IRS Clarifies Plan Amendment Deadlines for SECURE Act and SECURE 2.0 Act Provisions

September 22, 2026

RELATED PRACTICES Employee Benefits and Executive Compensation

IRS Clarifies Plan Amendment Deadlines for SECURE Act and SECURE 2.0 Act Provisions

In a September 16, 2026 bulletin, the IRS provided guidance regarding the deadlines by which retirement plan sponsors must adopt plan amendments to implement provisions of the SECURE Act and SECURE 2.0 Act. The answer depends on whether the plan amendment relates to a required amendment or a discretionary amendment.

Required Amendments. Amendments that reflect mandatory changes to plan qualification requirements, such as updated required minimum distribution rules, do not need to be adopted until the end of the second year after the amendment first appears on the Required Amendments List ("***RA List***") published by the IRS. For example, the Roth catch-up contribution mandate under SECURE 2.0 is expected to appear on the 2027 RA List once final regulations become applicable, which would result in an amendment deadline of December 31, 2029. Plan sponsors can reasonably assume that any mandatory change not yet on the current RA List will appear on a future list and that the amendment deadline will follow accordingly.

Discretionary Amendments. Generally, the deadline for discretionary amendments is the last day of the plan year in which the discretionary provision is operationally put into effect, but Notice 2024-2 extends this deadline with respect to discretionary changes under the SECURE Act and SECURE 2.0 Act to December 31, 2026, for most non-governmental, non-collectively bargained plans.

Forthcoming Guidance. The IRS also signaled that it expects to issue final regulations with respect to several key SECURE and SECURE 2.0 provisions, including (i) automatic enrollment requirements, (ii) long-term, part-time employee eligibility requirements, and (iii) required minimum distribution requirements that have not already appeared on an RA List. Once those final regulations are issued and become applicable, the IRS will add these items to a future RA List, and plan sponsors will have until the end of the second calendar year thereafter to adopt the corresponding amendments. The IRS noted that final regulations for these provisions are not expected to apply earlier than the plan year beginning six months after issuance.

Plan sponsors should review their plan amendment timelines in light of this guidance and work with their third-party administrators and outside counsel to ensure that both required and discretionary amendments are adopted by the applicable deadlines.

The IRS bulletin is available here.