



TaxNewsFlash

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Notice 2022-8: Defined benefit plans, 2022 cumulative list for plan qualification requirements

The IRS today released an advance version of Notice 2022-8 providing the 2022 cumulative list of changes in plan qualification requirements for purposes of pre-approved defined benefit plans under section 403(b).

Read [Notice 2022-8](#) [PDF 221 KB] providing the “2022 cumulative list.”

- The 2022 cumulative list is intended to assist providers of section 403(b) pre-approved plans in applying to the IRS for opinion letters for the second remedial amendment cycle (i.e., Cycle 2 that began on July 1, 2020) under the section 403(b) pre-approval plan program.
- The 2022 cumulative list identifies changes in the requirements of section 403(b) that will be taken into account by the IRS with respect to a plan document submitted to the IRS for Cycle 2 and that were not taken into account during the first remedial amendment cycle (Cycle 1). The 2022 cumulative list sets forth items that were enacted or issued after October 1, 2012. However, if a plan was not reviewed during Cycle 1, the IRS will review the plan taking into account items on the 2022 cumulative list, as well as the section 403(b) requirements that were reviewed during Cycle 1.
- Section 403(b) plans may be submitted for approval during the Cycle 2 on-cycle submission period—which begins May 2, 2022, and ends May 1, 2023.
- The list of changes does not extend the deadline by which a section 403(b) pre-approved plan must be amended to comply with any change in the section 403(b) requirements. The general deadline for timely adoption of an interim or discretionary amendment is provided by Rev. Proc. 2019-39, as modified by Rev. Proc. 2020-40 and Rev. Proc. 2021-37.

Background

In 2016, the IRS issued Rev. Proc. 2016-37 to establish procedures for issuing opinion letters and described the six-year remedial amendment cycle system for pre-approved plans. Pre-approved defined benefit plans and pre-approved defined contribution plans each have separate six-year cycles.

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Rev. Proc. 2016-37 also indicated that the IRS would publish cumulative lists identifying changes in the qualification requirements to be considered by the IRS in its review of pre-approved plan documents for purposes of issuing opinion letters. For these purposes a change in the qualification requirements includes a statutory change or a change in the requirements provided in Treasury regulations or other guidance.

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