

**MEMO# 18177**

November 9, 2004

# **DRAFT INSTITUTE COMMENT LETTER CONCERNING PROPOSED AMENDMENTS TO PROHIBITED TRANSACTION EXEMPTION 84-24**

[18177] November 9, 2004 TO: PENSION COMMITTEE No. 52-04 RE: DRAFT INSTITUTE COMMENT LETTER CONCERNING PROPOSED AMENDMENTS TO PROHIBITED TRANSACTION EXEMPTION 84-24 Attached for your review is a draft letter in response to the Department of Labor's proposed amendments to Prohibited Transaction Exemption (PTE) 84-24. The Institute's draft letter supports the proposed amendments, which would permit a principal underwriter affiliated with a plan trustee or investment manager to qualify for the exemption if the affiliate had no discretionary authority or control over the plan assets involved in the transaction, other than as a nondiscretionary trustee. The proposed amendments would also modify the definition of "nondiscretionary trust services" to specifically include services performed as a directed trustee.<sup>1</sup> If you have comments or questions concerning the draft letter, please contact me by telephone at (202) 371-5432, by fax at (202) 326-5841, or by email at [kireland@ici.org](mailto:kireland@ici.org) by Friday, November 12. Kathy D. Ireland Senior Associate Counsel Attachment (in .pdf format) 1 See Memorandum to Pension Committee No. 45-04 [18046], dated September 29, 2004.

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