

Part IV

Items of General Interest

December 31, 2000, Deadline for Submission of M&P and Volume Submitter Specimen Plans

Announcement 2000-99

The Internal Revenue Service reminds sponsors of master and prototype (M&P) plans and practitioners who sponsor volume submitter specimen plans that the deadline for applying for GUST opinion and advisory letters for their plans is December 31, 2000. This deadline also applies to M&P sponsors and volume submitter practitioners who use mass submitter or lead specimen plans. This deadline does not require employers who have adopted or intend to adopt M&P or volume submitter specimen plans to take any action at this time.

Most employers must amend their tax-qualified retirement plans for new law changes (which are described using the acronym "GUST") by the end of the first plan year beginning in 2001 (2001 plan year). Thus, for calendar year plans, this deadline for making GUST plan amendments is December 31, 2001. However, employers who have, as of the end of the 2001 plan year, either adopted or certified their intent to adopt an M&P or volume submitter specimen plan may be allowed more time to make their GUST plan amendments. For these employers to be allowed the extra time, the sponsors of the M&P and volume submitter specimen plans must apply for GUST opinion or advisory letters by December 31, 2000.

Some sponsors and practitioners use an M&P "mass submitter plan" or a volume submitter "lead specimen plan" as their own M&P or volume submitter specimen plan. These sponsors and practitioners also must apply for GUST opinion or advisory letters by December 31, 2000, if they want to give their clients extra time to make GUST plan amendments. It does not matter that the mass submitter plan or lead specimen plan may not yet be approved.

Opinion letter applications for M&P sponsors who use mass submitter plans are filed by the mass submitter. Earlier this year, the IRS mailed each mass submitter of record a list of those M&P sponsors who previously adopted one of the mass submitter's plans. Mass submitters should use these lists to apply for opinion letters for these sponsors' plans by December 31, 2000. In other cases, the mass submitter must file Form 4461-B on behalf of the M&P sponsor by December 31, 2000.

Advisory letter applications for practitioners who use lead specimen plans must also be filed by December 31, 2000. Sponsors of lead specimen plans should refer to section 17.02 of Rev. Proc. 2000-20, 2000-6 I.R.B. 553, for the procedures governing these applications.

Employers who have not adopted an M&P or volume submitter specimen plan by the end of the 2001 plan year can nevertheless get extra time to make their GUST

plan amendments. To get the extra time, these employers must sign a certification of intent to adopt an M&P or volume submitter specimen plan once the IRS has approved the plan for GUST. Both the employer and the M&P sponsor or volume submitter practitioner must sign the certification by the end of the 2001 plan year. Employers who do not timely adopt, or certify their intent to adopt, an M&P or volume submitter specimen plan generally must adopt individually designed GUST plan amendments by the end of the 2001 plan year.

More information about the GUST deadlines and filing procedures can be found in the following IRS procedures: Rev. Proc. 2000-20, Rev. Proc. 2000-27, 2000-26 I.R.B. 1272, and Rev. Proc. 2000-6, 2000-1 I.R.B. 187.