

IRS Extends Plan Amendment and Filing Deadlines

Once again, the IRS has extended the deadline for amending prototype and volume submitter plans to include provisions required by “GUST.” “GUST” refers to the Uruguay Round Agreements Act (GATT); Uniformed Services Employment and Reemployment Rights Act (USERRA); Small Business Jobs Protection Act (SBJPA); Taxpayer Relief Act of 1997 (TRA ’97); IRS Restructuring and Reform Act of 1998 (IRRA); and Community Renewal Tax Relief Act of 2000 (CRA). This most recent extension also extends the timeframe for adopting the following plan amendments:

- Amendments to defined benefit plans to reflect [revised mortality tables](#).
- Amendments to both defined benefit and defined contribution plans to properly recognize [“deemed section 125 compensation”](#) resulting from certain types of health care coverage in plan definitions of “compensation.”
- Amendments to both defined benefit and defined contribution plans to properly reflect [qualified transportation fringe benefits](#) in plan definitions of “compensation.”
- “Good faith” amendments to both defined benefit and defined contribution plans to comply with provisions of the [Economic Growth and Tax Relief Reconciliation Act of 2001](#) (EGTRRA). In addition sponsors of some defined contribution now have more time to adopt amendments reflecting the [final minimum required distribution \(MRD\) regulations](#) published in 2002.

GUST Filing Deadline for Prototype and Volume Submitter Plans

In general, employers that have adopted a prototype or volume submitter plan (or that have certified their intent to adopt such a plan) must adopt their GUST documents [by September 30, 2003](#). ***This deadline has not changed.*** However, employers that adopt their documents by September 30, 2003, now have until January 31, 2004, to file their determination letter requests with the IRS. Employers that submit their determination letter requests by this date will have an additional 91 days following receipt of their GUST determination letters to make any other GUST or related amendments that may be needed.

Special Compliance Program for Missed Amendment Deadline

An employer that has adopted a prototype or volume submitter plan (or certified its intent to adopt such a plan) but does not adopt its GUST document by September 30, 2003, is now eligible for a special corrective program. Under this program, the employer must file its determination letter request with the IRS by January 31, 2004, and pay a \$250 compliance fee, in addition to the standard determination letter user fee.

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This special compliance program is also available to employers that would not have had to request determination letters if they had adopted their GUST documents by September 30, 2003, e.g., employers that adopt standardized prototype plans. These employers may submit determination letter requests by January 31, 2004, along with the \$250 compliance fee and standard determination letter user fee.

Employers that use this program will also receive an additional 91 days following receipt of their GUST determination letters to make any other GUST or related amendments that may be needed.

Extended MRD Amendment Deadline

In general, employers must amend their defined contribution plans to reflect the final MRD regulations by the last day of the 2003 plan year. This deadline has been extended for employers that receive an extension for making GUST amendments, under either scenario described above. These employers will have until the 91st day following the issuance of their GUST determination letters to adopt provisions reflecting the final MRD regulations.

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