

MEMO# 18382

January 4, 2005

INSTITUTE COMMENT LETTER CONCERNING PROTOTYPE PLAN PROVISIONS OF IRS ANNOUNCEMENT 2004-71

[18382] January 4, 2005 TO: PENSION COMMITTEE No. 1-05 PENSION OPERATIONS ADVISORY COMMITTEE No. 1-05 RE: INSTITUTE COMMENT LETTER CONCERNING PROTOTYPE PLAN PROVISIONS OF IRS ANNOUNCEMENT 2004-71 The Institute has filed the attached comment letter with the Internal Revenue Service concerning Announcement 2004-71, which includes a draft revenue procedure that would establish a system of six-year amendment/approval cycles for prototype plans.¹ The comment letter addresses the proposed requirement in section 15.01 of the draft revenue procedure that the employer and the prototype sponsor must execute a prescribed IRS form in order for the employer to qualify for the prototype remedial amendment period. The Institute requests that the IRS clarify the legal and practical implications of such a certification and circulate a draft of the proposed form before its finalization.² Kathy D. Ireland Senior Associate Counsel Attachment (in .pdf format) 1 See Memorandum to Pension Committee No. 46-04 and Pension Operations Advisory Committee No. 65-04 [18053], dated September 30, 2004. 2 Institute members raised two other issues, dealing with advance notice of the completion of IRS review of prototype plan documents and minor employer changes to prototype plans. We understand, however, that these issues will be resolved in guidance issued before the finalization of the draft revenue procedure included in Announcement 2004-71.