Internal Revenue Service, Treasury

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§ 1.401(k)–1 Certain cash or deferred arrangements.

(a) General rules—(1) Certain plans permitted to include cash or deferred arrangements. A plan, other than a profit-sharing, stock bonus, pre-ERISA money purchase pension, or rural cooperative plan, does not satisfy the requirements of section 401(a) if the plan includes a cash or deferred arrangement. A profit-sharing, stock bonus, pre-ERISA money purchase pension, or rural cooperative plan does not fail to satisfy the requirements of section 401(a) merely because the plan includes a cash or deferred arrangement. A profit-sharing, stock bonus, pre-ERISA money purchase pension, or rural cooperative plan does not fail to satisfy the requirements of section 401(a) merely because the plan includes a cash or deferred arrangement. A plan for purposes of this section if any contributions to the plan, or accruals or other benefits under the plan, are made or provided pursuant to the cash or deferred arrangement.

(2) Rules applicable to cash or deferred arrangements generally—(i) Definition of cash or deferred arrangement. Except as provided in paragraphs (a)(2)(ii) and (iii) of this section, a cash or deferred arrangement is an arrangement under which an eligible employee may make a cash or deferred election with respect to contributions to, or accruals or other benefits under, a plan that is intended to satisfy the requirements of section 401(a) (including a contract that is intended to satisfy the requirements of section 403(a)).

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(r) Contributions used only once. (i) [Reserved]

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(t) Automatic contribution arrangement. (ii) Exception to automatic enrollment for certain current employees.

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(w) Contributions used only once. (i) [Reserved]

(x) Qualified automatic contribution arrangement. (1) Automatic contribution requirement. (i) In general.

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(c) Eligible employee. (1) General rule.

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{\textit{§ 1.401(k)–5 Special Rules for Mergers, Acquisitions and Similar Events. [Reserved]}}

{\textit{§ 1.401(k)–6 Definitions.}}