

set in Section 502 (c)(10)(D)(iii)(II) of ERISA is adjusted to \$549,095, for penalties assessed after August 1, 2016, and before the effective date of the next adjustment for inflation made by the Secretary in accordance with the Inflation Adjustment Act and § 2575.3.

(k) The civil monetary penalty of up to \$100 established by section 502(c)(12) of ERISA remains at \$100 for penalties assessed after August 1, 2016, and before the effective date of the next adjustment for inflation made by the Secretary in accordance with the Inflation Adjustment Act and § 2575.3.

(l) The maximum civil monetary penalty of \$10,000 established by section 502(m) of ERISA is adjusted to \$15,909 for penalties assessed after August 1, 2016, and before the effective date of the next adjustment for inflation made by the Secretary in accordance with the Inflation Adjustment Act and § 2575.3.

(m) The civil monetary penalty of not more than \$1,000, established by Public Health Services Act section 2715(f) and incorporated into ERISA by section 715 of ERISA, is adjusted to \$1,087 for penalties assessed after August 1, 2016, and before the effective date of the next adjustment for inflation made by the Secretary in accordance with the Inflation Adjustment Act and § 2575.3.

[81 FR 43454, July 1, 2016]

§ 2575.3 Subsequent adjustments to civil monetary penalties.

No later than January 15, starting in 2017, and each subsequent year, the Secretary shall adjust for inflation, as required by the Inflation Adjustment Act, the civil monetary penalties described in § 2575.2 for violations occurring on or after November 2, 2015, and any future civil monetary penalties enforceable by the Secretary under title I of ERISA. The Secretary shall publish such annual adjustments in the FEDERAL REGISTER notwithstanding section 553 of the Administrative Procedure Act. Future penalties or adjustments to the amount of the penalty that are enacted by statute or regulation (other than an adjustment for inflation under the Inflation Adjustment Act) will not be adjusted for inflation in the first year those penalty levels

take effect. Annual inflation adjustments shall apply to penalties assessed after the date notice of the annual inflation adjustment is published in the FEDERAL REGISTER.

[82 FR 5383, Jan. 18, 2017]

§ 2575.502c-1 Adjusted civil penalty under section 502(c)(1).

In accordance with the requirements of the 1990 Act, as amended, the maximum amount of the civil monetary penalty established by section 502(c)(1) of the Employee Retirement Income Security Act of 1974, as amended (ERISA), is hereby increased from \$100 a day to \$110 a day. This adjusted penalty applies only to violations occurring after July 29, 1997.

§ 2575.502c-3 Adjusted civil penalty under section 502(c)(3).

In accordance with the requirements of the 1990 Act, as amended, the maximum amount of the civil monetary penalty established by section 502(c)(3) of the Employee Retirement Income Security Act of 1974, as amended (ERISA), is hereby increased from \$100 a day to \$110 a day. This adjusted penalty applies only to violations occurring after July 29, 1997.

Subparts B–D [Reserved]

PART 2578—RULES AND REGULATIONS FOR ABANDONED PLANS

Sec.

2578.1 Termination of abandoned individual account plans.

APPENDIX A TO PART 2578—MODEL NOTICE OF INTENT TO TERMINATE ABANDONED PLAN

APPENDIX B TO PART 2578—MODEL NOTICE OF PLAN ABANDONMENT AND INTENT TO SERVE AS QUALIFIED TERMINATION ADMINISTRATOR (FOR PLANS FOUND ABANDONED PURSUANT TO 29 CFR 2578.1(B))

APPENDIX C TO PART 2578—MODEL NOTICE OF INTENT TO SERVE AS QUALIFIED TERMINATION ADMINISTRATOR (FOR PLANS DEEMED ABANDONED PURSUANT TO 29 CFR 2578.1(J)(2))

APPENDIX D TO PART 2578—MODEL NOTICE OF PLAN TERMINATION

APPENDIX E TO PART 2578—MODEL ABANDONED PLANS FINAL NOTICE

AUTHORITY: 29 U.S.C. 1135; 1104(a); 1103(d)(1).

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SOURCE: 71 FR 20837, Apr. 21, 2006, unless otherwise noted.

§ 2578.1 Termination of abandoned individual account plans.

(a) General. The purpose of this part is to establish standards for the termination and winding up of an individual account plan (as defined in section 3(34) of the Employee Retirement Income Security Act of 1974 (ERISA or the Act)) with respect to the situations described in (a)(1) or (2) of this section.

(1) A qualified termination administrator has determined there is no responsible plan sponsor or plan administrator within the meaning of section 3(16)(B) and (A) of the Act, respectively, to perform such acts.

(2) An order for relief under chapter 7 of title 11 of the United States Code (the United States Bankruptcy Code) has been entered with respect to the plan sponsor.

(b) Finding of abandonment. (1) A qualified termination administrator (as defined in paragraph (g) of this section) may find an individual account plan to be abandoned when:

(i) Either: (A) No contributions to, or distributions from, the plan have been made for a period of at least 12 consecutive months immediately preceding the date on which the determination is being made; or

(B) Other facts and circumstances (such as communications from participants and beneficiaries regarding distributions) known to the qualified termination administrator suggest that the plan is or may become abandoned by the plan sponsor; and

(ii) Following reasonable efforts to locate or communicate with the plan sponsor, the qualified termination administrator determines that the plan sponsor:

- (A) No longer exists;
(B) Cannot be located; or
(C) Is unable to maintain the plan.

(2) Notwithstanding paragraph (b)(1) of this section, a qualified termination administrator may not find a plan to be abandoned if, at any time before the plan is deemed terminated pursuant to paragraph (c) of this section, the qualified termination administrator receives an objection from the plan sponsor regarding the finding of abandonment and proposed termination.

(3) A qualified termination administrator shall, for purposes of paragraph (b)(1)(ii) of this section, be deemed to have made a reasonable effort to locate or communicate with the plan sponsor if the qualified termination administrator sends to the last known address of the plan sponsor, and, in the case of a plan sponsor that is a corporation, to the address of the person designated as the corporation's agent for service of legal process, by a method of delivery requiring acknowledgement of receipt, the notice described in paragraph (b)(5) of this section.

(4) If receipt of the notice described in paragraph (b)(5) of this section is not acknowledged pursuant to paragraph (b)(3) of this section, the qualified termination administrator shall be deemed to have made a reasonable effort to locate or communicate with the plan sponsor if the qualified termination administrator contacts known service providers (other than itself) of the plan and requests the current address of the plan sponsor from such service providers and, if such information is provided, the qualified termination administrator sends to each such address, by a method of delivery requiring acknowledgement of receipt, the notice described in paragraph (b)(5) of this section.

(5) The notice referred to in paragraph (b)(3) of this section shall contain the following information:

- (i) The name and address of the qualified termination administrator;
(ii) The name of the plan;
(iii) The account number or other identifying information relating to the plan;
(iv) A statement that the plan may be terminated and benefits distributed pursuant to 29 CFR 2578.1 if the plan sponsor fails to contact the qualified termination administrator within 30 days;
(v) The name, address, and telephone number of the person, office, or department that the plan sponsor must contact regarding the plan;
(vi) A statement that if the plan is terminated pursuant to 29 CFR 2578.1, notice of such termination will be furnished to the U.S. Department of Labor's Employee Benefits Security Administration;

(vii) The following statement: “The U.S. Department of Labor requires that you be informed that, as a fiduciary or plan administrator or both, you may be personally liable for costs, civil penalties, excise taxes, etc. as a result of your acts or omissions with respect to this plan. The termination of this plan will not relieve you of your liability for any such costs, penalties, taxes, etc.”; and

(viii) A statement that the plan sponsor may contact the U.S. Department of Labor for more information about the federal law governing the termination and winding-up process for abandoned plans and the telephone number of the appropriate Employee Benefits Security Administration contact person.

(c) *Deemed termination.* (1) Except as provided in paragraph (c)(2) of this section, if a qualified termination administrator finds (pursuant to paragraph (b)(1) of this section) that an individual account plan has been abandoned, or if a plan is considered abandoned due to the entry of an order for relief under chapter 7 of the United States Bankruptcy Code (pursuant to paragraph (j)(2) of this section), the plan shall be deemed to be terminated on the ninetyeth (90th) day following the date of the letter from the Employee Benefits Security Administration acknowledging receipt of the notice described in paragraph (c)(3) or (j)(6) of this section.

(2) If, prior to the end of the 90-day period described in paragraph (c)(1) of this section, the Department notifies the qualified termination administrator that it—

(i) Objects to the termination of the plan, the plan shall not be deemed terminated under paragraph (c)(1) of this section until the qualified termination administrator is notified that the Department has withdrawn its objection; or

(ii) Waives the 90-day period described in paragraph (c)(1), the plan shall be deemed terminated upon the qualified termination administrator’s receipt of such notification.

(3) Following a qualified termination administrator’s finding, pursuant to paragraph (b)(1) of this section, that an individual account plan has been aban-

doned, the qualified termination administrator shall furnish to the U.S. Department of Labor in accordance with instructions published by the Department in the Abandoned Plans section of the Employee Benefits Security Administration’s website a notice of plan abandonment and intent to serve as qualified termination administrator that is signed and dated by the qualified termination administrator and that includes the following information:

(i) *Qualified termination administrator information.* (A) The name, EIN, address, and telephone number of the person electing to be the qualified termination administrator, including the address, email address, and telephone number of the person signing the notice (or other contact person, if different from the person signing the notice);

(B) A statement that the person (identified in paragraph (c)(3)(i)(A) of this section) is a qualified termination administrator within the meaning of paragraph (g) of this section and elects to terminate and wind up the plan (identified in paragraph (c)(3)(ii)(A) of this section) in accordance with the provisions of this section;

(ii) *Plan information.* (A) The name, address, telephone number, account number, EIN of the plan sponsor (if known), and plan number used on the Form 5500 Annual Return/Report filed for the plan with respect to which the person is electing to serve as the qualified termination administrator;

(B) The name and last known address and telephone number of the plan sponsor; and

(C) The estimated number of participants and beneficiaries with accounts in the plan;

(iii) *Findings.* A statement that the person electing to be the qualified termination administrator finds that the plan (identified in paragraph (c)(3)(ii)(A) of this section) is abandoned pursuant to paragraph (b) of this section. This statement shall include an explanation of the basis for such a finding, specifically referring to the provisions in paragraph (b)(1) of this section, a description of the specific steps (set forth in paragraphs (b)(3) and (b)(4) of this section) taken to locate or

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communicate with the known plan sponsor, and a statement that no objection has been received from the plan sponsor;

(iv) *Plan asset information.* (A) The estimated value of the plan's assets held by the person electing to be the qualified termination administrator;

(B) The length of time plan assets have been held by the person electing to be the qualified termination administrator, if such period of time is less than 12 months;

(C) An identification of any assets with respect to which there is no readily ascertainable fair market value, as well as information, if any, concerning the value of such assets; and

(D) An identification of delinquent contributions described in paragraph (d)(2)(iii) of this section;

(v) *Service provider information.* (A) The name, address, and telephone number of known service providers (e.g., record keeper, accountant, lawyer, other asset custodian(s)) to the plan; and

(B) An identification of any services considered necessary to carry out the qualified termination administrator's authority and responsibility under this section, the name of the service provider(s) that is expected to provide such services, and an itemized estimate of expenses attendant thereto expected to be paid out of plan assets by the qualified termination administrator; and

(vi) *Perjury statement.* A statement that the information being provided in the notice is true and complete based on the knowledge of the person electing to be the qualified termination administrator, and that the information is being provided by the qualified termination administrator under penalty of perjury.

(d) *Winding up the affairs of the plan.*

(1) In any case where an individual account plan is deemed to be terminated pursuant to paragraph (c) of this section, the qualified termination administrator shall take steps as may be necessary or appropriate to wind up the affairs of the plan and distribute benefits to the plan's participants and beneficiaries.

(2) For purposes of paragraph (d)(1) of this section, except as provided pursu-

ant to paragraph (j)(7) of this section (relating to Chapter 7 ERISA Plans), the qualified termination administrator shall:

(i) *Update plan records.* (A) Undertake reasonable and diligent efforts to locate and update plan records necessary to determine the benefits payable under the terms of the plan to each participant and beneficiary.

(B) For purposes of paragraph (d)(2)(i)(A) of this section, a qualified termination administrator shall not have failed to make reasonable and diligent efforts to update plan records because the administrator determines in good faith that updating the records is either impossible or involves significant cost to the plan in relation to the total assets of the plan.

(ii) *Calculate benefits.* Use reasonable care in calculating the benefits payable to each participant or beneficiary based on plan records described in paragraph (d)(2)(i) of this section. A qualified termination administrator shall not have failed to use reasonable care in calculating benefits payable solely because the qualified termination administrator—

(A) Treats as forfeited an account balance that, taking into account estimated forfeitures and other assets allocable to the account, is less than the estimated share of plan expenses allocable to that account, and reallocates that account balance to defray plan expenses or to other plan accounts in accordance with paragraph (d)(2)(ii)(B) of this section;

(B) Allocates expenses and unallocated assets in accordance with the plan document, or, if the plan document is not available, is ambiguous, or if compliance with the plan is unfeasible,

(1) Allocates unallocated assets (including forfeitures and assets in a suspense account) to participant accounts on a per capita basis (allocated equally to all accounts); and

(2) Allocates expenses on a pro rata basis (proportionately in the ratio that each individual account balance bears to the total of all individual account balances) or on a per capita basis (allocated equally to all accounts).

(iii) *Report delinquent contributions.* (A) Notify the Department of any

known contributions (either employer or employee) owed to the plan in conjunction with the filing of the notification required in paragraphs (c)(3) or (d)(2)(ix) of this section.

(B) Except as provided in paragraph (j)(7)(i) of this section, nothing in paragraph (d)(2)(iii)(A) of this section or any other provision of the Act shall be construed to impose an obligation on the qualified termination administrator to collect delinquent contributions on behalf of the plan, provided that the qualified termination administrator satisfies the requirements of paragraph (d)(2)(iii)(A) of this section.

(iv) *Engage service providers.* Engage, on behalf of the plan, such service providers as are necessary for the qualified termination administrator to wind up the affairs of the plan and distribute benefits to the plan's participants and beneficiaries in accordance with paragraph (d)(1) of this section.

(v) *Pay reasonable expenses.* (A) Pay, from plan assets, the reasonable expenses of carrying out the qualified termination administrator's authority and responsibility under this section.

(B) Expenses of plan administration shall be considered reasonable solely for purposes of paragraph (d)(2)(v)(A) of this section if:

(1) Such expenses are for services necessary to wind up the affairs of the plan and distribute benefits to the plan's participants and beneficiaries,

(2) Such expenses:

(i) Are consistent with industry rates for such or similar services, based on the experience of the qualified termination administrator; and

(ii) Are not in excess of rates ordinarily charged by the qualified termination administrator (or affiliate) for the same or similar services provided to customers that are not plans terminated pursuant to this section, if the qualified termination administrator (or affiliate) provides the same or similar services to such other customers, and

(3) The payment of such expenses would not constitute a prohibited transaction under the Act or is exempted from such prohibited transaction provisions pursuant to section 408(a) of the Act.

(vi) *Notify participants.* (A) Furnish to each participant or beneficiary of the plan a notice written in a manner calculated to be understood by the average plan participant and containing the following:

(1) The name of the plan;

(2) A statement that the plan has been determined to be abandoned by the plan sponsor, or in the case of a Chapter 7 ERISA Plan (described in paragraph (j)(2) of this section) a statement that the plan sponsor is in liquidation under chapter 7 of the United States Bankruptcy Code, and, therefore, has been terminated pursuant to regulations issued by the U.S. Department of Labor;

(3)(i) A statement of the participant's or beneficiary's account balance and the date on which it was calculated by the qualified termination administrator, and

(ii) The following statement: "The actual amount of your distribution may be more or less than the amount stated in this letter depending on investment gains or losses and the administrative cost of terminating your plan and distributing your benefits.";

(4) A description of the distribution options available under the plan and a request that the participant or beneficiary elect a form of distribution and inform the qualified termination administrator (or designee) of that election;

(5) A statement explaining that, if a participant or beneficiary fails to make an election within 30 days from receipt of the notice, the qualified termination administrator will distribute the account balance of the participant or beneficiary directly:

(i) To an individual retirement plan (*i.e.*, individual retirement account or annuity),

(ii) To an inherited individual retirement plan described in §2550.404a-3(d)(1)(ii) of this chapter (in the case of a distribution on behalf of a distributee other than a participant or spouse),

(iii) In any case where the amount to be distributed meets the conditions in §2550.404a-3(d)(1)(iii) or (iv) of this chapter, to an interest-bearing federally insured bank account, the unclaimed property fund of the State of

the last known address of the participant or beneficiary, or an individual retirement plan (described in § 2550.404a-3(d)(1)(i) or (d)(1)(ii) of this chapter) or

(iv) To an annuity provider in any case where the qualified termination administrator determines that the survivor annuity requirements in sections 401(a)(11) and 417 of the Internal Revenue Code (or section 205 of ERISA) prevent a distribution under paragraph (d)(2)(vii)(B)(I) of this section;

(6) In the case of a distribution to an individual retirement plan (described in § 2550.404a-3(d)(1)(i) or (d)(1)(ii) of this chapter) a statement explaining that the account balance will be invested in an investment product designed to preserve principal and provide a reasonable rate of return and liquidity;

(7) A statement of the fees, if any, that will be paid from the participant's or beneficiary's individual retirement plan (described in § 2550.404a-3(d)(1)(i) or (d)(1)(ii) of this chapter) or other account (described in § 2550.404a-3(d)(1)(iii)(A) of this chapter), if such information is known at the time of the furnishing of this notice;

(8) The name, address and phone number of the provider of the individual retirement plan (described in § 2550.404a-3(d)(1)(i) or (d)(1)(ii) of this chapter), qualified survivor annuity, or other account (described in § 2550.404a-3(d)(1)(iii)(A) of this chapter), if such information is known at the time of the furnishing of this notice; and

(9) The name, address, and telephone number of the qualified termination administrator and, if different, the name, address and phone number of a contact person (or entity) for additional information concerning the termination and distribution of benefits under this section.

(B)(I) For purposes of paragraph (d)(2)(vi)(A) of this section, a notice shall be furnished to each participant or beneficiary in accordance with the requirements of § 2520.104b-1(b)(1) of this chapter to the last known address of the participant or beneficiary; and

(2) In the case of a notice that is returned to the qualified termination administrator as undeliverable, the qualified termination administrator shall, consistent with the duties of a fidu-

ciary under section 404(a)(1) of the Act, take steps to locate and provide notice to the participant or beneficiary prior to making a distribution pursuant to paragraph (d)(2)(vii) of this section. If, after such steps, the qualified termination administrator is unsuccessful in locating and furnishing notice to a participant or beneficiary, the participant or beneficiary shall be deemed to have been furnished the notice and to have failed to make an election within the 30-day period described in paragraph (d)(2)(vii) of this section.

(vii) *Distribute benefits.* (A) Distribute benefits in accordance with the form of distribution elected by each participant or beneficiary with spousal consent, if required.

(B) If the participant or beneficiary fails to make an election within 30 days from the date the notice described in paragraph (d)(2)(vi) of this section is furnished, distribute benefits—

(1) In accordance with § 2550.404a-3 of this chapter; or

(2) If a qualified termination administrator determines that the survivor annuity requirements in sections 401(a)(11) and 417 of the Internal Revenue Code (or section 205 of ERISA) prevent a distribution under paragraph (d)(2)(vii)(B)(I) of this section, in any manner reasonably determined to achieve compliance with those requirements.

(C) For purposes of distributions pursuant to paragraph (d)(2)(vii)(B) of this section, the qualified termination administrator may designate itself (or an affiliate) as the transferee of such proceeds, and invest such proceeds in a product in which it (or an affiliate) has an interest, only if such designation and investment is exempted from the prohibited transaction provisions under the Act pursuant to section 408(a) of the Act.

(viii) *Special Terminal Report for Abandoned Plans.* File the Special Terminal Report for Abandoned Plans in accordance with § 2520.103-13 of this chapter.

(ix) *Final Notice.* No later than two months after the end of the month in which the qualified termination administrator satisfies the requirements in paragraph (d)(2)(i) through (vii) of this

section, furnish to the U.S. Department of Labor in accordance with instructions published by the Department in the Abandoned Plans section of the Employee Benefits Security Administration's website, a notice, signed and dated by the qualified termination administrator, containing the following information:

(A) The name, EIN, address, email address, and telephone number of the qualified termination administrator, including the address, email address, and telephone number of the person signing the notice (or other contact person, if different from the person signing the notice), and if applicable with respect to a Chapter 7 ERISA Plan (as described in paragraph (j)(2) of this section), the name, address (including email address), and telephone number of the bankruptcy trustee if the bankruptcy trustee is not the qualified termination administrator;

(B) The name, account number, EIN, and plan number used on the Form 5500 Annual Return/Report filed for the plan with respect to which the person served as the qualified termination administrator;

(C) A statement that the plan has been terminated and all the plan's assets have been distributed to the plan's participants and beneficiaries on the basis of the best available information;

(D) A statement that plan expenses were paid out of plan assets by the qualified termination administrator in accordance with the requirements of paragraph (d)(2)(v) or (j)(7)(iv) of this section;

(E) If fees and expenses paid by the plan exceed by 20 percent or more the estimate required by paragraph (c)(3)(v)(B) or (j)(6)(vi)(B) of this section, a statement that actual fees and expenses exceeded estimated fees and expenses and the reasons for such additional costs;

(F) An identification of delinquent contributions described in paragraph (d)(2)(iii) of this section, or if applicable with respect to a Chapter 7 ERISA Plan (as described in paragraph (j)(2) of this section), an identification of delinquent contributions and evidence of other fiduciary breaches described in paragraph (j)(7)(ii) of this section (if

not already reported under paragraphs (c)(3) or (j)(6) of this section);

(G) For each distribution in accordance with § 2550.404a-3(d)(1)(v) of this chapter (relating to distributions on behalf of deceased participants and beneficiaries), a summary of the pertinent findings as required by § 2550.404a-3(d)(1)(v)(C) of this chapter; and

(H) A statement that the information being provided in the notice is true and complete based on the knowledge of the qualified termination administrator, and that the information is being provided by the qualified termination administrator under penalty of perjury.

(3) The terms of the plan shall, for purposes of title I of ERISA, be deemed amended to the extent necessary to allow the qualified termination administrator to wind up the plan in accordance with this section.

(e) *Limited liability.* (1)(i) Except as otherwise provided in paragraph (e)(1)(ii) and (iii) of this section, to the extent that the activities enumerated in paragraphs (d)(2) and (j)(7) of this section involve the exercise of discretionary authority or control that would make the qualified termination administrator a fiduciary within the meaning of section 3(21) of the Act, the qualified termination administrator shall be deemed to satisfy its responsibilities under section 404(a) of the Act with respect to such activities, provided that the qualified termination administrator complies with the requirements of paragraph (d)(2) and (j)(7) of this section as applicable.

(ii) A qualified termination administrator shall be responsible for the selection and monitoring of any service provider (other than monitoring a provider selected pursuant to paragraph (d)(2)(vii)(B) of this section) determined by the qualified termination administrator to be necessary to the winding up of the affairs of the plan, as well as ensuring the reasonableness of the compensation paid for such services. If a qualified termination administrator selects and monitors a service provider in accordance with the requirements of section 404(a)(1) of the Act, the qualified termination administrator shall not be liable for the acts or omissions of the service provider with

respect to which the qualified termination administrator does not have knowledge.

(iii) For purposes of a distribution pursuant to paragraph (d)(2)(vii)(B)(2) of this section, a qualified termination administrator shall be responsible for the selection of an annuity provider in accordance with section 404 of the Act.

(2) Nothing herein shall be construed to impose an obligation on the qualified termination administrator to conduct an inquiry or review to determine whether or what breaches of fiduciary responsibility may have occurred with respect to a plan prior to becoming the qualified termination administrator for such plan.

(3) If assets of an abandoned plan are held by a person other than the qualified termination administrator, such person shall not be treated as in violation of section 404(a) of the Act solely on the basis that the person cooperated with and followed the directions of the qualified termination administrator in carrying out its responsibilities under this section with respect to such plan, provided that, in advance of any transfer or disposition of any assets at the direction of the qualified termination administrator, such person confirms with the Department of Labor that the person representing to be the qualified termination administrator with respect to the plan is the qualified termination administrator recognized by the Department of Labor.

(4) If the qualified termination administrator is an eligible designee described in § 2578.1(j)(4) of this chapter, designated by a bankruptcy trustee described in § 2578.1(j)(3) of this chapter, both the bankruptcy trustee and the eligible designee shall be treated as the qualified termination administrator for purposes of paragraphs (e)(1)(i), (e)(2) and (f) of this section. Nothing in this paragraph (e)(4) shall serve to relieve the bankruptcy trustee from its obligations under or limit its liability for a failure to comply with paragraph (j)(5).

(f) *Continued liability.* Nothing in this section shall serve to relieve or limit the liability of any person other than the qualified termination administrator due to a violation of ERISA.

(g) *Qualified termination administrator.* A termination administrator is qualified under this section only if:

(1) It is eligible to serve as a trustee or issuer of an individual retirement plan, within the meaning of section 7701(a)(37) of the Internal Revenue Code, and

(2) It holds assets of the plan that is found abandoned pursuant to paragraph (b) of this section.

(h) *Affiliate.* (1) The term affiliate means any person directly or indirectly controlling, controlled by, or under common control with, the person; or any officer, director, partner or employee of the person.

(2) For purposes of paragraph (h)(1) of this section, the term control means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(i) *Model notices.* Appendices to this part contain model notices that are intended to assist qualified termination administrators in discharging the notification requirements under this section. Their use is not mandatory. However, the use of appropriately completed model notices will be deemed to satisfy the requirements of paragraphs (b)(5), (c)(3), (d)(2)(vi), (d)(2)(ix), and (j)(6) of this section.

(j) *Special rules for Chapter 7 ERISA Plans—(1) In general.* This paragraph (j) contains special rules for individual account plans of sponsors in liquidation under chapter 7 of the United States Bankruptcy Code (Chapter 7 ERISA Plans). These special rules modify, augment, or supersede otherwise applicable provisions in paragraphs (a) through (i) of this section.

(2) *Deemed abandonment.* If the sponsor of an individual account plan is in liquidation under chapter 7 of the United States Bankruptcy Code, the requirements of paragraph (b) do not apply, and the Chapter 7 ERISA Plan shall be considered abandoned upon the entry of an order for relief, except that the plan shall cease to be considered abandoned if at any time before the plan is deemed terminated pursuant to paragraph (c) of this section, the plan sponsor's chapter 7 liquidation proceeding is dismissed or converted to a

proceeding under a different chapter of the United States Bankruptcy Code.

(3) *Qualified termination administrator.* For a plan deemed abandoned under paragraph (j)(2) of this section, the definition of “qualified termination administrator” in paragraph (g) of this section does not apply and only the bankruptcy trustee in the case, or an eligible designee (as defined in paragraph (j)(4) of this section), may be the qualified termination administrator.

(4) *Eligible designee.* The term “eligible designee” means—

(i) any person or entity who accepts in writing a designation by the bankruptcy trustee and who meets the requirements in paragraph (g) of this section; or

(ii) an “ independent bankruptcy trustee practitioner.” An independent bankruptcy trustee practitioner is a person other than the bankruptcy trustee of the plan sponsor’s case, who has served within the previous five years as a bankruptcy trustee in a case under chapter 7 of the Bankruptcy Code, who accepts in writing a designation by the bankruptcy trustee and who acknowledges in writing to the bankruptcy trustee that they are a fiduciary with respect to the plan.

(5) *Rules and conditions with respect to designating an eligible designee.*

(i) The term “de minimis” in paragraph (j)(7)(i) of this section means:

(A) Any amount that is equal to or less than \$2,000; or

(B) Any amount greater than \$2,000 if the property from which to collect delinquent contributions is a realizable value that is equal to or less than \$2,000 net of all enforceable liens and applicable exemptions.

(ii) Prior to designating an eligible designee, a bankruptcy trustee must make reasonable and diligent efforts to determine whether the plan is owed any contributions (employer and employee) and the amount thereof. If the amount of contributions owed to the plan is more than a de minimis amount (as defined under paragraph (j)(5) of this section), the bankruptcy trustee shall designate an eligible designee (as defined in paragraph (j)(4) of this section) to be the qualified termination administrator for all purposes under this section.

(iii) The bankruptcy trustee shall at the time of the designation notify the eligible designee of its findings on the amount of delinquent contributions (employer and employee).

(iv) The bankruptcy trustee shall provide an eligible designee with reasonable access to any records under the control of the bankruptcy trustee that the eligible designee reasonably determines are necessary to enable the eligible designee to carry out its responsibilities under paragraph (j)(7) of this section.

(v) The bankruptcy trustee shall be responsible for the selection and monitoring of the eligible designee in accordance with section 404(a)(1)(A) and (B) of the Act.

(6) *Notice of intent to serve as qualified termination administrator.* In lieu of the content requirements in paragraph (c)(3) of this section, the qualified termination administrator shall furnish to the U.S. Department of Labor a notice of intent to serve as qualified termination administrator that is signed and dated by the qualified termination administrator and that includes the following information:

(i) *Qualified termination administrator information.* The name, address (including email address), and telephone number of the bankruptcy trustee and, if applicable, the name, EIN, address (including email address), and telephone number of any eligible designee acting as the qualified termination administrator;

(ii) *Plan information.* (A) The name, address, telephone number, account number, EIN of the plan sponsor (if known), and plan number used on the Form 5500 Annual Return/Report filed for the plan with respect to which the person is serving as the qualified termination administrator,

(B) The name and last known address and telephone number of the plan sponsor, and

(C) The estimated number of participants and beneficiaries with accounts in the plan;

(iii) *Chapter 7 information.* A statement that, pursuant to paragraph (j)(2) of this section, the plan is considered to be abandoned due to an entry of an order for relief under chapter 7 of the U.S. Bankruptcy Code, and a copy of

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the order or document entered in the case reflecting the bankruptcy trustee's appointment or authority to administer the plan sponsor's case;

(iv) *Fiduciary breaches.* Any information the qualified termination administrator believes may be evidence of other fiduciary breaches described in paragraph (j)(7)(ii) of this section.

(v) *Plan asset information.* (A) The estimated value of the plan's assets as of the date of the entry of an order for relief,

(B) The name, EIN, address (including email address) and telephone number of the entity that is holding these assets, and the length of time plan assets have been held by such entity, if the period of time is less than 12 months,

(C) An identification of any assets with respect to which there is no readily ascertainable fair market value, as well as information, if any, concerning the value of such assets, and

(D) An identification of delinquent contributions described in paragraph (j)(7)(i) of this section;

(vi) *Service provider information.* (A) The name, address, and telephone number of known service providers (e.g., record keeper, accountant, lawyer, other asset custodian(s)) to the plan, and

(B) An identification of any services considered necessary to carry out the qualified termination administrator's authority and responsibility under this section, the name of the service provider(s) that is expected to provide such services, and an itemized estimate of expenses attendant thereto expected to be paid out of plan assets by the qualified termination administrator; and

(vii) *Perjury statement.* A statement that the information being provided in the notice is true and complete based on the knowledge of the person electing to be the qualified termination administrator, and that the information is being provided by the qualified termination administrator under penalty of perjury.

(7) *Winding up the affairs of the plan.* The qualified termination administrator shall comply with paragraph (d) of this section except as follows:

(i) *Delinquent contributions.* Except for qualified termination administrators of plans that are owed no more than a de minimis amount of contributions (employer and employee), the qualified termination administrator of a plan described in paragraph (j)(2) of this section shall, consistent with the duties of a fiduciary under section 404(a)(1) of the Act, take reasonable steps to collect delinquent contributions on behalf of the plan, taking into account the value of the plan assets involved, the likelihood of a successful recovery, and the expenses expected to be incurred in connection with collection.

(ii) *Report fiduciary breaches.* The qualified termination administrator must report delinquent contributions (employer and employee) owed to the plan, and any activity that the qualified termination administrator believes may be evidence of other fiduciary breaches that involve plan assets by a prior plan fiduciary. This information must be reported to the Employee Benefits Security Administration in conjunction with the filing of the notification required in paragraph (j)(6) (notice of intent to serve as qualified termination administrator) or (d)(2)(ix) (final notice) of this section. If, after the eligible designee completes the winding up of the plan, the bankruptcy trustee, in administering the debtor's estate, discovers additional information not already reported in the notification required in paragraphs (j)(6) or (d)(2)(ix) of this section that it believes may be evidence of fiduciary breaches that involve plan assets by a prior plan fiduciary, the bankruptcy trustee shall report such activity to the Employee Benefits Security Administration in a time and manner specified in instructions developed by the Office of Enforcement, Employee Benefits Security Administration, U.S. Department of Labor.

(iii) *Distributions.* Paragraph (d)(2)(vii)(C) of this section (relating to the ability of a qualified termination administrator to designate itself as the transferee of distribution proceeds in accordance with § 2550.404a-3) is not applicable in the case of a qualified termination administrator that is the

bankruptcy trustee or an eligible designee defined under paragraph (j)(4)(ii) of this section.

(iv) *Pay reasonable expenses.* (A) If the qualified termination administrator is the bankruptcy trustee in the case, or an eligible designee as defined in paragraph (j)(4)(ii) of this section, then in lieu of the requirements in paragraph (d)(2)(v)(B)(2) of this section, such expenses are consistent with industry rates for such or similar services ordinarily charged by qualified termination administrators defined in paragraph (g) of this section.

(B) Notwithstanding paragraph (j)(7)(iv)(A) of this section, in lieu of the requirements in paragraph (d)(2)(v)(B)(2) of this section, expenses incurred to comply with paragraph (j)(7)(i) of this section (pertaining to collecting delinquent contributions) are consistent with industry rates for such or similar services ordinarily approved by bankruptcy courts for persons representing or assisting a bankruptcy trustee in performing collection duties in chapter 7 matters.

(8) *Rule of accountability.* The bankruptcy trustee or eligible designee shall not, for themselves or the other, through waiver or otherwise, seek a release from liability under ERISA, or assert a defense of derived judicial immunity (or similar defense) in any action brought against the bankruptcy trustee or eligible designee arising out of its conduct under this regulation.

[89 FR 43659, May 17, 2024]

APPENDIX A TO PART 2578—MODEL NOTICE OF INTENT TO TERMINATE ABANDONED PLAN

NOTICE OF INTENT TO TERMINATE PLAN

[Date of notice]

[Name of plan sponsor]

[Last known address of plan sponsor]

Re: [Name of plan and account number or other identifying information]

Dear [Name of plan sponsor]:

This letter is a notice of intent to terminate the above referenced plan and distribute benefits in accordance with the U.S. Department of Labor's Abandoned Plan Program. We will initiate the termination process under the Abandoned Plan Program unless you contact us within 30 days of your receipt of this notice. See 29 CFR 2578.1.

Our basis for taking this action is that our records reflect that there have been no contributions to, or distributions from, the plan within the past 12 months. {If the basis for sending this notice is under 29 CFR 2578.1(b)(1)(i)(B), complete and include the sentence below rather than the sentence above.} Our basis for taking this action is {provide a description of the facts and circumstances indicating plan abandonment}.

We are sending this notice to you because our records show that you are the sponsor of the subject plan. The U.S. Department of Labor requires that you be informed that, as a fiduciary or plan administrator or both, you may be personally liable for all costs, civil penalties, excise taxes, etc. as a result of your acts or omissions with respect to this plan. The termination of this plan by us will not relieve you of your liability for any such costs, penalties, taxes, etc. Federal law also requires us to notify the U.S. Department of Labor, Employee Benefits Security Administration, of the termination. For information about the federal law governing the termination of abandoned plans, you may contact the U.S. Department of Labor at 1.866.444.EBSA (3272) or <https://www.dol.gov/agencies/ebsa/about-ebsa/ask-a-question/ask-ebsa>.

Please contact [name, address, and telephone number of the person, office, or department that the sponsor must contact regarding the plan] within 30 days in order to prevent this action.

Sincerely,

[Name and address of qualified termination administrator or appropriate designee]

[89 FR 43665, May 17, 2024]

APPENDIX B TO PART 2578—MODEL NOTICE OF PLAN ABANDONMENT AND INTENT TO SERVE AS QUALIFIED TERMINATION ADMINISTRATOR (FOR PLANS FOUND ABANDONED PURSUANT TO 29 CFR 2578.1(B))

NOTIFICATION OF PLAN ABANDONMENT AND INTENT TO SERVE AS QUALIFIED TERMINATION ADMINISTRATOR

[Date of notice]

Abandoned Plan Coordinator, Office of Enforcement
Employee Benefits Security Administration
U.S. Department of Labor
200 Constitution Ave., NW, Suite 600
Washington, DC, 20210

Re: Plan Identification Qualified Termination Administrator
[Plan name, EIN and plan number from] [Name]
Plan's Form 5500 [Address]
[Plan account number] [E-mail address]
[Address] [Telephone number]
[Telephone number] [EIN]

Abandoned Plan Coordinator:

Pursuant to 29 CFR 2578.1(b), we have determined that the subject plan is or may become abandoned by its sponsor. We are eligible to serve as a Qualified Termination Administrator for purposes of terminating and winding up the plan in accordance with 29 CFR 2578.1, and hereby elect to do so.

We find that {check the appropriate box below and provide additional information as necessary}:

- There have been no contributions to, or distributions from, the plan for a period of at least 12 consecutive months immediately preceding the date of this letter. Our records indicate that the date of the last contribution or distribution was {enter appropriate date}.
The following facts and circumstances suggest that the plan is or may become abandoned by the plan sponsor {add description below}:

Horizontal lines for signature or additional information.

We have also determined that the plan sponsor {check appropriate box below}:

- No longer exists
Cannot be located

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- Is unable to maintain the plan

We have taken the following steps to locate or communicate with the known plan sponsor and have received no objection {provide an explanation below};

Part I – Plan Information

- 1. Estimated number of individuals (participants and beneficiaries) with accounts under the plan as of {insert date}; [number]
2. Plan assets held by Qualified Termination Administrator:
A. Estimated value of assets as of {insert date}; [value]
B. Months we have held plan assets, if less than 12: [number]
C. Hard to value assets {select "yes" or "no" to identify any assets with no readily ascertainable fair market value, and include for those identified assets the best known estimate of their value};
Yes No
(a) Partnership/joint venture interests [value]
(b) Employer real property [value]
(c) Real estate (other than (b)) [value]
(d) Employer securities [value]
(e) Participant loans [value]
(f) Loans (other than (c)) [value]
(g) Tangible personal property [value]
3. Name and last known address and telephone number of plan sponsor:

4. Dollar amount of delinquent employer and employee contributions: {Separately state employee and employer delinquent contributions.}

Part II – Known Service Providers of the Plan

Table with 3 columns: Name, Address, Telephone. Rows 1, 2, 3.

Part III – Services and Related Expenses to be Paid

Services	Service Provider	Estimated Cost
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____

Part IV – Contact Person {enter information only if different from signatory}:

[Name] [Address] [E-mail address] [Telephone number]

Under penalties of perjury, I declare that I have examined this notice and to the best of my knowledge and belief, it is true, correct and complete.

[Signature]
[Title of person signing on behalf the Qualified Termination Administrator] [Address, e-mail address, and telephone number]

[89 FR 43665, May 17, 2024]

APPENDIX C TO PART 2578—MODEL NOTICE OF INTENT TO SERVE AS QUALIFIED TERMINATION ADMINISTRATOR (FOR PLANS DEEMED ABANDONED PURSUANT TO 29 CFR 2578.1(j)(2))

NOTIFICATION OF INTENT TO SERVE AS QUALIFIED TERMINATION ADMINISTRATOR

[Date of notice]

Abandoned Plan Coordinator
Office of Enforcement
Employee Benefits Security Administration
U.S. Department of Labor
200 Constitution Ave., NW, Suite 600
Washington, DC, 20210

Re: Plan Identification Qualified Termination Administrator
[Plan name and plan number] [Name]
[EIN] [Address]
[Plan account number] [E-mail address]
[Address] [Telephone number]
[Telephone number] [EIN]

{If applicable, include and complete the following pursuant to 29 CFR 2578.1(j)(6)(i) unless the same as Qualified Termination Administrator information above}:

Bankruptcy Trustee
[Name]
[Address]
[E-mail address]
[Telephone number]

{Include below the plan sponsor's chapter 7 case number and bankruptcy court jurisdiction from the notice/order entered in the case reflecting the trustee's appointment. This information serves to link the plan with any fiduciary breach information reported by the bankruptcy trustee after the plan has been terminated and wound up.}

Case Number: _____
Bankruptcy Court Jurisdiction: _____

Abandoned Plan Coordinator:

Pursuant to 29 CFR 2578.1(j)(2), the subject plan is considered abandoned because the sponsor of the plan is in liquidation pursuant to a chapter 7 bankruptcy proceeding.

{Insert as applicable: [I have been appointed to administer the plan sponsor's case under chapter 7 of the U.S. Bankruptcy Code, and attached is a copy of the notice or order entered in the case reflecting my appointment. As the bankruptcy trustee administering this case, I am eligible to serve as Qualified Termination Administrator for purposes of terminating and winding up the plan in accordance with 29 CFR 2578.1, and hereby elect to do so.]

or

[A bankruptcy trustee has been appointed to administer the plan sponsor's case under chapter 7 of the U.S. Bankruptcy Code, and attached is a copy of the notice or order entered in the case reflecting the trustee's appointment. { [I] or [We] have been designated by the bankruptcy trustee and { [a m] or [are] eligible to serve as Qualified Termination Administrator for purposes of terminating and winding up the plan in accordance with 29 CFR 2578.1, and hereby elect to do so.}]

Part I – Plan Information

1. Estimated number of individuals (participants and beneficiaries) with accounts under the plan as of [Insert date]: [number]

2. Name, EIN, address and email address of the entity holding plan assets (if the entity is not the QTA):

A. Estimated value of plan assets as of the date of the entry of an order for relief under chapter 7 of the U.S. Bankruptcy Code: [value]

B. Months entity has held plan assets, if less than 12: [number]

C. Hard to value assets {select "yes" or "no" to identify any assets with no readily ascertainable fair market value, and include for those identified assets the best known estimate of their value}:
 Yes No

(a) Partnership/joint venture interests [value]

(b) Employer real property [value]

(c) Real estate (other than (b)) [value]

(d) Employer securities [value]

(e) Participant loans [value]

(f) Loans (other than (e)) [value]

(g) Tangible personal property [value]

3. Name and last known address and telephone number of plan sponsor:

4. Dollar amount of delinquent employer and employee contributions: _____

 {Separately state employee and employer delinquent contributions.}

are described, below:

Part II – Known Service Providers of the Plan

Name	Address	Telephone
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____

Part III – Services and Related Expenses to be Paid

Services	Service Provider	Estimated Cost
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____

Part IV – Contact Person {enter information only if different from signatory}:

[Name]
[Address]
[E-mail address]
[Telephone number]

Under penalties of perjury, I declare that I have examined this notice and to the best of my knowledge and belief, it is true, correct and complete.

[Signature]
[Title of person signing on behalf the Qualified Termination Administrator] [Address, e-mail address, and telephone number]

[89 FR 43665, May 17, 2024]

APPENDIX D TO PART 2578—MODEL
NOTICE OF PLAN TERMINATION
NOTICE OF PLAN TERMINATION

[Date of notice]
[Name and last known address of plan participant or beneficiary]

Re: [Name of plan]
Dear [Name of plan participant or beneficiary]:

{Insert as applicable [We are] or [I am]} writing to inform you that the [name of plan] (Plan) has been terminated pursuant to regulations issued by the U.S. Department of Labor. The Plan was terminated because it was abandoned by [name of the plan sponsor]. {For plans deemed abandoned pursuant to 29 CFR 2578.1(j)(2), replace the immediately preceding sentence with: The Plan was terminated because [name of the plan sponsor] is in chapter 7 bankruptcy and the business is shutting down.}

We have determined that you have an interest in the Plan, either as a plan participant or beneficiary. Your account balance on

[date] is/was [account balance]. We will be distributing this money as permitted under the terms of the Plan and federal regulations. The actual amount of your distribution may be more or less than the amount stated in this letter depending on investment gains or losses and the administrative cost of terminating the Plan and distributing your benefits.

Your distribution options under the Plan are {add a description of the Retirement Plan's distribution options}. It is very important that you elect one of these forms of distribution and inform us of your election. The process for informing us of this election is {enter a description of the election process established by the qualified termination administrator}.

{Select the next paragraph from options 1 through 4, as appropriate.}

{Option 1: If this notice is for a participant or beneficiary, complete and include the following paragraph in cases in which the account balance will be distributed in accordance with the conditions of §2550.404a-3(d)(1)(i) or (ii).}

If you do not make an election within 30 days from your receipt of this notice, your account balance will be transferred directly to an individual retirement plan (inherited individual retirement plan in the case of a nonspouse beneficiary) maintained by *{insert the name, address, and phone number of the provider if known, otherwise insert the following language [a bank or insurance company or other similar financial institution]}*. Pursuant to federal law, money transferred to an individual retirement plan will be invested in an investment product designed to preserve principal and provide a reasonable rate of return and liquidity. *{If fee information is known, include the following sentence: Should your money be transferred into an individual retirement plan, [name of the financial institution] charges the following fees for its services: {add a statement of fees, if any, that will be paid from the participant or beneficiary's individual retirement plan}.}*

{Option 2: If this notice is for a participant or beneficiary whose account balance will be distributed in accordance with the conditions of §2550.404a-3(d)(1)(iii), complete and include the following paragraph.}

If you do not make an election within 30 days from your receipt of this notice, and your account balance is \$1,000 or less, federal law permits us to transfer your balance to *{insert whichever is applicable: "an interest-bearing federally insured bank account;" "an unclaimed property fund of the State of your last known address;" or "an individual retirement plan (inherited individual retirement plan in the case of a nonspouse beneficiary)."} {If the transfer will be to an individual retirement plan, insert the following sentence: Pursuant to federal law, your money would then be invested in an investment product designed to preserve principal and provide a reasonable rate of return and liquidity.} {If known, include the name, address, and telephone number of the financial institution or State fund into which the individual's account balance will be transferred or deposited. If the individual's account balance is to be transferred to a financial institution and fee information is known, include the following sentence: Should your money be transferred into {insert whichever is applicable: "an individual retirement plan" or "bank account," [name of the financial institution] charges the following fees for its services: {add a statement of fees, if any, that will be paid from the individual's account}.}*

{Option 3: If this notice is for a participant or beneficiary whose account balance meets the

conditions of §2550.404a-3(d)(1)(iv), complete and include the following paragraph.}

If you do not make an election within 30 days from your receipt of this notice, and your account balance is \$1,000 or less, federal law permits us to transfer your balance to an individual retirement plan (inherited individual retirement plan in the case of a nonspouse beneficiary). Pursuant to federal law, your money, if transferred to an individual retirement plan would then be invested in an investment product designed to preserve principal and provide a reasonable rate of return and liquidity. However, if after exercising reasonable and good faith efforts, we cannot find an individual retirement plan provider who will accept your balance, we will transfer the balance to an interest-bearing federally insured bank account or to the unclaimed property fund of the State of your last known address. *{If the bankruptcy trustee or eligible designee knows where it will send the participant's or beneficiary's money, modify the preceding sentence accordingly and include the name, address, and telephone number of the financial institution or State fund into which the individual's account balance will be transferred or deposited. If the individual's account balance is to be transferred to a financial institution and fee information is known, include the following sentence: Should your money be transferred into {insert whichever is applicable: "an individual retirement plan" or "a bank account,"}, [name of the financial institution] charges the following fees for its services: {add a statement of fees, if any, that will be paid from the individual's account}.}*

{Option 4: If this notice is for a participant or participant's spouse who will be distributed an annuity under §2578.1(d)(vii)(B)(2) to meet the survivor annuity requirements in sections 401(a)(11) and 417 of the Internal Revenue Code (or section 205 of ERISA), complete and include the following paragraph.}

If you do not make an election within 30 days from your receipt of this notice, your account balance will be distributed in the form of a qualified joint and survivor annuity or qualified preretirement annuity as required by the Internal Revenue Code. *{If the name of the annuity provider is known, include the following sentence: The name of the annuity provider is [name, address and phone number of the provider].}*

For more information about the termination, your account balance, or distribution options, please contact *[name, address, and telephone number of the qualified termination administrator and, if different, the name, address, and telephone number of the appropriate contact person]*.

Sincerely,

[Name of qualified termination administrator or appropriate designee]

[Name of plan]

[89 FR 43665, May 17, 2024]

APPENDIX E TO PART 2578—MODEL ABANDONED PLANS FINAL NOTICE

FINAL NOTICE

[Date of notice]

Abandoned Plan Coordinator, Office of Enforcement
Employee Benefits Security Administration
U.S. Department of Labor
200 Constitution Ave., NW, Suite 600
Washington, DC, 20210

Re: Plan Identification [Plan name, EIN and plan number from the plan's Form 5500] [Plan account number]
Qualified Termination Administrator [Name] [Address and e-mail address] [Telephone number] [EIN]

{If applicable, complete and include the following pursuant to 29 CFR 2578.1(j)(6)(i) unless the same as Qualified Termination Administrator information above }:

Bankruptcy Trustee
[Name]
[Address]
[E-mail address]
[Telephone number]

Abandoned Plan Coordinator:

General Information

The termination and winding-up process of the subject plan has been completed pursuant to 29 CFR 2578.1. Benefits were distributed to participants and beneficiaries on the basis of the best available information pursuant to 29 CFR 2578.1(d)(2)(i). Plan expenses were paid out of plan assets pursuant to 29 CFR 2578.1(d)(2)(v) and 29 CFR 2578.1(j)(7)(iv).

{Include and complete the next section, entitled "Contact Person," only if the contact person is different from the signatory of this notice.}

Contact Person

[Name]
[Address and e-mail address]
[Telephone number]

{Include and complete the next section, entitled "Expenses Paid" only if fees and expenses paid by the plan exceeded by 20 percent or more the estimate required by 29 CFR 2578.1(c)(3)(v)(B) or 29 CFR 2578.1(j)(6)(vi)(B).}

Expenses Paid

The actual fees and/or expenses paid in connection with winding up the Plan exceeded by

{insert either: [20 percent or more] or [enter the actual percentage]} the estimate required by 29 CFR 2578.1(c)(3)(v)(B) or 29 CFR 2578.1(j)(6)(vi)(B). The reason or reasons for such additional costs are {provide an explanation of the additional costs}

{Include and complete next section, entitled "Delinquent Contributions," unless 100% of delinquent contributions were previously reported in the notification required by 29 CFR 2578.1 (c) or 2578.1(j)(6.)}

Delinquent Contributions

Dollar amount of employee and employer contributions: _____

{Separately state employee and employer delinquent contributions.}

{Include and complete the next section, entitled "other fiduciary breaches," if Qualified Termination Administrator, is a bankruptcy or an eligible designee, defined in 29 CFR 2578.1(j)(4)(ii), unless previously reported in the notification required by 29 CFR 2578.1(j)(6.)}

Other Fiduciary Breaches

Activities evidencing breaches of fiduciary duty described in 29 CFR 2578.1(j)(7)(ii) are described, below.

{Include and complete the next section, entitled "Distributions on Behalf of Deceased Participants and Beneficiaries," if distributions were made in accordance with 29 CFR 404a-3(d)(v).}

Distributions on Behalf of Deceased Participants and Beneficiaries

We have made distributions permitted by 29 CFR 404a-3(d)(v) and have reasonably and in good faith made the findings required by {Insert whichever is applicable: "29 CFR 404a-3(d)(v)(A) for distributions were made to a person other than the estate of the participant" or "29 CFR 404a-3(d)(v)(B) if distributions were made to the estate of the participant."} The summary of the findings required by 29 CFR 404a-3(d)(v)(C), including the basis for the findings and an attestation that we have the full name and last known address of the deceased participant, is attached.

Under penalties of perjury, I declare that I have examined this notice and to the best of my knowledge and belief, it is true, correct and complete.

[Signature]
[Title of person signing on behalf the Qualified Termination Administrator]
[Address, e-mail address, and telephone number]
Attachment

[89 FR 43665, May 17, 2024]

SUBCHAPTER H [RESERVED]