



November 22, 2019

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Office of Regulations and Interpretations
Employee Benefits Security Administration
Suite N-5655
U.S. Department of Labor
200 Constitution Avenue N.W.
Washington, D.C. 20210

Re: Proposed Rule Regarding Default Electronic Disclosure by Employee Pension Benefit Plans (RIN 1210-AB90)

Dear Sir or Madam:

The Committee on Investment of Employee Benefit Assets Inc. (“CIEBA”) appreciates the opportunity to provide a few brief comments on the Department of Labor’s proposed rule that would extend a new, additional safe harbor for the use of electronic media by employee benefit plans to furnish information to participants and beneficiaries of plans subject to the Employee Retirement Income Security Act of 1974 (“ERISA”).

CIEBA Members are the chief investment officers of 106 of the Fortune 500 companies who individually manage and administer ERISA-governed private sector retirement plan assets. Our Members sponsor plans and manage over \$2 trillion of retirement assets on behalf of more than 15 million participants, representing a very significant portion of the largest private defined benefit pension and defined contribution plans in the United States

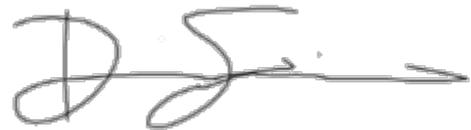
1. CIEBA is very supportive of the Department’s proposal. We applaud the Department on its efforts to provide plans and administrators with flexible and cost-effective alternatives for providing ERISA-required disclosures. We note that the Department’s proposal provides the ability for participants to continue to choose either paper or electronic delivery of these important disclosures. In that regard, we support the Department’s move to allow plan administrators to provide participants with a notice that certain disclosures will be made available on a website, unless the participant opts out and elects to receive paper disclosures. Our view is that this strikes an appropriate balance, recognizing continued advancements in the effectiveness of electronic disclosures while continuing to recognize the preference of some participants to continue to receive these important disclosures on paper.

2. CIEBA recommends that DOL confirm that participants may electronically opt out of electronic delivery. While we are generally supportive of the Department's proposal, we recommend that the Department confirm in its final regulation that a participant should have the flexibility to *electronically* opt out of the default of having electronic notice and access of required disclosures. Proposed regulation §2520.104b-31(g) confirms that plan administrators must furnish an initial notification on paper that, among other things, explains the procedures for a participant to exercise the right to opt out of receiving covered documents electronically.

While it does not appear that the procedures for exercising this right to opt out are specified in the proposal, an inference could be made that because the initial notification must be provided on paper, a participant's election to exercise this right should also be in paper form. We, therefore, recommend that the Department consider adding a sentence at the end of Proposed regulation §2520.104b-31(g) to confirm that a participant should be given the ability to opt out via electronic means or on paper. We believe that this would provide needed flexibility and ensure that participants wishing to receive paper notices are not unduly hindered from exercising this right.

Again, we appreciate the opportunity to provide comments on the Department's proposed rule and we applaud the Department for its thoughtful and thorough approach to this important issue. If you have any questions or would like to discuss these comments further, please feel free to contact me at 484-838-9929.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Simmons", with a long horizontal flourish extending to the right.

Dennis Simmons
Executive Director