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IRS issues 403(b) preapproved plan listing of required modifications

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IRS has updated its [listing of required modifications](#) (LRMs) for preapproved 403(b) plans. The LRMs contain sample plan provisions that will satisfy certain applicable requirements of the Internal Revenue Code (IRC). LRMs are meant to help preapproved plan providers prepare their documents for submission to IRS and accelerate the agency's review of those documents.

The updated LRMs reflect the requirements of the 2022 Cumulative List of Changes for preapproved 403(b) plans published in [Notice 2022-8](#). Plan documents submitted for review for the second 403(b) remedial amendment cycle must comply with the 2022 Cumulative List. Providers have a one-year window starting May 2 to submit their documents for review.

Some 403(b) plans can be subject to Title I of ERISA. The 403(b) LRMs do not contain sample Title I provisions for these plans because IRS doesn't have jurisdiction over Title I. However, IRS notes that the qualified plan LRMs contain sample language for IRC qualification requirements with parallel Title I requirements, so sponsors may find that language helpful when drafting plan provisions.

Although the LRMs are meant to assist providers of preapproved 403(b) plans, sponsors of individually designed 403(b) plans — who currently cannot request a determination letter for their plan documents — may find the IRS-approved sample provisions in the LRMs helpful with plan drafting. IRS notes that insurance companies and custodians may also look to the LRMs when drafting the terms of annuity contracts and 403(b) custodial accounts.

Related resources

Non-Mercer resources

- [Section 403\(b\) preapproved plans listing of required modifications and information package](#) (IRS, April 18, 2022)
- [Listing of required modifications \(LRMs\)](#) (IRS)

- [Notice 2022-8](#) (IRS, Jan. 28, 2022)

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- [IRS issues first cumulative list of changes for 403\(b\) preapproved plans](#) (Feb. 9, 2022)

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