

Required Amendments

List of required or optional amendments for defined contribution and defined benefit plans since the GUST restatement. The amendments and due dates listed are applicable to DATAIR Plans.¹

Defined Contribution Plans

EGTRRA Restatement	Due Date
<p>2007 Interim Amendment²: 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>This Amendment is required for all Defined Contribution Plans and amends their restated EGTRRA document.</p>	No later than April 30, 2010.
<p>2009 Waiver of Requirement Minimum Distribution Amendment: An amendment to waive the 2009 RMD for Participants and Beneficiaries of Participants, who are age 70.5 or older. DATAIR will adopt the Amendment for all Defined Contribution Plans to provide for the waiver of the 2009 RMD, <u>unless</u> the Participant requests the Plan Administrator to make a 2009 RMD from the Plan.</p> <p>This Amendment automatically applies for the Plan Year beginning on or after January 1, 2009 and to the RMD processed for the 2009 Plan Year.</p>	No later than last day of 2011 Plan Year.
<p>2009 PPA 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>This Amendment will be required.</p>	In Progress

Post-GUST Amendments	Due Date
<p>Required Minimum Distribution Final Reg.: An amendment to adopt the final §401(a)(9) regulations.</p> <p>This amendment is required for all Defined Contribution Plans.</p>	December 31, 2003
<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>This is an optional amendment</p>	Latest of (1) end of the 2002 Plan Year, (2) Last day of the 1 st Plan Year this definition of Compensation used or (3) End of the GUST remedial amendment period.
<p>Economic Growth and Tax Relief Reconciliation Act (EGTRRA): 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>This amendment is required for all Defined Contribution Plans.</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>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>This amendment is required for all Defined Contribution Plans.</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>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>This is an optional amendment.</p>	End of plan year in which amendment is effective.
<p>Katrina Amendment: An amendment to provide relief given under the Katrina Emergency Tax Relief Act of 2005, Notice 2005-92 and Announcement 2005-70. It should be adopted if the Employer allowed distributions from the Plan under KETRA</p> <p>This is an optional amendment. .</p>	December 31, 2006
<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>This amendment is required for all 401(k) Plans.</p>	End of 1 st Plan Year beginning on or after January 1, 2006.
<p>2007 Interim Amendment²: 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>This amendment is required for all Defined Contribution Plans.</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.

Plan Termination Amendments	Due Date
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. This amendment is required for all DC plans terminating in 2008	Date of 2008 Plan Termination
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. This amendment will be required for all DC plans terminating in 2009.	In Progress

¹ The amendments included herein are based on a good faith interpretation of the related regulations. Unless otherwise noted, they have not been submitted to the IRS.

² For Prototype Plans: DATAIR has adopted the 2007 Interim Amendment as a part of the DATAIR Defined Contribution and Defined Benefit prototype plan documents (for the GUST, Post-GUST and EGTRRA versions).

If you are a Word-for-Word sponsor, the DATAIR adoption of the Amendments also results in the Amendment being adopted for your documents.

The 2007 Interim Amendment was adopted with an effective date of January 1, 2007.

If you wish to accept the default selections, the Employer is not required to sign the Amendment. However, you will need to provide each Employer with a copy of the Amendment. This Amendment will automatically print at the end of the Base Plan Document.

If you wish to select alternate provisions, you can make the selections in the Adoption Section and have the Employer sign the Amendment. For a GUST or Post-GUST Plan the Employer must sign the Amendment by the end of the 2007 plan year. For EGTRRA, you have until the end of EGTRRA Remedial Amendment Period or April 30, 2010.

For Volume Submitter Plans: Each plan must individually adopt this Amendment. The provisions of this Amendment are aligned with the IRS's guidance, and the Amendment must be signed by the deadline for filing the Employer's income tax return (including extensions) for the tax year that includes the first day of the Plan Year in which the Amendment is effective. If you make any elections in the Adoption Section, then for a GUST or Post-GUST Plan the Employer must sign the Amendment by the end of the 2007 Limitation Year.

Defined Benefit Plans

Post-GUST Amendments	Due Date
<p>Required Minimum Distribution Proposed 2001 Reg.: An amendment to adopt the proposed §401(a)(9) regulations.</p> <p>This amendment is required for all Defined Benefit Plans.</p>	December 31, 2003
<p>94 GAR Table Amendment (Required): This amendment complies with Revenue Ruling 2001-62 and adopts the 94 GAR mortality tables for distributions with annuity starting dates on or after December 31, 2002.</p> <p>This amendment is required for all Defined Benefit Plans.</p>	Plan effective date. Later of the: (1) last day of the plan year that contains the GAR effective date (GAR effective date may be no later than December 31, 2002), (2) the later of the time determined under RR2001-62 or (3) the end of the plan's GUST remedial amendment period.
<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>This is an optional amendment</p>	Latest of (1) end of the 2002 Plan Year, (2) Last day of the 1 st Plan Year this definition of Compensation used.
<p>Katrina Amendment: An amendment to provide relief given under the Katrina Emergency Tax Relief Act of 2005, Notice 2005-92 and Announcement 2005-70. It should be adopted if the Employer allowed distributions from the Plan under KETRA.</p> <p>This is an optional amendment</p>	December 31, 2006
<p>Economic Growth and Tax Relief Reconciliation Act (EGTRRA) (Required): 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>This amendment is required for all Defined Benefit Plans.</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>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>This amendment is required for all Defined Benefit Plans.</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>Retroactive Annuity Starting Date (RASD): An amendment for plans to extend a Qualified Joint and Survivor Annuity explanation up to 30 days after the explanation is furnished. Effective for plan years beginning on or after January 1, 2004.</p> <p>This amendment is required for all Defined Benefit Plans.</p>	Later of: (1) December 31, 2005, or (2) the deadline under Rev Proc 2005-66 as a disqualifying or discretionary amendment if plan allows RASD.

Post-GUST Amendments	Due Date
<p>Pension Funding Equity Act (PFEA): An amendment to adopt to the Applicable Interest Rate provisions in IRC §415(b)(2)(E(ii) to any optional forms of benefits that are subject to 417(3)(3).</p> <p>This amendment is required for all Defined Benefit Plans.</p>	<p>The original deadline was the last day of the 1st plan year beginning on or after January 1, 2006. Extended by PPA'06 to 2008 Plan Year and by WRERA to January 1, 2009</p>
<p>Final RMD Reg. and Optional Form of Benefits: An amendment for DB plans to adopt the provision of Treasury Regulation 1.401(a)(9)-6. and elect Optional Form of Benefits</p> <p>This Amendment is optional. It is generally effective for Limitation Years beginning on or after July 1, 2007.</p>	<p>Later of the: (1) Limitation Year beginning on or after July 1, 2007 (2) the end of Plan Year that includes the effective date of the optional provisions; or (3) by the end of EGTRRA RAP</p>
<p>2007 Interim Amendment²: An "interim" amendment for DB plans to incorporate required plan changes from the 2006 Cumulative List of Plan Qualifications. It includes changes in Normal Retirement Age, Final 415 Compensation, post-severance compensation and other grandfather rules for Code section 415; along with new Vesting requirements for Non-Elective Contributions.</p> <p>This Amendment is required for all DB plans.</p>	<p>Plan effective date. Later of the last day of: the plan years beginning on or after January 1, 2007 or the limitation year beginning on or after July 1, 2007</p>
<p>417(e)(3) Amendment Interest and Mortality Amendment: An amendment to change interest rates and mortality tables used for DB plans. Effective for distributions with annuity start dates occurring during the Plan Year beginning on or after January 1, 2008.</p> <p>This is an optional amendment for a DB plans.</p>	<p>Later of the: (1) last day of the plan years beginning on or after January 1, 2008 or (2) the end of plan year that includes the effective date of the provisions</p>
<p>PPA '06 Amendment for Cessation or Reinstating Lost Accruals: An amendment for DB plans to stopping or reinstating accruals that were lost by operation of new funding rules under IRC § 436.</p> <p>This is an optional amendment for Plan Years beginning on or after January 1, 2009.</p>	<p>Adopt by the end of plan year that includes the effective date of the provisions.</p>
<p>2009 PPA Interim Amendment: An "interim" amendment for defined benefit plans to included the plan qualification requirements from the 2008 Cumulative List, PPA'06 and technical corrections from Workers, Retiree, and Employer Recovery Act of 2008.</p> <p>This Amendment will be required.</p>	<p>In Progress</p>

Plan Termination Amendments	Due Date
DB Plan Termination Amendment Part 1: An amendment for terminating DB plans to include Minimum Distribution Requirements for Plan Years beginning on or after January 1, 2003 and to incorporate by reference the provisions of the Pension Funding Equity Act (PFEA) Code section 415(b)(2)(E)(ii), effective for Plan Years beginning on or after January 1, 2004. This amendment is required for all DB plans terminating prior to 2008.	Date of Plan Termination
DB Plan Termination Amendment Part 2: An amendment for DB plans terminating prior to 2008. This Amendment should be adopted along with the DB Plan Termination Amendment Part 1. It is based on plan qualification requirements from the 2006 Cumulative List. This amendment is required for all DB plans terminating prior to 2008.	Date of Plan Termination
Amendment for DB Plan Terminating in 2008: An amendment for DB Plans terminating in 2008; includes plan qualification requirement from the 2007 Cumulative List of Plan Qualification Requirements and applicable PPA 2006 requirements. This amendment is required for all DB plans terminating in 2008.	Date of 2008 Plan Termination
Amendment for DB 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. This amendment will be required for all DB plans terminating in 2009.	In Progress

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