

TaxNewsFlash

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Notice 2017-72: Qualified retirement plans, 2017 “required amendments list”

The IRS today released an advance version of Notice 2017-72 that provides the “required amendments list” for 2017 with respect to qualified retirement plans.

Read [Notice 2017-72](#) [PDF 49 KB]

Background

Rev. Proc. 2016-37 (released in June 2016) modified the IRS determination letter program for qualified plans to eliminate—as of January 1, 2017—the five-year remedial amendment cycle system for individually designed plans.

One measure under Rev. Proc. 2016-37 provides that, in the case of an individually designed plan, the remedial amendment period for a disqualifying provision arising as a result of a change in qualification requirements generally is extended to the end of the second calendar year that begins after the issuance of the “required amendments list” (RA List) in which the change in qualification requirements appears.

Notice 2017-72

Today's notice provides that December 31, 2019, is the last day of the remedial amendment period with respect to a disqualifying provision arising as a result of a change in qualification requirements that appears on this 2017 RA List.

As a result, December 31, 2019, is also the plan amendment deadline for a disqualifying provision arising as a result of a change in qualification requirements that appears on the 2017 RA List. However, a later date may apply to a governmental plan (as defined under Rev. Proc. 2016-37).

Notice 2017-72 sets forth the RA List for 2017 in two areas:

- Changes in qualification requirements that generally would require an amendment to most plans or to most plans of the type affected by the change
 - Final regulations regarding cash balance / hybrid plans
 - Benefit restrictions for certain defined benefit plans that are eligible cooperative plans or eligible charity plans (described under a provision of the *Pension Protection Act of 2006*), as amended
- Other changes in qualification requirements that may require an amendment
 - Final regulations regarding partial annuity distribution options for defined benefit pension plans

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