



U.S. SENATE COMMITTEE ON

Finance

SENATOR CHUCK GRASSLEY, OF IOWA - CHAIRMAN

<http://finance.senate.gov>

MEMORANDUM

To: Reporters and Editors
Fr: Jill Gerber for Chairman Grassley, 202/224-6522
Re: Advance Pricing Agreement program
Da: Friday, Dec. 10, 2004

Sen. Chuck Grassley, chairman of the Committee on Finance, has been conducting a committee review of the Advance Pricing Agreement program. He made the following comment on today's IRS announcement of public hearings on the program.

"I'm pleased that the IRS is seeking public comment on ways to improve the APA program. It's become more and more clear as the Finance Committee has been engaged in its bipartisan review of the APA program that we need to seriously consider reforms. We need to make sure that the APA program works for everyone – protecting the public fisc for all taxpayers; allowing companies to have certainty in their tax liabilities; and assisting the IRS in tax code administration."

The text of the IRS announcement follows.

Public Hearings on the Advance Pricing Agreement Program Announcement 2004-98

A public hearing with Chief Counsel Donald L. Korb and Associate Chief Counsel (International) Hal Hicks will be held from 1:00pm to 4:00pm on Tuesday, February 1, 2005 and again from 1:00pm to 4:00pm on Tuesday, February 22, 2005 in the auditorium (room 7129) on the 7th floor of the IRS main building at 1111 Constitution Avenue, NW, Washington DC. The purpose of the hearing is to solicit comments regarding the operation of the Advance Pricing Agreement program within the Office of Associate Chief Counsel (International) and suggestions for strengthening the program's performance as part of Chief Counsel's commitment to promoting IRS audit currency.

Speakers may address their comments to any aspect of the APA program. Written comments in advance or in lieu of attendance at the hearing also are welcome. In an effort to provide some structure to the discussion, the first day's session will focus on comments on the general administration and operation of the program. The second day's session will continue the first day's discussion and also will focus on comments on technical issues

related to APAs.

Without limiting the areas for comment, comments are specifically invited on the following topics:

Day 1 – February 1, 2005

- the state of, and ideas for improving, the accessibility of the APA program to taxpayers;
- the state of, and ideas for improving, timeliness and efficiency in handling APA matters;
- the state of, and ideas for improving, handling of APA cases in particular industries; and
- the state of, and ideas for improving, the effectiveness of the APA program generally in furthering the interests of sound tax administration.

Day 2 – February 22, 2005

- continuation of Day 1 discussion;
- the state of, and ideas for improving, the critical assumption language and/or other features of the standard APA contract;
- the appropriateness/feasibility of updating an agreed arm's length range or point to reflect events occurring during the APA term (e.g., by tying the range or point to an external or internal benchmark); and
- the appropriateness/feasibility of reflecting in the legal and economic analyses underlying an APA the impact that the execution of the APA may have on the relationship between the APA taxpayer and its related party.

Any person wishing to reserve time to speak at the hearing should contact Brenda Robinson by telephone at (202) 435-5220 (not a toll-free number) or by fax at (202) 435-5238 and indicate his or her affiliation, if any, and how long he or she requests to speak. Persons reserving time should also submit an outline of topics to be discussed, sent to the fax number or mailing address below for receipt at least two business days before the hearing. Persons who have not reserved time will have an opportunity to speak at the end of the hearing, time permitting. Persons wishing to comment in writing should send written comments to Brenda Robinson by fax at (202) 435-5238 or by mail at 1111 Constitution Avenue, NW, CC:INTL:APA, MA2-266, Washington DC 20224.

Due to building security procedures, persons attending the public hearing must enter at the Constitution Avenue entrance. In addition, all visitors must present photo identification to enter the building. Because of access restrictions, visitors will not be admitted beyond the immediate entrance area more than 30 minutes before the hearing starts. To have your name placed on the building access list to attend the hearing, contact Brenda Robinson at (202) 435-5220 (not a toll free number) or by fax at (202) 435-5238.

The principal author of this announcement is Matthew Frank of the Office of Associate

Chief Counsel (International). For further information regarding this announcement contact Matthew Frank at (202) 435-5222 (not a toll-free call).