SECURE 2.0 Act Amendment Deadlines Extended

January 9, 2024

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On December 20, 2023, the IRS issued Notice 2024-02 (the ***"Notice"***), under which the IRS extended the deadline to at least the end of 2026 (from 2025) for required and discretionary amendments related to legislation that was passed under the SECURE 2.0 Act and other related guidance.

Specifically, plan amendments made pursuant to the SECURE 2.0 Act, the SECURE Act, the CARES Act, and the Taxpayer Certainty and Disaster Tax Relief Act of 2020 are now required to be made on or before the last day of the first plan year beginning on or after January 1, 2026 (2029 in the case of governmental plans). As a reminder, although plan amendments for this purpose are generally not required until the end of 2026 at the earliest, plans must operate in accordance with such amendments as of the effective date of the relevant statutory provisions.

The Notice is available here. In addition to extending the amendment deadlines as described above, the Notice included guidance on expanding automatic enrollment features in retirement plans, using *de minimis* financial incentives to encourage employee plan participation, early distributions from qualified plans for individuals with a terminal illness, corrections of employee elective deferral failures, and optional treatment of employer contributions or nonelective contributions as Roth contributions. For further information regarding these provisions and the SECURE 2.0 Act in general, please refer to our prior blog posts linked below.

- IRS's Proposed Long-Term, Part-Time Employee Rule
- SECURE 2.0 Act Plan Sponsor Year-End Compliance: Permissive Plan Sponsor Design Changes and Plan Corrections
- SECURE 2.0 Act Plan Sponsor Year-End Compliance: Participant Contributions and Distributions
- IRS Issues Relief for Enforcement of Roth Catch-Up Contribution Requirement for Highly Paid Employees Under SECURE 2.0 Act
- IRS Transition Relief for Required Minimum Distributions Under SECURE 2.0 Act
- IRS Issues Interim Guidance on Expanded EPCRS
- SECURE 2.0 Act: Focus on Governmental 457(b) Plans
- SECURE 2.0 Act: Focus on 401(k) and 403(b) Plans – Changes to Plan Corrections Guidance
- SECURE 2.0 Act: Focus on 401(k) and 403(b) Plans – Plan Design Changes
- SECURE 2.0 Act: Focus on 401(k) and 403(b) Plans Distribution and Withdrawal Changes
- SECURE 2.0 Act: Focus on Pension Plans
- SECURE 2.0 Act: Permissive Plan Design Changes
- SECURE 2.0 Act Increases Age for Required Minimum Distributions
- SECURE 2.0 Act: Changes to Plan Corrections Guidance
- SECURE 2.0 is Here! What's Next for Plan Sponsors?
- Major Retirement Legislation Passed by Congress: SECURE 2.0 Act

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