



TREASURY DEPARTMENT
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG, PA 17120

July 15, 2024

STACY GARRITY
TREASURER

Office of Regulations and Interpretations
Employee Benefits Security Administration
Room N-5655
United States Department of Labor
200 Constitution Avenue NW
Washington, D.C. 20210

Attention: Amendments to the Abandoned Plan Program regulations interim final rules,
RIN 1210-AC04

RE: Utilization of State Unclaimed Property Programs to Facilitate the Return of Uncashed Retirement Plan Distributions to Owners

Dear Ladies and Gentlemen:

As Treasurer of the Commonwealth of Pennsylvania, I appreciate the opportunity to provide comments on the Department's request for comment regarding "whether the current Abandoned Plan Program options for distributions to State unclaimed property programs should be expanded."¹ As the official in Pennsylvania responsible for unclaimed property, I strongly believe that state programs are uniquely positioned to address this critical issue and agree with the ERISA Advisory Council's conclusion from nearly five years ago that "state unclaimed property programs have a number of features that may increase the likelihood that Missing Participants will be reunited with their lost retirement savings."²

The Pennsylvania Treasury Department has a proven track record of reuniting individuals with their unclaimed property. In the most recent two fiscal years, Pennsylvania Treasury has successfully returned **over \$500 million** to rightful owners – a record-setting level of return over any two-year period. This reflects our ongoing commitment to utilizing cutting-edge technology, proactive outreach, and robust marketing strategies to locate and return missing funds.

¹ Pg 43648, Federal Register, Vol. 89, No. 97, Friday, May 17, 2024, Rules and Regulations

² ERISA Advisory Council Report – Voluntary Transfers of Uncashed Checks from ERISA Plans to State Unclaimed Property Programs (November 2019) at page 39.

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Nationally, state unclaimed property programs returned a record-breaking \$5 billion to owners in 2023. This success is facilitated by the user-friendly Pennsylvania Treasury Department unclaimed property website, <https://www.patreasury.gov/unclaimed-property/>, and the national search platform, MissingMoney.com. In the last year alone, the national database saw 19 million searches and over one million claims filed directly through the site. In addition, during the last calendar year, the Pennsylvania Treasury Department received over 26 million visits to its unclaimed property website.

Our dedicated team of professionals tirelessly works to locate missing owners, process claims efficiently, and prevent fraud. We continually invest in advanced technology and public awareness campaigns to maximize our reach and ensure that rightful owners are reunited with their assets. Under my administration, the Pennsylvania Treasury Department implemented the first systemwide upgrade to its unclaimed property system in more than 15 years, implemented a fast-track return system for simple claims, introduced the use of direct deposit payments, and added Pennsylvania to the national website MissingMoney.com. In addition to setting record returns of unclaimed property to rightful owners, other initiatives include establishing an outreach program to promote the return of unclaimed property, establishing a dedicated team to return military medals to owners (or their heirs) as well as expediting returns of unclaimed property to active or retired military service members, establishing a dedicated team to return property to local governments, and furthering improvements and upgrades to our software record-keeping system.

In contrast to financial institutions or rollover IRA custodians, there are no issues of account fees potentially outpacing returns. Our program does not charge fees to hold or claim property, and we will honor claims in perpetuity. We also share concerns about the PBGC's record and processes related to operating and promoting a reunification program. We have a proven track record and the specialized tools, resources, and expertise to effectively reunite missing participants with their retirement funds.

Additionally, the States' Unclaimed Retirement Clearing House (SURCH) initiative that our national association - the National Association of State Treasurers - has proposed offers a streamlined, no-cost solution for active retirement plans to transfer uncashed distribution checks to state programs. This centralized reporting entity eliminates the administrative burden on plans and ensures seamless compliance with state requirements.

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We believe these programs should have a much larger role to play in reuniting individuals with missing retirement funds for all plans, abandoned, terminated, or active. By leveraging the proven success and infrastructure of state unclaimed property programs, we can significantly increase the likelihood of reuniting missing participants with their retirement savings.

We urge the Department to expand the Abandoned Plan Program to allow state unclaimed property programs to serve as the primary vehicle for reuniting individuals with their uncashed distribution checks. We also encourage the Department to finalize a rule establishing a safe harbor for the voluntary transfer of uncashed distribution checks from both active and abandoned or terminated plans to state unclaimed property programs.

Thank you for the opportunity to comment on this important matter.

Sincerely,

A handwritten signature in blue ink that reads "Stacy Garrity". The signature is written in a cursive, flowing style with large, connected letters.

Stacy Garrity,
Pennsylvania State Treasurer