

November 27, 2009

TCRS 2009-14: TEMPORARY CLOSING OF DETERMINATION LETTER PROGRAM FOR ADOPTERS OF PRE-APPROVED DEFINED BENEFIT PLANS

In Announcement 2009-85, the Internal Revenue Service (IRS) states that it will temporarily close the GUST determination letter program for pre-approved (master and prototype and volume submitter) defined benefit plans filed on Form 5307. This action is necessary in order to allow the IRS time to prepare to receive Form 5307 applications from plan sponsors of pre-approved defined benefit plans who will be submitting their restated documents for the next round of amendments.

The next round of amendments for pre-approved defined benefit plans generally cover the following Tax Acts:

- The Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA)
- Technical corrections to EGTRRA made by the Job Creation and Worker Assistance Act of 2002 (JCWAA)
- The Pension Funding Equity Act of 2004 (PFEA)
- The American Jobs Creation Act of 2004 (AJCA)
- The Gulf Opportunity Zone Act of 2005 (GOZA)
- The Pension Protection Act of 2006 (PPA)

According to Announcement 2009-85, beginning February 22, 2010, the IRS will temporarily stop accepting determination letter applications for defined benefit plans filed on Form 5307. The IRS will continue to process Form 5307 applications postmarked before February 22, 2010.

The IRS expects to announce early in 2010 the deadline by which these plans are required to be amended for the next round of amendments. Any applications for pre-approved defined benefit plans filed on Form 5307 postmarked on or after February 22, 2010 and before the IRS opens the determination letter program for the next round of amendments will be returned.

This Announcement does not affect pre-approved defined contribution plans being filed on Form 5307. It also does not affect the ability of plan sponsors (defined benefit or defined contribution) to submit Form 5307 filings for plan amendments related to the IRS' Voluntary Correction Program (VCP) or a correction required under Audit CAP.