



JUL 21 2010

Jan Jacobson  
Senior Counsel, Retirement Policy  
American Benefits Council  
1501 M Street, NW, Suite 600  
Washington, DC 20005

Dear Ms. Jacobson:

This is in response to your letter to the Department of Labor and the Internal Revenue Service (IRS), requesting a blanket extension of time for filing the Form 5500 and Form 5500-SF annual returns/reports for 2009 plan years to the later of (i) 9½ months after the end of the plan year or (ii) December 31, 2010. For a calendar year plan whose normal due date for filing the Form 5500 or Form 5500-SF is July 31, 2010, this would be an extension of 5 months to file the plan's annual report.

In addition to discussing the issues raised by your letter with the IRS, we shared a copy of your request with the Pension Benefit Guaranty Corporation (PBGC) because the Form 5500 and Form 5500-SF are used by defined benefit pension plans to satisfy certain annual reporting requirements under Title IV of ERISA. After carefully considering your request and consulting with the IRS and PBGC, we have concluded that a blanket extension for all filers is neither necessary nor appropriate. While we recognize that some plans may need additional time to file their Form 5500 or Form 5500-SF, we believe the current processes for obtaining a filing extension, as discussed below, are adequate to address those needs.

As you know, persons required to file a Form 5500 or a Form 5500-SF currently can obtain an extension to 9½ months after the end of the plan year simply by filing the Form 5558 with the IRS on or before the normal due date for the Form 5500 or Form 5500-SF. The IRS Form 5558, when used for this purpose, does not require a signature by the party requesting the extension, and it is not required to be attached to the Form 5500 or Form 5500-SF filing. We do not believe the required filing of the Form 5558 imposes a significant burden on those plans that determine they need additional time to satisfy their annual reporting obligation; whereas a blanket extension would require changes to systems, which may be both complicated and costly.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan D. Lebowitz", is written over the word "Sincerely,".

Alan D. Lebowitz  
Deputy Assistant Secretary for Program Operations