

It's EGTRRA Time

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On August 1, 2005, the Holland & Hart Benefits Law Group published an Alert (Revenue Procedure 2005-66: Staggered Remedial Amendment Period System) regarding the IRS's adoption of the staggered remedial amendment periods for the issuance of determination letters for qualified retirement plans. This Alert is to remind you that the dates we notified you about in that Alert are just around the corner.

What you need to know – Instead of all plans being submitted to the IRS for determination letters every time there is new legislation requiring plan amendments, the IRS has implemented a rolling cycle for determination letter applications. The first such rolling cycle for individually-designed plans opens on February 1, 2006, and will require plans to demonstrate that they have been amended for the Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA") and later laws.

More specifically, IRS guidance issued last year opens the EGTRRA determination letter period for individually designed plans on February 1, 2006 and extends the EGTRRA remedial amendment period, together with other provisions that the IRS identifies in its annual Cumulative List of Changes in Plan Qualification Requirements, to the date noted below. Every individually designed plan has been assigned to one of five five-year remedial amendment cycles, based on the last digit of the Plan Sponsor's employer identification number ("EIN"), as shown on the following table:

Last Digit EIN	Plan's Cycle	Determination Letter Filing Period	Last Day EGTRRA Remedial Amendment Period
1 or 6	A	2/1/2006 – 1/31/2007	1/31/2007
2 or 7	B	2/1/2007 – 1/31/2008	1/31/2008
3 or 8	C	2/1/2008 – 1/31/2009	1/31/2009
4 or 9	D	2/1/2009 – 1/31/2010	1/31/2010
5 or 0	E	2/1/2010 – 1/31/2011	1/31/2011

If your individually designed plan is assigned to Cycle A, you have from February 1, 2006 to January 31, 2007 to request an IRS determination

letter for the EGTRRA remedial amendment period ending January 31, 2007.

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