September 16, 2026

# IRS Clarifies Retirement Plan Amendment Deadlines

by R. Sterling Perkinson

---

On September 16, 2026, the IRS issued an article clarifying amendment deadlines for incorporating provisions of the SECURE and SECURE 2.0 Acts for 401(k) plans, pension plans, and 403(b) plans.

Notice 2024-02 extended both required and discretionary amendments required by the SECURE and SECURE 2.0 Acts for non-governmental plans, non-collective bargained plans until December 31, 2026 (December 31, 2029 for governmental plans).  However, prior IRS guidance under Revenue Procedure 2022-40 provides that required amendments resulting from a change in qualification requirements are not due until the end of the second calendar year after the item appears on a Required Amendments List published annually by the IRS, which may be later than the extended SECURE and SECURE 2.0 Act amendment deadlines for certain provisions.

The IRS article addresses the interaction of these amendment deadlines, as explained below, and announces that the IRS intends to issue further guidance clarifying plan amendment deadlines as part of its 2026 Required Amendments List.

Required Amendments

The IRS confirmed that the general SECURE and SECURE 2.0 Act amendment deadlines can be extended based on when these items are published on the Required Amendments List.  For example, the IRS noted that mandatory Roth catch-up contributions for high earners are expected to appear on the 2027 Required Amendments List, which means that the amendment deadline will generally be December 31, 2029, rather than the general December 31, 2026 amendment deadline for other SECURE and SECURE 2.0 Act provisions.

The IRS also noted that it intends to publish additional guidance on certain SECURE and SECURE 2.0 Act provisions that will be included on a later Required Amendments List, including automatic enrollment requirements for new plans and long-term part-time employee participation rules.

There are several amendment deadlines for aspects of the required minimum distribution (RMD) rules. Amendments implementing the 2020 RMD waiver for defined contribution plans are due by the general 2026 amendment deadline.  However, amendments required by the 2024 RMD regulations were first included on the 2025 Required Amendments List, and so are not due until December 31, 2027.  The IRS also noted that there are certain other RMD changes that have not yet appeared on a Required Amendments List, and so the amendment deadline for these items will not occur until the end of the second year after they appear on the Required Amendments List.

Discretionary Amendments

Discretionary amendments are generally due be the end of the plan year in which the provision is put into effect operationally, but this was extended until December 31, 2026 for SECURE and SECURE 2.0 Act provisions. For example, certain SECURE and SECURE 2.0 provisions, such as special distribution options or Roth employer contributions, are considered discretionary provisions because they only apply if the plan opted in to them.  Discretionary amendment deadlines are not extended by publication on the Required Amendments List. However, it may still be necessary to adopt another amendment required by subsequent guidance on these provisions, which would be required by the end of the second year in which the guidance appears on the Required Amendments List.