

December 5, 2015

Via Email to e-ORI@dol.gov
Office of Regulations and Interpretations
Employee Benefits Security Administration, Room N-5655
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210
Attn: State Savings Arrangements Safe Harbor

Re: RIN 1210-AB71, Savings Arrangements Established by States for Non-Governmental Employees

Dear Secretary Perez:

I am concerned about the 2.5 million private-sector workers in Illinois and the 68 million workers across the country who do not have access to an employment-based, payroll deduction retirement savings plan and, as a result, are more likely than workers with access to a plan to have little or no savings for retirement. I support state government efforts to expand access to retirement savings programs by creating state programs and requiring employer participation. I do not, however, want employers who are required to participate in such programs to be burdened by federal laws that apply to employer-sponsored retirement programs.

Recently, the State of Illinois passed the Illinois Secure Choice Retirement Savings Act. Under the Illinois Secure Choice program created by this law, Illinois employers with 25 or more employees that do not offer a retirement savings plan will be required to enroll their workers in a payroll deduction Roth IRA account, with the worker having the choice to opt out. The default contribution will be three percent of the worker's pay, with the contribution invested in a target date fund based on the worker's age. Workers will have the option to choose a different contribution level and from among a limited range of alternative investment fund options. The program will be administered by a state board which oversees the private firm managing the investments.

I support the proposed rule issued by the Department of Labor entitled "Savings Arrangements Established by States for Non-Governmental Employees." This proposed regulation under the federal Employee Retirement Income Security Act of 1974 (ERISA) establishes a safe harbor for state-established and administered automatic enrollment payroll deduction retirement savings programs such as the Illinois Secure Choice program. By making clear that state automatic enrollment payroll deduction IRA programs that conform to the safe harbor in the proposed rule do not establish ERISA plans or obligations on employers, the rule allows states to implement programs like Illinois Secure Choice that will help millions of workers save for a more secure retirement. The proposed rule reduces the risk that state laws and programs like Secure Choice will be preempted by federal ERISA law if they are challenged.

Name: _____ Address: _____
Title: _____ City: _____
Organization: _____ State: _____
Email: _____ Zip: _____