Volume 4/Summer 2004

employee plans news

PROTECTING RETIREMENT BENEFITS THROUGH EDUCATING CUSTOMERS

Internal Revenue Service
Tax Exempt and Government
Entities Division

A Publication of Employee Plans

EP Connections: Interview with Evelyn Petschek

Evelyn Petschek leaves TE/GE this month to assume the duties of Chief of Staff to the IRS Commissioner. She was selected in April 1999 as the first Commissioner of the Tax Exempt and Government Entities Division. Before her selection as Commissioner, she held the position of Assistant Commissioner, Employee Plans and Exempt Organizations. Before joining IRS, she served as Benefits Tax Counsel in the Treasury Department's Office of Tax Policy. Prior to entering government service she was a partner in the law firm of Patterson, Belknap, Webb & Tyler.

You're leaving TE/GE to become Chief of Staff for the IRS Commissioner. After a long career in the employee benefits and non-profit sectors, why have you decided to move into a different role?

It's a bittersweet move for me. As you said, my career has revolved around the employee benefits and non-profit sectors, so naturally, I'm very interested in the issues surrounding these fields. The opportunity to expand my role, however, was impossible to resist. The IRS is in a very important time in its history and taking on this assignment is a logical extension to my past work on the TE/GE design team and standing up the new division.

Since the IRS modernization effort began six years ago, we've made tremendous strides. Organizing around customer groups helped us improve in the area of customer service. I really look forward to the opportunity to work with Commissioner Everson as we move into the next phase, which involves strengthening enforcement while maintaining the successes in customer service.

What areas do you see as challenges for EP and for TE/GE?

First, I want to mention some of the successes we've achieved. Establishing TE/GE as a division with equal standing with the three other divisions was a huge achievement. That we were able to stand up our organization and implement the new design without significant gaps in service was in itself also a significant achievement. It is now almost five years since TE/GE was born and I can look back and see many challenges we've overcome.

Having line authority over our programs had a significant effect on overcoming some of our previous challenges. Lines of communication are much clearer and there is more consistency in our guidance and treatment. We have also continued to improve the already high levels of customer satisfaction.

But we still have challenges – exciting challenges like implementing the determination white paper changes. By the way, the determinations white paper is one example of how the EP community has rallied together and embraced a new way of thinking. I'm very pleased with how the lines of communication have remained open in order to implement a new project. I have no doubt that tradition will continue.

continued on page 2

EP Connections *continued from page 1*

continued from page 1

Another one of TE/GE's greatest challenges right now is the proliferation of abusive tax avoidance transactions which prey on the tax-advantaged status of our customers. Increased vigilance in this area is absolutely necessary. The EP community must be thanked again – our best source of information about EP abusive transactions is from benefits professionals who partner with us to keep plans in compliance. We in the IRS must also become more adept at selecting better examinations and ensure that enforcement resources are directed where there is the greatest need for attention.

"The EP community must be thanked again – our best source of information about EP abusive transactions is from benefits professionals who partner with us..."

Modernizing the Form 5500 e-filing process with Department of Labor is also a key challenge. Even though all of these are formidable challenges, I have every confidence the strong leadership in EP will meet and overcome the challenges.

Will you still have a connection to the world of TE/GE?

Most definitely. I began my career in the employee benefits area and that expanded to a larger aspect of the non-profit sector, so I will always remain interested in these issues. Over the years I have made many friends and colleagues and I definitely intend to keep in touch. But I will also continue to help support the TE/GE mission from my new post.

You recently became a marathon runner. What made you take up this grueling event? What do you think about during those 26-plus miles (other than finishing alive)?

Finishing the event in one piece is definitely a goal when running a marathon. I suppose what made me take it up was the realization that after being a runner for 29 years, I'd never tried running a marathon. So, I tried it and I love it. Long-distance running is actually a form of meditation and relaxation for me.

Marathon running also taught me a lot about how to approach my job and career. It taught me about the importance of developing an incremental work plan which includes goals and stretch objectives, as well as recognizing intermediate milestones. I've learned about sticking with a program and knowing that there will be the occasional bad run. Another parallel is that when running a race I get tremendous energy from the crowd. As TE/GE Commissioner I felt such energy from many sources – the division leadership, our employees, and of course, our stakeholders.

"I am forever indebted to EP practitioners for all they have done to further the mission and goals of ... TE/GE."

Any last thoughts you want to share the EP community?

I am forever indebted to EP practitioners for all they have done to further the mission and goals of IRS, and especially, TE/GE. Over the years they have given us their unwavering support through honest and candid feedback. Practitioners have also worked willingly with us to find not just solutions, but the right solutions. I hope this partnership has resulted in IRS being more responsive to the needs of the community. I know I can count on practitioners to give my successor the same exceptional level of support they've given me as we have worked together for the betterment of our national pension system.

Steve Miller: New Head of IRS's TE/GE Division

Steve Miller is the new TE/GE Commissioner. Learn more about Steve in an EP Connections later this year.

On May 25, 2004, Steven T. Miller was named Commissioner of the IRS's TE/GE division, replacing Evelyn Petschek, who is now serving as Chief of Staff for the Commissioner of the IRS. As TE/GE Commissioner, Steve oversees the operations of the IRS's Employee Plans Division.

Before this assignment, Steve was TE/GE's director of Exempt Organizations.

But Steve is also very familiar with pension law. He served in the IRS Chief Counsel's Office for several years, and joined EP/EO (the precursor to TE/GE) in 1993. He also has experience as a congressional staff member for the Joint Committee on Taxation and in private practice.

In announcing Steve's appointment, IRS Commissioner Mark W. Everson said, "Steve is well qualified to lead our efforts to clean up abuses in the non-profit area, which are of increasing concern to the IRS. His familiarity with the exempt organization and pension areas will be a huge asset to the IRS and the TE/GE community."

Cash Balance/Age-Discrimination Regs Withdrawn

On June 15, in **Announcement 2004-57**, the IRS and the Treasury Department stated that they are withdrawing the proposed age-discrimination regulations issued in December 2002. The withdrawal of the regulations will provide Congress an opportunity to review and consider legislative proposals and to address cash balance and other hybrid plan issues through legislation.

Background

On December 11, 2002, **proposed regulations** under Code sections 411(b)(1)(H) and 411(b)(2) were issued. The regulations proposed guidance under the statutory age-discrimination rules for all qualified plans, including cash balance pension plans. The proposed regulations set forth specific conditions under which cash balance plans and cash balance conversions would not be considered to violate these age-discrimination rules.

With the withdrawal of the Cash Balance plan regulations, attention turns to Congress for further developments.

Section 205 of the Consolidated Appropriations Act, 2004, Pub. L. 108-199, (the "Act") provides that none of the funds made available in the Act may be used to issue any rule or regulation that implements the proposed age discrimination regulations or any regulations reaching similar results. Additionally, the Act requires the Secretary of the Treasury to propose legislation providing transition relief for older and longer-service participants affected by cash balance conversions.

Accordingly, the administration's budget for Fiscal Year 2005 includes a legislative proposal addressing cash balance plans. The proposal would require companies converting to cash balance plans to protect current employees through a five-year "hold harmless" period and would prohibit any benefit wear-away. The proposal also would provide rules under which cash balance formulas would not be considered age-discriminatory and rules regarding interest crediting rates.

Impact

Treasury and the IRS do not intend to issue guidance on compliance with the age-discrimination rules of Code sections 411(b)(1)(H) and 411(b)(2) for cash balance plans, cash balance conversions, or other hybrid plans or hybrid plan conversions while these issues are under consideration by Congress.

Also, beginning September 15, 1999, determination letter applications or plans under examination involving a cash balance conversion were required to be sent to the Washington, D.C. office of the IRS for technical advice on the plan's qualified status. Many such cases were submitted and are still pending. Treasury and the IRS do not intend to process these cases while cash balance plan and cash balance conversion issues are under consideration by Congress.

Final 401(a)(9) Regs Issued

On June 15, 2004, the IRS and the Treasury Department published **final regulations** on the required minimum distribution rules under section 1.401(a)(9)-6 for defined benefit plans and annuity contracts purchased with an employee's account balance under a defined contribution plan. These final regulations generally apply for determining required minimum distributions for calendar years beginning on or after January 1, 2003. However, a distribution from a defined benefit plan or annuity contract for calendar years 2003, 2004 and 2005 will not fail to satisfy section 401(a)(9) merely because the payments do not satisfy the rules in these final regulations, provided the payments satisfy section 401(a)(9) based on a reasonable and good faith interpretation of the provisions of section 401(a)(9).

Comprehensive proposed regulations under section 401(a)(9) were first issued on July 27, 1987 and they were amended in 1997. Comprehensive proposed regulations were re-proposed on January 17, 2001. The 2001 proposed regulations substantially revised and simplified the rules for defined contribution plans but maintained the basic structure for defined benefit plans and requested additional comments on the rules that should apply to those plans.

Final and temporary regulations were issued on April 17, 2002 and were effective with the 2003 calendar year. These regulations finalized the rules for defined contribution plans and the basic rules regarding the determination of the required beginning date, determination of designated beneficiary and other general rules that apply to both defined benefit and defined contribution plans.

continued on page 4

Impact of the New Regs

In response to the comments received after the 2002 regulations, these final regulations make a number of significant modifications to the proposed and temporary regulations and adopt the regulations as modified. However, these final regulations retain the basic rules of the temporary regulations. For example, distributions of an employee's entire interest must be paid in the form of periodic annuity payments for the employee's or beneficiary's life (or the joint lives of the employee and beneficiary) or over a comparable period certain. The payments must be non-increasing or only increase as provided in the regulations.

As provided in the temporary regulations, the permitted increases under these final regulations include: adjustments to reflect increases in the cost of living; any increase in benefits pursuant to a plan amendment; a pop up in payments in the event of the death of the beneficiary or the divorce of the employee and spouse; or return of employee contributions upon an employee's death. In addition, for both annuity contracts purchased from insurance companies and annuities paid from section 401(a) qualified trusts, the regulations allow variable annuities and other regular increases, if certain conditions are satisfied.

How to Subscribe to *Employee Plans News*

Employee Plans News is issued only through IRS e-mail. For your free subscription, please go to the Retirement Plans web page at www.irs.gov/ep and register on-line by selecting "Newsletters" under the "Related Topics" section and then selecting "Employee Plans News". All editions of the *Employee Plans News* will be archived at www.irs.gov/ep.

For your convenience, we have included Internet links to referenced materials throughout the electronic version of *Employee Plans News*. These links are identified on the paper version by the underlined text. The electronic version may be found at www.irs.gov/ep.

ACT III:

The 17 members of the Advisory Committee on Tax Exempt and Government Entities (ACT) presented the third Report of Recommendations at a public meeting in Washington, DC on June 9, 2004. Of particular interest to retirement plan customers are the reports that address Employee Plans Operational Guidance and Audit Cycle Time and Communications. The Employee Plans Operational Guidance report contains recommendations on how IRS Employee Plans can provide guidance for employers and plan sponsors to make them aware of the need to assure that their retirement plans are being properly operated. The report includes exhibits in the form of checklists and resource guides directed at employers that sponsor retirement plans. Three of the checklists, directed at SIMPLEs, SEPs and SARSEPs, have already been adopted by the IRS and posted to the Retirement Plans web page under "Check-Up for Your SEP, SIMPLE or Similar Plan [Updated]". The Audit Cycle Time and Communications report contains recommendations on how TE/GE can improve its examination processes.

New Members to EP Portion of ACT

The IRS has announced the selection of two new members for the EP portion of the ACT. The appointees, who will assume their duties in June, will join four returning EP committee members. The new appointees are:

- Charles Lax of Southfield, Mich., a shareholder and chairman of the Employee Benefits Group at Maddin, Hauser, Wartell, Roth & Heller, P.C., where he represents approximately 300 qualified retirement plans of all types and sizes.
- Charles F. Plenge of Dallas, Texas, a partner in Haynes and Boone LLP, and chair of its Employee Benefits/Executive Compensation Practice Group, with a practice that primarily involves a broad range of employee benefits and executive compensation matters on behalf of employers.

Current members who are returning to the committee are:

- Mary Beth Braitman, Indianapolis, IN;
- Michael P. Coyne, Westlake, OH;
- Douglas Kant, Boston, MA; and
- John W. Schroeder, Santa Clara, CA.

The ACT was established in May 2001 under the Federal Advisory Committee Act to provide an organized public forum for discussion of relevant issues affecting the tax exempt and government entities communities. It allows the IRS to receive regular input on developing and implementing policy concerning TE/GE.

Update: "Plan Information Packets" are now "Check-Ups"

Since posting to the **Retirement Plans Web page**, the plan information packets (for SIMPLE IRA plans, SEPs and SARSEPs), EP has received feedback on the packets' concept and their centerpiece, the applicable checklist for each plan. In May, timed with National Small Business Week 2004, the posted plan information packets were enhanced with an entirely updated concept called "Check-Up for Your SEP, SIMPLE or Similar Plan" (see **IRS News Release 2004-69**). The goal remains the same: to increase awareness by business owners of the need to properly operate their plans, pointing them to further information and services.

Mark O'Donnell, Director, Employee Plans Customer Education and Outreach, said, "We started this initiative because we wanted business owners to be aware of the responsibilities they undertake when they establish a retirement plan. The Check-Up tools are designed as helpful reminders of those responsibilities."

Each Check-Up contains:

· A checklist of basic operational questions for each of three IRA-based plans: a **SIMPLE IRA Plan Checklist**, a **SEP Checklist** or a **SARSEP Checklist**.

Each online checklist includes links to expanded explanations for each question.

· **Publication 4224**, *Retirement Plan Correction Programs* brochure.

In effect, each Check-Up is a two-step approach to help a business owner properly operate a retirement plan.

First, is the use of each Check-Up's centerpiece, the one-page checklist highlighting some of the basic requirements for operating the plan. Mr. O'Donnell said, "The checklists address what we believe are some of the most common problems that arise in these plans based on feedback from our Examinations and Voluntary Compliance programs. We are trying to put into the hands of business owners tools to help them comply with their plans' requirements."

The checklist is not a comprehensive list of all the requirements for operating a plan. Use of the checklist is voluntary and sponsors are not to send it to the IRS. Explanations of each question are posted on the Retirement Plans Web site.

Second, is that after reviewing the plan and completing the appropriate checklist, a business owner may find an error in the operation of the plan. Any error can likely be corrected using the Employee Plans Compliance Resolution System (EPCRS) described in the **Retirement Plan Correction Programs** brochure. EPCRS allows business owners to correct plan errors (often without contacting the IRS) and thereby continue providing employees with retirement benefits on a tax-favored basis.

Check-Ups are planned later this year for 401(k) plans, 403(b) and 457 plans.

Information on "Check-Up for Your SEP, SIMPLE or Similar Plan" and other resources for each IRA-based plan is available by visiting the Retirement Plans Web page at **www.irs.gov/ep**.

Retirement News for Employers

On May 17, 2004, in conjunction with the celebration of National Small Business Week 2004, EP issued the inaugural edition of *Retirement News for Employers – Helping Business Owners with Retirement Plans*. Designed for employers and business owners, this periodic newsletter provides practical retirement plan information.

Highlights of the first edition include articles from a business owner's perspective on:

- Retirement plan rights and benefits for veterans after their return to civilian employment.
- Helpful retirement plan products available from the IRS.
- Form 5500 filing tips.
- Conducting audits at a taxpayer's place of business.
- Steps for applying for an EIN online.

A recurring feature in the newsletter will be a month-by-month look at some of the important upcoming moments, such as filing and contribution due dates, in the retirement plan arena.

But this newsletter is not just for business owners. Retirement plan practitioners should also subscribe to the *Retirement News for Employers* to share with their clients and help keep them up-to-date and informed.

The newsletter will only be issued through IRS e-mail. To view archived editions and for a free subscription to the newsletter, go to **www.irs.gov/ep**, select "Newsletters" and then "Retirement News for Employers".

Examiner Tips: Common Audit CAP Issues

The Audit Closing Agreement Program (Audit CAP), a component of the Employee Plans Compliance Resolution System (EPCRS), has been around in one form or another for almost 14 years. Through the years, many issues have been resolved through Audit CAP. Some issues come up more frequently than others. This article highlights some of the more commonly found issues resolved through the Audit CAP process.

In this issue, we welcome back Examiner Tips, the column that highlights areas where our examiners routinely find problems.

This edition's topic: Audit CAP Issues.

Plan Document Failures are probably one of, if not the, most common qualification failure resolved through the Audit CAP process. The EPCRS Revenue Procedure (currently **Rev. Proc. 2003-44**) defines a Plan Document Failure as "a plan provision (or the absence of a plan provision) that, on its face, violates the requirements of Code sections 401(a) or 403(a)".

Whether discovered during the review of a determination letter application or during the examination process, the failure to amend a plan for a change in the legislative requirements within the appropriate remedial amendment period (late or non-amender) is one of the most common issues resolved under Audit CAP. IRS examiners are responsible for determining whether the plan document is up to date, which includes appropriate provisions of GUST and EGTRRA. ***CPE 2003 Determinations Volume Chapter 2*** (*Summary of EGTRRA and Recent Law Provisions)* and ***CPE 2002 Chapter 16*** contain additional guidance on EGTRRA changes.

A related issue is sometimes discovered during the inspection of the Favorable Determination Letter received by the plan. Many Favorable Determination Letters contain language that require proposed amendments submitted during the determination letter process to be adopted within a specified time period. Failure to timely adopt these proposed amendments within the specified time period gives rise to a Plan Document Failure.

Other common errors resolved through Audit CAP are plans with Operational Failures. By definition, an Operational Failure is a qualification failure that arises solely from the failure to follow the plan's provisions. Some of the more common Operational Failures include failures related to the required minimum distribution requirements under Internal Revenue Code section 401(a)(9), the compensation limit under section 401(a)(17), the section 411 vesting requirements, benefit limitations under section 415, top-heavy requirements under section 416, and the securing of spousal consent under sections 401(a)(11), 411(a)(11), and 417.

Because of their complexity, many plans with section 401(k) Cash or Deferred Arrangements (CODA), have had Operational Failures resolved through Audit CAP. A common issue unique to a CODA occurs when the ADP and/or ACP nondiscrimination tests are not passed. If the tests are failed, and the excess contributions or excess aggregate contributions are not corrected timely or not corrected in accordance with the provisions of the plan, an Operational Failure would exist. Also, agents frequently discover the ADP/ACP tests were not performed correctly, and when computed correctly, the plan fails. Some mistakes made in performing the tests include incorrectly excluding from the test eligible participants who chose not to defer, using the incorrect definition of compensation, and misclassifying highly compensated employees and nonhighly compensated employees.

Did GUST Blow Right by You?

Did you miss the deadline for amending and/or filing your plan for the GUST laws? Individually-designed plans were to have been amended for GUST by February 28, 2002 and pre-approved plans (Master/Prototype and Volume Submitter) generally had until September 30, 2003 to amend.

Plan sponsors that have missed the GUST filing deadline may nevertheless correct their plans and continue to provide their employees with retirement benefits on a tax-favored basis by filing under EP's Voluntary Correction Program (VCP). The VCP is one component of the Employee Plans Compliance Resolution System (EPCRS), currently set forth in **Rev. Proc. 2003-44**. Under the VCP, plan sponsors submit to the IRS on a voluntary basis, pay a fixed fee, and are issued a Compliance Statement asserting that the IRS will not pursue disqualification of the plan on account of the stated failure.

continued on page 7

GUST *continued from page 6*

Why use the VCP? VCP provides for much lower fees compared to what the plan sponsor would pay if the IRS audited the plan and discovered it was not amended timely. And even better, if the plan sponsor submits its plan under VCP within one year of the end of the GUST remedial amendment period, the plan qualifies for a 50% reduction in the otherwise applicable VCP fee. The applicable fees are listed in section 12.02 of the revenue procedure.

GUST... VCP... EPCRS...

Confused?

We spell it all out for you.

How to apply under VCP:

Sections 11 and 12 of Rev. Proc. 2003-44 set out the submission process and fees in detail. Every VCP GUST submission must include a cover letter indicating that the employer wishes consideration under the VCP. The cover letter should state the failure for which the plan is being submitted, namely, the plan is a late amender for GUST. Appendix D of Rev. Proc. 2003-44 contains a **sample submission format** that may be used in lieu of a cover letter submitted in narrative form. In addition, the submission should include:

- A determination letter application (**Form 5307**, **5310** or **5300**);
- **Form 8717**;
- **Form 2848** (Power of Attorney), if you have a representative);
- An executed or proposed GUST plan document; and
- The appropriate fees.

The first three pages of **Form 5500** are also needed if you were required to file the form. The determination letter user fee, which is paid with Form 8717, must be paid separately from any VCP fee and both checks should be made out to the US Treasury. Assuming other aspects of the plan are fine, this process will result in the plan receiving a both a compliance statement and a determination letter.

Mail VCP applications and their related determination letter applications to:

Internal Revenue Service
Attention: T:EP:RA:VC
P.O. Box 27063
McPherson Station
Washington, D.C. 20038•

Update: Employers' Obligations to Veterans

Veterans, Employers and Retirement Plan Issues:

Get the latest information on veterans' rights under retirement plans.

In the ***Winter 2004 Employee Plans News***, we described a provision of the Soldiers and Sailors Civil Relief Act of 1940 ("SSCRA") that limits the amount of interest that may be charged persons in military service. This limit applies to retirement plan loans.

On December 13, 2003, the Servicemembers Civil Relief Act of 2003 ("SCRA") was signed into law. The SCRA clarified some areas covered by SSCRA, including the interest rate limit on retirement plan loans. For example, SCRA section 207(a) specifies that "an obligation or liability bearing interest at a rate in excess of 6% per year that is incurred by a servicemember, or the servicemember and the servicemember's spouse jointly, before the servicemember enters military service shall not bear interest at a rate in excess of 6% per year during the period of military service." Section 207(a)(2) provides the interest in excess of 6% shall be forgiven.

The interest rate limit under SCRA does not apply automatically. SCRA section 207(b) states that, "for an obligation or liability of a servicemember to be subject to the interest rate limitation in subsection (a), the servicemember shall provide to the creditor written notice and a copy of the military orders calling the service member to military service and any orders further extending military service, not later than 180 days after the date of the servicemember's termination or release from military service."

SCRA also expands the definition of uniformed services to include members of the National Guard called to active duty for 30 days or more pursuant to a contingency mission specified by the President or the Secretary of Defense. Generally, the interest rate limit under SCRA applies to a servicemember (as defined in 10 USC 101(a)(5)), a member of a reserve component who is ordered to report for military service and a person who has been ordered to report for induction under the Military Selective Service Act (50 USC 451, et seq.).•

(Editor's Note: This edition marks the introduction of a new guest column from our colleagues over at the Pension Benefit Guaranty Corporation, who along with the IRS and the Department of Labor, provide oversight of the private-sector retirement system.)

PFEA Temporarily Increases PBGC Premium Interest Rate for 2004 and 2005

The Pension Funding Equity Act of 2004 ("PFEA") temporarily increased the interest rate used to value vested benefits for purposes of the PBGC's variable-rate premium ("VRP") for the 2004 and 2005 plan years from 85% of the yield on 30-year Treasuries to 85% of the yield on amounts invested conservatively in long-term investment grade corporate bonds. This extends the interest rate relief that had been provided by the Job Creation and Workers Assistance Act, which had temporarily increased the PBGC's VRP interest rate for the 2002 and 2003 plan years from 85% to 100% of the yield on 30-year Treasuries.

Please welcome our newest guest contributor: the Pension Benefit Guaranty Corporation.

Read their column, PBGC Insights, for the latest news from the world of PBGC.

The PBGC had issued its 2004 Premium Payment Package before PFEA was enacted. Subsequently, the PBGC issued a 2004-R Premium Payment Package to reflect changes resulting from the new legislation. Plan administrators may use either the 2004 or 2004-R package. The Form 1, the Schedule A to Form 1, and the Form 1-EZ are the same in both packages. Plan administrators using the 2004 package should disregard the reference to 85% of the Treasury yield in the definition of Required Interest Rate on page 5 of the instructions and instead use the PFEA 85% Corporate Rate as the Required Interest Rate.

The PBGC has posted on its **Web site**, the **new VRP interest rates** and **revised 2004-R Premium Payment Package instructions** incorporating the PFEA 85% Corporate Rate.

Online PBGC Premium Filing Now Available

The Pension Benefit Guaranty Corporation (PBGC) recently launched an electronic premium filing system called My Plan Administration Account (My PAA). My PAA enables practitioners to electronically create, sign, and submit premium filings and payments to PBGC for plan years beginning in 2004. Electronic filing has many advantages over paper submissions including: improved data accuracy, easier filing preparation, shared electronic access to filings which eliminates manual routing and mailing, e-mail notification of required actions, and confirmation that the filing and payment were received by PBGC. The PBGC encourages premium filers to try My PAA soon. For more information or to set up an account within My PAA, please visit PBGC's **Web site** and click on the "Online Premium Filing (My PAA)" link on the PBGC's home page.

PBGC Issues Guidance on Interest Rates for PBGC Reporting and Disclosure

Visit the PBGC website www.pbgc.gov for all things PBGC-related.

On June 4, 2004, the Pension Benefit Guaranty Corporation (PBGC) issued Technical Update 04-3, which explains how the provisions of the Pension Funding Equity Act of 2004 that relate to the PBGC's variable-rate premium interest rate apply to various PBGC reporting and disclosure requirements (employer reporting under ERISA section 4010, Participant Notices under ERISA section 4011, and reportable events under ERISA section 4043). Technical Update 04-3 also provides relief from PBGC reporting requirements (but not from PBGC disclosure requirements) by extending the PBGC reporting relief previously provided in Technical Updates 02-1 and 04-2.

The PBGC reporting relief provided in these three Technical Updates ensures that those who are subject to PBGC reporting requirements tied to PBGC premium calculations will be able to rely on those calculations to determine their reporting obligations. Absent this relief, in many instances the premium calculation would have to be redone to determine the obligation to report to the PBGC, and failure to do so could lead to a reporting failure.

For more information, see Technical Update 04-3 at **www.pbgc.gov/laws/techupdates/techupdt.htm**.

continued on page 9

PBGC Announces Expanded Enforcement and Voluntary Correction Initiative for Title IV Participant Notices

The PBGC recently announced an enforcement and voluntary correction initiative relating to the Participant Notice requirement under Title IV of ERISA. Under section 4011 of ERISA, plan administrators of certain underfunded plans must notify participants of the plan's funding status and the limits on the PBGC's guarantee. A plan administrator that fails to provide a Participant Notice as required is subject to penalties under section 4071 of ERISA.

On May 7, 2004, the PBGC announced in the Federal Register (69 Fed. Reg. 25792) that it is expanding its enforcement of the Participant Notice requirement, with a view toward more actively auditing compliance and assessing penalties for noncompliance. As a transition to this expanded enforcement effort, the PBGC launched a Participant Notice Voluntary Correction Program that is designed to encourage plan administrators to correct recent compliance failures and to facilitate their future compliance. At the same time, the PBGC proposed a revised penalty structure for late Participant Notices.

Participant Notice VCP

Under the VCP, the PBGC will not assess a penalty for a 2002 or 2003 Participant Notice failure that is covered by the VCP - generally, a Participant Notice due before May 7, 2004 - if the plan administrator corrects the failure in accordance with the VCP guidelines. Participation in the VCP also ensures that the PBGC will not assess penalties for any earlier Participant Notice failures. A model VCP Corrective Notice, along with other guidance on the VCP and on Participant Notice requirements generally, is available on the PBGC's Web site at **www.pbgc.gov/participantnotice**.

PBGC Insights...
The latest news from America's private pension system insurer

The PBGC anticipates that many plan administrators will want to participate in the VCP as a precaution, even in the absence of a known Participant Notice failure. Participation in the VCP will not affect the likelihood that a plan will be selected for audit of compliance with the requirement to issue a post-VCP Participant Notice, with the PBGC premium requirement, or with any other PBGC requirement.

Proposed Penalty Structure

The PBGC's proposal calls for "guideline" penalties that are tied to plan size, with per-participant penalties for a one-year or longer delinquency ranging from $5 to $100 depending on whether the correction is pre-audit or post-audit and whether it is a first-time or repeat violation. These guideline penalties are adjusted downwards for delinquencies corrected in less than a year, and may be adjusted upwards or downwards based on the facts and circumstances. If adopted, these guideline penalties would apply (subject to a transition rule) to Participant Notices for 2004 and later years as well as to Participant Notices for earlier years where there is a 2002 or 2003 failure that does not qualify for penalty relief under the VCP.

DOL Corner

On May 18, Secretary Elaine L. Chao launched a nationwide education campaign – "**Getting It Right – Know Your Fiduciary Responsibilities**" – to educate employers and plan service providers about their fiduciary responsibilities under ERISA.

The retirement plan compliance seminars scheduled are Miami, Florida on June 17; Columbus, Ohio on July 29; Burlington, Massachusetts on September 8; and Phoenix, Arizona on September 23. The one day, free seminars are open to the first 200 registrants. The IRS will join DOL/EBSA at the seminars to discuss the key qualification issues. There will also be a discussion of both agencies' voluntary correction programs. See the seminar agenda below for more information.

Dear Colleague:

Strong fiduciary oversight and protecting workers' benefits is one of the highest priorities of the U.S. Department of Labor. The best way to protect workers' benefits is by preventing problems before they start. Our newest compliance assistance program – ***Getting It Right – Know Your Fiduciary Responsibilities*** – will increase awareness and understanding about basic fiduciary responsibilities when operating a retirement plan.

Getting it right, however, can be challenging. This is especially true for small and medium sized employers who have limited time, resources, and access to professional help with benefit programs.

Specifically, getting it right means:

- Understanding your plan and your responsibilities;
- Carefully selecting and monitoring service providers;
- Making contributions on time;
- Avoiding prohibited transactions; and
- Making appropriate disclosures to plan participants and filing annual reports to the government on time.

Our new program combines free seminars around the country, new educational materials, and a dedicated webpage on EBSA's website. With the valuable participation of our partners, ***Getting It Right*** will offer a helping hand to those who want to do the right thing.

I hope you will join us at this upcoming seminar. Helping fiduciaries to get it right benefits us all.

Sincerely,

Ann L. Combs
Assistant Secretary
Employee Benefits Security Administration

AGENDA

8:30 – 9:00 a.m. – **Registration & sign in**

9:00 – 9:30 a.m. – **Welcome**
U.S. Dept. of Labor and Partners

9:30 – 10:30 a.m. – **Fiduciary Responsibility**
Speaker: U.S. Dept. of Labor

10:30 – 10:45 a.m. - **BREAK**

10:45 a.m. – 12:00 p.m. – **Fiduciary Responsibility** (continued)
Speaker: U.S. Dept. of Labor

12:00 – 1:00 p.m. – **LUNCH** on your own

1:00 – 1:15 p.m. – **Fiduciary Responsibility Questions and Answers**

1:15 – 2:15 p.m. – **Reporting and Disclosure**
Speaker: U.S. Dept. of Labor

2:15 – 2:30 p.m. – **BREAK**

2:30 – 3:00 p.m. – **Tax Qualification Issues**
Speaker: Internal Revenue Service

3:00 – 3:45 p.m. – **Voluntary Correction Programs**
Speakers: U.S. Dept. of Labor and Internal Revenue Service

3:45 – 4:00 p.m. – **Questions and Answers**

To register for the seminars, contact Norma Mannix, Coordinator, Fiduciary Education Campaign, Tel. (202) 693-8684, Fax: (202) 219-8141, or Email: **mannix.norma@dol.gov**.

All attendees will receive a kit of information that includes two new publications – "Meeting Your Fiduciary Responsibilities", and "Selecting an Auditor for Your Employee Benefit Plan." In addition, there is a significantly expanded publication, "Understanding Your Retirement Plan Fees and Expenses." The "Reporting and Disclosure Guide" and the "Retirement Plans Correction Programs" publications are also included in the kit. The publications and information on the upcoming seminars are available electronically at **http://www.dol.gov/ebsa/fiduciaryeducation.html** or by calling toll-free 1-866-444-EBSA (3272).

DOL/EBSA is sponsoring the Campaign in partnership with the Society for Human Resource Management, the National Federation of Independent Business, the U.S. Chamber of Commerce, the American Institute of Certified Public Accountants, and the U.S. Small Business Administration.

Form 5500: It's That Time of Year, Again

As reported in the ***Spring 2003 Employee Plans News***, the Form 5500, *Annual Return/Report of Employee Benefit Plan* along with its related schedules and instructions was revised for 2003. Although the annual revisions were minor in scope, there was a significant development in the way the material was delivered to its potential users.

In a departure from prior practice, the government – IRS, DOL and PBGC – has NOT mailed the traditional forms packages this year. Instead, postcards reminding filers of their reporting responsibilities were mailed to all filers of record in early March 2004. These postcards include information on how filers can request paper copies of the required forms, schedules and instructions.

This change was in response to feedback from EFAST and the filing community that indicated an ever-increasing trend among filers to use EFAST-approved software as opposed to the government-printed material.

Changes to the Schedule SSA Are Expected for 2004

The **Schedule SSA** (Form 5500), *Annual Registration Statement Identifying Separated Participants with Deferred Vested Benefits*, remained unchanged for 2003, but changes are expected for 2004 to both the schedule and instructions. A significant change already announced (within the 2003 instructions) is the fact that non-standard attachments will no longer be allowed to report separated vested participants on the 2004 forms.

Help Is Available

Additional information pertaining to the **Form 5500** and **Form 5500-EZ** (including an updated list of filing tips and the *Troubleshooter's Guide to Filing the ERISA Annual Report*) can be found at the "Form 5500 Corner" by clicking on "EP Forms and Publications" on the **Retirement Plans web page**. The EBSA web page **www.dol.gov/ebsa** also has Form 5500 information. Copies of the forms, schedules and instructions are also available from the IRS by calling 1-800-TAX-FORM.

Change To Note

Filers of the Form 5330, *Return of Excise Taxes Related to Employee Benefit Plans* are reminded that the correct address to use when actually filing the form is Internal Revenue Service Center, Ogden, Utah 84201. The Where to File instructions were updated in March 2002 and can be found on page 2 of the **Instructions for Form 5330**. Returns mailed to the former service centers experience delays in processing and posting that often cost the filers and government lost time and money.

The Corner of Forms & Pubs

Welcome back to the Corner of Forms & Pubs – the EP version of Hollywood & Vine. The information here at the Corner is brief and topics needing further details will get their own full-length articles (such as the articles on the revised Forms 2848 and 5500). Although we don't have any individual products to discuss in this particular installment of the Corner, we want to make you aware of some resources (one old, one relatively new) that are available to filers of most IRS forms and schedules.

- Tired of filing in forms by hand? Don't you wish it were possible to complete a form on your computer's screen? Well, look no further than the *Fill-In Forms* section under *Resources*, *Forms and Publications* at **www.irs.gov**. Initiated a few years ago to accommodate filers of our most frequently used forms, the Fill-In Forms service has been expanded to include most IRS forms, including many in the world of Employee Plans. This fill-in feature is also available for products listed as "Fillable" on the list of "EP Forms & Publications" at **www.irs.gov/ep**.
- Ever wanted to see what the IRS is thinking about as it periodically revises its forms? …what new questions or trends might be anticipated? …or perhaps what tax law changes will impact your favorite form? Once again, the good folks in IRS Multimedia Publishing have heard your requests and created a resource that only a few practitioners know exist. The section *What's Hot in Tax Forms, Pubs and Other Tax Products* is the result of that effort and a "must see" for any and all filers. This section can also be found under *Resources*, *Forms and Publications* at **www.irs.gov**.

For further details about topics at the Corner, please visit the **Retirement Plans web page** and select "EP Forms and Publications". Paper copies of forms and publications can also be requested by calling 1-800-TAX-FORM. If you have comments about forms or publications, contact us at **RetirementPlanComments@irs.gov**.

Web Spins – The Retirement Plans Site

We're back: Web Spins - the column that takes you for a quick spin around the Retirement Plans web page at **www.irs.gov/ep**. This edition's column takes a sampling from the wealth of retirement plan topics.

- **Quality Assurance Bulletins** – EP Quality Assurance Staff (EP QAS) review and analyze determination letter applications in order to improve filing accuracy and quality and to discover opportunities for improvement. QAS then issues Quality Assurance Bulletins (QABs) on topics of interest to ensure the consistent processing of case files by EP Specialists. Initially, these QABs were developed as an internal resource tool but practitioners may find these QABs helpful when preparing their requests for determination letters or when responding to requests from the IRS. To see what QABs are available, go to **www.irs.gov/ep**, select "More Topics", then "Determinations".
- **Online Article on Extension of the EGTRRA RAP** – Have questions about the latest RAP extension as spelled out in **Rev. Proc. 2004-25**? Then visit the Determinations section of the **Retirement Plans web page**. RAP master Jim Flannery wrote this highly informative (and readable) article on the who, what, when and why of Rev. Proc. 2004-25.
- **Department of Redundancy Department** – In case you missed it earlier in the newsletter, EP has a new publication devoted to retirement plan issues written for the business owner and employer community. The *Retirement News for Employers – Helping Businesses with Retirement Plans* – is only available online. Just go to the Retirement Plans web page, click on "Newsletters" and then on "Retirement News for Employers".
- **Son of Department of Redundancy Department, Part 2, the Sequel** – Also in case you missed it earlier in the newsletter, EP has posted revised (and re-titled) Check-Ups for SEPs, SIMPLE IRA plans and SARSEPs. The Check-Ups section features updated explanations of checklist items along with an introduction letter from EP Director Carol Gold on the benefits of maintaining a plan that practitioners can use with their clients. Just click on "Check Up for Your SEP, SIMPLE or Similar Plan [updated]".

We're always adding new material to the **Retirement Plans page**. Visit us often.

CONTACTING EMPLOYEE PLANS

The *Employee Plans News* welcomes your **comments about this issue** and/or your **suggestions for future articles**.
Send comments/suggestions to:

EP Customer Education & Outreach
SE:T:EP:CEO Room 4C3
1111 Constitution Avenue, N W
Washington, D.C. 20224

or FAX (202) 283-9525

or E-Mail **RetirementPlanComments@irs.gov**

For **EP Taxpayer Assistance**

For retirement plans technical and procedural questions:

Please call (877) 829-5500

Or visit the EP Customer Account Services section of the Retirement Plans web page at **www.irs.gov/ep**.

For questions relating to retirement income, IRAs, ROTH IRAs, educational IRAs, medical savings accounts and section 125 cafeteria plans:

Please call (800) 829-1040

For further **Employee Plans Information:** Go to the Retirement Plans web page at: **www.irs.gov/ep**.

Mid-Atlantic Employee Benefits Conference Recap

The 2004 Mid-Atlantic Employee Benefits Conference was held on May 24-25, 2004 in Philadelphia. Employee Plans and the American Society of Pension Actuaries (ASPA) jointly sponsored this annual conference. A pre-conference session featuring Questions & Answers was held on Sunday evening, May 23. The conference offered continuing education credits for Certified Public Accountants and attorneys.

The conference featured panel discussions with both public and private sector participants. Discussions focused on current issues of import for pension practitioners. The conference featured IRS speakers—Carol Gold, Paul Shultz, Jim Holland, Marty Pippins, Cathy Jones, Scott Feldman, and Andy Cushing.

The conference had sessions on 401(k) regulations; plan design; recent court cases; pre-retirement distribution issues; Code sections 403(b), 457, 401(a)(9), and 412(i); record retention, and compensation issues. Both Washington and local updates were presented. The conference also included the very successful "Forget-Me-Nots" session on both days. These shorter sessions focused on some of the important topics relative to retirement plans.

EP specialists also staffed interactive tables which provided opportunities for attendees to meet informally for one-on-one discussions with EP specialists in the areas of Voluntary Compliance/CAP, 401(k), 403(b)/457, Customer Education and Outreach, Actuarial, Customer Service, Multi-Employer Audit Program, Employee Plans Team Audit (EPTA), and Determinations.

Central and Mountain States Benefits Conference

The 2004 Central and Mountain States Benefits Conference will be held on September 13 – 14 at the Hyatt Regency Denver in Denver, Colorado, celebrating the 30th anniversary of the passage of ERISA. The annual conference is co-sponsored by the Internal Revenue Service (IRS), American Society of Pension Actuaries (ASPA) and the Western Pension and Benefits Conference (WPBC).

The program will focus on current regulatory, legislative, administrative and actuarial topics. It will feature panel discussions with both public and private sector speakers on each panel. It will provide a unique opportunity for attendees to meet and discuss common areas of interest with government representatives from the Internal Revenue Service, Department of Labor, Health and Human Services and the Treasury Department. To focus on issues that are important to attendees, the discussions use an interactive panel format.

This year's conference will feature discussions on Abusive Tax Schemes, Voluntary Compliance on the EBSA Side, Treasury Initiatives, IRS and EBSA Audits, Responsibilities of the Employer as Plan Sponsor and Plan Administrator, 401(k) Plans, The Retiree Health Struggle, IRS Guidance, Domestic Partner Issues in Plans and Practical Issues with Takeover Plans. In addition, this year's conference will include three 2–part sessions that will include both a panel discussion and a case study on the topics of Mergers and Acquisitions, Service Crediting Rules and the Employee Plans Compliance Resolution System (EPCRS).

The Internal Revenue Service will also offer "interactive booths" where conference attendees will be given the opportunity to have one-on-one discussions with Employee Plans specialists. In addition, they will have the opportunity to pick up IRS publications, forms and promotional items. The Department of Labor will also have an interactive table.

For further information on the Central and Mountain States Benefits Conference as well as other IRS co-sponsored Benefits Conferences, go to **www.irs.gov/ep**. Click on "Educational Services" under the "Related Topics" section, and then select "Benefits Conferences Calendar".

2004 Great Lakes Benefits Conference Recap

The IRS partnered with the American Society of Pension Actuaries (ASPA) and more than twenty Cooperating Sponsors to present the annual Great Lakes Benefits Conference in Chicago, April 29-30, 2004.

General Sessions included: Washington Legislative and Regulatory Update; The Current State of the IRS Examination and Audit Cap Programs; and Preparing Your Client for an IRS Audit.

Breakout Sessions included: EPCRS Update; Latest and Greatest Topics on 401(k) Plans; Aggressive vs. Abusive Tax Practices; and Mock DOL Audit.

Preston Butcher, Director, Employee Plans Examinations, was the keynote speaker at the luncheon held on April 29.

Other government speakers at this year's conference included:

- Paul Shultz, Director, EP Determinations Redesign;
- Martin Pippins, Manager, EP Technical Guidance and Quality Assurance;
- Marjorie Hoffman, TE/GE, Office of Chief Counsel;
- Joyce Kahn, Manager, EP Voluntary Compliance;
- Monika Templeman, EP Area Manager, Great Lakes;
- Steven Haugen, Deputy Regional Director, Chicago Regional Office, U.S. DOL; and
- Terrence Deneen, Principal Deputy General Counsel, PBGC.

EP staff had interactive tables covering various topics such as EPCRS, Section 403(b) Tax Sheltered Annuities, 401(k) and Multi-employer Plans. The interactive booths also provided access to the newest information concerning benefits regulation, litigation, enforcement, and compliance. At the booths, attendees had additional opportunities to network with government agency representatives.

Northeast Employee Benefits Conference Recap

The IRS, in association with the Northeast Area's Pension Liaison Group and the American Society of Pension Actuaries (ASPA), held the annual Northeast Employee Benefits Conference on June 10 in Framingham, MA and June 11 in White Plains, NY.

With two sites, pension professionals from New York and New England were provided the opportunity to attend a conveniently located conference.

This year's conference featured sessions on current regulatory, legislative, and administrative topics. The conference also provided participants an opportunity to discuss employee benefit issues with colleagues as well as local and national government employees from the IRS and Department of Labor. This year, participating EP executives included Carol Gold, Director of Employee Plans; Paul Shultz, Director, EP Determinations Redesign; Preston Butcher, Director, EP Examinations; Marty Pippins, Manager, EP Technical Guidance and Quality Assurance; and other government speakers who participated on a number of panel discussions with employee benefits experts from the Northeast Pension Liaison Group.

This year's event, which included a moment of silence in honor of the National Day of Mourning for the late President Reagan, included panel discussions on:

- IRS Late-Breaking Developments
- Washington Update
- Title I of ERISA – Fiduciary Concerns
- IRS Enforcement Activities
- IRS Correction Programs
- Two Open Q&A Sessions

Each site also featured a series of breakout sessions that provided attendees the opportunity to select the subject matter they were most interested in. In addition to the presentations, personnel from EP, SB/SE and DOL Employee Benefits Security Administration were on hand throughout the conference to answer questions and discuss issues with attendees.

IRS employees contributing to this edition of the *Employee Plans News* are:Jim Flannery, Charlene Goins, Doug Jordan, Joyce Kahn, Beth Levine, Peter McConkey, Steve Miller, Gale Moore, Todd Newman, Mark O'Donnell, Theresa Parsons, Nancy Payne, Evelyn Petschek, Sharon Polo, Donna Prestia, Steve Pyrek, Wiley Ransom, Mike Rubin, Gary Runge, Bonnie Schaumberg, John Schmidt, Paul Sian, Brenda Smith-Custer, Mikio Thomas, Rick Trevino and Katherine Wilson

Quick Hits

Updates on the best in brief…

The Tax Forums are Coming, the Tax Forums are Coming…

It's that time of year again. The 2004 IRS Nationwide Tax Forums will be held in six cities across the country. A brand new location has been added this year: Minneapolis, MN. EP will offer two seminars at the Forums: "The ABCs of 401(k)" and an update of last year's "'No Fuss' Retirement Plans". Check the "Tax Professionals" section of the **www.irs.gov** website for dates and locations.

Mark Your Calendars …

The IRS and the SouthWest Benefits Association invite you to attend the SWBA/IRS 15th Annual Employee Benefits Conference, November 15-16, 2004, at the Renaissance Dallas North Hotel in Dallas, Texas. This year's program will feature presenters from the IRS, DOL, and Department of Treasury. For more information and to register, visit **www.swba.org**.

Employee Plans Published Guidance

(March 2004 - June 2004)

Announcements

Announcement 2004-32, 2004-18 I.R.B. 860 (April 16, 2004)	Describes decisions made following public comments on the future of the EP determination letter program.
Announcement 2004-33, 2004-18 I.R.B. 862 (April 16, 2004)	Requests public comment regarding pre-approved plans and contains a draft revenue procedure.
Announcement 2004-38, 2004-18 I.R.B. 878 (April 12, 2004)	Provides an election form for an Alternative Deficit Reduction Contribution (ADRC).
Announcement 2004-43, 2004-21 I.R.B. 955 (May 6, 2004)	Provides additional guidance including time and manner of an ADRC and the related notices. Note that this announcement was corrected in **Announcement 2004-51, 2004-23 I.R.B. 1041.**
Announcement 2004-51, 2004-23 I.R.B. 1041 (May 24, 2004)	Corrects Announcement 2004-43.
Announcement 2004-52, 2004-24 I.R.B. 1071 (May 28, 2004)	Provides guidance on the treatment of a plan described in **Rev. Rul. 2004-57** that was established before June 14, 2004.

Regulations

REG-149752-03, 69 Fed. Reg. 12291 (March 16, 2004)	These proposed regulations pertain to the excludability of certain employees under section 410(b)(6) of the Code.
REG-128309-03, 69 Fed. Reg. 13769 (March 24, 2004)	These proposed regulations pertain to anti-cutback provisions and other related matters under section 411(d)(6) of the Code.

Revenue Procedures

Rev. Proc. 2004-25, 2004-16 I.R.B. 791 (March 31, 2004)	Extends the remedial amendment period for certain disqualifying provisions.
Rev. Proc. 2004-37, 2004-26 I.R.B. (June 9, 2004)	Provides a method of determining the source of a pension payment to a nonresident alien individual from a defined benefit plan.

Revenue Rulings

Rev. Rul. 2004-57, 2004-24 I.R.B. 1048 (May 24, 2004)	Describes a situation where a union administers a section 457 governmental plan for its members who are employees of a governmental unit.

Calendar of EP Benefits Conferences

UPCOMING EVENTS...

Name	Date(s)	Location	Co-Sponsor(s)	For Further Information, Please Contact
Mountain States Benefits Conference	09/13/04-09/14/04	Denver, CO	ASPA and WPBC	ASPA: www.aspa.org or, ASPA Meeting Department (703) 516-9300
SWBA/IRS 15th Annual Employee Benefits Conference	11/15/04-11/16/04	Dallas, TX	Southwest Benefits Association (SWBA)	SWBA: www.swba.org or, (214) 382-3035
Los Angeles Benefits Conference	01/27/05-01/28/05	Los Angeles, CA	ASPA, NIPA, WPBC and other cooperating sponsors	

RECENT EVENTS...

Name	Date(s)	Location	Non-IRS Co-Sponsor(s)	For Information, See
17th Annual Cincinnati Employee Benefits Conference	06/17/04 06/18/04	Cincinnati, OH	Cincinnati Bar Association	*EP Benefits Conferences Calendar at* www.irs.gov/ep
Northeast Benefits Conference (2 Locations)	06/10/04-06/11/04	Framingham, MA & White Plains, NY	ASPA & NE Area Pension Liaison Group	
Mid-Atlantic Benefits Conference	05/24/04-05/25/04	Philadelphia, PA	ASPA	
Great Lakes Benefits Conference	04/29/04-04/30/04	Chicago, IL	ASPA & other cooperating sponsors	

IRS
Department of the Treasury
Internal Revenue Service
www.irs.gov
Publication 3749 (6-2004)

Internal Revenue Service
Tax Exempt and Government Entities Division
Employee Plans News
1111 Constitution Avenue, NW
Room 4C3, SE:T:EP:CEO
Washington, DC 20224