

October 15, 2014

The Honorable Phyllis Borzi
Assistant Secretary
Employee Benefits Security Administration
U.S. Department of Labor
200 Constitution Avenue, NW
Room S-2524
Washington, DC 20210

RE: Fee Disclosures in Participant-Directed Individual Account Plans

Dear Assistant Secretary Borzi:

On July 22, 2013, the Department of Labor's (Department) Employee Benefits Security Administration (EBSA) issued Field Assistance Bulletin No. 2013-02 (FAB 2013-02) relating to the Required Annual Fee Disclosure regulation. This regulation provides that annual disclosures must be made at least once in any 12-month period. In FAB 2013-02, EBSA stated that it is considering providing a 30-day or 45-day window in connection with the due date for disclosing subsequent annual comparative charts.

The undersigned organizations support the Department's suggestion and encourage the Department to provide a window for all annual disclosures (Annual Disclosure Window). As the Department noted, plan administrators want to ensure that the disclosures are made near the annual deadline, but not so close to the deadline that they risk missing it. In addition, it is helpful for employers to have a flexible deadline in case they need to change the dates of their annual enrollment periods or other annual plan-related mailings. An Annual Disclosure Window would provide them with the flexibility to provide the annual disclosures to participants without concern that they may miss the deadline.

The Department is considering a 30 or 45-day window with respect to this required annual disclosure due date. We ask the Department to consider a minimum of 45 days for the Annual Disclosure Window. We believe a window of at least 45 days will provide plan sponsors with maximum flexibility in providing the required notices.

In addition, we urge the Department to issue regulations as soon as possible to implement this window. We recommend that the Department issue the regulations as either direct final or interim final so that the Annual Disclosure Window can be implemented immediately.

Thank you for your consideration and we look forward to continuing to work with you on this issue.

Sincerely,

American Benefits Council
American Council of Life Insurers
American Society for Pension Professionals and Actuaries
Financial Services Roundtable
Insured Retirement Institute
Investment Company Institute
Small Business Council of America (SBCA)
The ERISA Industry Committee
The SPARK Institute
U.S. Chamber of Commerce

Cc: Ms. Judy Mares, Deputy Assistant Secretary
Mr. Joe Canary, Director, Office of Regulations and Interpretations
Mr. Jeff Turner, Deputy Director, Office of Regulations and Interpretations