

# employee plans news

PROTECTING RETIREMENT BENEFITS THROUGH EDUCATING CUSTOMERS

Internal Revenue Service  
Tax Exempt and Government  
Entities Division

A Publication of Employee Plans

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## EP Connections: Interview with Andrew Zuckerman and Robert Bell on the Updated Procedures on Staggered Remedial Amendment Cycles

With the issuance of [Revenue Procedure 2007-44](#), the *Employee Plans News* had the opportunity to sit down and talk with Andrew Zuckerman (Director, IRS Employee Plans Rulings & Agreements) and Robert Bell (Manager, IRS Employee Plans Determinations). Rev. Proc. 2007-44 was released on June 13, 2007, in advance of its publication in issue 2007-28 of the IRB on July 9, 2007. This revenue procedure clarifies, modifies and supersedes [Rev. Proc. 2005-66](#), in which the Service established a system of remedial amendment cycles under section 401(b) of the Internal Revenue Code for individually designed and pre-approved plans.

### In what ways does the new revenue procedure respond to feedback received from the Retirement Plans Community?

*Since the inception of the [Staggered Remedial Amendment Period Program](#), to make the program more user friendly to the public and ourselves, we have been actively seeking feedback from practitioners and employers. In response to this feedback, we have taken many of these recommendations and incorporated them into the program. For example, to meet the needs of the business and employer communities, we have added provisions to treat new individually designed plan off-cycle applications as on-cycle if their regular filing cycle begins more than two cycles after the plan was adopted.*

### Equally, in what ways does the new revenue procedure address clarifications and/or modifications that your personnel have identified?

*Our employees have also been making suggestions for improvement of the program. While many of the suggestions from non-employees focused on making it easier to file determination letter requests, our employees' suggestions have been concerned with efficiency of processing the applications. Some of their recommendations mirrored the suggestions of practitioners and employers. For example, our employees questioned whether sponsors could request expedited treatment of determination letter applications. The new procedure clarifies that under very limited circumstances off-cycle filings can be treated as filing on-cycle if a determination letter is needed as a result of urgent business need. Many of the changes relating to this and the prior question are described in the next article found in this newsletter.*

### What impact will Revenue Procedure 2007-44 have on the EP Determination workload?

*There's no question that our workload will increase as a result of this revenue procedure. Our attempts to address the public's concerns about our treatment of off-cycle filings have led us to the conclusion that we should treat many categories of them as if they were on-cycle. Clearly, the result of such a strategy will be to increase in any given year the number of applications we'll be trying to work as they're filed, and conversely, limiting the number that we place in a suspense status.*

**What has been the experience so far with [Cycle B](#)?**

*To be candid, our experience with Cycle B applications has been too limited to allow us to discuss any specifics. We have received very few Cycle B applications, which causes us concern that we'll experience another "mini-spike" when that cycle expires on January 31, 2008. If it becomes an annual occurrence that applicants wait until January 31<sup>st</sup> to file with us, the entire leveling concept that underlies the staggered approach will be compromised.*

**What efforts have been made to encourage Cycle B applicants to not wait until the end of their cycle?**

*During the last month of Cycle A we received approximately 3,770 on-cycle determination letter requests. This represents over 70% of the receipts for the entire cycle. It appears that we may have traded in periodic large spikes in inventory when there are major changes to the retirement plan laws for annual smaller spikes. This has created "instant" backlogs. We recognize that to be most efficient we must find ways to get plans to file earlier in their respective cycles. We have been encouraging practitioners and employers to file earlier in the cycle through speeches. We have also begun to process some of the early Cycle B filings before we have completed Cycle A filing reviews to underscore that the longer you wait to file, the longer it will take to get a determination letter. We have also received several suggestions we are considering, including discounting user fees for early filers and requiring quarterly, rather than annual filings.*

*Above all else, we intend to work Cycle B applications that are filed early in the cycle as soon as we receive them. This means, of course, that some Cycle B filers may actually receive their determination letters sooner than Cycle A filers who waited until January 31, 2007, to file their applications. We can think of no better way to emphasize the importance we place on early filings than by adopting this approach.*

*We welcome any suggestions you may have to encourage earlier filings.*

**What was the effect of the "mini-spike" that occurred last winter when [Cycle A](#) applicants waited to submit until the end of their cycle?**

*Regrettably, the influx of cases at the deadline created precisely the type of backlog we were hoping to avoid. The irony of it all is that we experienced a period last summer (one that will presumably never be repeated) when our inventory was historically low and we had the resources to review Cycle A EGTRRA applications immediately upon receipt. Very few plan sponsors took advantage of that, though, so now we are faced with a significant backlog of work that will not be processed nearly as expeditiously as might have otherwise been the case. We're doing the best we can, but the fact is that over a third of our technical workforce is dedicated to working either pre-approved plans or cash balance moratorium cases. This leaves us far fewer resources to devote to Cycle A applications, and will thus cause these cases to remain open longer than we, or the public, would like.*

**What priority is applicable to "[off-cycle](#)" applications? Are these applications worked ahead of "[on-cycle](#)" applications?**

*As has always been the case, we give termination applications (Forms 5310) priority treatment because of pending distribution of plan assets to participants and beneficiaries. Beyond that, as we indicated previously, we will give timely filed Cycle A applications and Cycle B applications that were filed early in that cycle equal treatment in terms of prioritization. We will have to make judgment calls on how best to prioritize applications for initial plans that are more than two years beyond their regular filing cycle and those filed by plans with an urgent business need for a determination letter.*

## New Revenue Procedure Updates the Staggered Remedial Amendment Period Program

Rev. Proc. 2005-66 laid out the basic structure and rules for issuing opinion, advisory, and determination letters and established the five-year remedial amendment cycle for individually designed plans and the six-year remedial amendment cycle for pre-approved plans. The Service and practitioner community are working to improve the operation and efficiency of this program. [Rev. Proc. 2007-44](#), which supersedes Rev. Proc. 2005-66, clarifies and improves the DL program; however, we expect to continue to make appropriate adjustments to the program in the future. Rev. Proc. 2007-44 contains minor tweaks, as well as some significant changes, which are outlined below. See section 3 of the revenue procedure for a complete summary of all of the changes.

- The deadline to submit applications for opinion and advisory letters for sponsors and practitioners maintaining defined benefit mass submitter plans and national sponsors is extended from October 31, 2007, to January 31, 2008. See section 18.02(2).
- Rev. Proc. 2007-44 contains special rules for the Pension Protection Act of 2006 (PPA '06). M&P plan sponsors and VS practitioners are required to include PPA '06 law changes listed on the [2006 Cumulative List](#) that are effective in 2006 and 2007 in plan documents submitted with their opinion and advisory letter applications for pre-approved defined benefit plans. The Service will consider PPA '06 provisions effective in 2006 and 2007 in issuing opinion and advisory letters, and such letters may be relied on with respect to such PPA '06 provisions specifically listed on the 2006 Cumulative List. See section 4.05(2).
- The Service will not consider PPA '06 in its review of applications for determination letters for individually designed plans and multiple employer plans using the 2006 and 2007 Cumulative Lists. Generally, individually designed plans and multiple employer plans can be amended, at the option of plan sponsors, to include the applicable PPA '06 provisions. However, determination letters issued for individually designed plans and multiple employer plans using the 2006 and 2007 Cumulative Lists may not be relied upon with respect to any PPA '06 plan provision. See section 4.05(1).
- Under section 1107 of PPA '06, a plan sponsor is permitted to delay adopting a plan amendment pursuant to statutory provisions under PPA '06 or pursuant to any regulation issued under PPA '06 until the last day of the first plan year beginning on or after January 1, 2009 (January 1, 2011 in the case of governmental plans). This amendment deadline applies to both interim and discretionary amendments that are made pursuant to PPA '06 or any regulation issued under PPA '06. See section 5.07(2).
- In order to issue the Cumulative List as scheduled (i.e., mid-November), changes have been made as to what will be included on the Cumulative List. Except as otherwise provided in the applicable Cumulative List, the Service will not consider in its review of any opinion, advisory or determination letter application any guidance or statutes issued or enacted after the October 1 preceding the date the applicable Cumulative List is issued (the October 1 date for guidance may be extended in the applicable Cumulative List with respect to opinion or advisory letter applications); qualification requirements that become effective in a calendar year after the calendar year in which the submission period begins with respect to the applicable Cumulative List; or statutes that are first effective in the year in which the submission period begins with respect to the applicable Cumulative List, for which there is no guidance identified on the applicable Cumulative List. This will allow more efficient updating and processing of plans. See sections 4.03 and 4.04.

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- Effective as of July 9, 2007, Form 6406, *Short Form Application for Determination for Minor Amendment of Employee Benefit Plan*, may not be used to apply for a determination letter. An application submitted with this form will no longer be accepted by the Service. In addition, individually designed plans must be restated when they are submitted for determination letters. See sections 12.03 and 12.04.
- Generally, an off-cycle application will not be reviewed until all on-cycle plans have been reviewed and processed. However, in addition to terminating plans, the following types of applications will be given the same priority as on-cycle applications: (1) a new individually designed plan whose next regular on-cycle submission period ends at least two years after the end of the off-cycle submission period during which the plan sponsor submits its application and (2) an off-cycle application submitted in accordance with published guidance issued by the Service specifying that a determination letter must be submitted in connection with a particular event. The initial cycle for a new plan is the cycle that includes the end of the plan's initial remedial amendment period under § 1.401(b)-1. In addition, the Service will consider urgent business need requests based on the facts and circumstances, but it is expected that these requests will be granted only in limited cases where exceptional circumstances exist. See sections 14.02 - 14.04.
- Rev. Proc. 2007-44 provides more details on when an employer's plan is treated as a pre-approved plan and is eligible for a six-year remedial amendment cycle, including clarifying definitions of prior adopter, new adopter, intended adopter, and existing and interim plans. See sections 17.01 - 17.06. Rev. Proc. 2007-44 provides detailed examples, which illustrate different principles described in the revenue procedure.
- The revenue procedure clarifies the rules on when an employer is entitled to remain in the six-year cycle after adopting an individually designed plan and making certain types of amendments. See sections 19.02 - 19.04.
- Rev. Proc. 2007-44 includes special deadlines for governmental and tax exempt employers with respect to adopting interim and discretionary amendments. See section 5.06.
- The exceptions to the general rule for determining a plan's five-year remedial amendment cycle are expanded and clarified, including new rules for controlled group elections. See section 10.
- If sponsors, practitioners or employers (entity) made a determination with respect to a particular plan based on a reasonable and good faith interpretation of Rev. Proc. 2005-66 that the plan is not a Cycle A plan, and under Rev. Proc. 2007-44 the plan is a Cycle A plan, then the entity has until January 9, 2008 to submit the plan to the Service. The plan will be considered on-cycle for Cycle A and will be reviewed by the Service using the annual Cumulative List based on the date of the determination letter submission. See sections 21.03 and 21.04.

As requested by the practitioner community, the Service intends to issue a list of interim amendments for 2007 by approximately mid-summer, in a future newsletter. Also stay tuned to future newsletters and the [EP web site](#) for further updates on the Service's Staggered Remedial Amendment Period Program.

## Steven T. Miller, Commissioner, TE/GE, on Promoting and Protecting Retirement Security

Steven T. Miller, IRS Tax Exempt and Government Entities Commissioner, spoke before the Great Lakes Benefits Conference on May 3, 2007, and the following excerpts reflect key points about “promoting and protecting retirement security...compliance efforts, the trends at work in the EP sector, and whether the enforcement work [EP] has begun is the best way to address” retirement trends.

*I'd like to set the stage for a discussion of these themes by providing a broad-brush picture of our nation's retirement readiness. How are we doing in establishing plans and setting aside the money to support us in our retirement? Here it is in a nutshell: We are getting old and we aren't saving.*

*Simply put, this gives us an opportunity, indeed a responsibility, to consider an important question: Given that our job is to help promote and protect America's retirement security, what is the purpose of the Employee Plans Division today, and should we change our direction?*

*...In my view these [Employee Plans] programs remain essentially right-sized and well-directed, but I think EP needs to increase or modify its efforts in several respects. Given the trends, EP may no longer be able to accomplish its mission by focusing exclusively on employers and plan administrators. It may be that what is called for is an EP division that is proactive in areas that go beyond assuring technical compliance with federal tax law.*

*I submit there are two key changes, among those demanded by the coming wave of new retirees, the lack of sufficient savings, the change in who bears the risk of loss here, as well as the persistence of some tax and consumer abuses. Those changes are promoting enhanced transparency and promoting sound asset management practices by both participants and employers.*

*By enhancing transparency, I mean that the Service must broaden its educational efforts by reaching out to individual participants and retirees.*

*Our goal must be to increase transparency in the employee plans sector by helping individuals understand their own situation - how much they need for retirement, how much they have invested, what they have invested in, how much they are being charged in fees, and how all of this impacts the retirement benefits they will receive.*

*By sound asset management, I mean that the Service must broaden its service and enforcement programs, not only to address abuse and traditional concerns such as discrimination, but also to ensure that plans and the entities that sponsor them serve, and do not exploit, participants and contributors. And we must aim at sectors, not just individual plans and sponsors. In short, we must act to assure that plan assets are being managed well and exclusively to promote the interests of plan participants. And we must do this recognizing that additional burden on employers may cause withdrawal from an essentially voluntary system.*

*...We have always been concerned to see that eligible employees are covered by plans, and that plan assets are managed with the best interest of plan participants in mind. We will carry this concern forward. But we will also make a greater effort to promote transparency in the EP sector from the standpoint of the plan participant, the consumer.*

*Transparency in this context means ensuring that participants have the information they need to make good choices, and to understand the long-term implications of such things as plan expenses and alternate investment strategies. Good decisions require good information.*

### 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  
1111 Constitution Avenue, N.W.,  
PE-4C3  
Washington, D.C. 20224

or FAX (202) 283-9525

or E-Mail:  
[RetirementPlanComments@irs.gov](mailto:RetirementPlanComments@irs.gov)

### For EP Taxpayer Assistance:

#### **For retirement plans technical and procedural questions:**

Please call (877) 829-5500

Or visit the Contact EP/Services section at [www.irs.gov/ep](http://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 [www.irs.gov/ep](http://www.irs.gov/ep).

## Steven T. Miller, Commissioner, TE/GE, on Promoting...

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*In addition to this transparency, I believe we must also target enforcement to those areas that will promote coverage and protect assets.*

*Through enhanced transparency, and a broader, proactive regulatory approach, we can help provide the nearly 100 million plan participants a better opportunity to achieve a financially sound retirement.*

For a [complete transcript](#) of Mr. Miller's remarks and more [Tax Information for Plan Participants/Employees](#), visit the [Retirement Plans Community web page](#).•

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## Wait a Minute, Mr. Postman! What's This IRS Letter About? New EPCU Web Page Explains It All

The Employee Plans Compliance Unit, or [EPCU](#), has established a new web page devoted to assisting the Retirement Plans Community in understanding the projects and the associated compliance contact or examination letters your clients have received or may receive in the future.

The EPCU focuses on compliance projects and performs data analysis. It was established to address pension compliance in a whole new way. Through the use of compliance contacts by correspondence, telephone and other media, the EPCU will focus on project activity where there are indications of potential non-compliance. The EPCU will address compliance issues on more plans with less staffing resources than by performing traditional field examinations. The EPCU has performed over 4,700 compliance checks, contacting nearly 4,200 taxpayers since it was established in 2005.

The EPCU web page contains a wealth of information, including:

- A list of current projects being worked in the EPCU, each with
  - The background of the project
  - A description of the project process
  - Sample communications
  - What to do if you receive a letter or have a question
  - Other IRS web page resources
- Approved projects that may occur later
- EPCU newsletter article archive
- Non-project specific sample communications
- How to contact EPCU
- FAQs

The page also provides a "featured project," which will be the project generating the most buzz in the Retirement Plans Community. Please visit the "EPCU Insider," a new recurring section of this newsletter, to read about the premier featured project, the 403(b) Universal Availability Project.

With nine current open projects and eleven proposed projects pending, chances are your clients might be contacted by the EPCU. If and when they do, remember to visit the EPCU web page for answers. •

## The EPCU Insider

Welcome to the premier of the “EPCU Insider,” a recurring column that will provide the latest developments of the Employee Plans Compliance Unit. A description of the EPCU and its purpose can be found in the prior article in this newsletter or by visiting our new [web page](#).

A [News Release](#) announced the expansion of EPCU’s national compliance contact plan regarding universal availability for 403(b) plans. We have made this our initial featured project as it is creating a lot of buzz in the Retirement Plans Community.

School districts are being contacted to determine if they are in compliance with the nondiscrimination provisions of IRC section 403(b)(12)(A)(ii), also known as the “universal availability” requirement. A questionnaire is included with the compliance contact letter to help determine if the public school’s employees are provided the opportunity to participate in its 403(b) plan.

This universal availability rule means that if an employer permits one employee to defer salary into a 403(b) plan, the employer must extend this offer to all eligible employees of the organization. However, certain employees may be excluded from the plan:

- Employees who will contribute \$200 annually or less.
- Those employees who participate in a 401(k), 457 or another 403(b) plan.
- Non-resident aliens.
- Employees who normally work less than 20 hours per week.
- Students performing services described in section 3121(b)(10).

This condition requires extra care from the employer. It’s easy to mistakenly assume certain employees who only have a support role with the organization or who work in what is typically considered a part-time role are not eligible for the plan merely by the classification of their position in the organization. Examples of such groups include:

- Nurses.
- Substitute teachers.
- Bus drivers.
- Maintenance workers.
- Employees who are not full-time, not permanent and/or non-contract.

A mistake in this area may lead to the entire 403(b) plan losing its tax-deferred status.

Craig Chomyok, manager of the EPCU, notes that their new web page provides detailed information about this project. “It provides you the opportunity to read more about the project, what to do if you or your client receives a letter and how to contact the EPCU if you have questions.”

Check future editions of this newsletter for more “EPCU Insider” information. •

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## Web Spins - The Retirement Plans Site

We're back: **Web Spins** - the column that takes you for a quick spin around the **Retirement Plans Community web page**.

### [EP Abusive Tax Transactions](#)

The EP Abusive Tax Transactions web page has been revised to make it easier to use. All the listed transactions are available at the top of the page for easy access. Just go to the [Retirement Plans Community web page](#), select "Examinations/Enforcement" on the left-navigational bar and the link for "EP Abusive Tax Transactions" is the second link on the web page.

### [403\(b\) Plan Checklist – Publication 4546](#)

The expanded explanations attached to the checklist have been updated. This publication can be located on the [EP Forms/Publications/Products web page](#).•

## POA Area Assignments

In 2002 the Employee Plans (EP) Determinations function began a program designed to keep submissions of practitioners together during the determination letter request process. As part of the participation requirements, practitioners must file at least 30 applications at a time and include the practitioner assignment number (in green ink) on the upper left-hand corner of the first page of every application. This program was discussed in the [Spring/Summer 2002 edition](#) of the *Employee Plans News*.

In 2006 EP Determinations introduced the new staggered remedial amendment approach for receiving and processing determination applications under Revenue Procedure 2005-66. Due to the volume of processing changes encountered during the initiation of the staggered approach, EP Determinations temporarily suspended the practice of associating and working the "green number" associated applications.

EP Determinations anticipates that the "green number" program will be reinstated next year with the completion of our new automated inventory control system, Tax Exempt Determination System (TEDS). Watch future editions of the *Employee Plans News* for information and guidance when the program is reinstated. •

### How to Subscribe to *Employee Plans News*

The *Employee Plans News* is issued only through IRS e-mail. For your free subscription, please go to the [Retirement Plans Community web page](#) and subscribe online by selecting "Newsletters" under "Retirement Plans Community Topics." All editions of the *Employee Plans News* are archived there.

For your convenience, we have included Internet links to referenced materials throughout the *Employee Plans News*. These links are identified by blue and underlined text. •

## The DB LRMS Are Here

The new LRMs - Listing of Required Modifications - for defined benefit Master & Prototype (M&P) Plans have been issued. The IRS has posted the LRMs, containing sample language that sponsors and mass submitters of defined benefit M&P plans may use in drafting their plans (DB LRMs). The LRMs have been updated for changes in the law made by the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA), the Gulf Opportunity Zone Act of 2005 (GOZA), as well as certain law changes under the Pension Protection Act of 2006 (PPA '06), as described in the [2006 Cumulative List](#), and other guidance. M&P sponsors and mass submitters are encouraged to use LRM language and to identify where the LRMs are used in their plan documents. In addition, practitioners and mass submitters of VS plans may find the language useful in drafting plans. •



## Critical FewPoints...by Monika Templeman (Director, EP Examinations)

Hello everybody. Allow me to introduce myself. My name is Monika Templeman and I have been selected as the new Director, Employee Plans Examinations. I accept this position with great enthusiasm and I am looking forward to a successful partnership with all of you to preserve, protect and enhance the private retirement system in America. I plan on using the ideas and continuing the initiatives started by my predecessor, as well as implementing my innovations to make the Examinations Program more productive and less taxing to my staff and to you. Continue to visit here for future editions to read about the ideas I have for the Examinations Program.

I will keep the lines of communication open to enable you to contact me to share your thoughts about my ideas and to share your own ideas. Please e-mail me at [RetirementPlanComments@irs.gov](mailto:RetirementPlanComments@irs.gov). I look forward to hearing from you.

The last "Critical FewPoints" article was devoted to Research and Analysis. In this issue, I would like to share with you the latest on another "Critical Few," Focused Examinations.

You may have heard that we're using an approach called Focused Exam Methodology or Focused Exams. Your clients may have also experienced a Focused Exam in a recent audit. Why are we using this approach? Why do we consider this methodology highly successful? Well, Focused Examinations have been in place for about 18 months. We look at our market segments and narrow the scope of what we initially ask for based on that market segment so we are able to reduce the burden of an examination and expand our coverage. We also zero in on the issues we think are important or possible areas that could be non-compliant in that market segment. Upon the agent's visit for the examination, if he or she finds good credibility, finds no surprises from the initial interview, and finds the internal controls to be good, then we most likely will not have a need to expand our audit beyond the items initially selected to examine. If we see problem areas, obviously we could always expand to be able to encompass those areas to ensure the plan is in good compliance. In the past 18 months, we have found that the Focused Exam Methodology equates to a less burdensome, more effective way to leverage resources and partner with you in compliance to make sure pension plans are what they say they are - excellent vehicles for retirement.

For those of you whose clients have been selected for an examination, we provide you with two great tools on [www.irs.gov/ep](http://www.irs.gov/ep) to assist you in preparing for the examination. Both items can be found on my "Examinations/Enforcement" page; the link can be found in the left-hand side of the [Retirement Plans Community](#) page. First, visit the [EP Compliance Trends and Tips](#) page. In the "tips" section, you will find the "Top Ten Tips to Prepare for an Efficient Audit." It explains how to prepare for an EP examination and what should be readily available for the examination. Second, visit the [EP Examination Process Guide](#). The guide clarifies the various steps in the examination process and introduces resources available to you and your clients.

Thanks for taking the time to read my message. Feel free to share this article with others who may not subscribe to the newsletter. Please share your thoughts through the e-mail address above or when you happen to see me delivering my message at conferences throughout the country. •

IRS employees contributing to this edition of the *Employee Plans News* are:

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**Mike Rubin,**  
**Bonnie Schaumberg,**  
**Carla Smith,**  
**John Schmidt,**  
**Brenda Smith-Custer,**  
**Monika Templeman,**  
**Mikio Thomas** and  
**Andrew Zuckerman** •

## § 402A Final Regulations Are Here

A designated Roth account is a separate account under a § 401(k) plan or a § 403(b) plan to which designated Roth contributions are made, and for which separate accounting of contributions, gains, and losses are maintained.

Final regulations for designated Roth accounts under § 402A were issued April 30, 2007. Along with final regulations under § 402A, also issued at the same time were final regulations under § 401(k), § 402(g), and § 408A relating to designated Roth accounts. These regulations generally apply to taxable years beginning on or after January 1, 2007. The final regulations reflect changes made by the Pension Protection Act of 2006 (PPA '06).

Here are a few highlights of the § 402A final regulations:

- The final regulations reflect the rule in § 402A that the 5-taxable-year period during which a distribution is not a qualified distribution begins on the first day of the employee's taxable year for which the employee first had designated Roth contributions made to the plan and ends when 5 consecutive taxable years have been completed.
- Designated Roth contributions made by a reemployed veteran are treated as made in the taxable year with respect to which the contributions relate. Reemployed veterans may identify the year for which a contribution is made for other purposes, such as for entitlement to a match, and the treatment for the 5-taxable-year period of participation rule follows that identification.
- Some contributions do not start the 5-taxable-year period of participation, for example, excess contributions that are distributed to prevent an ADP failure or contributions returned to the employee pursuant to § 414(w) (special rules for certain withdrawals from eligible automatic contribution arrangements).
- A nonqualified distribution from a designated Roth account is taxable to the distributee under § 402 (or § 403(b)(1)), treating the designated Roth account as a separate contract under § 72.
- The basis recovery rules in § 408A (basis first) do not apply to distributions from designated Roth accounts.
- PPA '06 provides that participants in a plan qualified under § 401(a) or a § 403(b) plan can roll over after-tax contributions to another plan qualified under 401(a) or a 403(b) plan provided the rollover is made through a direct trustee-to-trustee transfer and the receiving plan separately accounts for the rollover. The final regulations retain the rule in the proposed regulations that, in order to roll over any portion of the basis in the designated Roth account into a Roth account under another plan, the rollover must be accomplished through a direct rollover.
- The requirement in the proposed § 402A regulations that the receiving plan separately account for designated Roth contributions that are rolled over has been eliminated because such contributions are independently subject to the separate account requirement of Regulation § 1.401(k)-1(f).
- The final regulations clarify that a distribution from a designated Roth account may only be rolled over to a § 401(k) plan or a § 403(b) plan if that plan has a designated Roth program.
- If the entire account balance of a designated Roth account is rolled over to another designated Roth account in a direct rollover, and, at the time of the distribution, the investment in the contract exceeds the balance in the designated Roth account, the investment in the contract in the distributing plan is included in the investment in the contract of the recipient plan.

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- A participant's designated Roth account and the participant's other accounts under a plan are treated as accounts held under 2 separate plans (within the meaning of § 414(l) (mergers and consolidations of plans or transfers of plan assets)) for purposes of applying the automatic rollover rules for mandatory distributions.

**Important Note:** Postponement of rule on gap-period earnings for excess deferrals

An article in the Winter 2007 *Employee Plans News* indicated that plans that did not currently provide for the distribution of gap-period earnings on distributions of excess deferrals need to be amended for 2006 to comply with the proposed regulations under § 402(g) that were issued on January 26, 2006. These regulations were proposed to be effective for taxable years beginning on or after January 1, 2006. However, the final regulations under § 402(g) provide that the effective date for the rule on gap-period earnings is taxable years beginning on or after January 1, 2007. Thus, unless the plan so provides, distributions in 2007 of a participant's 2006 excess deferrals need not include earnings for the gap-period. •

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## 412(i) Plans: Requirements for Retroactive Funding Standard Account Calculations

412(i) plans are pension plans funded exclusively by the purchase of life insurance and annuity contracts. They are not subject to the funding rules that apply to other defined benefit plans if they meet all of the requirements of section 412(i). Some taxpayers have attempted to use the special 412(i) funding rules to take excessive deductions and to avoid taxes they properly owe. Other purported 412(i) plans merely fail to follow the specific rules that apply to 412(i) plans, though the deductions taken generally are not greater than the deductions that would have been allowable had the plan not claimed to be a 412(i) plan. In all cases the defects must be corrected.

In certain circumstances, as reported in the [Spring 2007 edition](#) of the *Employee Plans News*, the IRS is permitting taxpayers to treat pension plans purporting to be 412(i) plans as if the plans had never claimed to be 412(i) plans. Under this option, minimum required and maximum deductible contributions are calculated for all plan years in accordance with the funding rules applicable to defined benefit plans that do not meet the requirements of 412(i), i.e., "the section 412 funding rules." The calculations are done for all years back to the inception of the plan.

On June 5, 2007, Monika Templeman, Director of EP Examinations, issued a memorandum to EP field personnel, stating the requirements for the actuarial calculations that must be submitted to the IRS if a taxpayer wishes to use this option.

It is important to note that these instructions must be followed. **Calculations submitted ignoring the instructions will not be accepted and the plan will not be permitted to be treated as a 412 plan.** Thus, it is essential that actuaries doing calculations for these submissions are made aware of the instructions, and any taxpayer wishing to convert a plan to a 412 plan makes sure that the actuary has a copy of the instructions. The instructions follow.

*Instructions for Funding Standard Account Calculations for Plans that Want to be Treated as 412 Plans Retroactively*

- **Certification.** The plan sponsor must hire an enrolled actuary to do the calculations that would have been done for all prior years had the plan not claimed to be a 412(i) plan, using reasonable actuarial assumptions chosen and certified to by the enrolled actuary. The actuarial cost method must be a reasonable method. Required calculations include the calculation of the minimum required and maximum deductible contributions.
- **Spreadsheet and Schedule B.** A spreadsheet documenting the funding calculations for all prior years and a signed Schedule B for the current year must be provided to the IRS. (Note that in many situations, the year that was originally under examination was two or three years ago, and the required Schedule B may be more recent than the last plan year that was actually examined.) The spreadsheet must show the calculation of the minimum required contribution and the maximum deductible amount for each year. Methods and assumptions must be clearly specified.
- **Plan amendments.** The 412 plan must have the same plan provisions as the plan that purported to be a 412(i) plan. No retroactive amendments are permitted, other than under the limited exception provided by IRC section 412(c)(8), which generally permits amendments adopted after the close of the plan year, but within 2 1/2 months of the end of the plan year, to be treated as made on the first day of the plan year, as long as the amendment does not reduce benefits already accrued.
- **Asset valuation.** Any life insurance policy or annuity policy owned by the plan must be valued at fair market value.

Section 3.02 of [Rev. Proc. 2005-25](#) describes an acceptable method of determining the fair market value of a life insurance policy. However, section 3.05 of that revenue procedure states that the formula provided in section 3.02 must be interpreted in a reasonable manner and that if the contract has not been in force for some time the value of the contract is best established as the premiums paid for the contract.

Section 3 of [Rev. Proc. 2006-13](#) describes an acceptable method of determining the fair market value of an annuity policy.

If any other methods of determining fair values are used they must be clearly explained and supported as providing the fair market value of the contracts.

- **Cost of insurance.** If the cost of insurance is included in the normal cost, only the term cost of insurance may be included, and must be based on a face amount that does not exceed the plan's death benefit.
- **Revised calculations.** Once calculations of minimum funding requirements have been accepted by the IRS, no re-submission based on different actuarial assumptions or methods will be accepted. •

## What is Going on With Customer Service?

Have you called (877) 829-5500 and noticed some changes?

The call center hours have been extended to 8:30 a.m. - 6:30 p.m. EST. Telephone representatives will provide assistance with basic EP questions (i.e., related to filing and due date requirements for Form 5500, pending determination letter applications, responding to notices, etc.). The questions beyond the scope of our telephone representatives will be written up as a referral to be answered by an EP Specialist within 15 days. The assistor will input your questions as well as your name, telephone number and best time to call. You will be given a "reference number" that identifies the referral.

You may still write in or e-mail questions to the IRS at [RetirementPlanQuestions@irs.gov](mailto:RetirementPlanQuestions@irs.gov). However, it is important to note that due to disclosure laws, account-related questions cannot be answered via e-mail and will be referred back to the telephone number.

Other changes to note:

- Calls regarding a specific piece of guidance (i.e., Revenue Procedure, Notice, Regulation, etc.), should indicate the specific guidance and its author and the request will be forwarded. Please be aware that assistors are not allowed to give out e-mail addresses of IRS employees.
- **New Service:** To determine the status of an Employee Plans Compliance Resolution System (EPCRS) submission, please call (626) 312-4921 (this is not a toll-free number). Be prepared with either the case's nine-digit control number, beginning with "911" that is stamped on the case acknowledgment letter, or, if an acknowledgment letter was not received, the Employer Identification Number and plan number shown on the submission. Do not call this number for general questions about EPCRS. All other EPCRS inquiries should be directed to [RetirementPlanQuestions@irs.gov](mailto:RetirementPlanQuestions@irs.gov) or the Employee Plans Taxpayer Assistance telephone service at (877) 829-5500.
- Requests for copies of EP Determination Letters or copies of case files must be in writing and can be faxed to (513) 263-4330 or submitted to the IRS in writing to the address on the [Contact EP/Services web page](#). If applicable, a proper Power of Attorney should be submitted with the request. Please be aware that requests for a copy of a case file may take over 30 days, as these files are kept at files centers located around the U.S.

For more Customer Service-related items, visit our [Contact EP/Services web page](#).

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## Discontinuance of Telephone Number for Published Guidance Information

As of April 13, 2007, we have discontinued the use of the (202) 283-9888 telephone number, which is the number listed to call for further information regarding published guidance.

In place of the (202) 283-9888 number, you can e-mail your questions to [RetirementPlanQuestions@irs.gov](mailto:RetirementPlanQuestions@irs.gov). If you do not have access to e-mail you may call the Employee Plans Taxpayer Assistance telephone service at (877) 829-5500 and request they forward a referral to the author of the guidance you are requesting assistance on. This change will allow us to respond to your questions in a timelier manner.

In the future, published guidance will contain the [RetirementPlanQuestions@irs.gov](mailto:RetirementPlanQuestions@irs.gov) e-mail address, rather than the (202) 283-9888 number ((877) 829-5500 is already included in the drafting information of published guidance).

## DOL Corner



The Department of Labor's Employee Benefits Security Administration (DOL/EBSA) announced new regulations and guidance related to implementation of the Pension Protection Act (PPA). DOL/EBSA has a dedicated web page for PPA-related information including the Act itself, and regulations and other guidance issued by DOL, the Department of the Treasury, and the Pension Benefit Guaranty Corporation. You can subscribe to [DOL/EBSA's web site PPA page](#) and [Compliance Assistance page](#) for notice of updates.

### Fee and Expense Disclosures to Participants in Individual Account Plans

On April 25, 2007, DOL/EBSA published in the *Federal Register* a [proposed rule](#) regarding disclosure of plan administrative and investment-related fee and expense information.

The Department of Labor is currently reviewing the rules under ERISA applicable to the disclosure of plan administrative and investment-related fee and expense information to participants and beneficiaries in participant-directed individual account plans (e.g., 401(k) plans). The purpose of this review is to determine to what extent rules should be adopted or modified, or other actions should be taken, to ensure that participants and beneficiaries have the information they need to make informed decisions about the management of their individual accounts and the investment of their retirement savings. The purpose of this notice is to solicit views, suggestions and comments from plan participants, plan sponsors, plan service providers and members of the financial community, as well as the general public, on this important issue.

The public is invited to submit written or electronic comments to the Department of Labor on or before July 24, 2007, by e-mail to [e-ORI@dol.gov](mailto:e-ORI@dol.gov), or by using the [Federal eRule-making portal](#). Comments may be mailed to the Office of Regulations and Interpretations, Employee Benefits Security Administration, Room N-5669, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, DC 20210, Attention: Fee Disclosure RFI. The comments received to date are posted on [DOL/EBSA's PPA page](#).

### Pension Distributions under Qualified Domestic Relations Orders

On March 7, 2007, DOL/EBSA published in the *Federal Register* an [interim final rule](#) regarding the qualified domestic relations order (QDRO) requirements of ERISA.

The rule is being issued under the PPA, which required DOL to issue, by August 2007, regulations clarifying that a domestic relations order otherwise meeting ERISA's QDRO requirements would not fail to be treated as a QDRO solely because of when it is issued or because it is issued after, or revises, another domestic relations order. The rule includes examples to address various circumstances involving the timing of a domestic relations order.

While the rule was effective 30 days after publication, the public was invited to submit written comments by May 7, 2007. The comments are posted on [DOL/EBSA's PPA page](#).

### Upcoming Compliance Assistance Events

- Voluntary Fiduciary Correction Program Workshops: June 29, 2007, in Birmingham, AL.
- Fiduciary Education Seminars: October 16, 2007, in Portland, ME; October 30, 2007, in Nashville, TN; November 7, 2007, in Detroit, MI; and December 13, 2007, in Tucson, AZ.
- Small Business Retirement Solutions Workshops: June 26, 2007, in Ft. Snelling, MN.
- ERISA/USERRA Workshops: June 26, 2007, in Ft. Snelling, MN and July 26, 2007, in Des Moines, IA.

Visit DOL/EBSA's web site at [www.dol.gov/ebsa](http://www.dol.gov/ebsa) for the registration brochure for these seminars and for the announcement of additional seminars around the country. •

## PBGC Insights



### Premium Filings to PBGC

#### All Plans Must E-File For Plan Year 2007

Starting with plan year 2007, all plans (regardless of size) must electronically submit all premium filings (estimated or final, original or amended) via PBGC's e-filing application, My Plan Administration Account ([My PAA](#)). This means, for example, that a final filing for a plan year beginning January 1, 2007, must be electronically filed by October 15, 2007. In addition, all plan year 2006 filings for large plans (those with 500 or more participants for the prior plan year) must now be e-filed.

#### Start the E-Filing Process Early

To help ease the transition to premium e-filing, we suggest that premium filers:

- Learn how premium e-filing works by reviewing our online information and self-service "demos." In addition, questions you may have can be answered by attending our My PAA online Webcasts that will be conducted in September and October 2007.
- Register for a My PAA account (e.g., set your user ID and password) as soon as you know that you will be involved with premium e-filing. You only need one account for all of your plans and e-filing activities.
- Decide on the appropriate e-filing option and payment method for each sponsor/plan.
- Identify each plan's e-filing team, including the filing coordinator who will perform My PAA administrative tasks (e.g., adding the plan to each person's account). The makeup of the e-filing team is largely determined by the filing and payment methods that will be used.

#### Additional Premium E-Filing Tips

- You will need your user ID, password, and secret question/answer to e-file each year. You can change your password but you cannot change your user ID and secret question/answer.
- If you forget your user ID and password, click on the links on the My PAA Login Screen. If you lock your account (after three unsuccessful login attempts), contact our premium customer service representatives (1-800-736-2444).
- If you do not receive an expected My PAA e-mail, check to see if your company's spam filter is preventing the e-mail from reaching you. If that is not the case, contact our premium customer service representatives (1-800-736-2444).

#### Reminder - Premium Changes for Plan Year 2007

- Flat-rate Premium Increase - The flat-rate premium for plan year 2007 is \$31.00 for single-employer plans and \$8.00 per participant for multiemployer plans.
- Assumptions/Methodology for Calculating VRP - As a result of the new IRS current liability mortality table, the assumptions and methods underlying the variable-rate premium calculation have changed. The Required Interest Rate increases from 85 percent to 100 percent of the corporate bond rate and the market value of assets must be used instead of actuarial value.

*continued on page 16*

- Maximum VRP - Beginning with plan year 2007, the variable-rate premium is capped for certain plans maintained by small employers. The cap applies to a plan if the aggregate number of employees of the contributing sponsor of the plan and all members of their controlled group is 25 or fewer. For these plans, the variable-rate premium is capped at a per-participant rate of \$5 multiplied by the number of plan participants. For example, if the participant count is 20, the cap on the variable-rate premium is \$2,000 [(\$5 x 20) x 20].

### Premium Changes Coming for Plan Year 2008

- As a result of the Pension Protection Act of 2006, there will be substantial premium changes, particularly with respect to the variable-rate premium (see article on Variable-rate premium proposed rule, which follows). My PAA will be updated to incorporate these changes to allow sufficient time for final filings to be prepared and submitted before the earliest variable-rate premium due date of October 15, 2008 (for calendar year plans).
- Plan year 2008 will be the last year for which PBGC will automatically mail paper premium instructions to practitioners. The instructions will continue to be available on our web site and within My PAA, and we also mail them upon request.

### Premium Proposed Rules

- **Flat-rate premium/VRP cap/termination premium:** On February 20, 2007, PBGC published in the *Federal Register* a [proposed rule](#) to amend PBGC's premium regulations to implement certain provisions of the Deficit Reduction Act of 2005 and the Pension Protection Act of 2006 that are effective beginning in 2006 or 2007. These provisions change the flat premium rate, cap the variable-rate premium for plans of certain small employers and create a new "termination premium" that is payable in connection with certain distress and involuntary plan terminations. The public comment period on this rule closed April 23. PBGC intends to publish a final rule later this year.
- **Variable-rate premium proposed rule:** On May 31, 2007, PBGC published in the *Federal Register* a [proposed rule](#) (to amend PBGC's regulations on Premium Rates and Payment of Premiums). The amendments would implement provisions of the Pension Protection Act of 2006 that change the variable-rate premium for plan years beginning on or after January 1, 2008, and make other changes to the regulations. Public comments on the proposed rule are due July 30.

### PBGC's Web Site and Contact Information

- To access practitioner online information, go to our web site at [www.pbgc.gov](http://www.pbgc.gov) and select the [Practitioners Page](#). To review premium e-filing information or to register for an account, click on "Online Premium Filing (My PAA)." To review items of interest for practitioners or to register for Webcasts (when available), click on "What's New."
- To contact premium customer service representatives, call our toll-free number (800) 736-2444 (TTY/TDD users should call the Federal Relay Service toll-free at (800) 877-8339 and ask to be connected to (800) 736-2444) and select the "premium" option. You may also e-mail us at [premiums@pbgc.gov](mailto:premiums@pbgc.gov).



## Employee Plans Published Guidance

(April 2007 – June 2007)

### Regulations

#### [T.D. 9319 - 72 Fed. Reg. 16878](#)

These regulations set forth a comprehensive revision of the regulations under section 415 of the Code on benefits and contributions including certain changes made by the Pension Protection Act of 2006.

#### [T.D. 9324 - 72 Fed. Reg. 21103](#)

These final regulations describe Roth accounts under section 402A of the Code.

#### [T.D. 9325 - 72 Fed. Reg. 28604](#)

These final regulations on normal retirement age in a pension plan amend regulations under sections 401(a) and 411(d)(6) of the Code.

#### [REG-143601-6 - 72 Fed. Reg. 29456](#)

These are proposed regulations on mortality tables for non-multiemployer plans under section 430 of the Code.

#### [T.D. 9331 - 72 Fed. Reg. 33387](#)

These final regulations amend section 1.408-2(e) of the Income Tax Regulations to provide that a governmental unit may serve as a trustee of a deemed IRA if the nonbank trustee rules are met.

### Revenue Procedures

#### [Rev. Proc. 2007-37, 2007-25 I.R.B.1433](#)

This revenue procedure describes a method whereby certain employers may seek a ruling as to the acceptability of their substitute mortality tables.

#### [Rev. Proc. 2007-44, 2007-28 I.R.B.](#)

This revenue procedure clarifies, modifies and supersedes Rev. Proc. 2005-66, in which the Service established a system of remedial amendment cycles.

### Notices

#### [Notice 2007-28, 2007-14 I.R.B. 880](#)

In general, this notice implements those sections of 801 and 803 of the PPA '06 that currently are in effect.

### Announcements

#### [Ann. 2007-47, 2007-20 I.R.B. 1260](#)

This announcement is a list of nonbank trustees and custodians approved by the EP function through December 31, 2006.

#### [Ann. 2007-55, 2007-23 I.R.B. 1384](#)

This announcement reminds sponsors of prototype Roth IRAs of the requirement to amend their prototypes by December 31, 2007, if they want their prototypes to be able to accept rollovers of designated Roth contributions from other plans.

#### [Ann. 2007-59, 2007-25 I.R.B. 1448](#)

This announcement provides that a plan will not fail to satisfy the requirements of a section 401(k) safe harbor plan because of a mid-year change to implement a designated Roth contribution program or the financial hardship withdrawals described in part III of Notice 2007-7.

## 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.

### Forms Update - Determination Letter Applications

Although the final versions are still months away, all of the EP determination letter applications are in the process of being revised. Not only will the entire “series” be updated technically, but most of the forms will be reformatted to accommodate EP’s new processing and control system. Forms impacted will include the following:

- **Form 5300**, *Application for Determination for Employee Benefit Plan*
- **Schedule Q (Form 5300)**, *Elective Determination Requests*
- **Form 5307**, *Application for Determination for Adopters of Master or Prototype or Volume Submitter Plans*
- **Form 5309**, *Application for Determination of Employee Stock Ownership Plan*
- **Form 5310**, *Application for Determination for Terminating Plan*
- **Form 5310-A**, *Notice of Plan Merger or Consolidation, Spinoff, or Transfer of Plan Assets or Liabilities; Notice of Qualified Separate Lines of Business.*

In addition to these products, EP has initiated the creation of a new form for Group Trust Rulings (Form 5316) that should be available by spring 2008. Also the recently released Revenue Procedure 2007-44 eliminates the use of Form 6406, *Short Form Application for Determination for Minor Amendment of Employee Benefit Plan*, effective July 9, 2007.

Over the next few months, additional information will be available on the [Retirement Plans Community web page](#) and within future editions of the *Employee Plans News*, so stay on the lookout.

### Filing an Extension for an EP Return

When it comes to inquiries about the signature requirements for the [Form 5558](#), *Application for Extension of Time To File Certain Employee Plan Returns*, we’ve been getting a few.

To help clarify:

1. A signature is not required if the extension is for Form 5500, *Annual Return/Report of Employee Benefit Plan* or Form 5500-EZ, *Annual Return of One-Participant (Owners and Their Spouses) Retirement Plan* (Part II of the Form 5558).
2. A signature is required if the extension is for the filing of Form 5330, *Return of Excise Taxes Related to Employee Benefit Plans* (Part III of the Form 5558).

The person who signs this form may be one of the following:

- Employer
- Plan sponsor
- Plan administrator
- Disqualified person required to file Form 5330
- Attorney qualified to practice before the IRS
- CPA qualified to practice before the IRS
- Person enrolled to practice before the IRS
- Person holding a power of attorney.

# Form 5500

## Requesting a Copy of a Filed Form 5500 or 5500-EZ

Written requests for copies of filed Forms 5500 are handled by the Public Disclosure Office of the Department of Labor at the address listed below. In order to process the request the DOL will need the following information:

- Name of the plan sponsor,
- EIN,
- Plan number and
- Plan year.

Information regarding the DOL policy and copying costs can be found at their [web page](#). The phone number for the Public Disclosure Office of the Department of Labor is (202) 693-8673. Their address is:

U.S. Department of Labor  
Employee Benefits Security Administration  
EBSA Public Disclosure Room  
200 Constitution Avenue, NW, Room N-1513  
Washington D.C. 20210

Written requests for copies of filed Forms 5500-EZ are handled by the IRS. The requestor should request the copy of the filed Form 5500-EZ using Form 4506, indicating the plan number on line 7 of Form 4506 along with the tax period/plan year, or submit a written request which includes the same information as outlined above. The request should be sent to:

Ogden IRS Campus  
PO Box 9941, Stop 6734  
Ogden, UT 84409

The current charge for each tax period/plan year requested is \$39.00 per Form 5500-EZ return.

## Something New

Although not directed specifically to the Retirement Plans Community, the IRS has developed a new tri-panel brochure for small business owners. The [Publication 4591](#), *Small Business Federal Tax Responsibilities* is a handy one-stop resource regarding the reporting and payment of federal taxes that each and every small business owner should have. Hardcopies can be ordered by calling (800) TAX-FORM (829-3676).•

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## ACT VI

The 21 members of the Advisory Committee on Tax Exempt and Government Entities (ACT) presented the sixth [Report of Recommendations](#) at a public meeting in Washington, DC on June 13, 2007. Of particular interest to the Retirement Plans Community is the report that addresses "Improving Compliance for Adopters of Pre-Approved Plans." This ACT report contains a series of recommendations designed to provide employers adopting these plans with material designed to inform them of the legal requirements associated with maintaining these plans. These recommendations include, among others, the distribution of a form which advises adopting employers of the responsibilities associated with these plans and includes a list of the parties responsible for performing various administrative functions on behalf of the plan; and the provision of additional education, outreach and guidance to these employers regarding the compliance requirements for these plans. •

## This Way to the Forums

The 2007 IRS Nationwide Tax Forums will be held in six locations across the country starting this summer. The EP seminars are “**Automatic Enrollment and Other Need-To-Know Provisions of the Pension Protection Act of 2006**” and “**Tax Issues on Distributions from Retirement Plans.**” “**Automatic Enrollment**” will focus on the need-to-know provisions of the PPA that are currently effective and relate to defined contribution plans. As a bonus feature, it will discuss the Automatic Enrollment provisions effective in 2008. “**Tax Issues on Distributions**” will discuss the tax issues arising from distributions from retirement plans before retirement, at retirement and after retirement. Information will also be provided on what to do if a mistake is made on a distribution to avoid jeopardizing the tax-qualified status of the retirement plan. In addition, EP and EO will sponsor a booth in the exhibit hall where you can pick up our products or speak with an EP or EO specialist. Dates and locations for 2007 are:

Hilton Atlanta	Atlanta, GA	July 17-19
Hilton Chicago	Chicago, IL	July 31-August 2
Rio All Suites	Las Vegas, NV	August 21-23
Hilton New York	New York, NY	August 28-30
Hilton Anaheim	Anaheim, CA	September 11-13
Disney’s Coronado Springs	Orlando, FL	September 18-20

To get additional information about the Tax Forums, visit [www.irs.gov](http://www.irs.gov) and then go to “Tax Professionals,” and select “IRS Nationwide Tax Forums.” You can register online at [www.taxforuminfo.com](http://www.taxforuminfo.com).

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## Benefits Conference of the South

The Benefits Conference of the South is being held in Atlanta, Georgia on September 20-21, 2007. This second annual conference is co-sponsored by the American Society of Pension Professionals & Actuaries (ASPPA) and the IRS. It’s your opportunity to network with colleagues and listen to experts from private industry, IRS, and DOL to discuss employee benefit issues.

Featured speakers at this event include:

- Andrew Zuckerman, Director, EP Rulings & Agreements
- Monika Templeman, Director, EP Examinations
- Marty Pippins, Manager, EP Technical Guidance & Quality Assurance
- Robert Architect, Tax Law Specialist
- William Bond, Manager, EP Voluntary Compliance, Gulf Coast
- Dan Hogans, Attorney Advisor, Office of Benefits Tax Counsel

You will also find interactive tables staffed with IRS and DOL employees throughout the conference; ready to answer your questions.

This year’s event is scheduled for the Crowne Plaza Atlanta Buckhead. To find out more about the conference and to register, please contact ASPPA at (703) 516-9300, by e-mail at [meetings@asppa.org](mailto:meetings@asppa.org), or visit the [ASPPA web site](http://ASPPA web site).

## Calendar of EP Benefits Conferences

### UPCOMING EVENTS...

Name	Date(s)	Location	Co-Sponsor(s)	For Further Information, Please Contact
Benefits Conference of the South	09/20/07-09/21/07	Atlanta, GA	ASPPA	<a href="http://www.asppa.org">www.asppa.org</a>
18 <sup>th</sup> Annual SWBA/IRS Employee Benefits Conference	11/15/07-11/16/07	Dallas, TX	Southwest Benefits Association (SWBA)	<a href="http://www.swba.org">www.swba.org</a>
Los Angeles Benefits Conference	01/24/08-01/25/08	Los Angeles, CA	ASPPA, NIPA, WPBC & cooperating sponsors	<a href="http://www.asppa.org">www.asppa.org</a>

### RECENT EVENTS...

Name	Date(s)	Location	Co-Sponsor(s)	For Information, See
<a href="#">20th Annual Cincinnati Employee Benefits Conference</a>	06/14/07-06/15/07	Cincinnati, OH	Cincinnati Bar Association	<a href="http://www.irs.gov/ep">www.irs.gov/ep</a>
<a href="#">Northeast Area Benefits Conference</a> (2 Locations)	06/07/07-06/08/07	New York, NY & Boston, MA	ASPPA & NE Area Pension Liaison Group	
<a href="#">Great Lakes Benefits Conference</a>	05/03/07-05/04/07	Chicago, IL	ASPPA & cooperating sponsors	
<a href="#">Mid-Atlantic Benefits Conference</a>	04/26/07-04/27/07	Philadelphia, PA	ASPPA	



Department of the Treasury  
Internal Revenue Service  
[www.irs.gov](http://www.irs.gov)  
Publication 3749 (6-2007)

Internal Revenue Service  
Tax Exempt and Government  
Entities Division

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