

(Pub. L. 93-406, title IV, §4008, Sept. 2, 1974, 88 Stat. 1014; Pub. L. 109-280, title IV, §412, Aug. 17, 2006, 120 Stat. 936.)

AMENDMENTS

2006—Pub. L. 109-280 designated existing provisions as subsec. (a) and added subsec. (b).

**§ 1309. Portability assistance**

The corporation shall provide advice and assistance to individuals with respect to evaluating the economic desirability of establishing individual retirement accounts or other forms of individual retirement savings for which a deduction is allowable under section 219 of title 26 and with respect to evaluating the desirability, in particular cases, of transferring amounts representing an employee's interest in a qualified plan to such an account upon the employee's separation from service with an employer.

(Pub. L. 93-406, title IV, §4009, Sept. 2, 1974, 88 Stat. 1014; Pub. L. 101-239, title VII, §7891(a)(1), Dec. 19, 1989, 103 Stat. 2445.)

AMENDMENTS

1989—Pub. L. 101-239 substituted "Internal Revenue Code of 1986" for "Internal Revenue Code of 1954", which for purposes of codification was translated as "title 26" thus requiring no change in text.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-239 effective, except as otherwise provided, as if included in the provision of the Tax Reform Act of 1986, Pub. L. 99-514, to which such amendment relates, see section 7891(f) of Pub. L. 101-239, set out as a note under section 1002 of this title.

**§ 1310. Authority to require certain information**

**(a) Information required**

Each person described in subsection (b) of this section shall provide the corporation annually, on or before a date specified by the corporation in regulations, with—

(1) such records, documents, or other information that the corporation specifies in regulations as necessary to determine the liabilities and assets of plans covered by this subchapter; and

(2) copies of such person's audited (or, if unavailable, unaudited) financial statements, and such other financial information as the corporation may prescribe in regulations.

**(b) Persons required to provide information**

The persons covered by subsection (a) of this section are each contributing sponsor, and each member of a contributing sponsor's controlled group, of a single-employer plan covered by this subchapter, if—

(1) the funding target attainment percentage (as defined in subsection (d)) at the end of the preceding plan year of a plan maintained by the contributing sponsor or any member of its controlled group is less than 80 percent;

(2) the conditions for imposition of a lien described in section 1083(k)(1)(A) and (B) of this title or section 430(k)(1)(A) and (B) of title 26 have been met with respect to any plan maintained by the contributing sponsor or any member of its controlled group; or

(3) minimum funding waivers in excess of \$1,000,000 have been granted with respect to

any plan maintained by the contributing sponsor or any member of its controlled group, and any portion thereof is still outstanding.

**(c) Information exempt from disclosure requirements**

Any information or documentary material submitted to the corporation pursuant to this section shall be exempt from disclosure under section 552 of title 5, and no such information or documentary material may be made public, except as may be relevant to any administrative or judicial action or proceeding. Nothing in this section is intended to prevent disclosure to either body of Congress or to any duly authorized committee or subcommittee of the Congress.

**(d) Additional information required**

**(1) In general**

The information submitted to the corporation under subsection (a) shall include—

(A) the amount of benefit liabilities under the plan determined using the assumptions used by the corporation in determining liabilities;

(B) the funding target of the plan determined as if the plan has been in at-risk status for at least 5 plan years; and

(C) the funding target attainment percentage of the plan.

**(2) Definitions**

For purposes of this subsection:

**(A) Funding target**

The term "funding target" has the meaning provided under section 1083(d)(1) of this title.

**(B) Funding target attainment percentage**

The term "funding target attainment percentage" has the meaning provided under section 1083(d)(2) of this title.

**(C) At-risk status**

The term "at-risk status" has the meaning provided in section 1083(i)(4) of this title.

**(e) Notice to Congress**

The corporation shall, on an annual basis, submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate and the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives, a summary report in the aggregate of the information submitted to the corporation under this section.

(Pub. L. 93-406, title IV, §4010, as added Pub. L. 103-465, title VII, §772(a), Dec. 8, 1994, 108 Stat. 5044; amended Pub. L. 109-280, title I, §108(b)(3), formerly §107(b)(3), title V, §505(a), (b), Aug. 17, 2006, 120 Stat. 819, 946, renumbered Pub. L. 111-192, title II, §202(a), June 25, 2010, 124 Stat. 1297; Pub. L. 110-458, title I, §105(d), Dec. 23, 2008, 122 Stat. 5105.)

AMENDMENTS

2008—Subsec. (d)(2)(B). Pub. L. 110-458 substituted "section 1083(d)(2)" for "section 1082(d)(2)".

2006—Subsec. (b)(1). Pub. L. 109-280, §505(a), added par. (1) and struck out former par. (1) which read as follows: "the aggregate unfunded vested benefits at the