



Pension Benefit Guaranty Corporation  
1200 K Street, N.W., Washington, D.C. 20005-4028

BY FAX (202) 226-4864 AND REGULAR MAIL

AUG 26 2002

The Honorable George Miller  
Senior Democratic Member  
Committee on Education and the Workforce  
2181 Rayburn House Office Building  
Washington, D.C. 20515-6100

Dear Congressman Miller:

I write in response to the request in your July 23, 2003, letter to Steven A. Kandarian, Executive Director of the Pension Benefit Guaranty Corporation, for copies of the most recent filings under section 4010 of the Employee Retirement Income Security Act of 1974 (ERISA).<sup>1</sup> The PBGC is preparing a separate response to your question concerning the potential effects on the PBGC and plan funding levels of proposed replacements for the 30-Year Treasury rate.

As I explained in my March 6, 2003, letter to you, the PBGC is required to maintain the confidentiality of the detailed financial and actuarial information submitted by plan sponsors under ERISA § 4010.<sup>2</sup> However, PBGC is authorized to disclose the information to "Congress or to any duly authorized committee or subcommittee of the Congress."<sup>3</sup>

Before PBGC can release the information you requested, I need written confirmation from you that your request was made on behalf of a committee or subcommittee and that you have the authority to make such a request. I also ask your assurance that the committee or subcommittee has, or will establish, rules or procedures for handling and storing this sensitive information to ensure its confidentiality.

As an alternative, Chairman Boehner and Chairman Johnson of the Subcommittee on Employer-Employee Relations requested the General Accounting Office ("GAO") to undertake a

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<sup>1</sup> 29 U.S.C. § 1310 (2000).

<sup>2</sup> ERISA § 4010(c); 29 U.S.C. § 1310(c).

<sup>3</sup> *Id.*

