

August 25, 2017

Regulatory Affairs Group  
Office of the General Counsel  
Pension Benefit Guaranty Corporation  
1200 K Street NW  
Washington, DC 20005

**Re: PBGC's Regulatory Planning and Review of Existing Regulations**

Dear Sir or Madam:

Millennium Trust Company appreciates the opportunity to comment on the Pension Benefit Guaranty Corporation's ("PBGC's") recent request for information ("RFI") that was issued to assist PBGC with its regulatory planning and review of existing regulations. Millennium Trust Company provides specialized custody solutions. We are a leading provider of IRAs to plan sponsors seeking to avail themselves of the Department of Labor's ("DOL's") "safe harbor" for automatic rollovers of account balances of \$5,000 or less, and for rollovers of accounts of missing participants of terminated defined contribution plans. We have extensive experience helping retirement plan sponsors deal with the issues surrounding missing participants and abandoned accounts.

Millennium Trust Company is particularly interested in PBGC's efforts to extend its current missing participant program for terminated defined benefit pension plans to nearly all terminated defined contribution retirement plans on a voluntary basis. We were pleased to submit comments and meet with PBGC officials in March 2016. As stated in our comment letter and in person, Millennium Trust Company applauds PBGC's proposed action to help address the problem of missing participants and abandoned accounts, and we believe that the proposed unified pension search database will be a valuable tool for former plan participants.

As PBGC considers its expanded missing participant program within the context of its overall regulatory planning initiative, we are writing to emphasize that successful and effective private sector solutions are currently available to plan sponsors that must deal with missing participants and abandoned accounts. Also, we are writing to encourage PBGC, consistent with the 2016 proposal, to design its expanded missing participant program so that it supports private sector solutions.

**I. The Private Sector Already Offers Successful and Effective Solutions for Plan Sponsors Dealing with Missing Participants and Abandoned Accounts**

As we explained in our prior comments responding to PBGC's expanded missing participant program and in our meeting with PBGC officials, successful solutions already exist to help plan sponsors deal with missing participants upon plan termination. Millennium Trust Company is proud of our record of providing an end-to-end solution to plan fiduciaries that

benefits active and missing participants, and allows plan sponsors to comply with their fiduciary duties to participants. Our services include effective and successful missing participant searches, excellent services for participants that are found, a willingness to accept small participant balances, and modest fees. As an experienced provider of solutions relating to missing participants, including the development of our own search database, Millennium Trust Company believes that the private sector is – and will continue to be – an important part of the solution to the problem of missing participants.

PBGC officials have described the new missing participant program as having two components. First, PBGC would administer a voluntary pension “registry” that may be utilized by plan sponsors who elect to use a private sector solution – like one offered by Millennium Trust Company or our peers – to address missing participants in terminated plans. Second, PBGC will administer a voluntary missing participants program administered by PBGC for those plan sponsors that would prefer the government’s solution to existing private sector solutions. We think this is exactly the right approach. While there may be terminated plans that prefer using the PBGC, we think that many plan sponsors will prefer to use private services like ours, because we offer excellent participant search capabilities and a responsive call center, and because we actively compete against others for superior results.

## **II. PBGC Should Tailor its Missing Participant Program to Support Private Sector Solutions**

Question 11 of PBGC’s RFI asks whether there are any “regulations that could be tailored to impose less burden on the public.” In response to this question, we urge PBGC to tailor its forthcoming missing participant program to keep it *exclusively available for terminated plans* and *voluntary for defined contribution plans*. Although we support PBGC’s efforts to address the problems associated with missing participants and abandoned accounts, we also believe that PBGC should not impose any new or mandatory obligations on employer plan sponsors or crowd out a robust private market. Any result to the contrary would conflict with the spirit of Executive Order 13771, which is intended to reduce regulatory burdens that would otherwise require the expenditure of private sector resources. We believe inherent in the Executive Order is the idea that government regulations should not crowd out the private market, which creates jobs.

PBGC’s expanded missing participant program, which would be exclusively available for terminated plans and voluntary for defined contribution plans as proposed, is appropriately tailored because it avoids any new or costly mandates on employers who sponsor defined contribution plans. PBGC should not extend its missing participant program to ongoing retirement plans and should not make its program for defined contribution plans mandatory. If a plan sponsor of a defined contribution plan wants to take advantage of PBGC’s expanded program, they may do so under PBGC’s proposal, and if PBGC’s new program does not suit a plan sponsor’s needs, the plan sponsor may address missing participants or abandoned accounts as they deem appropriate. This approach is not only consistent with the recent executive orders

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intended to control regulatory burdens and costs, but is also a reasonable approach for dealing with missing participants given the track record of existing and successful private sector missing participant solutions.

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Millennium Trust Company appreciates the opportunity to express our thoughts on PBGC's expanded missing participant program as PBGC conducts its regulatory planning and review of existing regulations. If you have any questions, please contact me at (630) 368-5619.

Sincerely,

A handwritten signature in black ink that reads "Gary Anetsberger". The signature is written in a cursive, flowing style.

Gary Anetsberger  
Chief Executive Officer