

**Justification for Non-material or Non-substantive Change to Currently Approved Collection**

**AGENCY:** Employee Benefits Security Administration (EBSA)

**TITLE:** State Unclaimed Property, Field Assistance Bulletin No. XXXX

**STATUS:** OMB Control Number: 1210-0039 Exp. Date: 09/30/2026

The Department of Labor (Department) is submitting the addition of a new statement to the Summary Plan Description (SPD) as a non-material/non-substantive change request. OMB Control Number 1210-0039 is scheduled to expire on September 30, 2026. The Department is not making any other changes to the SPD.

The Department is issuing Field Assistance Bulletin (FAB) No. 2025-1 which provides guidance on a temporary enforcement policy under the Employee Retirement Income Security Act of 1974, as amended (ERISA), applicable to small retirement benefit payments owed to missing participants or beneficiaries that a responsible plan fiduciary voluntarily decides to pay over to a state unclaimed property fund from an ongoing defined contribution or defined benefit pension plan. Pending further guidance, the Department will not pursue violations under ERISA section 404(a) in connection with the voluntary decision to transfer retirement benefit payments (including uncashed checks) owed to a missing participant or beneficiary from an ongoing pension benefit plan to a state unclaimed property fund, provided the present value of the participant's or beneficiary's nonforfeitable accrued benefit is \$1,000 or less and the plan fiduciary complies with the applicable conditions set forth in the FAB. One condition is that plans must include a statement in the SPD, which explains that the retirement benefit payments of missing participants or beneficiaries may be transferred to an eligible state fund and identifies the name, address, and phone number of a plan contact for further information concerning the eligible state funds to which the retirement benefit payments are transferred.

The information collection already anticipates plans periodically making changes to the plan design and includes burden for plans making changes to update the SPD or prepare a summary of material modification and distribute the notice to plan participants.