

MEMO# 31517

December 11, 2018

IRS Publishes 2018 Required Amendments List for Qualified Plans; Includes No Items for 2018

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December 11, 2018 TO: ICI Members
Pension Committee

Pension Operations Advisory Committee SUBJECTS: Pension RE: IRS Publishes 2018
Required Amendments List for Qualified Plans; Includes No Items for 2018

The Internal Revenue Service recently issued Notice 2018-91,[\[1\]](#) containing the 2018 Required Amendments (RA) List for Qualified Retirement Plans, which is the third of such annual RA lists for individually-designed plans. In 2016, with the issuance of Revenue Procedure 2016-37,[\[2\]](#) the IRS modified the determination letter program and amendment rules for individually-designed plans (including elimination of the staggered five-year remedial amendment cycle) and replaced the annual Cumulative List of Changes in Plan Qualification Requirements for individually-designed plans (last published in 2015)[\[3\]](#) with the new RA list.

An RA list includes only those items for which an amendment must be adopted by the end of the second calendar year following the year in which the RA list is published—which, in this case, would be December 31, 2020.[\[4\]](#) An RA list for a given year will include statutory and administrative changes in qualification requirements that are first effective during the plan year in which the list is published, but will not include guidance issued or legislative changes enacted after the list is prepared. It also will not include legislative changes for which Treasury and/or IRS expect to issue future guidance (to be included on a future year RA list), changes in qualification requirements that permit (but do not require) new optional plan provisions, or changes in tax laws that do not affect the qualification rules under Code section 401(a) (such as changes to the tax treatment of plan distributions or changes to funding requirements).

Notice 2018-91 announces that there are no items included on the 2018 RA list.

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endnotes

[1] IRS Notice 2018-91 is available at <https://www.irs.gov/pub/irs-drop/n-18-91.pdf>.

[2] See ICI Memorandum No. 30015, dated July 6, 2016. *Available at* https://www.ici.org/my_ici/memorandum/memo30015. For a description of the 2017 RA list, see ICI Memorandum No. 30964, dated December 6, 2017. *Available at* https://www.ici.org/my_ici/memorandum/memo30964.

[3] See ICI Memorandum No. 29591, dated December 23, 2015. *Available at* https://www.ici.org/my_ici/memorandum/memo29591.

[4] As provided in Revenue Procedure 2016-37, the existing rule for discretionary amendments remains in place (i.e., discretionary amendments must be adopted by the end of the plan year in which the plan amendment is operationally put into effect).

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