



4245 North Fairfax Drive, Suite 750  
Arlington, VA 22203  
P 703.516.9300 F 703.516.9308  
www.asppa.org

**August 13, 2010**

Ms. Phyllis C. Borzi  
Assistant Secretary/ EBSA  
US Department of Labor  
200 Constitution Avenue, NW, Ste S-2524  
Washington, DC 20210

Mr. Mark Iwry  
Deputy Assistant Secretary for  
Retirement and Health Policy  
Department of the Treasury  
1500 Pennsylvania Ave NW  
Office of Tax Policy, Rm. 1000  
Washington, DC 20220-0001

Filed electronically at [e-ORI@dol.gov](mailto:e-ORI@dol.gov)

**Re: Request to Testify at Hearing on Certain Issues Relating to Lifetime Income Options**

The American Society of Pension Professionals & Actuaries (ASPPA) is writing to request the opportunity to testify at the hearing on certain issues relating to lifetime income distributions to participants and beneficiaries in retirement plans to be held September 14, 2010 (and September 15, 2010, if necessary). ASPPA is a national organization of more than 7,000 retirement plan professionals who provide consulting and administrative services for qualified retirement plans covering millions of American workers. ASPPA members are retirement professionals of all disciplines, including consultants, investment professionals, administrators, actuaries, accountants and attorneys. Our large and broad-based membership gives ASPPA unique insight into current practical applications of ERISA and qualified retirement plans, with a particular focus on the issues faced by small- to medium-sized employers. ASPPA's membership is diverse but united by a common dedication to the employer-sponsored retirement plan system.

On May 3, 2010, ASPPA filed comments in response to the Request for Information ("RFI") on this issue. In our filing, we provided comments and suggestions on those questions for which the expertise and experience of our members is relevant and as to which we felt we could provide meaningful assistance to the Department of Labor and the Department of the Treasury (the "Agencies").

In light of the interest shown in this issue, as measured by the number of responses to the RFI, we would anticipate that the amount of time allotted to each speaker at the hearing will be limited. As a result, we intend to focus our comments on matters relating to the Fiduciary Safe Harbor for Selection of Lifetime Income Issuer or Product (Issue 4 in the Notice of Hearing). Although our prepared remarks will primarily be limited to that issue, we would be happy to

discuss any other issue we raised in our response to the RFI. The main points we intend to discuss and the time allotted to each are as follows:

1. Safe harbor problems and recommendations for improvement 7 minutes
  - a. Issuer solvency standards and use of experts
  - b. Extension to other products
  - c. Small plan concerns
2. Interaction with 29 CFR§ 2550.404c-1 3 minutes
  - a. Alternative product concerns
  - b. QDIA changes
  - c. Clarification of IB 96-1 in regard to alternative products

We appreciate the opportunity to provide testimony on this very important matter. Please contact Craig Hoffman, General Counsel and Director of Regulatory Affairs at ASPPA, at (703) 516-9300 ext. 128, if you would like any further information or otherwise have any questions about the matters discussed herein.

Respectfully submitted,

/s/

Brian H. Graff, Esq., APM  
Executive Director/CEO

/s/

James C. Paul, Esq., APM, Co-chair  
Government Affairs Committee

/s/

Craig P. Hoffman, Esq., APM  
General Counsel

/s/

Judy A. Miller, MSPA  
Chief of Actuarial Issues

/s/

Robert M. Richter, Esq., APM,  
Co-chair, Government Affairs Committee

/s/

David M. Lipkin, MSPA, Co-chair  
Government Affairs Committee

/s/

Bruce Ashton, Chair Task Force on Lifetime  
Income Options for Participants and  
Beneficiaries