



November 2, 2015

CC:PA:LPD:PR (REG-123640-15)  
Room 5205  
Internal Revenue Service  
PO Box 7604  
Ben Franklin Station  
Washington, D.C. 20044

**Re: RIN 1545—BM86**

**Administration of Multiemployer Plan Participant Vote on an Approved  
Suspensions of Benefits Under the Multiemployer Pension Reform Act  
of 2014**

To Whom It May Concern:

On behalf of the U.S. Chamber of Commerce (the “Chamber”), we submit this letter in response to a request for comments on the Proposed Regulations published in the Federal Register on September 2, 2015 pertaining to Administration of Multiemployer Plan Participant Vote on an Approved Suspensions of Benefits Under the Multiemployer Pension Reform Act of 2014 (MPRA).<sup>1</sup>

The U.S. Chamber of Commerce is the world’s largest business federation representing the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America’s free enterprise system. More than 96% of the Chamber’s members are small businesses with 100 or fewer employees, 70% of which have ten or fewer employees. Yet virtually all of the nation’s largest companies are also active members. Each major classification of American business – manufacturing, retailing, services, construction, wholesaling and finance – is represented. Also, the Chamber has substantial membership in all 50

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<sup>1</sup>80 FR 53068 (September 2, 2015). These proposed rules are issued by cross-reference to temporary regulations (80 FR 52972) also published on the same date – the Chamber comments apply to both the proposed and temporary rule.

states. Positions on national issues are developed by a cross-section of Chamber members serving on committees, subcommittees and task forces.

Chamber members also include sponsors of multiemployer pension plans. Consequently, the Chamber has been engaged in multiemployer pension reform including the reforms in the Pension Protection Act of 2006, Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, and most recently the Multiemployer Pension Reform Act of 2014 (MPRA) contained in the Consolidated and Further Continuing Appropriations Act of 2015.

The Chamber commends the Department of Treasury (“Treasury”) and the Internal Revenue Service (“IRS”) for working quickly to establish the program to allow for benefit suspensions. Furthermore, the Chamber appreciates the work of Treasury and IRS to create a process that is expedient and minimizes costs. In response to a request for information issued by the agencies in February of this year, the Chamber submitted comments detailing a number of recommendations and suggestions. Subsequently, the Chamber submitted comments in August on proposed rules. We are pleased that the IRS has included a number of our recommendations in its guidance. Our comments below are offered to further strengthen the program.

**Electronic ballot packages should be allowed for participants that have affirmatively chosen electronic delivery.** Throughout the rule, the agency allows for electronic delivery and communications to streamline the process and save on administrative costs. However, the proposed regulation veers from this path in the delivery of the ballot packages. The proposal states that all ballot packages must be delivered by paper. While the Chamber recognizes the importance of ensuring delivery of these packages, we believe this requirement exceeds what is necessary. As such, the Chamber recommends that for participants who have chosen electronic delivery for plan notices, the ballot package should be able to be delivered only electronically. Since these participants have affirmatively chosen electronic delivery, they are used to receiving information in this format and may even be more receptive to electronic over paper delivery.

**The Chamber encourages the IRS to provide a model ballot.** The publication of a model ballot could be helpful to plans and ease some of the administrative burden. However, if the IRS creates a model ballot, we urge the agency to stress that the model is not a requirement and is provided only to ease the administrative process.

As noted in our previous comments, we encourage the use of model forms to promote expediency but warn against the agency promoting form over function.

In conclusion, we understand that the implementation of benefit suspensions is an admittedly drastic step which is necessary to save certain multiemployer pension plans. The Chamber thanks you for your consideration of these comments and looks forward to working with you and other interested parties on this very import issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Randel K. Johnson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Randel K. Johnson  
Senior Vice President  
Labor, Immigration, and  
Employee Benefits  
U.S. Chamber of Commerce