

Defined Contribution Plans Required and Optional Amendments

Following is a list of required or optional amendments for defined contribution plans since the GUST restatement. The amendments and due dates listed are applicable to DATAIR Plans. The amendments are based on a good faith interpretation of the related regulations and unless otherwise noted, have not been submitted to the IRS.

EGTRRA Plans	Due Date
<p>2007 Interim Amendment: An “interim” amendment adopted by DATAIR to incorporate the plan qualification requirements from the 2006 Cumulative List. It includes provisions for Normal Retirement Age, Final 415 Compensation and Post-Severance Compensation.</p> <p>Required for all Defined Contribution Plans and amends a restated EGTRRA document.</p>	<p>Later of the last day of the: plan years beginning on or after January 1, 2007 or limitation years beginning on or after July 1, 2007.</p> <p>Must readopt with the EGTRRA Restatement.</p>
<p>2009 Interim Amendment: An “interim” amendment for Defined Contribution Plans to incorporate the plan qualification requirements from the 2008 Cumulative List, PPA’06 and technical corrections and from the Workers, Retiree, and Employer Recovery Act of 2008.</p> <p>The effective date should be the first day of the Plan Year beginning on or after January 1, 2009.</p> <p>Required for all Defined Contribution Plans and amends a restated EGTRRA document.</p>	<p>Last day of the Plan Year that begins in 2009.</p> <p>Must readopt with the EGTRRA Restatement.</p>
<p>Safe Harbor Contribution Suspension Amendment. An amendment to stop Non-Elective Safe Harbor Contributions to a Defined Contribution Plan based on a substantial business hardship. If the Employer wishes to cease making the Safe Harbor Contribution, the Amendment must be effective no sooner than the later of the adoption date of this Amendment or 30 days after the date the Suspension Notice is given to Participants.</p> <p>Optional, needed only for Safe Harbor Plans that are suspending the Non-Elective Safe Harbor Contributions.</p>	<p>No sooner than 30 days after the Suspension Notice is give to Participant.</p>

Special Core Amendments	Due Date
<p>2009 Core Amendments. DATAIR has adopted as part of the core documents the following amendments¹:</p> <ul style="list-style-type: none"> ▪ <u>2009 Waiver Of Required Minimum Distribution</u> - For all documents; GUST, Post-GUST and EGTRRA Prototype and Volume Submitter Defined Contribution Plans. This amendment waives the required minimum distribution for the 2009 calendar year and includes a summary of material modifications and a participant election form. The participant election form will allow the participant who still wishes to take the distribution to request it from the Plan as an eligible rollover. ▪ <u>Catch-Up</u> - For EGTRRA 401(k) Prototype and Volume Submitter Defined Contribution Plans. This amendment provides that Catch-up Contributions for a Participant for a taxable year may not exceed the lesser of: (1) the dollar limit on Catch-up Contributions under Code section 414(v)(2)(B)(i), or (2) when added to the Participant's other Elective Deferrals, one hundred percent 100% of the Participant's Compensation for the taxable year that is available after all other withholdings. ▪ <u>Roth Deferrals</u> - For EGTRRA 401(k) Prototype Defined Contribution Plans. This amendment allows for Roth Deferrals in for the short form prototypes for both 401(k) standardized and non-standardized. ▪ <u>DATAIR Trust Amendment</u> - For all documents; GUST, Post- GUST and EGTRRA Prototypes and Volume Submitter Defined Contribution Plans using the DATAIR Trust. This amendment is an insertion or replacement of language regarding the Trustees' responsibility to collect delinquent contributions. ▪ <u>Cross Tested Plan Designs</u> - For EGTRRA Prototypes and Volume Submitter Defined Contribution Plans. This amendment has been requested by the IRS and is a clarification of the language regarding the additional contribution for a participant receiving a Top Heavy Minimum contribution or an additional amount to satisfy the gateway requirements of 401(a)4. The amount needed to satisfy gateway may not be made to another plan including the Top Heavy portion of the contribution. This amended provision shall apply to any Plan Year in which the Employer intends to rely on Treasury Regulations section 1.401(a)(4)-8 (cross testing) in satisfying Code section 401(a)(4) on or after June 5, 2009. 	<p>Unless otherwise stated, the 2009 Core Amendments are immediately incorporated as provisions of the core plan.</p>

Special Core Amendments. DATAIR has adopted these amendments on behalf of all EGTRRA Prototype, Volume Submitter Adoption Agreement and Volume Submitter IDP Plans. No Employer/plan sponsor signatures are required, UNLESS you are a GUST or Post GUST Employer /plan sponsor. A signature will be required for a GUST or Post GUST plan to adopt the following:

2009 Waiver of Required Minimum Distribution Amendment
DATAIR Trust Amendment

Post-GUST Amendments	Due Date
<p>Economic Growth and Tax Relief Reconciliation Act 2001 (EGTRRA) Restatement: This EGTRRA restatement is required of all Defined Contribution Plans.</p> <p>Required for all Defined Contribution Plans.</p>	<p>No later than April 30, 2010</p>
<p>Required Minimum Distribution Final Regulations: An amendment to adopt the final §401(a)(9) regulations.</p> <p>Required for all Defined Contribution Plans.</p>	<p>December 31, 2003</p>
<p>Deemed Section 125 Compensation: A “model” amendment to adopt the provisions of Revenue Ruling 2002-27, which addresses the issue of how to include amounts from group health coverage, Deemed Section 125 compensation, as 415 Compensation.</p> <p>Optional amendment.</p>	<p>Latest of (1) end of the 2002 Plan Year, (2) Last day of the 1st Plan Year this definition of Compensation used or (3) End of the GUST remedial amendment period.</p>
<p>Economic Growth and Tax Relief Reconciliation Act (EGTRRA) Amendment: A “good faith” amendment to adopt several changes to the Internal Revenue Code impacted by EGTRRA. This amendment also includes EGTRRA technical corrections.</p> <p>Required for all Defined Contribution Plans.</p>	<p>Latest of the end of the (1) plan’s GUST remedial amendment period or (2) plan year that includes the effective date of the EGTRRA change</p>
<p>Automatic Rollover Amendment: An amendment to adopt the provisions of IRC §401(a)(31) to address how to treat mandatory distributions from the plan.</p> <p>Required for all Defined Contribution Plans.</p>	<p>Latest of (1) December 31, 2005, (2) the end of the plan year that contains March 28, 2005, or (3) the tax filing deadline for the employer’s tax year containing March 28, 2005.</p>
<p>Roth Amendment: An amendment to allow participants to designate elective deferrals as Roth contributions. Effective for participant tax years beginning after January 1, 2006. It should be adopted if the Employer wants to allow for Roth Contributions in the Plan.</p> <p>Optional amendment.</p>	<p>End of plan year in which amendment is effective.</p>
<p>Katrina Amendment (KETRA): An amendment to provide relief given under the Katrina Emergency Tax Relief Act of 2005 (KETRA), Notice 2005-92 and Announcement 2005-70. It should be adopted if the Employer allowed distributions from the Plan under KETRA. Gulf Opportunity Zone Act extended the due date in order to provide relief for Hurricanes Wilma and Rita.</p> <p>Optional amendment.</p>	<p>Originally, December 31, 2006 was extended to the last day of the first plan year beginning on or after January 1, 2007</p>
<p>401(k) Final Regulations Amendment: An amendment that adopts changes to §401(k) and §401(m) of the Code. Also included is Post-Severance Compensation under 415 of the Code.</p> <p>Required for all 401(k) Plans.</p>	<p>End of 1st Plan Year beginning on or after January 1, 2006.</p>

Post-GUST Amendments (con't)	Due Date
<p>2007 Interim Amendment: An "interim" amendment to adopt the required changes from the 2006 Cumulative List of Changes in Plan Qualifications. It includes changes in Normal Retirement Age, Code section 415 Compensation, Excess Annual Additions, and Restorative Payments; along with an election for Post-Severance Compensation.</p> <p>Required for all Defined Contribution Plans and must be re-adopted when the plan is restated for EGTRRA.</p>	<p>Plan effective date. Later of the last day of the: plan years beginning on or after January 1, 2007 or limitation years beginning on or after July 1, 2007.</p> <p>Must readopt with the EGTRRA Restatement.</p>
<p>2009 Interim Amendment: An "interim" amendment for Defined Contribution Plans to be included the plan qualification requirements from the 2008 Cumulative List, PPA'06 and technical corrections from the Workers, Retiree, and Employer Recovery Act of 2008.</p> <p>The effective date should be the first day of the Plan Year beginning on or after January 1, 2009.</p> <p>Required for all Defined Contribution Plans and must be re-adopted when the plan is restated for EGTRRA.</p>	<p>Last day of the 2009 Plan Year.</p> <p>Must readopt with the EGTRRA Restatement.</p>
<p>Safe Harbor Contribution Suspension Amendment. An amendment to stop non-elective contributions to a Defined Contribution Plan based on a substantial business hardship. If the Employer wishes to cease making the Safe Harbor Contribution, the Amendment must be effective no sooner than the later of the adoption date of this Amendment or 30 days after the date the Suspension Notice is given to Participants.</p> <p>Optional, needed only for Safe Harbor Plans that are suspending the Non-Elective Safe Harbor Contributions.</p>	<p>No sooner than 30 days after the Suspension Notice is give to Participant.</p>

Plan Termination Amendments	Due Date
<p>Amendment for DC Plan Terminating in 2008: An amendment for defined contributions plans terminating in 2008. This amendment includes the required plan qualification provision from 2007 Cumulative List and the PPA 2006 provisions.</p> <p>Required for all Defined Contribution plans terminating in 2008.</p>	<p>Date of 2008 Plan Termination</p>
<p>Amendment for DC Plan Terminating in 2009: An amendment for defined contribution plans terminating in 2009. This amendment includes the plan qualification requirements from the 2008 Cumulative List, provisions from PPA '06, EESA'08, WRERA '08 and HEART. The effective date should be the first day of the Plan Year beginning on or after January 1, 2009. * Do not need the 2008 termination amendment.</p> <p>Required for all Defined Contribution plans terminating in 2009.</p>	<p>Last Day of the 2009 Plan Year.</p>