

Appendix A

Useful Resources

The following are IRS and DOL guidance on Section 403(b) plans. Appendix A also can be accessed at *WoltersKluwerLR.com/403bAppendix*.

IRS Guidance

Proposed Regulations on Required Minimum Distributions

<https://www.federalregister.gov/documents/2022/02/24/2022-02522/required-minimum-distributions>

Final Code Section 403(b) Regulations

https://www.irs.gov/irb/2007-36_IRB#TD-9340

Revenue Procedure 2022-40, Rulings and Determination Letters

<https://www.irs.gov/pub/irs-drop/rp-22-40.pdf>

Revenue Procedure 2019-39, Remedial Amendment Period for 403(b) Plans

<https://www.irs.gov/pub/irs-drop/rp-19-39.pdf>

Revenue Procedure 2007-71, Model Plan Language

<https://www.irs.gov/pub/irs-drop/rp-07-71.pdf>

Revenue Procedure 2019-19, Expanded Self Correction Program

<https://www.irs.gov/retirement-plans/expanded-self-correction-program-epcrs-rev-proc-2019-19>

IRC 403(b) Tax-Sheltered Annuity Plans—Terminating a 403(b) Plan

<https://www.irs.gov/retirement-plans/irc-403b-tax-sheltered-annuity-plans#6>

Revenue Ruling 2011-7, Section 403(b)—Taxability of Certain Annuity Contracts

<https://www.irs.gov/pub/irs-drop/rr-11-07.pdf>

Revenue Ruling 2020-23, Distribution of Individual Custodial Accounts in Kind upon Termination of a § 403(b) Plan

<https://www.irs.gov/pub/irs-drop/rr-20-23.pdf>

Revenue Ruling 2020-24, Withholding and Reporting with Respect to Payments from Qualified Plans to State Unclaimed Property Funds

<https://www.irs.gov/pub/irs-drop/rr-20-24.pdf>

Revenue Procedure 2021-30, Employee Plans Correction Methods

<https://www.irs.gov/pub/irs-drop/rp-21-30.pdf>

IRS Notices

Notice 2023-62, Guidance on Section 603 of the SECURE 2.0 Act with Respect to Catch-Up Contributions

<https://www.irs.gov/pub/irs-drop/n-23-62.pdf>

Notice 2023-43, Guidance on Section 305 of the SECURE 2.0 Act of 2022 with Respect to Expansion of the Employee Plans Compliance Resolution System

<https://www.irs.gov/pub/irs-drop/n-23-43.pdf>

Notice 2022-8, 2022 Required Amendments List for Qualified Retirement Plans and § 403(b) Retirement Plans

<https://www.irs.gov/pub/irs-drop/n-22-08.pdf>

Notice 2021-3, Extension of Temporary Relief from the Physical Presence Requirement for Spousal Consents Under Qualified Retirement Plans

<https://www.irs.gov/pub/irs-drop/n-21-03.pdf>

Notice 2020-80, Request for Comments Regarding Protection of Annuity and Spousal Rights

<https://www.irs.gov/pub/irs-drop/n-20-80.pdf>

Notice 2021-61, 2022 Limitations Adjusted as Provided in Section 415(d)

<https://www.irs.gov/pub/irs-drop/n-21-61.pdf>

Notice 2021-56, Standards for Section 501(c)(3) Status of Limited Liability Companies

<https://www.irs.gov/pub/irs-drop/n-21-56.pdf>

Notice 2020-68, Miscellaneous Changes Under the Setting Every Community Up for Retirement Enhancement Act of 2019 and the Bipartisan American Miners Act of 2019

<https://www.irs.gov/pub/irs-drop/n-20-68.pdf>

Notice 2020-62, Safe Harbor Explanations—Eligible Rollover Distributions

<https://www.irs.gov/pub/irs-drop/n-20-62.pdf>

Notice 2020-42, Temporary Relief from the Physical Presence Requirement for Spousal Consents Under Qualified Retirement Plans

Useful Resources

<https://www.irs.gov/pub/irs-drop/n-20-42.pdf>

Notice 2020-3, Interim Guidance on Income Tax Withholding from Retirement and Annuity Distributions

<https://www.irs.gov/pub/irs-drop/n-20-03.pdf>

Notice 2020-83, 2020 Required Amendments List for Qualified Retirement Plans and § 403(b) Retirement Plans

<https://www.irs.gov/pub/irs-drop/n-20-83.pdf>

Notice 2018-95, Relief from the Once-In-Always-In Condition for Excluding Part-Time Employees from Making Elective Deferrals under a § 403(b) Plan

<https://www.irs.gov/pub/irs-drop/n-18-95.pdf>

Notice 2018-74, Safe Harbor Explanations—Eligible Rollover Distributions

<https://www.irs.gov/pub/irs-drop/n-18-74.pdf>

Notice 2016-16, Mid-Year Changes to Safe Harbor Plans and Safe Harbor Notices

<https://www.irs.gov/pub/irs-drop/n-16-16.pdf>

Notice 2015-86, Application of Obergefell to Qualified Retirement Plans and Health and Welfare Plans

<https://www.irs.gov/pub/irs-drop/n-15-86.pdf>

Notice 2014-74, Safe Harbor Explanations—Eligible Rollover Distributions

<https://www.irs.gov/pub/irs-drop/n-14-74.pdf>

Notice 2014-54, Guidance on Allocation of After-Tax Amounts to Rollovers

<https://www.irs.gov/pub/irs-drop/n-14-54.pdf>

Notice 2013-74, In-Plan Rollovers to Designated Roth Accounts in Retirement Plans

<https://www.irs.gov/pub/irs-drop/n-13-74.pdf>

Notice 2010-84, Guidance on In-Plan Roth Rollovers

<https://www.irs.gov/pub/irs-drop/n-10-84.pdf>

Notice 2009-75, Rollovers from Employer Plans to Roth IRAs

https://www.irs.gov/pub/irs-drop/notice_2009-75.pdf

Notice 2009-3, Relief From Immediate Compliance With 2009 § 403(b) Written Plan Requirement

<https://www.irs.gov/pub/irs-drop/n-09-03.pdf>

Report of the Advisory Committee on Tax Exempt and Government Entities (ACT), 2015 Report of Recommendations

https://www.irs.gov/pub/irs-tege/tege_act_rpt_14.pdf

Substantiation Guidelines for Safe-Harbor Hardship Distributions from Section 403(b) Plans (IRM Section 4.72.13.15.4.1.1)

https://www.irs.gov/irm/part4/irm_04-072-013#idm139939557104752

Missing Participants and Beneficiaries and Required Minimum Distributions

<https://www.irs.gov/retirement-plans/minimum-distributions-for-missing-participants-and-beneficiaries-of-retirement-plans>

IRS Guidance on 403(b) Pre-Approved Plans

Section 403(b) Pre-Approved Plans Listing of Required Modifications and Information Package (LRM). Revised April 2022

<https://www.irs.gov/pub/irs-tege/403b-lrm-042022.pdf>

Revenue Procedure 2021-37

<https://www.irs.gov/pub/irs-drop/rp-21-37.pdf>

Revenue Procedure 2017-18

<https://www.irs.gov/pub/irs-drop/rp-17-18.pdf>

Announcement 2009-89

<https://www.irs.gov/pub/irs-drop/a-09-89.pdf>

Announcement 2009-34

<https://www.irs.gov/pub/irs-drop/a-09-34.pdf>

Coronavirus and Natural Disaster Relief

Notice 2020-50, Guidance for Coronavirus-Related Distributions and Loans from Retirement Plans Under the CARES Act

<https://www.irs.gov/pub/irs-drop/n-20-50.pdf>

Notice 2020-35, Additional Administrative Relief with Respect to Deadlines Applicable to Employment Taxes, Employee Benefits, and Exempt Organizations Affected by the Ongoing Coronavirus Disease 2019 Pandemic

<https://www.irs.gov/pub/irs-drop/n-20-35.pdf>

Notice 2020-23, Update to Notice 2020-18, Additional Relief for Taxpayers Affected by Ongoing Coronavirus Disease 2019 Pandemic

<https://www.irs.gov/pub/irs-drop/n-20-23.pdf>

Tax Relief in Disaster Situations

<https://www.irs.gov/newsroom/tax-relief-in-disaster-situations>

Coronavirus Relief for Retirement Plans and IRAs

<https://www.irs.gov/newsroom/coronavirus-relief-for-retirement-plans-and-iras>

DOL Guidance

Prohibited Transaction Exemption 2020-02, Improving Investment Advice for Workers & Retirees

<https://www.govinfo.gov/content/pkg/FR-2020-12-18/pdf/2020-27825.pdf>

Cybersecurity Guidance for Plan Sponsors, Plan Fiduciaries, Record-keepers, and Plan Participants

<https://www.dol.gov/newsroom/releases/ebsa/ebsa20210414>

Interim Final Rule: Pension Benefit Statements—Lifetime Income Illustrations

<https://www.federalregister.gov/documents/2020/09/18/2020-17476/pension-benefit-statements-lifetime-income-illustrations>

Temporary Implementing FAQs on Pension Benefit Statements Interim Final Rule

<https://www.dol.gov/sites/dolgov/files/EBSA/about-ebsa/our-activities/resource-center/faqs/temporary-implementing-faqs-lifetime-income-interim-final-rule.pdf>

Proposed Rule: Prudence and Loyalty in Selecting Plan Investments and Exercising Shareholder Rights

<https://www.federalregister.gov/documents/2021/10/14/2021-22263/prudence-and-loyalty-in-selecting-plan-investments-and-exercising-shareholder-rights>

Final Rule: Technical Amendment: Conflict of Interest Rule—Retirement Investment Advice: Notice of Court Vacatur

<https://www.federalregister.gov/documents/2020/07/07/2020-14260/conflict-of-interest-rule-retirement-investment-advice-notice-of-court-vacatur>

Notification of Proposed Class Exemption: Improving Investment Advice for Workers & Retirees

<https://www.federalregister.gov/documents/2020/07/07/2020-14261/improving-investment-advice-for-workers-and-retirees>

Proposed Rule: Financial Factors in Selecting Plan Investments

<https://www.federalregister.gov/documents/2020/06/30/2020-13705/financial-factors-in-selecting-plan-investments>

Interim Policy on Electronic Disclosure Under 29 CFR 2550.404a-5

<https://www.dol.gov/agencies/ebsa/employers-and-advisers/guidance/technical-releases/11-03>

Reasonable Contract or Arrangement Under Section 408(b)(2)—Fee Disclosure; Final Rule

<https://www.gpo.gov/fdsys/pkg/FR-2012-02-03/pdf/2012-2262.pdf>

Fiduciary Requirements for Disclosure in Participant-Directed Individual Account Plans: Final Rule

<http://www.gpo.gov/fdsys/pkg/FR-2010-10-20/pdf/2010-25725.pdf>

Field Assistance Bulletins

Field Assistance Bulletin 2015-02, Selection and Monitoring under the Annuity Selection Safe Harbor Regulation for Defined Contribution Plan

<https://www.dol.gov/agencies/ebsa/employers-and-advisers/guidance/field-assistance-bulletins/2015-02>

Field Assistance Bulletin 2012-02, Fee Disclosure Guidance

<https://www.dol.gov/agencies/ebsa/employers-and-advisers/guidance/field-assistance-bulletins/2012-02>

Field Assistance Bulletin 2010-01, Annual Reporting and ERISA Coverage for 403(b) Plans

<https://www.dol.gov/agencies/ebsa/employers-and-advisers/guidance/field-assistance-bulletins/2010-01>

Field Assistance Bulletin 2009-02, Annual Reporting Requirements for 403(b) Plans

<https://www.dol.gov/agencies/ebsa/employers-and-advisers/guidance/field-assistance-bulletins/2009-02>

Field Assistance Bulletin 2007-02, ERISA Coverage of IRC Section 403(b) Tax-Sheltered Annuity Programs

<https://www.dol.gov/agencies/ebsa/employers-and-advisers/guidance/field-assistance-bulletins/2007-02>