

MEMO# 3323

December 5, 1991

IRS EXPANDS DETERMINATION LETTER PROGRAM

December 5, 1991 TO: PENSION MEMBERS NO. 39-91 INSTITUTE PROTOTYPE PLAN MASS SUBMITTERS RE: IRS EXPANDS DETERMINATION LETTER PROGRAM

Attached is a copy of Revenue Procedure 91-66, which sets forth temporary procedures for filing employee plan determination letter applications, and supersedes Revenue Procedure 91-41. (See Institute Memorandum to Pension Members No. 36-91 and Institute Prototype Plan Mass Submitters, dated October 24, 1991.) The determination letter program will expand on January 15, 1992 to accept applications from (1) plans that satisfy design based nondiscrimination safe harbors (and certain other nondiscrimination requirements) in plan years beginning on or after January 1, 1992, regardless of whether they satisfied such requirements in earlier years; (2) plans that include 401(k) contributions and contributions subject to the requirements of section 401(m); (3) collectively bargained plans not subject to coverage and nondiscrimination requirements; and (4) target benefit plans that meet the target benefit safe harbor in the final regulations. Section 8 of Revenue Procedure 91-66 restates the modifications to the master and prototype program contained in section 6 of Revenue Procedure 91-41 in order to conform them to the final regulations. We will keep you informed of developments. Kathy D. Ireland Associate Counsel - Pension Attachment

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