

MEMO# 26931

January 18, 2013

ICI Draft Comment Letter on Department of Labor Proposed Amendments to Abandoned Plan Regulations and Class Exemption -- Comments Requested by Tuesday, February 5

[26931]

January 18, 2013

TO: PENSION COMMITTEE No. 2-13

PENSION OPERATIONS ADVISORY COMMITTEE No. 2-13 RE: ICI DRAFT COMMENT LETTER ON DEPARTMENT OF LABOR PROPOSED AMENDMENTS TO ABANDONED PLAN REGULATIONS AND CLASS EXEMPTION -- COMMENTS REQUESTED BY TUESDAY, FEBRUARY 5

Attached for your comments is a draft comment letter to the Department of Labor (Department) on its recently proposed amendments to the abandoned plan program and the related prohibited transaction exemption (PTE 2006-06). [\[1\]](#) Our draft comment letter notes that, while the proposed amendments sufficiently address two issues previously raised by the Institute with the Department (i.e., the required disclosure of government examinations and the distribution of account balances of deceased participants), the other concerns previously raised by the Institute presenting obstacles to our members' participation in the abandoned plan program were not dealt with by the Department. The draft comment letter therefore summarizes the Institute's prior comments and encloses the Institute's prior letter to the Department regarding the abandoned plan program.

Specifically, the draft comment letter reiterates the Institute's position on the following issues:

- Eligibility to act as a QTA;
- Continuing fiduciary liability after the plan is terminated and assets are distributed;
- Missing participants; and
- Plans funded with annuity contracts or otherwise required to distribute benefits in the form of an annuity.

Comments are due to the Department by February 11, 2013, and we are therefore asking for your comments by close of business on Tuesday, February 5. For your reference, the

Institute's prior letter to the Department is also attached.

Please feel free to contact me with any questions.

Howard Bard
Associate Counsel

[Attachment](#)

endnotes

[1] See [Memorandum](#) to Pension Committee No. 33-12, Pension Operations Advisory Committee No. 31-12, Operations Committee No. 50-12 [26798], dated December 20, 2012.

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