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ESTATE PLANNING FOR RETIREMENT BENEFITS IN 2025 GOING FORWARD: A SUMMARY GUIDE TO A COMPLICATED NEW WORLD

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I. INTRODUCTION

Congress and the Treasury Department have made several substantive changes to retirement plan distribution systems. These changes should cause every estate planner to re-evaluate how to treat retirement plan assets when planning for clients with significant retirement plan assets.[1]

This article is ***not*** intended to be an exhaustive or all-inclusive summary or analysis of the new rules. Rather, it is intended to provide practical short-form guidance on how to engage in estate planning moving forward for clients with significant retirement plan assets.

For ease of reading, this article uses the terms "Owner" and "client" interchangeably, while the pertinent IRS primary sources generally use the terms "employee" or "participant."

II. MAJOR CHANGES SINCE DECEMBER 2019

The major recent changes to retirement plan distribution law since December 2019, pertaining to planning moving forward, are:

1. The Setting Every Community Up for Retirement Enhancement Act (the "SECURE" Act) was signed into law on December 20, 2019, as part of the massive congressional budget bill (spending over $1.7 trillion).[2] It was generally effective for our purposes starting on January 1, 2020. The SECURE Act radically altered roughly 30 years of retirement plan distribution law, potentially reducing the long-term value of retirement plan assets held at the death of an account Owner by generally requiring these retirement plan assets to be distributed on a more accelerated basis than was required under prior law.

2. SECURE 2.0,[3] generally effective at the end of 2022, extended and broadened the changes started in the SECURE Act.

3. The Treasury Department's final regulations (for SECURE)[4] and proposed regulations (for SECURE 2.0)[5]

incorporating and interpreting both acts, were issued in July 2024 (replacing 275 pages of proposed SECURE regulations issued in 2022).

4. IRS Notices 2022-53,[6] 2023-54,[7] and 2024-35,[8] granting relief for most beneficiaries and setting 2025 as the effective date for many of the new required minimum distribution (RMD) rules.

This article summarizes the planning landscape following all of these changes. If there are administration cases already in process (e.g., deaths from 2020 through 2024), other considerations or opportunities may apply. These new changes layer on top of the existing laws and tools instead of supplanting them. Accordingly, an understanding of pre-existing laws and regulations remains essential.

III. THE CHANGES SUMMARIZED WITH A PRACTICAL EYE

For more than 30 years, owners of retirement plan assets (401(k)s, 403(b)s, IRAs, Roth IRAs, SEPs, and the like) planned their beneficiary designations around the basic premise that a "stretch" arrangement served to increase the after-tax value of the Owner's retirement plan assets as those assets were distributed to the named beneficiary(ies) after the Owner's death. Appropriately drafted and administered trusts could stand in as individual beneficiaries, using the same lengthy life expectancies. These opportunities allowed clients to leave large portions of retirement plan assets in tax-deferred (or tax-free, in the case of Roth IRAs, Roth 401(k) accounts, and the like) status for decades after the Owner's death, allowing those assets to remain invested and grow tax-deferred or tax-free—swelling the real economic value of those assets over the lifetime of the named beneficiary.

However, the SECURE Act changed all that. The SECURE Act wiped away the "stretch" arrangements available under previous law for all but specified niche categories of beneficiaries, discussed more below. In place of those "stretch" arrangements, the SECURE Act borrowed from the pre-existing "5 Year Rule" concept requiring full distribution of retirement plan accounts within a new "10 Year Rule." Thus, the new normal of retirement distributions after the Owner's death, following SECURE and SECURE 2.0, will require full retirement account distributions within around 10 years of the Owner's date of death, or somewhat longer for certain beneficiaries. Under the new rules, estates and non-qualifying trusts receiving retirement plan distributions will continue to be subject to comparatively rapid taxation.

Congress held open the possibility for "stretch" arrangements, largely parallel to prior law, only for specific categories of beneficiaries. The following new special categories of beneficiaries, termed "eligible designated beneficiaries" (EDBs), remain eligible for "stretch" arrangements, with various caveats and limitations:

1. A surviving spouse of the Owner;

2. A "minor child" of the Owner;[9]

3. A "disabled" or "chronically ill" beneficiary;[10] and

4. A beneficiary who is less than 10 years younger than the Owner (in-

cluding a beneficiary older than the Owner).

To apply the new distribution rules, some threshold analysis is necessary.

IV. THRESHOLD QUESTION #1: WILL THE OWNER, OR, IF IN A POST-DEATH CONTEXT, DID THE OWNER DIE BEFORE OR AFTER THE "REQUIRED BEGINNING DATE?"

While this sounds straightforward, and it is a necessary threshold question, it is not a simple question to answer under the new law and rules. Generally, the Required Beginning Date (RBD) is the deadline for an Owner to start taking required minimum distributions (RMD) from the retirement account during the Owner's lifetime.[11]

It is not a simple question for two conceptual reasons. First, the new rules create different trigger ages (the "Applicable Ages") by which distributions must begin, dependent on the Owner's date of birth:

- Born before 7/1/1949: Age 70½
- Born 7/1/1949-12/31/1950: Age 72
- Born 1951-1959: Age 73[12]
- Born in 1960 or later: Age 75

The RBD is ***generally*** April 1 following the year in which the Owner reaches the Applicable Age.

Second, there are a variety of special rules for certain types of retirement plans, including:

- For a qualified retirement plan (e.g., a 401(k)), if the employee owns less than 5% of the employer, the RBD is not triggered until the ***later*** of the Applicable Age and the year the employee retires from the employer (no special rule applies if the employee is more than a 5% owner).
- Roth IRAs have no RMDs, so the Owner's death is always before the RBD, regardless of age. Some special rules apply to employer-sponsored Roth accounts.[13]

Thus, there may be multiple answers at any given time to the question of whether an Owner died before the RBD. For example, a 76-year-old person (born in 1948) who works full-time owning less than 5% of the employer, has a traditional 401(k) through that employer, has a traditional IRA, and has a Roth IRA:

- Is ***not*** past the RBD as to the traditional 401(k)—because he or she is still working and not a 5% owner;
- Is past the RBD as to the traditional IRA—because he or she is well over age 72;
- Is ***not*** past the RBD as to the Roth IRA—because the Roth IRA has no RBD.

V. THRESHOLD QUESTION #2: WHAT TYPE OF BENEFICIARY IS NAMED BY THE OWNER?

From ***least favored to most favored for determined distribution periods***, the possible types of beneficiaries are:

1. A beneficiary who is ***not*** considered an individual person (in IRS-speak, a beneficiary who is not a "designated beneficiary"), such as the Owner's

probate estate, or a non-qualifying trust.

2. A beneficiary who is an individual person, but ***not*** in a special class (plain old designated beneficiary—PODB).

3. A beneficiary who is an individual in a special class (eligible designated beneficiary—EDB), more particularly:

   a. A "minor child" of the Owner;

   b. A "disabled" or "chronically ill" beneficiary; and

   c. A beneficiary who is less than 10 years younger than the Owner (including a beneficiary older than the Owner)—often referenced by commentators as "NoMoTTYY."

4. The Owner's surviving spouse.

Very generally speaking (exceptions and nuances apply), if there are multiple beneficiaries named, then the least-favored beneficiary is used to determine post-death RMDs.

Qualifying trusts can be used as stand-ins for beneficiaries and, if structured properly, the IRS will "look through" such trusts, treating the beneficiary(ies) of the trust as beneficiary(ies) for purposes of the distribution rules.

VI. BRIEF DISCUSSION OF APPLICATION OF RMD RULES FOLLOWING THE OWNER'S DEATH

Once both threshold questions have been answered, distributions following the Owner's death generally work as follows:

LEAST FAVORED:

- Owner dies ***before*** the RBD and names a beneficiary not considered an individual—distributions from the retirement account must be completed within about five years of death (actually by December 31 of the year containing the fifth anniversary of death), and there are no annual distribution requirements (a traditional 5 Year Rule).

- Owner dies ***after*** the RBD and names a beneficiary not considered an individual—distributions from the retirement account must be completed based on the remaining life expectancy of the Owner (sometimes referenced as the "ghost life expectancy").

"NORMAL" RULES:

- Owner dies ***before*** the RBD and names a plain old designated beneficiary (PODB)—distributions from the retirement account must be completed within 10 years of death, and there are no annual distribution requirements (a new 10 Year Rule, parallel to the traditional 5 Year Rule).

- Owner dies ***after*** the RBD and named a PODB—distributions from the retirement account must be completed within 10 years of death, with annual required distributions made in each of years one to nine, using the ***greater*** of the life expectancy of the Owner or the beneficiary.

SPECIAL/FAVORED BENEFICIARIES:

- Minor Children of Owner: Owner names a minor child of the Owner as beneficiary—Distributions from the retirement account based on the minor's life expectancy until the death of the minor or when the minor reaches age 21, then a 10 Year Rule applies. Note that this special category only applies to the minor children of the Owner (or stepchildren or foster children, as included in the final regulations). This special category does ***not*** include grandchildren, nephews or nieces, or other minors who may be named as beneficiaries.

- Disabled or Chronically Ill:

- Owner dies ***before*** the RBD and names a Disabled or Chronically Ill beneficiary—distributions from the retirement account based on the beneficiary's life expectancy, with final distribution no later than 10 years following the beneficiary's death or at the end of the beneficiary's calculated life expectancy.

  - Owner dies ***after*** the RBD and names a Disabled or Chronically Ill beneficiary—annual distributions from the retirement account based on the greater of the Owner's or the beneficiary's life expectancy, with final distribution no later than 10 years following the beneficiary's death or at the end of the beneficiary's calculated life expectancy.

- Note: if a qualifying trust is named for multiple Disabled or Chronically Ill people, similar rules apply based on the life expectancy of the oldest beneficiary. The final regulations pertaining to this type of trust are quite favorable to Owners/taxpayers, but also fairly complicated.

- A beneficiary who is less than 10 years younger than the Owner (including a beneficiary older than the Owner)—NoMoTTYY.

  - Owner dies ***before*** the RBD and names a beneficiary NoMoTTYY—distributions from the retirement account based on the beneficiary's life expectancy, with final distribution no later than 10 years following the beneficiary's death or at the end of the beneficiary's calculated life expectancy.

  - Owner dies ***after*** the RBD and names a beneficiary NoMoTTYY—annual distributions from the retirement account based on the greater of the Owner's or the beneficiary's life expectancy, with final distribution no later than 10 years following the beneficiary's death or at the end of the beneficiary's calculated life expectancy.

MOST FAVORED BENEFICIARY—A SPOUSE:

- There are many nuances and advantages to naming a spouse as (sole) beneficiary of the Owner's retirement accounts. The spouse will usually complete a spousal "rollover" of the accounts and ***will be allowed to treat the account as the spouse's own account, as the new owner***.

- In some cases, the spouse may not complete, or may not be best served to complete, a spousal rollover, but will be permitted to take annual distributions on highly advantageous terms (using recalculated life expectancy tables, etc.), with final distributions no later than 10 years following the spouse's death. There are many nuances to this set of options, but they are favorable to the spouse.

Note: If the Owner wishes to name a trust for the benefit of the spouse (rather than the spouse directly), that can be accomplished as well but takes substantial detail to obtain optimal RMD results following the Owner's death, likely including use of a Conduit Trust and some consideration to dealing with ambiguity under the new final regulations about the spouse's ability to make a payout election that could run counter to the Owner's dispositive wishes. A detailed discussion of this topic is beyond the scope of this article.

SEE-THROUGH TRUST RULES

Just as before, Qualified Trusts can still, as before, be treated as designated beneficiaries for retirement plan distribution purposes if all the following conditions are met:

- The Trust is valid under state law;
- The Trust becomes irrevocable upon the Owner's death (Owner of the retirement plan);
- The beneficiaries under the Trust are identifiable and are all individuals;
- Appropriate documentation is provided to the retirement plan administrator or custodian by October 31 of the year following the Owner's death.

Just as before, See-Through Trusts have two different possible flavors/iterations: Conduit Trusts and Accumulation Trusts.

CONDUIT TRUST RULES

The Conduit Trust rules remain largely unchanged. By definition, a Conduit Trust must pay all distributions taken from the retirement plan to the DB (an individual) immediately upon receipt. The IRS regulations provide that a Conduit Trust automatically qualifies as a See-Through Trust, without having to examine subsequent "downstream" beneficiaries.[14] In a very literal sense, these Trusts act as a conduit between the IRA and the beneficiary, transmitting any distributions from the IRA promptly out to the beneficiary. However, the practical implications and beneficial usage of Conduit Trusts are markedly different under the new rules compared to the old.

ACCUMULATION TRUST RULES

An Accumulation Trust is any Trust permitted to retain (accumulate) retirement plan asset distributions within the Trust and is not required by the Trust terms to distribute the retirement plan distributions out to the beneficiary immediately. However, only a subset of Accumulation Trusts qualify as DBs for purposes of the retirement plan distribution rules. An Accumulation Trust qualifies as a See-Through Trust only if all of the countable beneficiaries are identifiable individuals under the terms of the applicable trust instrument.[15] All potential trust beneficiaries are considered beneficiaries of the retirement plan assets for purposes of applying these rules as the starting point, and then a variety of beneficiaries are disregarded from consideration using a laundry list of (fairly taxpayer friendly but complicated) rules spelled out in the regulations. The practical implications and productive usages of Accumulation Trusts are markedly different under the new rules compared to the old. The new rules provide more clarity than was provided under the old rules, at the price of additional complexity.

VII. PRACTICAL THOUGHTS ON HOW TO DRAFT TRUSTS TO DEAL WITH THE NEW RULES

1. Most Conduit Trusts drafted before the new rules should be replaced or re-drafted if they are slated to receive significant retirement assets, not because the technical trust terms will no longer work as Conduit Trusts, but because the alternatives are now radically different and the distribution-related assumptions under which the documents were originally drafted have been altered. Note: Watch out for historical Conduit Trust language that discusses annual distributions—annual distributions are no longer universally required under the new 10 Year Rule.

2. Many Accumulation Trusts drafted before the new rules should be replaced or re-drafted if they are slated to receive significant retirement assets. The distribution-related assumptions under which the documents were originally drafted have been altered and the technical underpinnings should be re-examined considering the new rules.

3. Consider whether to draft:

    a. More simply, with the expected outcome as to retirement plan assets assumed (e.g., the 10 Year Rule will apply);

    b. More comprehensively, attempting to include provisions for any potential class of EDB and/or the so-called Ghost Rule (using the remaining life expectancy of the deceased Owner who was past the RBD at death) that may potentially apply; or

    c. With a separate trust instrument or sub-trust designed solely to receive retirement assets, or "piggybacking" on the main trust provisions, with modifications to comply with See-Through Trust requirements.

4. In all events, consider how to set up the applicable beneficiary designation forms to properly fund the trust(s) or sub-trusts at the Owner's death.

5. Consider whether a trust is an appropriate beneficiary at all if the circumstances don't warrant use of a trust (e.g., no creditor concerns, no transfer tax concerns, no special issues for the beneficiary, etc.).

6. In all events, consider adding flexibility-oriented provisions to account for post-drafting/post-death changes and additional guidance from the IRS, such as:

    a. An independent Trustee or independent Trust Protector's right to modify/amend trust provisions to comply with future changes/future guidance; and

    b. A trust instrument-based decanting provision, broader than applicable state law, exercisable by an independent Trustee or independent Trust Protector, allowing an independent party to decant the existing trust in favor of a trust designed to comply with future changes/future guidance.

VIII. PRACTICAL SUGGESTIONS FOR COMMON CASES

Following are some common cases, with thoughts about how best to proceed with retirement asset beneficiary designations under the new rules:

CASE #1:

The Owner is domiciled in Ohio, married, in a first and long-time marriage, with a few adult children, all of whom are doing well generally, have no obvious creditor protection concerns and no obvious health challenges or other special considerations. The Owner has a mix of assets, including retirement assets (mostly a traditional IRA rolled over from the Owner's 401(k) when Owner retired). The retirement assets make up around one-third of the Owner's assets, and neither Owner nor Owner's spouse are expected to be subject to the federal estate tax system at death (per person estate tax exemption of $13.99 Million as this article is written). The Owner wishes to benefit his spouse and then his adult children. The Owner has no problem passing full control of his assets to his spouse at the Owner's death.

In this scenario, after discussion with the Owner/client(s), we are likely to recommend naming the Owner's spouse as direct, 100% primary beneficiary of the retirement assets, and naming the adult children as equal secondary/contingent beneficiaries. Some custodians/beneficiary designation forms allow for a "Per Stirpes" designation, applicable if a child were to predecease the Owner. That result may not be optimal if the child's children (grandchildren of Owner) are minors, because the situation might require a formal guardianship for each of the (surviving) grandchildren. However, absent a "custom" beneficiary designation form, which is often challenging to have accepted by the IRA custodian, it is difficult to address the situation more comprehensively.

The likely results are:

- If the spouse survives the Owner, she will usually complete a "spousal rollover" of the retirement accounts and become the new Owner for all purposes. This result gives the spouse excellent flexibility and income tax results and allows the spouse to plan for disposition of the retirement accounts anew at her death. Alternatively, if the spouse is in an unusual case, making a rollover inadvisable (a common scenario is if the spouse has not reached age 59$^1/_2$ and expects to need penalty-free distributions before reaching 59$^1/_2$), she can retain the retirement account as a beneficiary account rather than becoming the new Owner, and she will enjoy very favorable income tax results (e.g., her RMDs are calculated using the most favorable life expectancy tables, minimizing required distributions but not capping available distributions).
- If the spouse predeceases the Owner, but the children survive the Owner,

and (thankfully) none of the children fall into special beneficiary categories (not disabled or chronically ill)—so are PODBs, the retirement assets will pass into separate beneficiary accounts for the benefit of each of the children, which are then administered separately in the normal course.

- If the Owner died before reaching his RBD (likely April 1 following age 72 given the demographic profile) then each child's distributions from the retirement accounts must be completed within 10 years of death, and there are no annual distribution requirements.
- If the Owner died after reaching his RBD (likely April 1 following age 72 given the demographic profile) then each child's distribution from the retirement account must be completed within 10 years of death, with annual required distributions made in each of years one to nine based on the remaining life expectancy of the Owner.

CASE #2:

The Owner is domiciled in Ohio, married, in a first marriage, with several minor children, all of whom are doing well generally, and have no obvious health challenges or other special considerations. The Owner has a mix of assets, including retirement assets (mostly a traditional IRA). The retirement assets make up around one-third of the Owner's assets, and neither Owner nor Owner's spouse are expected to be subject to the federal estate tax system at death (per person estate tax exemption of $13.99 Million as this article is written). The Owner wishes to benefit his spouse and then his children. The Owner has no problem passing full control of his assets to his spouse at the Owner's death.

In this scenario, after discussion with the Owner/client(s), we are likely to recommend naming the Owner's spouse as direct, 100% primary beneficiary of the retirement assets.

The situation becomes more complex after that. Broadly, we have the following most likely options:

- Name the (minor) children as equal secondary/contingent beneficiaries. ***Simple but generally not recommended***, because the situation likely would then require a formal guardianship for each of the minor children or, at minimum UTMA accounts for each of the minor children. This scenario will also generally result in complete legal control over the retirement assets by the child no later than age 18 (guardianship), 21 (generally UTMA), or 25 (later UTMA), which is generally undesirable from the Owner's perspective. In the normal course, each beneficiary would be required to take RMDs starting the year after the year of the Owner's death, based on the child's life expectancy (tax favorable but clunky). At the earlier of the child's death and when the child reaches age 21, a 10 Year Rule starts (the "outer limit" for distributions, during which the RMDs continue based on the child's life expectancy). All assets will be distributed to the child, then, no later than around age 31 (age 21 plus 10 years).

- Name a "Non-Qualifying" Trust as a secondary/contingent beneficiary. In other words, the Trust either would not qualify as a See-Through Trust, or the See-Through Trust includes countable beneficiaries other than individuals (in IRS-speak, a beneficiary who is not a "designated beneficiary"). In this case, the Trust receives the least favorable RMD treatment:
  - Owner dies ***before*** the RBD—distributions from the retirement account must be completed within about five years of death, and there are no annual distribution requirements.
  - Owner dies ***after*** the RBD—distributions from the retirement account must be completed based on the remaining life expectancy of the Owner.

Though the income tax treatment is not favorable, that may be a "fair exchange" here for simplicity and the lack of having to comply with any of the complexities and restrictions of trusts that are "Qualifying."

- Name a "Qualifying" Trust as a secondary/contingent beneficiary, under which all beneficiaries are individuals, but not all countable beneficiaries are "minor" children (e.g., other family members are also countable beneficiaries under the Trust). Based on the situation, this will likely be a See-Through Trust that is an Accumulation Trust (not a Conduit Trust) for the benefit of PODBs. In this case, the Trust receives the following RMD treatment:
  - Owner dies ***before*** the RBD—distributions from the retirement account must be completed within 10 years of death, and there are no annual distribution requirements.
  - Owner dies ***after*** the RBD—distributions from the retirement account must be completed within 10 years of death, with annual required distributions made in each of years one to nine based on the greater of the life expectancy of the Owner or the beneficiaries.
- Name a "Qualifying" Trust as a secondary/contingent beneficiary, for the benefit of the (minor) children, under which all countable beneficiaries are "minor" children. Based on the situation, this will likely be a See-Through Trust that is an Accumulation Trust (not a Conduit Trust). Note: other complicated trust-based requirements apply, which may or may not be palatable to the client—mostly including mandated distributions by age 31. Those details are beyond the scope of this article. In this case, the Trust receives the following RMD treatment:
  - Owner dies ***before*** the RBD—distributions from the retirement account starting the year after the year of the Owner's death, using the oldest living child's age in that year to calculate life expectancy.

- Owner dies ***after*** the RBD (unusual for an Owner to reach that age, still with minor children)—generally distributions from the retirement account starting the year after the year of the Owner's death, using the greater of the oldest child's life expectancy or the Owner's life expectancy.

- In either case above, at the last of the youngest living minor child's death or when the youngest child attains age 21, a 10 Year Rule starts, calling for continuing annual distributions during each of years 1-9 using the oldest child's life expectancy until year 10, during which 100% (the remaining balance) must be distributed.

IX. CONCLUSION

Congress and the Treasury Department have made important changes to retirement plan distribution systems. Every estate planner should re-evaluate how to treat retirement plan assets when planning for clients with significant retirement plan assets, particularly with clients who completed prior planning relying on the "stretch" distribution opportunities that are no longer available under the new rules.

ENDNOTES:

[1]Much credit in the preparation of this article is owed to Natalie Choate, and to Robert A. McLeod, based on their very detailed outline materials.

[2] https://www.govinfo.gov/content/pkg/PLAW-116publ94/html/PLAW-116publ94.htm.

[3]Signed into law by President Biden on December 29, 2022 as Division T of the Consolidated Appropriations Act, 2023, https://www.congress.gov/amendment/117th-congress/senate-amendment/6552/actions?r=14&q=%7B%22search%22%3A%222617%22%7D.

[4]July 2024: 26 CFR Parts 1, 31, and 54, https://www.federalregister.gov/documents/2024/07/19/2024-14542/required-minimum-distributions.

[5]July 2024: 26 CFR Part 1 RIN 1545-BQ66, https://www.federalregister.gov/documents/2024/07/19/2024-14543/required-minimum-distributions#h-15.

[6] https://www.irs.gov/pub/irs-drop/n-22-53.pdf.

[7] https://www.irs.gov/pub/irs-drop/n-23-54.pdf.

[8] https://www.irs.gov/pub/irs-drop/n-24-35.pdf.

[9]Child of the Owner, but includes stepchildren and certain foster children of the Owner. See 26 U.S.C.A. § 152(f)(1) and Reg. § 1.401(a)(9)-4(e)(1)(ii). "Minor" (child who has not reached the age of majority in IRS-speak) is, for this purpose, a child of the Owner under age 21.

[10]The Regulations include a documentation/certification component (Reg. § 1.401(a)(9)-4(e)(7)) and detailed definitions of what constitutes being disabled (Reg. § 1.401(a)(9)-4(e)(4)(i)) and what constitutes being chronically ill (Reg. § 1.401(a)(9)-4(e)(5)). In either case, the status must exist as of the death of the Owner (not later).

[11]Reg. § 1.401(a)(9)-2(a)(1).

[12]SECURE 2.0 included an ambiguity relating to the definition of Applicable Age pertaining to Owners born in 1959. That ambiguity is resolved in Proposed Reg. § 1.401(a)(9)-2(b)(1, 2, 3).

[13]These special rules for Roth products highlight an often overlooked feature of Roth IRAs and similar products—no RMDs during the Owner's lifetime. In the planning context, conversions from traditional retirement accounts to Roth products should be considered in light of this advan-

tage.

[14]Reg. § 1.401(a)(9)-4(f)(1)(ii)(A), (3)(i)(B), (6)(i)(B), Example 1.

[15]Reg. § 1.401(a)(9)-4(f)(1)(i).

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