

vision of the Employee Retirement Income Security Act of 1974, Pub. L. 93-406, to which such amendment relates, see section 7894(i) of Pub. L. 101-239, set out as a note under section 1002 of this title.

#### REGULATIONS

Secretary authorized, effective Sept. 2, 1974, to promulgate regulations wherever provisions of this subchapter call for the promulgation of regulations, see section 1031 of this title.

### § 1029. Forms

#### (a) Information required on forms

Except as provided in subsection (b) of this section, the Secretary may require that any information required under this subchapter to be submitted to him, including but not limited to the information required to be filed by the administrator pursuant to section 1023(b)(3) and (c) of this title, must be submitted on such forms as he may prescribe.

#### (b) Information not required on forms

The financial statement and opinion required to be prepared by an independent qualified public accountant pursuant to section 1023(a)(3)(A) of this title, the actuarial statement required to be prepared by an enrolled actuary pursuant to section 1023(a)(4)(A) of this title and the summary plan description required by section 1022(a) of this title shall not be required to be submitted on forms.

#### (c) Format and content of summary plan description, annual report, etc., required to be furnished to plan participants and beneficiaries

The Secretary may prescribe the format and content of the summary plan description, the summary of the annual report described in section 1024(b)(3) of this title and any other report, statements or documents (other than the bargaining agreement, trust agreement, contract, or other instrument under which the plan is established or operated), which are required to be furnished or made available to plan participants and beneficiaries receiving benefits under the plan.

(Pub. L. 93-406, title I, § 109, Sept. 2, 1974, 88 Stat. 850.)

#### Statutory Notes and Related Subsidiaries

##### REGULATIONS

Secretary authorized, effective Sept. 2, 1974, to promulgate regulations wherever provisions of this subchapter call for the promulgation of regulations, see section 1031 of this title.

### § 1030. Alternative methods of compliance

(a) The Secretary on his own motion or after having received the petition of an administrator may prescribe an alternative method for satisfying any requirement of this part with respect to any pension plan, or class of pension plans (including pension-linked emergency savings account features within a pension plan), subject to such requirement if he determines—

(1) that the use of such alternative method is consistent with the purposes of this subchapter and that it provides adequate disclosure to the participants and beneficiaries in the plan, and adequate reporting to the Secretary,

(2) that the application of such requirement of this part would—

(A) increase the costs to the plan, or

(B) impose unreasonable administrative burdens with respect to the operation of the plan, having regard to the particular characteristics of the plan or the type of plan involved; and

(3) that the application of this part would be adverse to the interests of plan participants in the aggregate.

(b) An alternative method may be prescribed under subsection (a) by regulation or otherwise. If an alternative method is prescribed other than by regulation, the Secretary shall provide notice and an opportunity for interested persons to present their views, and shall publish in the Federal Register the provisions of such alternative method.

(Pub. L. 93-406, title I, § 110, Sept. 2, 1974, 88 Stat. 851; Pub. L. 117-328, div. T, title I, § 127(c)(1), Dec. 29, 2022, 136 Stat. 5324.)

#### Editorial Notes

##### AMENDMENTS

2022—Subsec. (a). Pub. L. 117-328 inserted “(including pension-linked emergency savings account features within a pension plan)” after “class of pension plans” in introductory provisions.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117-328 applicable to plan years beginning after Dec. 31, 2023, see section 127(g) of Pub. L. 117-328, set out as a note under section 72 of Title 26, Internal Revenue Code.

##### REGULATIONS

Secretary authorized, effective Sept. 2, 1974, to promulgate regulations wherever provisions of this subchapter call for the promulgation of regulations, see section 1031 of this title.

### § 1030a. Eliminating unnecessary plan requirements related to unenrolled participants

#### (a) In general

Notwithstanding any other provision of this subchapter, with respect to any individual account plan, no disclosure, notice, or other plan document (other than the notices and documents described in paragraphs (1) and (2)) shall be required to be furnished under this subchapter to any unenrolled participant if the unenrolled participant is furnished—

(1) an annual reminder notice of such participant's eligibility to participate in such plan and any applicable election deadlines under the plan; and

(2) any document requested by such participant that the participant would be entitled to receive notwithstanding this section.

#### (b) Unenrolled participant

For purposes of this section, the term “unenrolled participant” means an employee who—

(1) is eligible to participate in an individual account plan;

(2) has been furnished—

(A) the summary plan description pursuant to section 1024(b) of this title, and

(B) any other notices related to eligibility under the plan required to be furnished under this subchapter, or the Internal Revenue Code of 1986, in connection with such participant's initial eligibility to participate in such plan;

(3) is not participating in such plan; and

(4) satisfies such other criteria as the Secretary of Labor may determine appropriate, as prescribed in guidance issued in consultation with the Secretary of Treasury.

For purposes of this section, any eligibility to participate in the plan following any period for which such employee was not eligible to participate shall be treated as initial eligibility.

**(c) Annual reminder notice**

For purposes of this section, the term "annual reminder notice" means a notice provided in accordance with section 2520.104b-1 of title 29, Code of Federal Regulations (or any successor regulation), which—

(1) is furnished in connection with the annual open season election period with respect to the plan or, if there is no such period, is furnished within a reasonable period prior to the beginning of each plan year;

(2) notifies the unenrolled participant of—

(A) the unenrolled participant's eligibility to participate in the plan; and

(B) the key benefits and rights under the plan, with a focus on employer contributions and vesting provisions; and

(3) provides such information in a prominent manner calculated to be understood by the average participant.

(Pub. L. 93-406, title I, §111, as added Pub. L. 117-328, div. T, title III, §320(a)(1), Dec. 29, 2022, 136 Stat. 5354.)

**Editorial Notes**

REFERENCES IN TEXT

The Internal Revenue Code of 1986, referred to in subsec. (b)(2)(B), is classified generally to Title 26, Internal Revenue Code.

PRIOR PROVISIONS

A prior section 111 of Pub. L. 93-406 was renumbered section 112 and is classified to section 1031 of this title.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE

Section applicable to plan years beginning after Dec. 31, 2022, see section 320(c) of Pub. L. 117-328, set out as an Effective Date of 2022 Amendment note under section 414 of Title 26, Internal Revenue Code.

**§ 1031. Repeal and effective date**

(a)(1) The Welfare and Pension Plans Disclosure Act [29 U.S.C. 301 et seq.] is repealed except that such Act shall continue to apply to any conduct and events which occurred before the effective date of this part.

(2)(A) Section 664 of title 18 is amended by striking out "any such plan subject to the provisions of the Welfare and Pension Plans Disclosure Act" and inserting in lieu thereof "any employee benefit plan subject to any provisions of title I of the Employee Retirement Income Security Act of 1974".

(B)(i) Section 1027 of such title 18 is amended by striking out "Welfare and Pension Plans Disclosure Act" and inserting in lieu thereof "title I of the Employee Retirement Income Security Act of 1974", and by striking out "Act" each place it appears and inserting in lieu thereof "title".

(ii) The heading for such section is amended by striking out "WELFARE AND PENSION PLANS DISCLOSURE ACT" and inserting in lieu thereof "EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974".

(iii) The table of sections of chapter 47 of such title 18 is amended by striking out "Welfare and Pension Plans Disclosure Act" in the item relating to section 1027 and inserting in lieu thereof "Employee Retirement Income Security Act of 1974".

(C) Section 1954 of such title 18 is amended by striking out "any plan subject to the provisions of the Welfare and Pension Plans Disclosure Act as amended" and inserting in lieu thereof "any employee welfare benefit plan or employee pension benefit plan, respectively, subject to any provision of title I of the Employee Retirement Income Security Act of 1974"; and by striking out "sections 3(3) and 5(b)(1) and (2) of the Welfare and Pension Plans Disclosure Act, as amended" and inserting in lieu thereof "sections 3(4) and (3)(16)<sup>1</sup> of the Employee Retirement Income Security Act of 1974".

(D) Section 211 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 441) is amended by striking out "Welfare and Pension Plans Disclosure Act" and inserting in lieu thereof "Employee Retirement Income Security Act of 1974".

(b)(1) Except as provided in paragraph (2), this part (including the amendments and repeals made by subsection (a)) shall take effect on January 1, 1975.

(2) In the case of a plan which has a plan year which begins before January 1, 1975, and ends after December 31, 1974, the Secretary may postpone by regulation the effective date of the repeal of any provision of the Welfare and Pension Plans Disclosure Act (and of any amendment made by subsection (a)(2)) and the effective date of any provision of this part, until the beginning of the first plan year of such plan which begins after January 1, 1975.

(c) The provisions of this subchapter authorizing the Secretary to promulgate regulations shall take effect on September 2, 1974.

(d) Subsections (b) and (c) shall not apply with respect to amendments made to this part in provisions enacted after September 2, 1974.

(Pub. L. 93-406, title I, §112, formerly §111, Sept. 2, 1974, 88 Stat. 851; Pub. L. 101-239, title VII, §7894(h)(1), Dec. 19, 1989, 103 Stat. 2451; renumbered §112, Pub. L. 117-328, div. T, title III, §320(a)(1), Dec. 29, 2022, 136 Stat. 5354.)

<sup>1</sup> So in original. Probably should be "3(16)".