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January 18, 2008

W. Thomas Reeder  
Benefits Tax Counsel  
Office of Tax Policy  
Department of the Treasury  
1500 Pennsylvania Avenue, NW  
Washington, DC 20220

Michael Julianelle  
Director, Employee Plans  
Internal Revenue Service  
1111 Constitution Avenue, NW  
Washington, DC 20224

Re: EPCRS – Proposal to Permit Correction of Scrivener’s Errors in Limited Situations

Dear Mr. Reeder and Mr. Julianelle:

In 2006, we met with representatives of the Internal Revenue Service (the Service) and Treasury Department to discuss various employee plans issues, including a discussion of “scrivener’s errors.” At that time, the Service requested concrete examples of scrivener’s errors that would be viewed as “non-objectionable.” We then followed up in a meeting with the Service and Treasury last June, where we presented a proposal setting forth common examples of such errors and asked the Service to consider permitting the correction of scrivener’s errors under the Employee Plan Compliance Resolution System (EPCRS) on a limited basis. A copy of the proposal is enclosed. We are writing to request further consideration of the proposal and to ask if you would be willing to meet with ASPPA representatives in February for further discussions.

As you know, ASPPA is a national organization of more than 6,000 retirement professionals who provide consulting and administrative services for qualified retirement plans covering millions of American workers. ASPPA members are retirement professionals of all disciplines, including consultants, investment professionals, administrators, actuaries, accountants and attorneys. Our large and broad-based membership gives ASPPA unique insight into practical applications of ERISA and qualified retirement plans, with a particular focus on the issues faced by small- to mid-sized employers. ASPPA’s membership is diverse but united by a common dedication to the employer-sponsored retirement plan system.

We believe that the enclosed proposal limits the permitted corrections to circumstances where the Service can agree that correction should be permitted. We understand the concern that modifying EPCRS to permit the correction of a broad class of scrivener’s errors could create the potential for abuse. As you are also aware, §1101(b) of the Pension Protection Act of 2006 (PPA) directs the Secretary to continue updating and improving EPCRS with special attention to addressing the concerns of and circumstances faced by small employers and assuring that the consequences of a compliance failure are not excessive and are reasonable given the nature, extent and severity of the failure. We believe that scrivener’s errors have a disproportionate impact on small employers due to the cost of correcting such errors under EPCRS. Our proposal is consistent with the goals and directives given by Congress in the

PPA. Further, the Service's recognition of scrivener's errors would actually improve plan compliance.

ASPPA's Government Affairs Committee will be holding meetings in Washington, DC from February 25 – 26, 2008. We would welcome the opportunity to meet with you, your staff and other representatives of the Service and the Treasury Department on those dates (or any other dates that may be convenient for you), to further discuss the proposal. ASPPA staff will be contacting you to schedule a meeting.

Thank you for your consideration. Please contact us if you have any comments or questions regarding these matters.

Sincerely,

/s/  
Brian H. Graff, Esq., APM  
Executive Director/CEO

/s/  
Teresa T. Bloom, Esq., APM  
Chief of Government Affairs

/s/  
David M. Lipkin, MSPA, Co-chair  
Government Affairs Committee

/s/  
Robert M. Richter, Esq., APM, Co-chair  
Government Affairs Committee

/s/  
Mark L. Lofgren, Esq., APM, Co-chair  
Administrative Relations Committee

/s/  
Debra A. Davis, Esq., APM, Co-chair  
Administrative Relations Committee

Attachment