

MEMO# 15372

November 20, 2002

IRS FURTHER EXTENDS GUST REMEDIAL AMENDMENT PERIOD FOR PROTOTYPE PLANS

[15372] November 20, 2002 TO: PENSION MEMBERS No. 55-02 PENSION OPERATIONS ADVISORY COMMITTEE No. 76-02 RE: IRS FURTHER EXTENDS GUST REMEDIAL AMENDMENT PERIOD FOR PROTOTYPE PLANS The Internal Revenue Service has issued Revenue Procedure 2002-73, which extends the GUST remedial amendment period with respect to adopters of prototype and other pre- approved plans to September 30, 2003, under certain circumstances. A copy of the revenue procedure is attached. Under section 19 of Revenue Procedure 2002-20, an employer may qualify for an extension of the general remedial amendment period by either adopting or certifying its intention to adopt a prototype plan by the end of the regular remedial amendment period. 1 Revenue Procedure 2002-73 modifies Revenue Procedure 2002-20 to extend the GUST remedial amendment period for those employers that qualify for the extension under section 19 to the later of (1) September 30, 2003, or (2) the end of the 12th month beginning after the date on which the Service issues a GUST opinion letter for the plan. The revenue procedure also extends the time for amending a plan to comply with the Community Renewal Tax Relief Act of 2000 (CRA) until the later of (1) the end of the first plan year beginning on or after January 1, 2002, (2) the end of the plan's GUST remedial amendment period, or (3) June 30, 2003.2 Kathy D. Ireland Senior Associate Counsel Attachment (in .pdf format) 1 Revenue Procedure 2002-20 extended the GUST remedial amendment period for those employers that satisfied the conditions of section 19 to the later of (1) December 31, 2002, or (2) the end of the 12th month beginning after the date on which the Service issues a GUST opinion letter. See Institute Memorandum to Pension Members No. 7-00 and Pension Operations Advisory Committee No. 6-00, dated January 28, 2000. 2 The CRA amendments changed the "compensation" definition in sections 414(s)(2) and 415(c)(3) of the Internal Revenue Code to reflect the amount of the compensation reduction elected for qualified transportation fringes that is not includible in gross income by reason of section 132(f)(4) of the Code. See Institute Memorandum to Pension Members No. 22-01 and Pension Operations Advisory Committee No. 37-01, dated June 5, 2001.