**AMENDMENT FOR IN-SERVICE DISTRIBUTION**

**Instructions**

FIS has developed a good-faith amendment that may be used to modify a pension plan or a governmental 457(b) plan to permit in-service distributions at age 59½, pursuant to section 104 of the Bipartisan American Miners Act. The amendment can also apply to a profit sharing or 401(k) plan which holds an account transferred from a pension plan.

**Is it mandatory to adopt this amendment?**

No. This is an optional provision.

**What plans can adopt this amendment?**

Pension plans (including defined benefit and money purchase pension plans) and governmental 457(b) plans can adopt this amendment. Profit sharing and 401(k) plans can adopt the amendment for the limited purpose of allowing age 59½ distributions for money transferred from pension plans.

**Does the amendment impact a plan’s normal retirement age?**

No.

**When must plans be amended?**

Under Notice 2020-68, most employers can adopt this amendment as late as the last day of the first plan year beginning in 2022. Governmental employers can adopt the amendment as late as the last day of the first plan year beginning in 2024. The plan can operate in accordance with the amendment prior to adopting it.

**Can I adopt this Amendment on behalf of all of my employer clients?**

No. This amendment is designed to be adopted individually by employers that wish to offer the new provision.

**Can I modify the Amendment?**

Yes. **This Amendment is not an IRS model amendment and has not been reviewed by the IRS.** This Amendment is intended to be a good‑faith amendment and we will add it to the Relius Document System in a future update.

**How do I complete the amendment?**

Complete the identifying information in Section 2.1. If a later age than 59 ½ is desired, enter it in Section 3.1. If the effective date is other than the first day of the 2020 plan year, enter the effective date in Section 3.3. Then sign and date the amendment.

**Are other documents available?**

In addition to the Amendment, we have provided a sample Adopting Resolution (for an employer to evidence adoption of the Amendment, if applicable), and a sample Summary of Material Modifications (SMM) (if applicable). We have not provided a unanimous written consent or other form to actually adopt the amendment, because this will vary depending on local law and on the structure of the employer.