

## 1998 Pension Plan Limitations, Etc.<sup>1</sup>

### Notice 97-58

Section 415 of the Internal Revenue Code (the Code) provides for dollar limitations on benefits and contributions under qualified plans. Section 415 also requires that the Commissioner annually adjust these limits for cost-of-living increases. Other limitations applicable to deferred compensation plans are also affected by these adjustments.

Effective January 1, 1998, the limitation for the annual benefit under § 415(b)-(1)(A) for defined benefit plans is increased from \$125,000 to \$130,000. For participants who separated from service before January 1, 1998, the limitation for defined benefit plans under § 415(b)-(1)(B) is computed by multiplying the participant's compensation limitation, as adjusted through 1997 by 1.0220. The limitation for defined contribution plans under § 415(c)(1)(A) remains unchanged at \$30,000.

The Code provides that various other dollar amounts are to be adjusted at the same time and in the same manner as the dollar limitation of § 415(b)(1)(A) is adjusted. These dollar amounts and the adjusted amounts are as follows:

The dollar limitation on early retirement benefits for qualified police or firefighters in a defined benefit plan was amended by § 1527 of the Taxpayer Relief Act of 1997 (TRA '97), effective for years beginning after December 31, 1996. This section amended § 415(b)(2)(G) of the Code so that the dollar limitation for qualified police or firefighters is not reduced where the benefit begins before the social security retirement age.

The limitation on the exclusion for elective deferrals under § 402(g)(1) is increased from \$9,500 to \$10,000.

The dollar amount under § 409(o)(1)-(C)(ii) for determining the maximum account balance in an employee stock ownership plan subject to a 5-year distribution period is increased from \$710,000 to \$725,000, while the dollar amount used to determine the lengthening of the 5-year

distribution period is increased from \$140,000 to \$145,000.

The excess distribution and excess retirement accumulation tax was repealed by § 1073 of TRA '97, effective for excess distributions received after, and to estates of decedents dying after, December 31, 1996. This section of TRA '97 repealed § 4980A of the Code, thereby removing the threshold amount under § 4980A(c)-(1)(B) regarding excess distributions.

The limitation used in the definition of highly compensated employee under § 414(q)(1)(B) remains unchanged at \$80,000.

The annual compensation limit under §§ 401(a)(17) and 404(1) remains unchanged at \$160,000. The annual compensation limit under § 401(a)(17) for eligible participants in certain governmental plans that, under the plan as in effect on July 1, 1993, allowed cost-of-living adjustments to the compensation limitation under the plan under § 401(a)(17) to be taken into account, is \$265,000.

The compensation amount under § 408(k)(2)(C) regarding simplified employee pension plans (SEPs) remains unchanged at \$400. The compensation amount under § 408(k)(3)(C) for SEPs remains unchanged at \$160,000.

The limitation under § 408(p)(2)(A) regarding simple retirement accounts remains unchanged at \$6,000.

The limitation on deferrals under § 457(b)(2) and (c)(1) concerning eligible deferred compensation plans of state and local governments and of tax-exempt organizations is increased from \$7,500 to \$8,000.

Administrators of defined benefit or defined contribution plans that have received favorable determination letters should not request new determination letters solely because of yearly amendments to adjust maximum limitations in the plans.

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<sup>1</sup>Based on News Release IR-97-41, dated October 22, 1997.