its CFR and PFR.

CFR would be calculated as the market value of plan assets divided by the present value of plan liabilities.

PFR would be the CFR projected 15 years into the future. The PFR could incorporate anticipated contribution increases of up to 2.5% per year beyond the term of the current collective bargaining agreement.

³³ The formula typically multiplies a dollar amount by the number of years of service the employee has worked for employers that participate in the DB plan.

³⁴ A pension plan's normal cost is the amount of new benefits earned by participants in a given year.

³⁵ If less than 5% of the participants in the plan are receiving benefits, this requirement does not apply.

Costs, liabilities, and rates of interest would (1) use reasonable assumptions (taking into account the plan's experience and reasonable expectations) and (2) offer the best estimate of the plans anticipated experience.³⁶

Any changes to actuarial assumptions from the previous year would be documented by the plan actuary.

The value of plan assets would be at market values.³⁷

The value of plan liabilities would use the unit credit funding method.³⁸ The unit credit funding method is commonly used by multiemployer DB pension plans.³⁹

Realignment Program

If a composite plan's PFR were less than 120%, then the plan would have to adopt a realignment program, as described in the GROW Act. A realignment program would be a range of options that the plan sponsor or bargaining parties could undertake to achieve a PFR of 120% the following year.⁴⁰

The initial elements of a realignment program could, but are not required to, include

- proposed employer contribution increases;
- reductions in the rate of future benefit accruals;
- modification or elimination of adjustable benefits for participants not currently receiving benefits from the plan; and
- other lawfully available measures.⁴¹

If these measures would not enable the plan to achieve 120% PFR, then the plan could reduce

³⁶ Determining whether an assumption is "reasonable" is not addressed in the GROW Act, though the term does appear elsewhere in ERISA. See, for example, ERISA §304 and Pension Committee of the Actuarial Standards Board, *Selection of Economic Assumptions for Measuring Pension Obligations*, September 2013, at http://www.actuarialstandardsboard.org/wp-content/uploads/2014/02/asop027_172.pdf.

³⁷ The market value is the dollar amount at which a financial security or other asset can be easily sold. For more information on asset valuation in pension plans see Society of Actuaries, *Pension Plan Asset Valuation Methods*, August 2001, at <https://www.soa.org/Library/Newsletters/Pension-Forum/2001/August/pfn-2000-vol13-iss1-haberman-owadally.aspx>.

³⁸ The unit credit funding method values a benefit as the present value of a benefit adjusted for factors that indicate the likelihood of receiving the benefit (for example, a mortality factor). See Society of Actuaries, *Which Pension Funding Method Is Right for You?*, 1998, at <https://www.soa.org/globalassets/assets/library/proceedings/record-of-the-society-of-actuaries/1990-99/1997/january/rsa97v23n154pd.pdf>.

³⁹ For more information on the unit cost method, see American Academy of Actuaries, *Fundamentals of Current Pension Funding and Accounting For Private Sector Pension Plans*, July 2004, at https://www.actuary.org/pdf/pension/fundamentals_0704.pdf.

⁴⁰ Because benefits in composite plans are not guaranteed, some might suggest that a composite plan's investment strategy (e.g., the amounts and types of plan investments) should be more conservative than in a traditional DB pension plan. For example, composite plans could invest less in equities (like company stock) and more in debt instruments (such as U.S. Treasury and corporate bonds). However, the tradeoff for a more conservative investment policy would be lower promised benefits. More conservative investments such as bonds generally have lower investment returns than riskier investments such as company stock. However, riskier investments are also more likely have negative investment returns than conservative investments. For a discussion in the context of Canadian target benefit plans, see Aon Hewitt, *Investments for the Target Benefit Plan*, 2015, at https://www.aon.com/canada/products-services/human-capital-consulting/consulting/target_benefit_plans/faq_print.html.

⁴¹ The GROW Act does not indicate what these measures would be.

- accrued benefits for participants who are not yet receiving benefits from the plan; and
- non-core benefits to participants who are receiving benefits from the plan.⁴²

If the above measures were to fail to enable the plan to achieve 120% PFR, then the plan could

- further reduce future benefit accruals; and
- reduce core benefits to participants who are receiving benefits from the plan, provided the reductions are implemented equitably with respect to the factors listed in MPRA that allowed benefit reductions.⁴³

The realignment program could specify that the benefit reduction would take effect only if the bargaining parties failed to agree to contribution increases. There is no requirement that the realignment program include contribution increases.

There would be no limitation on benefit reductions.⁴⁴

Limitation on Increasing Benefits

The GROW Act contains provisions that would generally prohibit a composite plan from increasing benefits unless the plan was well funded.

A composite plan would not be able to increase benefits unless

- the plan's CFR was at least 110% before taking the benefit increases into account;
- the plan's CFR was at least 100% after taking the benefit increases into account;
- the plan's PFR was at least 120% after taking the benefit increases into account; and
- expected contributions for the current plan year (and assuming the benefit increases were in effect for the entire year) are at least 120% of normal cost for the year. If the plan's CFR and PFR were less than 140% after taking the benefit increases into account, the present value of plan liabilities could not increase by more than 3%.⁴⁵

If a plan had reduced core benefits as part of a realignment program, it could (1) only increase future benefit payments⁴⁶ and (2) provide for equitable distribution of benefit increases, taking into account the benefits that had been previously reduced.

⁴² Non-core benefits could include early retirement benefits, post-retirement Cost of Living Adjustments (COLAs), and benefits adopted by the plan less than 60 months before the realignment program were to take effect.

⁴³ Core benefits are benefits received at normal retirement age (typically aged 65) and payable as a life annuity. The factors listed in MPRA include the age and life expectancy of participants; the length of time an individual has been receiving benefits from the plan; and the years to retirement for participants who are currently working.

⁴⁴ In contrast, the following limitations apply to benefit reductions in multiemployer DB plans that receive approval from the U.S. Treasury to reduce benefits under MPRA: (1) individuals cannot have their benefits cut below 110% of the PBGC maximum guarantee, and (2) disabled individuals and retirees aged 80 or older may not have their benefits reduced. Individuals between the ages of 75 and 80 may not receive the maximum benefit reduction.

⁴⁵ These provisions would not apply if not allowing the benefit increases (1) were to jeopardize the tax qualification of the plan or (2) were to cause employer contributions to the plan to cease to be tax-deductible for employers in the plan.

⁴⁶ This would appear to preclude making up previously reduced benefits.

Composite Plan Restrictions to Preserve Legacy Plan Funding

The GROW Act allows existing multiemployer DB plans to adopt composite plans provided the plan is not in critical status or expects to be in critical status in the next five years. The existing DB plan would become a *legacy* plan, which would still be required to pay participants' benefits that had been earned in the plan.

A legacy plan would be a multiemployer DB plan that had participants who (1) ceased to earn new benefits in the DB plan and (2) were eligible to earn benefits in a composite plan. A legacy plan would be covered by PBGC and pay PBGC premiums.

If an employer were to cease to have an obligation to a multiemployer DB plan (via a withdrawal from the DB plan), then that firm's employees would not be able to earn benefits in the related composite plan for five years after the withdrawal.

Composite plans would have to satisfy "transition contribution requirements" to ensure contributions would continue to the legacy plan.

The *transition contribution rate* would be the rate that would (1) fund the DB plan's normal cost for the plan year, (2) amortize the plan's initial unfunded liabilities over 25 years,⁴⁷ and (3) amortize subsequent unfunded liabilities over 15 years. The transition contribution rate in any given year could not be lower than the transition contribution rate in the first year.

If the status of the legacy plan were to become endangered or critical, then the transition contribution rate would be the greater of (1) the legacy contribution rate or (2) the rate determined under the funding improvement or rehabilitation plan (but not greater than 75% of the combined contribution rates to the legacy and composite plans).

The above restrictions on composite plans would cease to apply if the legacy plan (1) were fully funded in the current year, (2) had been fully funded in at least three of the previous five years, and (3) were projected to be fully funded in the following four years. The determination of fully funded would be in accordance with the determination of plan liabilities calculated as if all the employers had decided to leave the plan (referred to as a *mass withdrawal*).⁴⁸

Mergers and Asset Transfers of Composite Plans

Composite plans would be able to merge. The resulting plan would also have to be a composite plan. A participant's accrued benefit could not be lowered as a result of the merger. Employers would continue to make contributions to legacy plans if composite plans merge.

PBGC Coverage and Withdrawal Liability

Composite plans would not be covered by PBGC insurance, nor would plan sponsors pay PBGC premiums on the composite plan portion of their multiemployer plans.

Employers in composite plans would not be subject to any withdrawal liability.

⁴⁷ Amortization means that plans can spread out the effect of these events over a specified number of years. Currently, unfunded liabilities in multiemployer DB plans may be amortized over 15 years. This provision allows employers to contribute less to their plans in a given year than they otherwise would. Allowing a longer amortization period is sometimes called a *fresh start*.

⁴⁸ Withdrawal liability on a mass withdrawal basis is typically larger than on an ordinary basis. Among the reasons is that the discount rates used to calculate the value of plan liabilities are lower on a mass withdrawal basis.

In certain circumstances, employers in legacy plans would not have any withdrawal liability. A legacy plan would have no withdrawal liability if the plan (1) were fully funded for three of the previous five years, (2) had no unfunded vested benefits for at least three of the previous five years, and (3) were projected to be fully funded and to have no unfunded vested benefits for the next four years.⁴⁹

Concerns Raised by the GROW Act

If the GROW Act were to be enacted, the following are some possible concerns that some have raised.

Adjustable Benefit Plans Currently Exist

One of the main features of the composite plans proposal is that participants' benefits could be adjusted based on the performance of investments in the plan. This would relieve employers in the plan from the obligation to increase contributions in response to investment losses. This feature is already available to an extent in a type of DB plan called an *adjustable benefit plan* or *variable defined benefit plan*.⁵⁰ In this type of plan, participants are guaranteed (1) a minimum (also called a floor) benefit that is calculated using conservative assumptions⁵¹ plus (2) a variable benefit that can increase or decrease based on performance of the investments in the plan. A participant's benefit cannot be changed once payments begin in retirement.

The adjustable benefit plan differs from the composite plan proposal in several aspects: the plan would be responsible if there were insufficient assets from which to pay the floor benefits (as might occur if there were large investment losses); benefits would be insured by PBGC; the plan would continue to pay PBGC premiums; and employers would still be subject to withdrawal liability. Several plans have considered adopting adjustable benefit plans.⁵²

Potential Consequences for Legacy and Composite Plan Funding

Funding for existing multiemployer plans that adopt a composite plan as a component would be lower under the provisions of the GROW Act. This is because a plan could amortize existing underfunding over 25 years (an increase from 15 years under current law). All else being equal, each year's contribution to a legacy plan would be lower than under current law.

⁴⁹ It appears that the elimination of withdrawal liability would be permanent. For example, if a legacy plan that was able to eliminate withdrawal liability subsequently had unfunded vested benefits (such as would occur if the value of plan investments declined), then employers would be able to withdrawal from the legacy plan without having to pay for their share of unfunded benefits.

⁵⁰ The *Solutions Not Bailouts* plan presented by NCCMP (available at http://webiva-downton.s3.amazonaws.com/71/59/b/39/1/Solutions_Not_Bailouts.pdf) included a discussion of adjustable benefit plans in their section on "Innovation: New Structures to Foster Innovative Plan Designs." More information on adjustable benefit plans is available at <https://www.cheiron.us/cheironHome/content/solutions/app/understanding-APP>.

⁵¹ For example, the plan could use a low discount rate to estimate the present value of future benefit obligations and have a relatively conservative investment strategy.

⁵² See, for example, Mark Olleman, Ladd Preppernau, and Kelly Coffing, *Variable Annuities: A Retirement Plan Design with Less Contribution Volatility*, January 2013, at <https://www.soa.org/news-and-publications/newsletters/pension-section-news/2013/january/table-of-contents/variable-annuities-a-retirement-plan-design-with-less-contribution-volatility/>; Hazel Bradford, "Some unions turning to variable benefit pension plan model," *Pensions & Investments*, December 24, 2018, at <https://www.pionline.com/article/20181224/PRINT/18122944/some-unions-turning-to-variable-benefit-pension-plan-model>; and Cherion, *Ensure Stable Contributions and Retirement Security With Adjustable Pension Plans*, at <https://cheiron.us/cheironHome/content/solutions/pension/app>.

For composite plans that are adopted as a component of an existing multiemployer plan, contributions would be allocated to the legacy plan based on the legacy plan's transition contribution rate. In addition, if a legacy plan were to enter critical or endangered status, required contributions to the legacy plan would likely increase. If this were to occur, the composite plan could not receive less than 25% of the combined contribution to the legacy and the composite plan. This requirement could lead to a worsening of the legacy plan's funded status if required contributions in the legacy plan were more than 75% of the combined contributions to the legacy and composite plan.

Withdrawal Liability in Legacy Plans

Under the composite plan proposal, the amount that employers would have to pay in withdrawal liability to the legacy plan would likely decrease and could be permanently eliminated from a plan.

Under the composite plan proposal, an employer's withdrawal liability payments to a legacy DB plan would likely decrease, even though there might not be any change in the total amount of an employer's withdrawal liability. One of the components in the calculation of withdrawal liability payments is the average of contributions in the 10 years prior to an employer's withdrawal.⁵³ In a multiemployer DB plan in which participants are earning benefits, employers' contributions go toward (1) new benefits earned by participants and (2) an amortized portion of unfunded benefits. However, employer contributions to a legacy plan would only go toward an amortized portion of unfunded benefits, which would be lower as a result of the 25-year amortization of unfunded liabilities. The GROW Act would exclude contributions to a composite plan from the calculations of withdrawal liability payments.

Investment Policy in Composite Plans

A pension plan's investment policy determines the percentage of the plan's assets that are invested among several investment options, such as equities (stocks and bonds), fixed income (bonds), real estate, and alternative assets (such as private equity). The investment policy is made by the trustees of the plan or an investment policy committee and is a fiduciary duty, which means that decisions must be in the interest of plan participants.⁵⁴

In traditional DB plans, the employers who make the contributions to the plan bear the investment risk because their contributions would increase to make up for investment losses. In composite plans, participants would bear most of the investment risk because their benefits could decrease in response to investment losses.⁵⁵ It is possible that the asset allocation appropriate for a composite plan could differ from the asset allocation for a DB plan.⁵⁶ Because participants' benefits are generally at greater risk in composite plans, the appropriate investment allocation for a composite plan might be more conservative compared with DB plans.⁵⁷ The GROW Act does not contain provisions regarding investment allocations in composite plans.

⁵³ See 29 U.S.C. §1399(c).

⁵⁴ See 29 U.S.C. §1104(a).

⁵⁵ Employers could also bear some investment risk. One item in the realignment program calls for *proposed* contribution increases. Contribution increases are not mandatory.

⁵⁶ See, for example, the discussion in Society of Actuaries, *Analysis of Target Benefit Plan Design Options*, February 2016, at <https://www.soa.org/globalassets/assets/Files/Research/research-2016-analysis-tbp-plan-design.pdf>.

⁵⁷ The asset allocations among DB pension plans in the United States with 1,000 or more participants in 2013 were

Realignment Program Concerns

Some have suggested that the realignment program that would be adopted if funding levels in a composite plan were to fall to below 120% of plan liabilities could be made clearer.⁵⁸ For example, the GROW Act (1) indicates that a realignment program *may* include certain measures to be undertaken (such as proposed employer contribution increases or a reduction in benefit accruals) and (2) contains three “tiers” of measures as part of the realignment program. However, the GROW Act indicates that the measures in a given tier *may*—but does not require that they—be included in a realignment program. This potentially leaves plan trustees discretion about the adoption of the specific measures of a realignment program and participants uncertain about how their benefits would be affected by funding shortfalls.

Additionally, the PFR, which is the funding ratio used to determine whether a realignment program needs to be implemented, can include assumed contribution rate increases of up to 2.5% per year. Although contribution rate increases can assumed for the PFR, there is no requirement that they be implemented.

Proposal Does Not Address Existing Multiemployer Plans Facing Insolvency

The GROW Act does not contain any provisions to assist multiemployer plans in critical or critical and declining status, and plans in critical status are not permitted to adopt composite plans.⁵⁹ The GROW Act is not intended to address existing multiemployer plans financial difficulties—as noted earlier, it is meant to be one part of several proposals to address multiemployer plan issues. PBGC has indicated that the multiemployer insurance program is likely to become insolvent by 2025, as a result of several very large multiemployer plans in critical and declining status becoming insolvent.⁶⁰

Possible Adoption of Composite Plans

Existing multiemployer plans would not be required to adopt composite plans. However, some of the features of composite plans (such as fixed contributions, the absence of withdrawal liability, and no PBGC premiums) could be attractive, from an employer’s point of view, and some employers in multiemployer DB plans may desire that their plan sponsors adopt composite plans.

In addition, the composite plan proposal is limited to the sponsors of multiemployer pension plans. It is also possible that the sponsors of existing single-employer DB pension plans could seek approval to adopt the composite plan model.⁶¹ However, employers that sponsor single-

50.6% stock, 33.7% investment-grade debt, 3% high-yield debt, 9.8% in alternative investments, 27.% in real estate, and 0.2% in cash. See Constantijn W.A. Panis and Michael J. Brien, *Asset Allocations of Defined Benefit Plans*, U.S. Department of Labor, November 15, 2015, at <https://www.dol.gov/sites/dolgov/files/EBSA/researchers/analysis/retirement/asset-allocation-of-defined-benefit-pension-plans.pdf>.

⁵⁸ See, for example, a comment letter from the Bipartisan Policy Center on the discussion draft available at <https://bipartisanpolicy.org/wp-content/uploads/2019/03/BPC-Comments-Multiemployer-Pension-Modernization-Act.pdf>.

⁵⁹ Plans in critical or in critical and declining status would not be able to adopt composite plans.

⁶⁰ See Pension Benefit Guaranty Corporation, “PBGC Reports—Multiemployer Program Needs Substantial Premium Increases; Single-Employer Program Likely to Eliminate Deficit by 2025,” press release, June 25, 2016, at <http://www.pbgc.gov/news/press/releases/pr16-09.html>.

⁶¹ Although target benefits pensions in Canada are generally multiemployer plans, the providence of New Brunswick,

employer DB pension plans face few obstacles to freezing or terminating their DB pension plan and adopting DC plans.

Stakeholder Considerations

Stakeholders such as policymakers, Members of Congress, employers and unions that participate in multiemployer plans, and groups representing retirees have identified a number of benefits and drawbacks in the proposal for composite plans. Among other issues, these include benefits for employers, risks for participants, possible effects on PBGC, and funding for legacy and composite plans. The policy considerations for some of these stakeholders are summarized in Table 2.

Table 2. Multiemployer Composite Plans Proposal: Selected Stakeholder Considerations

Stakeholder	Considerations
Employers	Employers would contribute fixed amounts to the plans. Employer contributions would not necessarily increase in response to underfunding. Employers would not pay withdrawal liability if they leave a composite plan. Employers would not pay insurance premiums to PBGC.
Participants	Participants would receive monthly benefit payments for life through a defined formula, though the benefit amount may decline. Participants' benefits could decrease if the projected value of a plan's assets were less than 120% of the value of the plan's liabilities. Participants' benefits could increase if the projected value of a plan's assets were more than 120% of the value of the plan's liabilities. Participants' benefits would not be insured by PBGC. Participants' benefits in legacy plans could be at risk if the funding of legacy plans were weakened because of the requirement that at least 25% of contributions be allocated to the composite plan.
Pension Benefit Guaranty Corporation (PBGC)	PBGC would not insure benefits in composite plans. PBGC insurance revenue from legacy plans would likely decrease if the number of participants in legacy plans were to decrease. PBGC claims could increase if the funding of legacy plans were weakened.

Source: Congressional Research Service.

Considerations for Employers

Employer concerns with existing multiemployer plans include (1) uncertainty over future contribution increases and (2) withdrawal liability. These concerns may cause employers in multiemployer DB plans to consider leaving their DB plans and establishing DC plans. In

has authorized a *shared-risk* pension, which has some features that are similar to the composite plan proposal. The shared-risk pension can be adopted as a single-employer pension plan. See Alicia H. Munnell and Steven A. Sass, *New Brunswick's New Shared Risk Pension Plan*, Center for Retirement Research at Boston College, July 2013, at <http://crr.bc.edu/briefs/new-brunswicks-new-shared-risk-pension-plan/>.

addition, these concerns make it difficult for existing multiemployer DB plans to attract new employers to the plan.⁶² The composite plan proposal addresses these concerns.

Certainty of Contributions

An employer's future contributions to a DB pension plan may unexpectedly increase as a result of investment losses or other decreases in a pension plan's funding ratio.⁶³ The composite plan proposal does not include mandatory employer contribution increases in the event of decreases to a plan's funding ratio. Employer contributions could remain fixed, which could be an attractive feature to prospective employers that might consider joining the plan. Investment losses and other changes that negatively affect a plan's funding ratio would be addressed by the realignment program which includes proposed but not mandatory contribution increases and mandatory benefit decreases.

Absence of Withdrawal Liability

Concerns about withdrawal liability might be a factor that deters employers from joining an existing multiemployer DB plan. When a plan has insufficient assets from which to pay 100% of promised benefits, employers that leave the plan are assessed an amount equal to their share of unfunded benefits. Withdrawal liability raises several concerns among employers: (1) the amount of the withdrawal liability can sometimes be very large, which might place a burden on the employers in the plan; and (2) the disclosure of withdrawal liability might prompt concerns among lenders and other creditors to a company, even for companies that have no intention of withdrawing from a plan.⁶⁴

Employers would likely find the absence of withdrawal liability an attractive feature of composite plans.

Pension Benefit Guaranty Corporation Premiums

Plan sponsors that adopt composite plans would not pay per participant annual premiums to PBGC.

Considerations for Participants

In a composite plan, participants would (1) receive their benefit for the remainder of their lives (or spouses' lifetime, if married) and would not be subject to the longevity risk associated with DC plans, (2) be exposed to investment risk if the value of plan assets decreases, and (3) be exposed to other risks that might increase the value of plan liabilities.

⁶² See Testimony of Randy G. DeFrehn in U.S. Congress, House Committee on Education and the Workforce, Subcommittee on Health, Employment, Labor, and Pensions, *Discussion Draft to Modernize the Multiemployer Pensions*, September 22, 2016, at <https://www.govinfo.gov/content/pkg/CHRG-114hhrg21539/html/CHRG-114hhrg21539.htm>.

⁶³ For example, if the mortality assumptions a plan uses changes (for example, if plan participants live longer than had been expected), then the plan's future benefit obligations would increase as a result of an increase in expected benefit payments to participants. This would cause the value of plan liabilities to increase.

⁶⁴ See, for example, James P. McElligott Jr., Taylor W. French, and Robert M. Cipolla, "Sun Capital Decision Threatens Lenders with Controlled Group Liability," *The Banking Law Journal*, June 2014, pp. 483-491.

Lifetime Income for Participants

One of the concerns with DC plans is that participants could spend all of their assets in retirement and thus not have their DC account as a source of income for the later part of their retirement.⁶⁵ A June 2019 survey indicated that about 41% of nonretired Americans were concerned with outliving their retirement savings.⁶⁶ Although participants in DC plans have options to purchase annuities (either in their plan, if that is an option, or separately from an insurance company), a June 2016 survey by TIAA (a large provider of annuities) found that only about 14% of individuals had purchased an annuity.⁶⁷ Subject to adjustment as part of a realignment program, the composite plan proposal would provide monthly income in retirement for the life of the participant (and spouse, if married).

Pension Benefit Guaranty Corporation Insurance

Participants' benefits in composite plans would not be insured by PBGC. If the plan were to become insolvent and unable to pay benefits, PBGC would *not* provide financial assistance and participants would not receive their benefits.

Participants Benefits and Decreases in Plan Funding

Risks such as investment losses and changes to the assumptions used to value plan liabilities could negatively affect the value of plan liabilities, which would cause a plan's funding ratio to decrease, which in turn could lead to lower benefits for participants. The benefit reductions could be substantial, depending on the extent of the investment losses.

Investment Risk

In most DB plans, the plan sponsors must increase their contributions to make up for investment and other losses that cause the plan's funding ratio to fall below 100%. In DC plans, plan participants bear investment losses through smaller account balances. Participants in DC plans could increase their contributions if their contributions are below the annual contribution limit, which in 2020 is \$19,500 per year (\$26,000 if 50 years of age or older).⁶⁸ In composite plans, investment losses would be made up by a combination of proposed contribution increases and decreases in promised benefits. Unlike DB plans, there is no obligation for plan sponsors to increase contributions in the event of investment losses, and unlike DC plans, plan participants would be unable to make contributions to composite plans.

⁶⁵ See, for example, James M. Poterba, Steven F. Venti, and David A. Wise, *The Drawdown of Personal Retirement Assets*, National Bureau of Economic Research (NBER), Working Paper no. 16675, January 2011, at <http://www.dartmouth.edu/~bventi/Papers/w16675.pdf>.

⁶⁶ See Megan Brenan, *More Nonretired Americans Expect Comfortable Retirement*, Gallup, June 18, 2019, at <https://news.gallup.com/poll/258320/nonretired-americans-expect-comfortable-retirement.aspx>.

⁶⁷ See TIAA, *TIAA 2016 Lifetime Income Survey: Executive Summary*, September 16, 2016, at https://www.tiaa.org/public/pdf/C33638_Lifetime_Income_ExecSummary.pdf.

⁶⁸ See Internal Revenue Service, IR-2019-179, "401(k) contribution limit increases to \$19,500 for 2020; catch-up limit rises to \$6,500," News Release IR-2019-179, November 6, 2019, at <https://www.irs.gov/newsroom/401k-contribution-limit-increases-to-19500-for-2020-catch-up-limit-rises-to-6500>.

Other Risks

A plan's liabilities would increase (and its funding ratio would decrease) under the following circumstances: (1) if plan participants were to live longer and mortality tables were revised to reflect an increase in life expectancy, then a plan's funding ratio would decrease; (2) if there were changes to the actuarial assumptions used by the plan,⁶⁹ or (3) employers were to withdraw from the legacy plan. For example, if the discount rate that plans use to calculate the present value of future benefit obligations were to decrease, then the value of future benefit obligations would increase. A composite plan might have to address these, or similar, changes to the value of plan liabilities with the realignment program, which could include voluntary contribution increases and potentially mandatory benefit reductions.

Effect on Pension Benefit Guaranty Corporation

Because composite plans would not be covered by PBGC insurance, the plans would not pay premiums to PBGC. PBGC would not have any liability for benefits in a composite plan. In addition, it is possible that a legacy plan projected to become insolvent could become insolvent sooner because of the requirement that a composite plan would receive at least 25% of the combined contributions to the composite and legacy plans. This could leave PBGC with a larger liability for the insolvent legacy plan than would be the case if the plan were to receive its full contribution.

If the composite plan proposal were enacted, over time, PBGC would likely see its premium revenue decline. Although legacy plans would still be required to pay premiums to PBGC, PBGC's premium base would shrink. Over time, the number of participants in legacy plans would decline because (1) plan participants would die and (2) no new participants would receive benefits in the legacy plan. Lower premium revenue would leave PBGC with fewer resources from which to provide financial assistance to multiemployer plans.

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⁶⁹ Changes to a plan's actuarial assumptions could also decrease the value of plan liabilities.

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