

October 4, 2018

David W. Horton
Acting Commissioner
Tax Exempt and Governmental Entities
Internal Revenue Service

RE: Hurricane Florence Relief

Dear Mr. Horton:

The American Retirement Association (“ARA”) is writing to formally request relief for taxpayers and service providers adversely affected by Hurricane Florence. ARA thanks the IRS for the opportunity to provide input on these matters and the partial relief already provided in IRS SC Notice 2018-01.

ARA is the coordinating entity for its five underlying affiliate organizations representing the full spectrum of America’s private retirement system, the American Society of Pension Professionals and Actuaries (“ASPPA”), the National Association of Plan Advisors (“NAPA”), the National Tax-Deferred Savings Association (“NTSA”), the ASPPA College of Pension Actuaries (“ACOPA”), and the Plan Sponsor Council of America (“PSCA”). ARA’s members include organizations of all sizes and industries across the nation who sponsor and/or support retirement savings plans and are dedicated to expanding on the success of employer provided plans. In addition, ARA has more than 24,000 individual members who provide consulting and administrative services to American workers, savers, and sponsors of retirement plans. ARA’s members are diverse but united in their common dedication to the success of American’s private retirement system.

Beginning on September 8, 2018, Hurricane Florence caused significant damage throughout the southeastern United States. This has resulted in significant hardships for taxpayers, plan sponsors and their service providers who reside in the affected area. As a result, the ARA believes that the following relief is justified and should be granted at the earliest possible moment. Specifically:

1. Relief for taxpayers who would like to use their retirement assets in qualified retirement plans to alleviate hardships caused by Hurricane Florence. The relief should be patterned on the relief announced after Hurricane Sandy as set forth in IRS Announcement 2012-44.
2. The storm came through at a particularly busy time for plan sponsors and their service providers. This is due to the pending deadline for calendar year plans that received an extension to file Form 5500 until October 15, 2018. The IRS, Department of Labor and PBGC should immediately announce relief once again patterned on past announcements such as that provided for Hurricane Sandy. It is particularly important that relief extend to taxpayers whose books, records or Form 5500 return preparer are located in areas affected by Hurricane Florence.

The ARA greatly appreciates your expedited consideration of our request as there is a clear need for guidance as soon as possible. If you have any questions regarding the matters discussed herein, please contact Craig Hoffman, ARA General Counsel, at (703) 516-9300. Thank you for your time and consideration.

Sincerely,

/s/

Brian H. Graff, Esq., APM
Executive Director/CEO
American Retirement Assoc.

/s/

Craig P. Hoffman, Esq., APM
General Counsel
American Retirement Assoc.

cc:

Ms. Carol Weiser
Acting Benefits Tax Counsel
U.S. Department of the Treasury

Ms. Victoria A. Judson
Division Counsel/ Associate Chief Counsel
Tax Exempt and Government Entities
Internal Revenue Service

Stephen B. Tackney
Deputy Associate Chief Counsel
Tax Exempt and Government Entities
Internal Revenue Service

Mr. Rob Choi
Acting Deputy Commissioner
Tax Exempt and Governmental Entities
Internal Revenue Service

Ms. Cathy L. Jones
Acting Director
Employee Plans
Internal Revenue Service



Mr. Louis J. Leslie
Senior Technical Advisor
Employees Plans
Internal Revenue Service

Mr. Timothy D. Hauser
Deputy Assistant Secretary for Program Operations
Employee Benefits Security Administration
U.S. Department of Labor

Mr. Joe Canary, Director
Office of Regulations and Interpretations
U.S. Department of Labor

W. Thomas Reeder
Director
Pension Benefit Guaranty Corporation

