AMERICAN BENEFITS COUNCIL

August 28, 2014

Submitted electronically

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Dear Mark, Vicki, and Robert:

On behalf of the American Benefits Council (the "Council"), I am following up on our recent letter to you requesting critically needed guidance regarding the funding stabilization provision contained in the recently enacted "Highway and Transportation Funding Act of 2014" (the "Act").

The Council is a public policy organization representing principally Fortune 500 companies and other organizations that assist employers of all sizes in providing benefits to employees. Collectively, the Council's members either sponsor directly or provide services to retirement and health plans that cover more than 100 million Americans.

We are hearing increasing input that the upcoming deadlines for September 15th contributions for 2013, September 30th AFTAP certifications, and October 15th Schedule

SBs (for calendar year plans) may be very difficult to meet in light of the work required by the Act. These difficulties will escalate until guidance is issued.

This issue is fundamental to the specifics and timing of the Act and the clear Congressional intent that the funding flexibility be fully retroactive to 2013 plan year. It is not anyone's "fault" - not Congress', not Treasury's or the Service's, and not the plan sponsors'. In light of the concern that we are hearing, we urge you to issue the guidance as soon as possible, and to consider what can be done to ease the timing pressures on plan sponsors. The September 15th due date for corporate tax returns constrains flexibility on the due date for contributions for the 2013 plan year in the case of calendar year plans, but other deadlines do not raise such obstacles. We urge you to consider what can be done to relax deadlines that have become unrealistic in the current situation.

For example, even after a contribution is made for 2013, a plan sponsor may not know the extent to which that contribution exceeds the minimum required contribution for 2013. Without that knowledge (i.e., not being able to complete the 2013 valuation with certainty), AFTAP certifications cannot be done properly by September 30th, and the Schedule SB cannot be completed accurately. Both of those deadlines need to be extended materially.

* * * * *

We stand ready to do whatever we can to help address this urgent timing issue.

Sincerely,

Lynn Dudley
Senior Vice President, Policy

cc:
George Bostick
Kyle Brown
Dominic DeMatties
William Evans
Lauson Green
Tonya Manning
Neil Sandhu
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