

**MEMO# 30321**

October 18, 2016

## **Creation of ICI Working Group on IRS Pre-Approved Plan Program**

[30321]

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TO: PENSION COMMITTEE No. 7-16

PENSION OPERATIONS ADVISORY COMMITTEE No. 6-16/td> RE: CREATION OF ICI WORKING GROUP ON IRS PRE-APPROVED PLAN PROGRAM

We are considering forming a member working group in response to IRS-announced focus on making improvements to the IRS program for pre-approved retirement plan documents. We understand that the IRS is considering making changes to the current program for pre-approved plans, which includes prototype and volume submitter arrangements, in order to streamline the program and enhance its utility. If there is sufficient member interest, we would provide comments and feedback to the IRS during this process, including commenting on the issues outlined in Announcement 2016-32 (described below). **Please let me know if you would be interested in participating in such a working group by October 26.**

[Announcement 2016-32](#) requests comments on ways in which Treasury and IRS can improve compliance with plan qualification requirements by making it easier for plan sponsors to satisfy requirements for qualified plan documents, particularly in light of the significant curtailment of the determination letter program for individually-designed plans described in Revenue Procedure 2016-37.[\[1\]](#) Under these changes, sponsors of individually-designed plans will only be able to obtain a determination letter for initial qualification, for qualification upon plan termination, and in certain other circumstances to be determined by Treasury and IRS.

The Announcement asks for comments on various issues relating to plan documents, including possible expansion of the ability to use incorporation by reference for qualification requirements; permitting plan documents to omit certain provisions or amendments that may not be applicable to the particular plan in question; and reducing impediments to the process of converting from an individually-designed plan to a pre-approved plan (including any aspects of the pre-approved plan program that may make pre-approved plans less attractive to plan sponsors). The Announcement asks for comments by December 15, 2016.

Please contact me at (202) 326-5821 or [elena.chism@ici.org](mailto:elena.chism@ici.org) if you are interested in

participating in this ICI working group or have questions or comments on Announcement 2016-32.

Elena Barone Chism  
Associate General Counsel

**endnotes**

[1] See [Memorandum](#) to Pension Members No. 19-16 [30015], dated July 6, 2016.

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