



MANUAL TRANSMITTAL

Department of the Treasury
Internal Revenue Service

7.1.1

NOVEMBER 18, 2025

EFFECTIVE DATE

(11-18-2025)

PURPOSE

- (1) This transmits revised IRM 7.1.1, TE/GE Administrative Procedures and Programs, Employee Plans.

MATERIAL CHANGES

- (1) Updated IRM 7.1.1.1(5), to include Primary Stakeholders
- (2) Added IRM 7.1.1.1.1.1 EP Rulings and Agreements Overview.
- (3) Moved Authority to IRM 7.1.1.1.3.
- (4) Updated IRM 7.1.1.1.4 from Administrative Procedures to Program Management and Review.
- (5) Moved User Fees to IRM 7.1.1.1.4.1.
- (6) Updated IRM 7.1.1.1.6 from Acronyms to Terms and Acronyms.
- (7) Added IRM 7.1.1.1.7, Program Controls.
- (8) Added IRM 7.1.1.1.8, Related Resources.
- (9) Added IRM 7.1.1.4, Disaster Assistance and Emergency Relief.
- (10) Updated IRM throughout for editorial changes and revenue procedures.

EFFECT ON OTHER DOCUMENTS

This supersedes IRM 7.1.1, dated July 2, 2024.

AUDIENCE

Tax Exempt and Government Entities
Employee Plans

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7.1.1
Employee Plans

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7.1.1.1
(11-18-2025)
Program Scope and Objectives

- (1) Purpose: This manual describes the administrative procedures governing rulings and agreements for employee plan matters under the jurisdiction of the Director, Employee Plans (EP) of the Office of the Commissioner, Tax Exempt and Government Entities division (TE/GE).
- (2) Audience: The administrative guidelines in this IRM apply to EP employees in EP Technical, Determinations, Voluntary Compliance and Examinations.
- (3) Policy Owner: Director, EP
- (4) Program Owner: EP
- (5) Primary Stakeholders:
 - a. Internal - Director, Employee Plans, Director, Employee Plans Rulings and Agreements; EP Tax Law Specialists and Agents; Actuaries; Associate Chief Counsel (EEE), TE/GE Division.
 - b. External - Plan sponsors, plan representatives, plan participants.
- (6) Program Goals: The goal of EP is to provide taxpayers top-quality service by helping them understand and comply with applicable tax laws, and to protect the public interest by applying the tax law with integrity and fairness to all.

Note: EP focuses on encouraging taxpayers (administrators and employers) to voluntarily comply with the income tax laws. To protect plan participants and retirement savings, the goal of many of the programs under the jurisdiction of the Director, EP, is to avoid plan disqualification.

7.1.1.1.1
(09-17-2019)
Background

- (1) A plan is qualified if it meets the requirements of IRC 401(a) in form and operation. A qualified plan is entitled to favorable tax treatment. Other plans entitled to favorable tax treatment within EP's jurisdiction are:
 - IRC 403(b) plans
 - IRC 457(b) plans
 - Simplified Employee Pension plans (SEPs)
 - Savings Incentive Match Plans for Employees (SIMPLEs)
- (2) To help taxpayers understand the applicable tax laws and ensure that their plans comply, EP issues certain Letter Rulings, Determination Letters, Opinion Letters, Advisory Letters, and Approval Letters.
- (3) EP enters into Compliance Statements and Closing Agreements with plan sponsors to resolve failures to comply with the plan qualification requirements, avoiding plan disqualification.
- (4) EP provides technical and actuarial support to IRS employees through:
 - Employee Plans Knowledge Management (KM)
 - Responses to requests for actuarial assistance

7.1.1.1.1.1
(11-18-2025)
EP Rulings and Agreements Overview

- (1) This IRM is an overview of the administrative procedures governing EP Rulings and Agreements (R&A). EP R&A is made up of:
 - EP Technical
 - EP Voluntary Compliance (VC)
 - EP Determinations

7.1 TE/GE Administrative Procedures and Programs

(2) This IRM covers the following topics:

- a. IRM 7.1.1.1.1.1, provides an overview of EP R&A programs.
- b. IRM 7.1.1.2, Jurisdiction of EP Technical, Examinations, Determinations and VC, lists specific EP programs; for example, Letter Rulings, Determination Letters (DL), Opinion Letters, and the EP office that rules on them.
- c. IRM 7.1.1.3, Assistance to Determinations, VC, and Examinations lists procedures for submitting cases for technical advice, requesting technical assistance, and issuing memoranda providing technical or procedural guidance.

7.1.1.1.2
(11-18-2025)
Authority

(1) The table below lists delegation orders, their granted authority, the person delegated and the affected IRM section. You can find a complete list of delegation orders governing EP R&A at IRM 1.2.2.8.1

Delegation Order	Granted Authority	Delegated to	IRM Section
Delegation Order 7-1	To issue favorable determination letters on the qualified status of pension, profit-sharing, stock bonus, annuity, and employee stock ownership plans under IRC 401, IRC 403(a), IRC 409, and IRC 4975(e)(7); and the status for exemption of any related trusts or custodial accounts under IRC 501(a).	Director, EP	IRM 1.2.2.8.1(2)
Delegation Order 7-1	To issue final adverse determination letters, provided that: (1) with respect to the notice of proposed adverse determination, the U.S. Tax Court has not issued a contrary judgment under the declaratory judgment procedure described in section 7476 of the Code, (2) technical advice has not been received indicating that a final adverse determination letter should not be issued, and (3) if the TE/GE Division Commissioner has required pre-issuance review of final adverse determination letters, such issuance has been approved.	Director, EP	IRM 1.2.2.8.1(5)
Delegation Order 7-16 (Formerly DO 7-1d)	To allow a plan to be amended after the expiration of its remedial amendment period described in IRC 401(b), provided that certain conditions are met.	Director, EP Rulings and Agreements	IRM 1.2.2.8.16(2)

Delegation Order	Granted Authority	Delegated to	IRM Section
Delegation Order 7-16 (Formerly DO 7-1d)	To grant discretionary extensions of the remedial amendment period or allow a particular plan to be amended after the expiration of its remedial amendment period any applicable extension of such period, after having considered all of the factors described in section 1.401(b)–1(e) of the Income Tax Regulations.	Director, EP Rulings and Agreements	IRM 1.2.2.8.16(5)
Delegation Order 7-7 1.22.8.7(6)	To waive all or part of the excise tax imposed under IRC 4971(f) for liquidity shortfalls per IRC 412(m)(5)(E).	Director, EP	IRM 1.2.2.8.7(6)
Delegation Order 7-9	To determine that a plan amendment is reasonable and provides for only de minimis increases in the plan liabilities in accordance with: <ul style="list-style-type: none"> • IRC 412(c)(7)(B)(i), • The Employee Retirement Income Security Act of 1974, as amended, (ERISA) Section 302(c)(7)(B)(i), • IRC 401(a)(33)(B)(ii), and • ERISA Section 204(i)(2)(A). 	Manager, EP Technical and Manager, EP Technical Actuarial Group	IRM 1.2.2.8.9
Delegation Order 7-10 (Rev. 2)	To determine that the period of years required to amortize any unfunded liability of a plan may be extended, pursuant to: <ul style="list-style-type: none"> • IRC 431(d), and • ERISA Section 304(d). 	Manager, EP Technical Actuarial Group	IRM 1.2.2.8.10
Delegation Order 7-12	To administer the Voluntary Correction Program described in Rev. Proc. 2021-30 and its successors.	Manager, EP Voluntary Compliance	IRM 1.2.2.8.12(2)
Delegation Order 7-12	To approve compliance statements under the Voluntary Correction Program.	EP Voluntary Compliance Group Managers and EP Technical Group Managers	IRM 1.2.2.8.12(5)

Delegation Order	Granted Authority	Delegated to	IRM Section
Delegation Order 8-3	To enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he or she acts). This does not include the authority to set aside any closing agreement.	Director, EP	IRM 1.2.2.9.3(11)
Delegation Order 30-3	To grant, for cases within their respective jurisdictions, a reasonable extension of the time fixed by regulations, or by a revenue ruling, a revenue procedure, a notice, or an announcement published in the Internal Revenue Bulletin, for the making of an election or application for relief in respect of tax under all subtitles of the Internal Revenue Code, except subtitles E, G, H, and I, subject to the requirements of 26 CFR 301.9100-1.	<ul style="list-style-type: none"> • Director, Employee Plans • Director EP Rulings and Agreement • Manager, EP Technical • Manager, EP Quality Assurance • Manager, EP Voluntary Compliance 	IRM 1.2.2.16.3(2)

7.1.1.1.3
(11-18-2025)

**Roles and
Responsibilities**

- (1) The Director, EP, supervises and is responsible for:
 - EP R&A
 - EP Examinations
 - EP Program Management Office
- (2) The Director, EP R&A, supervises and is responsible for:
 - EP Determinations
 - EP Technical
 - EP VC
- (3) The Program Manager, VC, supervises and is responsible for the group managers and employees in VC.
- (4) The Area Managers (1 & 2), EP Determinations, supervise and are responsible for the group managers and employees in EP Determinations.
- (5) The Manager, EP Technical, supervises and is responsible for the group managers and employees in EP Technical.
- (6) An EP employee who finds indications of fraud while processing a case discusses the facts with the group manager. If the manager concurs, the EP employee and their manager will contact the EP Fraud Subject Matter Expert (SME) or the TE/GE Fraud Specialist to discuss the first indications of fraud and possible further development. If the EP SME or TE/GE Fraud Specialist

agree that there are sufficient indicators to warrant fraud development, they contact the National Fraud Program Fraud Technical Advisor, and together follow the fraud development procedures in IRM 25.1.2, Fraud Handbook, Recognizing and Developing Fraud.

7.1.1.1.4
(11-18-2025)
**Program Management
and Review**

- (1) Administrative procedures are generally listed in revenue procedures. Revenue procedures are published in the Internal Revenue Bulletin (IRB), which is published weekly.
- (2) **General** - Rev. Proc. 2025-4, updated annually:
 - a. Includes the procedures for requesting letter rulings, Determination Letters (DL) and Opinion Letters from EP R&A. It also includes the user fees for these requests.
 - b. Discusses in detail, the procedural guidance for these programs.
- (3) **Determination letters**
 - a. Rev. Proc. 2016-37 provides the circumstances in which a plan sponsor may submit a DL application to EP and eliminates, as of January 1, 2017, the five-year remedial amendment cycle system for individually-designed plans.
 - b. Rev. Proc. 2019-20 permits the DL program to allow submissions for merged plans, and afforded a one-year submission period for certain hybrid plans, ended August 21, 2020.
- (4) **Pre-approved Plans** - Rev. Proc. 2015-36, Rev. Proc. 2017-41, Rev. Proc. 2018-21, Rev. Proc. 2018-42, Rev. Proc. 2020-10, Rev. Proc. 2020-40, Rev. Proc. 2021-38, and Rev. Proc. 2023-37 cover the procedures for issuing Opinion and Advisory Letters for defined contribution and defined benefit plans under IRC 401(a), IRC 403(a), and IRC 4975(e)(7). See also Rev. Proc. 2025-4 for updated submission guidelines related to issuing Opinion and Advisory Letters.
- (5) **Pre-approved 403(b) Plans** - Rev. Proc. 2013-22, Rev. Proc. 2014-28, Rev. Proc. 2015-22, Rev. Proc. 2017-18, Rev. Proc. 2019-39, Rev. Proc. 2020-40, Rev. Proc. 2021-37, and Rev. Proc. 2023-37 set forth the procedures for issuing Opinion Letters for 403(b) Pre-approved Plans.
- (6) **EPCRS** - A coordinated system of correction programs, which is referred to as the Employee Plans Compliance Resolution System (EPCRS), is described in Rev. Proc. 2021-30. Additional guidance regarding Section 305 of the SECURE 2.0 Act of 2022 providing for an expansion of EPCRS is provided in Notice 2023-43.
- (7) **IRAs** - The procedures for obtaining Opinion Letters for prototype trusts, custodial accounts or annuities under IRC 408(a), IRC 408(b), IRC 408 (k), IRC 408(p) or IRC 408A are in Rev. Proc. 87-50, Rev. Proc. 91-44, Rev. Proc. 92-38, Rev. Proc. 97-29, Rev. Proc. 98-59, Rev. Proc. 2002-10, and Rev. Proc. 2010-48, as modified by Appendix A of Rev. Proc. 2025-4.
- (8) **Complete list** - Exhibit 7.1.1-1 lists the major EP revenue procedures currently in effect.

7.1 TE/GE Administrative Procedures and Programs

- (9) In addition to the published guidance listed here and in Exhibit 7.1.1-1, other sections of the Internal Revenue Manual have information and procedures for EP specialists.

Example: The EP Audit Closing Agreement Program (Audit CAP), described in Rev. Proc. 2021-30, is also described in IRM 7.2.2, TE/GE Closing Agreements, Employee Plans Compliance Resolution System (EPCRS).

Example: The procedures for KM are described in IRM 1.4.7, Resource Guide for Managers, TE/GE Knowledge Management (KM) Administration.

7.1.1.1.4.1 (11-18-2025) User Fees

- (1) Taxpayers must pay user fees for rulings, Opinion Letters, DLs, Compliance Statements and similar requests per The Omnibus Budget Reconciliation Act of 1987, P. L. 100-203, Section 10511, but some exceptions apply. See Rev. Proc. 2025-4 and IRM 7.11.1.10, User Fee Requirements.

7.1.1.1.5 (11-18-2025) Program Controls

- (1) EP Technical
- The IRS receives EP letter ruling requests and closing letter requests from taxpayers. All user fees are received, processed, and deposited by the Service Center.
 - The EP letter ruling requests and closing letter requests are then recorded in TRAC which is the system EP Technical uses to control its inventory. Original submissions are sent to EP Technical administrative staff and held for record retention.
 - TRAC contains roles and permissions to ensure proper separation of duties. (IRM 7.15.4)
 - The EP Technical Managers coordinate the assignment of inventory.
- (2) EP Voluntary Compliance
- The IRS receives EP VCP applications, including uploaded attachments, and user fees from taxpayers on Pay.gov. The IRS receives requests from closing agreements under VCAP, including VCAP pre-submission conference requests, via fax.
 - Closing agreement information is input into the Headquarters Employee Plans System of TE/GE Rulings and Agreements Control (HQEP-TRAC), to obtain a unique number for the request, and in RCCMS to add the request to inventory and record all information regarding the request including documents provided by the applicant.
 - EP Voluntary Compliance uses RCCMS to control their inventory including user fee information.
 - RCCMS contains roles and permissions to ensure proper separation of duties.
 - EP Determinations Quality Assurance reviewers perform regular reviews on closed inventory to ensure that specialists are conducting their VCP case reviews per technical, procedural and administrative requirements.
- (3) EP Determinations
- The IRS receives EP determination letter applications and user fees from taxpayers on Pay.gov.
 - The user fee information is then transferred to LINUS to ensure it is properly recorded.

- c. The application information from Pay.gov is transferred to Tax Exempt Determination System (TEDS) and EP/EO Determination System (EDS) which are the systems that EP Determinations uses to control their inventory.
 - d. TEDS contains roles and permissions to ensure proper separation of duties. (IRM 7.15.4).
 - e. EP Determinations QA reviewers perform reviews on mandatory review cases and for cases selected for the Tax Exempt Quality Measurement System (TEQMS) to ensure that specialists are conducting their determination letter reviews per technical, procedural and administrative requirements. See IRM 7.11.3 and IRM 7.11.9 for more information.
- (4) The IRS is fully committed to protecting the privacy rights of taxpayers and employees. Privacy laws are included in the IRC, the Privacy Act of 1974, the Freedom of Information Act, and IRS policies and practices. For more information about these laws, visit

7.1.1.1.6
(11-18-2025)
Terms and Acronyms

- (1) This table lists commonly used acronyms and provides their definitions.

Acronym	Term
CFR	Code of Federal Regulations
DL	Determination Letter
DO	Delegation Order
EEE	The Associate Chief Counsel (Employee Benefits, Exempt Organizations and Employment Taxes)
EP	Employee Plans
EPCRS	Employee Plans Compliance Resolution System
IRA	Individual Retirement Arrangement
IRC	Internal Revenue Code of 1986, as amended
KM	Employee Plans Knowledge Management
M&P	Master and Prototype
NBT	Nonbank Trustee or Custodian
R&A	Rulings and Agreements
SME	Subject Matter Expert
TE/GE	Tax Exempt and Government Entities Division
TEGEDC	Tax Exempt and Government Entities Division Counsel
VCP	Voluntary Correction Program
VS	Volume Submitter

7.1 TE/GE Administrative Procedures and Programs

7.1.1.1.6.1 (11-18-2025) Terms

- (1) A **Master Plan** is a form of plan defined in Rev. Proc. 2017-41, Section 4.01, with a related form of trust acting as the funding medium for the plans of all adopting employers.
- (2) A **Pre-approved Plan** under IRC 401(a) is a plan that a provider makes available for employers to adopt. The term includes both Standardized and Nonstandardized plans. See Rev. Proc. 2023-37, Section 4.01.
- (3) A **Pre-approved Plan** under IRC 403(b) is a plan that a provider makes available for employers to adopt. The term includes both Standardized and Nonstandardized plans. (Rev. Proc. 2023-37, Section 4.01).
- (4) The terms Nonstandardized plan, Standardized plan, mass submitter and provider are defined in Rev. Proc. 2023-37, Section 4.01.

7.1.1.1.7 (11-18-2025) Related Resources

- (1) EP Technical
 - a. Rev. Proc. 2025-4, Determination Letters and Letter Rulings.
 - b. Rev. Proc. 2002-10, Guidance on IRAs, SEPs, and SIMPLE IRA plans.
 - c. Rev. Proc. 2010-48, Guidance on Pre-approved IRAs.
- (2) EP Voluntary Compliance
 - a. Rev. Proc. 2021-30, Introduction to Employee Plans Compliance Resolution System.
 - b. Notice 2023-43, Interim Guidance relating to the Expansion of SCP mandated by Section 305 of Secure Act 2.0.
 - c. Notice 2024-2, Misc. interim guidance on Secure Act 2.0, including Section 350 of Secure Act 2.0 and its impact on EPCRS.
 - d. Notice 2024-77, Interim Guidance relating to IRC Section 414(aa) and IRC Section 402(c)(12) impacting EPCRS due to Section 301(b) of Secure Act 2.0.
 - e. IRM 7.2.4, TE/GE Closing Agreements, Employee Plans Voluntary Closing Agreement Requests.
 - f. IRM 7.2.2, TE/GE Closing Agreements, Employee Plans Compliance Resolution System (EPCRS).
 - g. *Correcting Plan Errors.*
 - h. *Application for Voluntary Correction Program.*
 - i. *Employee Plans Voluntary Closing Agreements.*
- (3) EP Determinations
 - a. Rev. Proc. 2016-37, Modification to the Determination Letter Program for Individually-Designed Plans.
 - b. Rev. Proc. 2023-37, Qualified pre-approved plans and section 403(b) pre-approved plans.
 - c. Rev. Proc. 2017-41, Opinion and advisory letters for qualified pre-approved plans.
 - d. Rev. Proc. 2021-37, Opinion letters for qualified section 403(b) pre-approved plans.
 - e. Rev. Proc. 2019-39, Remedial amendment period for section 403(b) pre-approved and individually-designed plans.
 - f. *Listing of Required Modifications - LRMs.*
 - g. *Delegation Orders and Policy Statements by Process.*
 - h. *FOIA Library.*

- i. *Cumulative list of changes in retirement plan qualification requirements.*

7.1.1.2

(11-18-2025)

**Jurisdiction of EP
Technical, Examinations,
Determinations and
Voluntary Compliance**

- (1) The programs administered under the jurisdiction of the Director, EP, are described in Rev. Proc. 2025-4. The table below lists specific EP programs and the EP office that rules on them:

If the plan sponsor or individual taxpayer requests a...	Then this office rules on it...
Letter Ruling	Technical
Opinion Letter	Determinations and Technical
Audit CAP Closing Agreement	Determinations and Examinations
Determination Letter	Determinations
VCP Compliance Statement	VC
VCP Closing Agreement	VC
Advisory Letter	Determinations
Nonbank Trustee Approval Letter	Technical
Change in Plan Year	Technical

- (2) Rev. Proc. 2025-4, Section 31 lists the mailing addresses for requesting letter rulings, determination letters, etc.

7.1.1.2.1

(09-25-2018)

Letter Rulings

- (1) A “letter ruling” is a written statement IRS issued to a taxpayer that interprets and applies the employee benefit plans laws to a specific set of facts.
- (2) The IRS can modify or revoke a letter ruling they find to be in error or not in agreement with the IRS’ current views. The retroactive effect of the modification or revocation may be limited under the discretionary authority granted by IRC 7805(b).

7.1.1.2.2

(11-18-2025)

Determination Letters

- (1) A “determination letter” is a written statement the Director, EP R&A, issued on an individual’s or organization’s written inquiry that applies to the particular facts and previously announced principles and precedents.
- IRS only issues a DL when based on clearly established rules in the statute, a tax treaty, regulations, or based on a conclusion in a revenue ruling, opinion, or court decision representing the IRS position, and that specifically answers the questions presented.
 - IRS doesn’t issue a DL for novel issues or issues excluded from EP Determinations jurisdiction.
- (2) The Director, EP R&A, issues DLs on retirement plan’s qualification under IRC 401, IRC 403(a), IRC 409, and IRC 4975(e)(7), and the status for the exemption of any related trusts or custodial accounts under IRC 501(a) (except for adopting employers of a Pre-approved Plan requesting a DL) (IRM 7.1.1.3 (1)).

7.1 TE/GE Administrative Procedures and Programs

- (3) EP issues DLs for individually-designed plans':
 - a. Initial qualification.
 - b. Termination.
 - c. Merged Plans, under the conditions set forth in Section 9.05 of Rev. Proc. 2022-40.
 - d. Certain other circumstances noted in guidance. See Rev. Proc. 2016-37 and Rev. Proc. 2025-4, Section 11.
- (4) The Remedial Amendments List (RAL), published annually, sets the end of the remedial amendment period for an individually-designed plan with respect to the changes in qualification requirements that appear on the list. The most recent RAL is in Notice 2024-82.

7.1.1.2.3 (11-18-2025) Opinion Letters

- (1) DLs are also issued for individually-designed statutory hybrid plans for individually-designed merged plans on an ongoing basis. See Rev. Proc. 2019-20.
- (2) An "Opinion Letter" is a written statement issued by the Director, EP R&A, as to:
 - a. A plan under IRC 401, IRC 403(a), or both IRC 401 and IRC 4975(e)(7) qualification in form.
 - b. The form of a Pre-approved Plan's acceptability under IRC 403(b).
 - c. A prototype trust, custodial account, or annuity satisfaction in form with the requirements for individual retirement arrangements (IRAs) under IRC 408(a) and IRC 408(b), SEPs under IRC 408(k), SIMPLEs under IRC 408(p) and Roth IRAs under IRC 408A.
- (3) Opinion Letters under IRC 401 are issued to pre-approved defined benefit and pre-approved defined contribution plans submitted under the procedures of Rev. Proc. 2015-36, Rev. Proc. 2017-41, Rev. Proc. 2018-21, Rev. Proc. 2018-42, Rev. Proc. 2020-10, Rev. Proc. 2020-40, Rev. Proc. 2021-38, and Rev. Proc. 2023-37.
 - a. The M&P and VS programs were combined under IRC 401 into a new Opinion Letter program, which also expands the types of plans eligible for pre-approved status and provides greater flexibility in the design of Pre-approved Plans (Rev. Proc. 2017-41). Section 6.03 of Rev. Proc. 2017-41, lists the situations in which Opinion Letters will not be issued.
 - b. Rev. Proc. 2018-21 modifies Rev. Proc. 2015-36 and Rev. Proc. 2017-41 with respect to defined benefit plans containing a cash balance formula.
 - c. Rev. Proc. 2018-42 extends the deadline for submitting on-cycle applications for Opinion Letters for pre-approved defined contribution plans.
 - d. Rev. Proc. 2020-10 sets forth the third six-year remedial amendment cycle for pre-approved defined benefit plans.
 - e. Rev. Proc. 2020-40 provides the general deadline for adopting a discretionary amendment to a Pre-approved Plan.
 - f. Rev. Proc. 2021-38 provides the deadline for adopting an interim amendment to a Pre-approved Plan.
 - g. Rev. Proc. 2023-37 sets for the rules regarding qualified Pre-approved Plans and IRC 403(b) Pre-approved Plans, and combines, conforms, clarifies, and updates rules in prior revenue procedures.
- (4) The most recent Cumulative List for:

- a. Pre-approved defined contribution plans is Notice 2024-3.
 - b. Pre-approved defined benefit plans is Notice 2020-14.
- (5) Opinion Letters are issued to IRC 403(b) plans.
- a. Rev. Proc. 2013-22 lists the procedures for issuing Opinion and Advisory Letters for IRC 403(b) pre-approved plans with respect to the first six-year remedial amendment cycle (ending on June 30, 2020). See Rev. Proc. 2014-28, Rev. Proc. 2015-22, Rev. Proc. 2019-39, and Rev. Proc. 2021-37 modified Rev. Proc. 2013-22.
 - b. Rev. Proc. 2017-18, as modified by Notice 2020-35, provides that the last day of the initial remedial amendment period for a IRC 403(b) Pre-approved Plan is June 30, 2020.
 - c. Rev. Proc. 2019-39 establishes a recurring cycle of remedial amendment periods for IRC 403(b) individually-designed and Pre-approved Plans for correcting form defects first occurring after the initial remedial amendment period ends.
 - d. Rev. Proc. 2020-40 provides the general deadline for adopting a discretionary amendment to IRC 403(b) Pre-approved Plan.
 - e. Rev. Proc. 2021-37 modifies and supersedes Rev. Proc. 2013-22 for Opinion Letter applications submitted with respect to a IRC 403(b) Pre-approved Plan's second six-year remedial amendment cycle (and subsequent cycles). Rev. Proc. 2021-37 eliminates the distinction between prototype and VS plans.
 - f. Notice 2022-8 sets forth the 2022 Cumulative List of changes for a IRC 403(b) Pre-approved Plan.
 - g. Rev. Proc. 2023-37 sets forth the rules regarding qualified pre-approved plans and IRC 403(b) pre-approved plans, and combines, conforms, clarifies, and updates rules in prior pre-approved plan revenue procedures. .
- (6) Opinion Letters are issued to traditional and Roth IRAs, SEPs and SIMPLEs per Rev. Proc. 2025-4.

7.1.1.2.4
(11-18-2025)
Advisory Letters

- (1) An "Advisory Letter" is a letter issued under the VS program on the form of a Pre-approved Plan. For more information on the VS program, see:
- a. Rev. Proc. 2015-36, as modified by Rev. Proc. 2018-21, for IRC 401(a) plans.
Note: Rev. Proc. 2017-41 modified the Pre-approved Plan program by eliminating the distinction between an M&P plan and a VS plan. However, certain provisions of Rev. Proc. 2015-36 on the M&P and VS programs continue to apply to Pre-approved Plans. (Rev. Proc. 2025-4, Section 1.03(2)(a)).
 - b. Rev. Proc. 2013-22 (as modified by Rev. Proc. 2014-28, Rev. Proc. 2015-22, Rev. Proc. 2019-39, and Rev. Proc. 2021-37, and clarified by Rev. Proc. 2017-18) for IRC 403(b) plans.
Note: Rev. Proc. 2021-37 eliminated the distinction between M&P and VS plans. However, the provisions of Rev. Proc. 2013-22 continue to apply to opinion and advisory letter applications submitted for the first cycle for IRC 403(b) Pre-approved Plans.

7.1 TE/GE Administrative Procedures and Programs

7.1.1.2.5
(09-17-2019)

Compliance Statements

- (1) A “compliance statement” is a binding written agreement between EP R&A and, generally, the plan sponsor. It describes certain failures of the retirement plan to meet the applicable requirements under IRC 401(a), IRC 403(b), IRC 408(k) or IRC 408(p). See Rev. Proc. 2021-30 and IRM 7.2.2, TE/GE Closing Agreements, Employee Plans Compliance Resolution System (EPCRS).

7.1.1.2.6
(09-19-2014)

Closing Agreements

- (1) A “closing agreement” is a final agreement between the IRS and a taxpayer on a specific issue or liability per IRC 7121. See IRM 7.2.1, TE/GE Closing Agreements, Closing Agreements Originating in EP Technical, and IRM 7.2.2, TE/GE Closing Agreements, Employee Plans Compliance Resolution System (EPCRS).

7.1.1.2.7
(11-18-2025)

Oral Advice

- (1) EP employees don’t issue oral rulings or determinations, letter rulings or DLs in response to oral requests from taxpayers. Instead, EP employees generally discuss with taxpayers or their authorized representatives EP’s jurisdiction to rule on particular issues and the procedural requirements to submit DL or letter ruling requests.
- (2) In EP’s discretion, EP employees may also discuss substantive issues with taxpayers or the taxpayer’s representatives. Taxpayers can’t rely on oral advice as a basis for obtaining retroactive relief under Code section 7805(b). (Rev. Proc. 2025-4, Section 3.06).
- (3) Taxpayers may call the centralized customer service unit at (877) 829-5500 (toll-free number) for help with specific questions, basic information about forms, or the status of a pending application. See IRM 21.1.1, Accounts Management and Compliance Services Operations, Accounts Management and Compliance Services Overview, for additional information.

7.1.1.2.8
(09-17-2019)

Nonbank Trustee Approval Letters

- (1) The IRS issues approval letters (assuming the requirements of 26 CFR 1.408-2(e)(2) through 26 CFR 1.408-2(e)(5) are met) for entities to act as an NBT custodian for:
 - a. Qualified plans under IRC 401(a).
 - b. IRAs under IRC 408, Roth IRAs under IRC 408A and Coverdell education savings accounts under IRC 530.
 - c. Archer medical savings account established under IRC 220.
 - d. Health savings account established under IRC 223.
 - e. Custodial accounts described in IRC 403(b)(7).
 - f. Eligible deferred compensation plans described in IRC 457(b).
- (2) Approval to act as an NBT is within the jurisdiction of the Director, EP and EP Technical.
- (3) The Director, EP Examinations, investigates approved NBTs for continued compliance, then reports its findings to the Director, EP.

7.1.1.3
(11-18-2025)

Assistance to EP Examinations and EP Rulings and Agreements

- (1) TEGEDC and EEE provide technical and legal support to EP Examinations and EP R&A. The support may be written or oral.
- (2) Their written advice may be presented as technical advice, technical assistance or other memoranda, depending on the nature of the matter. See Rev. Proc. 2025-2 for the administrative authority for requesting technical advice. EEE and TEGEDC offer assistance for:

- a. EP R&A and EP Examinations, who may request (or may be required to request) help on a technical issue raised during a private letter ruling request, DL request, an examination, or a request under VC. EEE and TEGEDC provide assistance in the form of technical advice or technical assistance.
- b. Advice due to the passage of new legislation for which there is no published precedent. They provide advice in the form of a memorandum to an EP Examinations Area manager, EP Technical manager, or EP Determinations Area manager.

7.1.1.3.1
(09-17-2019)

Technical Advice

- (1) “Technical advice” means EEE’s advice or guidance via a memorandum that:
 - a. EP Examinations or EP R&A requests, or
 - b. In response to a technical or procedural question that develops during a determination or examination on the interpretation and proper application of tax law, tax treaties, regulations, revenue rulings, notices or other precedents published by the IRS to a specific set of facts.
- (2) For additional guidance on requesting technical advice, see:
 - a. Rev. Proc. 2025-2.
 - b. IRM 7.11.12, Employee Plans Determinations Letter Program, Preparing Technical Advice Requests.
 - c. IRM 4.70.16, TE/GE Technical Assistance, Technical Advice Requests and Requests for 7805(b) Relief.

7.1.1.3.2
(07-02-2024)

Technical Assistance

- (1) Technical assistance covers matters of general technical application in EP R&A, EP Examinations or an Appeals Office, where the issues:
 - a. Aren’t raised in an examination of a taxpayer’s return or a request for a determination letter.
 - b. Don’t relate to a specific case under consideration by EP R&A, EP Examinations or an Appeals Office.
- (2) EP Technical issues technical assistance, when appropriate to the relevant requesting office.
- (3) Knowledge Management also offer technical assistance to IRS employees. See IRM 1.4.7, Resource Guide for Managers, TE/GE Knowledge Management (KM) Administration.

7.1.1.3.3
(09-25-2018)

Memoranda to EP Determinations, EP Examinations or EP Technical

- (1) Memoranda containing either technical or procedural guidance may be issued to EP Technical, EP Determinations, EP Examinations or VC. The guidance may be provided on matters of policy, new legislation or IRS positions. Where appropriate, the instructions contained in the memoranda are incorporated into the IRMs.

7.1.1.4
(11-18-2025)

Disaster Assistance and Emergency Relief

- (1) Program Scope and Objectives
 - a. Purpose: This section outlines procedures to follow in TE/GE when dealing with a federally declared disaster, terrorist or military action.
 - b. Audience: These procedures apply to all TE/GE employees.

7.1 TE/GE Administrative Procedures and Programs

- c. Primary Stakeholders: Any TE/GE employee who works an examination or determination case involving an entity subjected to a federally declared disaster, terrorist or military action.

(2) Background

- a. This section provides guidance to TE/GE employees working cases with taxpayers affected by a federally declared disaster, or terroristic or military action (collectively, a “federally declared disaster”) under IRC 7508A. This section is not a pronouncement of law and can’t be used, cited or relied on as law. Nothing in this IRM may be construed as affecting the operation of any other provision of the IRC or associated regulations and guidance.
- b. When the IRS issues a Declaration Notice all IMF and BMF accounts with addresses in the area affected by the federally declared disaster (the “covered disaster area”) designated by the Federal Emergency Management Agency (FEMA) as qualifying for “individual assistance” are frozen systemically for the period specified in the Declaration Notice (the “postponement period”).

(3) Guidance for all cases

- a. The IRS issues a Declaration Notice to identify the covered disaster area. This section covers procedures for EP for both examination and non-examination activities. If you have cases in your inventory with taxpayers affected by a federally declared disaster, please review this memorandum carefully in its entirety so that you can take appropriate actions in a timely manner.

(4) Guidance for EP Rulings and Agreements

- a. In-process cases: You may continue reviewing records and taking other actions needed to make a determination if you don’t need to contact the taxpayer. You may issue favorable determination letters without taxpayer contact.
- b. If you need the taxpayer’s help to develop the case and have spoken to the taxpayer, you may call the taxpayer or send Letter 6017, as described earlier, to determine if the taxpayer wishes to proceed with the determination process.
- c. Unstarted determination requests: Cases may be assigned and worked until taxpayer contact is needed. At that point, the employee may contact the taxpayer using soft contact procedures to ask whether the taxpayer wishes to proceed.
- d. Place cases subject to these procedures in MEDS status 37 (suspense) immediately after calling taxpayer or sending the soft contact letter. The case will stay in status 37 until you receive taxpayer consent to proceed or the first business day after the end of the postponement period, whichever comes first.

(5) EP Voluntary Compliance

- a. Unstarted cases: contact the taxpayer to determine whether the taxpayer wishes to continue the case. If not, place the case into Interim Action Code 21-Suspense and hold the case in inventory.
- b. Ongoing cases: Follow the guidance for examination cases.

- c. Signed closing agreements received: If, before the postponement period, the taxpayer signed the agreement and paid the amount due under the closing agreement, continue to process the case through the Closing Unit. The closing letter and copy of closing agreement may be sent to the taxpayer.
 - d. New requests: Send acknowledgement letters and assign requests received during the postponement period. Contact the taxpayer using soft-contact procedures to determine if the taxpayer wishes to proceed with the request. If not, then assign the case and work it until taxpayer contact is needed. If work on the case cannot continue during the postponement period without taxpayer contact, place the case in Interim Action Code 21 - Suspense until the first business day after the end of the postponement period.
 - e. EP VC Corrective Actions: If the time allowed to complete corrective actions ends during the postponement period, the taxpayer will automatically be permitted an extension until the first business day after the end of the postponement period. If the time allowed to complete the corrective action ended before the start of the postponement period, no extension will be given.
- (6) Web Resources and Additional Guidance
- a. Find key documents and guidance on IRS SB/SE Disaster Assistance and Emergency Relief Program Office for each federally declared disaster.

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Exhibit 7.1.1-1 (11-18-2025)**List of Major Employee Plans Revenue Procedures Currently in Effect**

Employee Plans Program	Relevant Revenue Procedure(s)
Private letter rulings, DLs, and user fees	Rev. Proc. 2025-4, 2025-1 IRB 164
DL applications	Rev. Proc. 2016-37, 2016-29 IRB 136; Rev. Proc. 2019-20, 2019-20 IRB 1182
EPCRS	Rev. Proc. 2021-30, 2021-31 IRB 172
IRC 403(b) opinion letter program	Rev. Proc. 2013-22, 2013-18 IRB 985; Rev. Proc. 2014-28, 2014-16 IRB 944; Rev. Proc. 2015-22, 2015-11 IRB 754; Rev. Proc. 2017-18, 2017-5 IRB 743; Rev. Proc. 2019-39, 2019-42 IRB 945, Rev. Proc. 2020-40, 2020-38 IRB 575; Rev. Proc. 2021-37, 2021-38 IRB 385 Rev. Proc. 2023-37 2023-51 IRB 1491
Pre-approved program for qualified plans	Rev. Proc. 2015-36, 2015-27 IRB 20; Rev. Proc. 2017-41, 2017-29 IRB 92; Rev. Proc. 2018-21, 2018-14 IRB 467; Rev. Proc. 2018-42, 2018-36 IRB 424; Rev. Proc. 2020-10, 2020-2 IRB 295; Rev. Proc. 2020-40, 2020-38 IRB 575; Rev. Proc. 2021-38, 2021-38 IRB 425 Rev. Proc. 2023-37 2023-51 IRB 1491
Opinion letter program for IRAs, SEPs and SIMPLEs	Rev. Proc. 87-50, 1987-2 C.B. 647; Rev. Proc. 91-44, 1991-2 C.B. 73; Rev. Proc. 97-29, 1997-1 C.B. 698; Rev. Proc. 98-59, 1998-2 C.B. 727; Rev. Proc. 2002-10, 2002-4 IRB 401; Rev. Proc. 2010-48, 2010-50 IRB 828
NBT approval applications	Rev. Proc. 2025-4, 2025-1 IRB 164
Requests for waivers of 60-day rollover requirement	Rev. Proc. 2003-16, 2003-1 C.B. 359
Changes in funding methods and actuarial assumptions	Rev. Proc. 2017-57, 2017-44 IRB 474; Rev. Proc. 2025-4, 2025-1 IRB 160
Return to the employer of certain non-deductible contributions	Rev. Proc. 90-49, 1990-2 C.B. 620
Requests for approval of use of plan-specific substitute mortality tables	Rev. Proc. 2017-55, 2017-43 IRB 373
Requests for approval of an extension of an amortization table for multiemployer pension plans	Rev. Proc. 2010-52, 2010-52 IRB 927
Changes in plan year	Rev. Proc. 87-27, 1987-1 C.B. 769
Automatic approval of changes in funding methods	Rev. Proc. 2000-40, 2000-2 C.B. 357; Rev. Proc. 2017-56, 2017-44 IRB 465

