

MEMO# 5739

March 31, 1994

INTERNAL REVENUE SERVICE REQUESTS COMMENTS CONCERNING SPOUSAL CONSENT REQUIREMENTS

March 31, 1994 TO: PENSION COMMITTEE NO. 13-94 RE: INTERNAL REVENUE SERVICE
REQUESTS COMMENTS CONCERNING SPOUSAL CONSENT REQUIREMENTS

Attached is a copy of Internal Revenue Service (IRS) Notice 94-23, which solicits comments from the public concerning spousal consent under section 417 of the Internal Revenue Code. The notice generally requests comments as to whether the written forms on which spouses may consent to plan payment options other than joint and survivor annuities contain sufficient information upon which to make informed decisions. Specifically, the notice lists the information that the General Accounting Office (GAO) has recommended be included on such forms, and asks for public reaction on the following issues: (1) the GAO's suggestion that this information be required to be included on the spousal consent form; (2) the form and scope of guidance appropriate to ensure that spouses receive adequate information regarding spousal waivers; (3) potential examples of model language for the spousal consent form, including approaches that would reasonably accommodate a broad range of benefit distribution alternatives; and (4) other matters relating to spousal consent to joint and survivor annuity waivers. Please contact the undersigned at (202) 326-5835 if you have any suggestions for inclusion in the Institute's response to this notice. Kathy D. Ireland Associate Counsel - Pension Attachment

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