

**MEMO# 32935**

November 20, 2020

# **IRS and Treasury Release 2020-2021 Priority Guidance Plan - Retirement Savings Items**

[32935]

November 20, 2020 TO: ICI Members  
Pension Committee

Pension Operations Advisory Committee SUBJECTS: Pension

Tax RE: IRS and Treasury Release 2020-2021 Priority Guidance Plan - Retirement Savings  
Items

The IRS and Treasury Department have released their 2020-2021 Priority Guidance Plan listing their priorities for tax regulations and other administrative guidance through June 2021. [\[1\]](#) The plan includes several projects that relate to retirement savings, including:

- Guidance implementing changes made by the Setting Every Community Up for Retirement Enhancement Act of 2019 (SECURE Act), Division O of the Further Consolidated Appropriations Act, 2020, Pub. L. No. 116-94 (133 Stat. 2534) and section 104 of Division M of the Further Consolidated Appropriations Act, 2020, known as the Bipartisan American Miners Act of 2019 (Miners Act). [\[2\]](#)
- Update to IRA regulations under §§219, 408, 408A, and 4973 for statutory changes and additional issues. [\[3\]](#)
- Regulations updating electronic delivery rules for providing applicable notices and making participant elections.
- Regulations under §401(a)(9) updating life expectancy and distribution period tables for purposes of the required minimum distribution rules and addressing certain other issues under §401(a)(9). [\[4\]](#)
- Regulations relating to SECURE Act modifications to certain rules governing §401(k) plans.
- Guidance on student loan payments and qualified retirement plans and §403(b) plans.
- Guidance on missing participants, including guidance on uncashed checks. [\[5\]](#)
- Regulations and related guidance on the exception to the unified plan rule for §413(e) multiple employer plans. [\[6\]](#)

- Regulations on the definition of governmental plan under §414(d).
- Regulations relating to the reporting requirements under §6057.

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#### endnotes

[1] The 2020–2021 Priority Guidance Plan is available here: [https://www.irs.gov/pub/irs-utl/2020-2021\\_pgp\\_initial.pdf](https://www.irs.gov/pub/irs-utl/2020-2021_pgp_initial.pdf). For a description of the Institute’s retirement savings recommendations for the 2020–2021 guidance plan, see ICI Memorandum No. 32628, dated July 22, 2020, available here: [https://www.ici.org/my\\_ici/memorandum/memo32628](https://www.ici.org/my_ici/memorandum/memo32628).

[2] For background on the SECURE Act, see ICI Memorandum No. 32118, dated December 20, 2019, available here: [https://www.ici.org/my\\_ici/memorandum/memo32118](https://www.ici.org/my_ici/memorandum/memo32118). The Priority Guidance Plan notes that the following guidance items relating to the SECURE Act have been published: Notice 2020-62; Notice 2020-60; Rev. Proc. 2020-40; and Notice 2020-68. See ICI Memorandum No. 32667, dated August 11, 2020, available here: [https://www.ici.org/my\\_ici/memorandum/memo32667](https://www.ici.org/my_ici/memorandum/memo32667) and ICI Memorandum No. 32741, dated September 4, 2020, available here: [https://www.ici.org/my\\_ici/memorandum/memo32741](https://www.ici.org/my_ici/memorandum/memo32741).

[3] Section references are to the Internal Revenue Code.

[4] Final regulations updating the life expectancy and distribution period tables used for purposes of calculating required minimum distributions from retirement plans and IRAs were issued earlier this month. See ICI Memorandum No. 32909, dated November 11, 2020, available here: [https://www.ici.org/my\\_ici/memorandum/memo32909](https://www.ici.org/my_ici/memorandum/memo32909). We expect additional amendments to the regulations under §401(a)(9) as a result of changes made by the SECURE Act.

[5] Guidance on uncashed checks was published in Rev. Rul. 2019-19. See ICI Memorandum No. 31912, dated August 20, 2019, available here: [https://www.ici.org/my\\_ici/memorandum/memo31912](https://www.ici.org/my_ici/memorandum/memo31912). More recently, IRS released Revenue Ruling 2020-24 and Revenue Procedure 2020-46, providing guidance on the income tax implications of payments from qualified plans to state unclaimed property funds. See ICI Memorandum No. 32851, dated October 20, 2020, available here: [https://www.ici.org/my\\_ici/memorandum/memo32851](https://www.ici.org/my_ici/memorandum/memo32851).

[6] Proposed regulations modifying the unified plan rule were published in July 2019, prior to enactment of the SECURE Act, which established an exception to the unified plan rule for pooled employer plans. For a description of the proposed regulations, see ICI Memorandum No. 31843, dated July 9, 2019, available here: [https://www.ici.org/my\\_ici/memorandum/memo31843](https://www.ici.org/my_ici/memorandum/memo31843). For the Institute’s comment letter on the proposal, see ICI Memorandum No. 31990, dated October 1, 2019, available here: [https://www.ici.org/my\\_ici/memorandum/memo31990](https://www.ici.org/my_ici/memorandum/memo31990). For background on the SECURE Act, see ICI Memorandum No. 32118, dated December 20, 2019, available here:

[https://www.ici.org/my\\_ici/memorandum/memo32118](https://www.ici.org/my_ici/memorandum/memo32118).

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