

2025 Required Amendments List for Qualified and Section 403(b) Plans

Notice 2025-60

I. PURPOSE

This notice sets forth the 2025 Required Amendments List (2025 RA List). The Required Amendments List (RA List) applies to individually designed plans qualified under section 401(a) of the Internal Revenue Code (Code) (qualified individually designed plans) and individually designed plans that satisfy the requirements of section 403(b) (section 403(b) individually designed plans). The RA List also applies to pre-approved plans with respect to interim amendments.

II. BACKGROUND

Section 401(b) provides a remedial amendment period during which a plan may be amended retroactively to comply with the qualification requirements under section 401(a). Treas. Reg. § 1.401(b)-1 describes the disqualifying provisions that may be amended retroactively and the remedial amendment period during which retroactive amendments may be adopted. That regulation also grants the Commissioner of Internal Revenue the discretion to designate certain plan provisions as disqualifying provisions and to extend the remedial amendment period in guidance published in the Internal Revenue Bulletin (IRB).

Section 5 of Rev. Proc. 2019-39, 2019-42 IRB 945, as modified by section III.B.2(e) of Notice 2020-35, 2020-25 IRB 948, establishes a system of recurring remedial amendment periods for section 403(b) individually designed plan form defects first occurring after June 30, 2020.

Section 5.03(1)(c) of Rev. Proc. 2022-40, 2022-47 IRB 487, provides generally that, except as otherwise provided by statute or in regulations or other guidance published in the IRB, in the case of a qualified or section 403(b) plan that is individually designed and is not a governmental plan within the meaning of section 414(d) of the Code, the remedial amendment period for (1) a disqualifying provision or (2) a form defect first occurring after June 30, 2020, that arises as a result of a change in qualification requirements or section 403(b) requirements, as applicable, expires on the last day of the second calendar year that begins after the issuance of the RA List on which the change in qualification requirements or section 403(b) requirements appears. Section 5.03(2)(c) provides a special rule for governmental plans that may further extend the remedial amendment period in some cases.

Section 6.01 of Rev. Proc. 2022-40 provides that the plan amendment deadline with respect to (1) a disqualifying provision in a qualified individually designed plan, or (2) a form defect first occurring after June 30, 2020, in a section 403(b) individually

designed plan is the date on which the remedial amendment period expires in accordance with section 5 of Rev. Proc. 2022-40 with respect to that disqualifying provision or form defect.

Section 7 of Rev. Proc. 2022-40 provides that the Department of the Treasury (Treasury Department) and the Internal Revenue Service (IRS) publish an annual RA List.¹ In general, a change in qualification requirements or section 403(b) requirements will not appear on an RA List until guidance with respect to that change (including, any model amendment, if applicable) has been provided, in regulations or in other guidance published in the IRB. However, in the discretion of the Treasury Department and the IRS, a change in qualification requirements or section 403(b) requirements may be included on an RA List in other circumstances, such as in cases in which a statutory change is enacted and the Treasury Department and the IRS anticipate that no guidance will be issued.

Section 7.01(1)(a) of Rev. Proc. 2023-37, 2023-51 IRB 1491, provides that for a pre-approved plan that is not a governmental plan, a provider (or the adopting employer, if applicable) adopts an interim amendment (as defined in section 4.01(9) of Rev. Proc. 2023-37) timely if the plan amendment is adopted by the last day of the second calendar year that begins after the issuance of the RA List in which the change in qualification requirements or section 403(b) requirements appears.

The remedial amendment period applicable to a disqualifying provision or form defect arising as a result of a change in qualification requirements or section 403(b) requirements may be extended beyond the date that normally would apply to an item included on an RA List, if a statute, regulation, or other guidance published in the IRB provides for a later deadline.

Section 501 of the SECURE 2.0 Act² provides, in general, that a retirement plan or annuity contract will be treated as being operated in accordance with the terms of the plan during a specified period and, except as provided by the Secretary of the Treasury (or the Secretary's delegate), a retirement plan will not fail to satisfy the anti-cutback requirements of section 411(d)(6) of the Code or section 204(g) of the Employee Retirement Income Security Act of 1974, Pub. L. 93-406, 88 Stat. 829, as amended (ERISA), by reason of a plan amendment made pursuant to any amendment made by the SECURE 2.0 Act or pursuant to any regulation issued by the Secretary of the

¹ In order to help plan sponsors achieve operational compliance with changes in requirements, the IRS also provides the Operational Compliance List, which is a list of changes in both qualification requirements and section 403(b) requirements that are effective during a calendar year, on the IRS website at <https://www.irs.gov/retirement-plans/operational-compliance-list>. See generally section 8 of Rev. Proc. 2022-40.

² Division T of the Consolidated Appropriations Act, 2023, Pub. L. 117-328, 136 Stat. 4459 (2022), known as the SECURE 2.0 Act of 2022 (SECURE 2.0 Act).

Treasury or the Secretary of Labor (or a delegate of either such Secretary) under the SECURE 2.0 Act, provided that:

(1) the amendment is adopted no later than the last day of the first plan year beginning on or after January 1, 2025, or, for an applicable collectively bargained plan (a plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before December 29, 2022), or for a governmental plan (within the meaning of section 414(d) of the Code), the last day of the first plan year beginning on or after January 1, 2027, or such later date as the Secretary may prescribe (the section 501 date);

(2) the amendment applies retroactively to the effective date of the SECURE 2.0 Act provision or the regulations thereunder (or, in the case of an amendment not required by a provision of the SECURE 2.0 Act or the regulations thereunder, the effective date specified by the plan); and

(3) the plan or contract is operated as if the amendment were in effect during the period beginning on the effective date of the SECURE 2.0 Act provision or the regulations thereunder (or, in the case of an amendment not required by a provision of the SECURE 2.0 Act or the regulations thereunder, the effective date specified by the plan or contract) and ending on the section 501 date or, if earlier, the date the amendment is adopted.

Section 501(c) of the SECURE 2.0 Act modifies section 601(b)(1) of the Setting Every Community Up for Retirement Enhancement Act of 2019 (SECURE Act),³ sections 2202(c)(2)(A) and 2203(c)(2)(B)(i) of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act),⁴ and section 302(d)(2)(A) of Title III of the Taxpayer Certainty and Disaster Tax Relief Act of 2020 (Relief Act)⁵ to extend plan amendment deadlines with respect to these sections to coordinate with the plan amendment deadlines under section 501 of the SECURE 2.0 Act, as applicable.⁶

Notice 2024-2, 2024-2 IRB 316, Q&A J-1, provides the deadlines by which a retirement plan must be amended to reflect the provisions of the SECURE Act, section 104 of the Miners Act, section 2202 or 2203 of the CARES Act, section 302 of the Relief Act, and the SECURE 2.0 Act (the Acts) and the regulations thereunder.⁷ In general, the deadline for a qualified plan: (1) that is not a governmental plan within the meaning of

³ Division O of the Further Consolidated Appropriations Act, 2020, Pub. L. 116-94, 133 Stat. 2534 (2019).

⁴ Pub. L. 116-136, 134 Stat. 281 (2020).

⁵ Division EE of the Consolidated Appropriations Act, 2021, Pub. L. 116-260, 134 Stat. 1182 (2020).

⁶ Section G of Notice 2020-68, 2020-38 IRB 567, extended the deadline to amend a plan to reflect section 104 of Division M of the Further Consolidated Appropriations Act, known as the Bipartisan American Miners Act of 2019 (Miners Act), to coordinate with the plan amendment deadlines provided in section 601 of the SECURE Act.

⁷ See section II.H of Notice 2024-2 relating to section 348 of the SECURE 2.0 Act for guidance that (1) addresses which cash balance plan amendments are made pursuant to section 348 of the SECURE 2.0 Act for purposes of applying section 501, and (2) sets forth the application of the exception under section 411(d)(6) for those plan amendments changing the interest crediting rate under the plan.

section 414(d) of the Code or an applicable collectively bargained plan is December 31, 2026; (2) that is an applicable collectively bargained plan is December 31, 2028; or (3) that is a governmental plan within the meaning of section 414(d) is December 31, 2029. In general, the deadline to amend a section 403(b) plan: (1) that is not maintained by a public school, as described in section 403(b)(1)(A)(ii), is December 31, 2026; (2) that is an applicable collectively bargained plan of a tax-exempt organization described in section 501(c)(3) is December 31, 2028; or (3) that is maintained by a public school, as described in section 403(b)(1)(A)(ii), is December 31, 2029.

III. REMEDIAL AMENDMENT PERIOD AND PLAN AMENDMENT DEADLINE

For individually designed plans, December 31, 2027, is generally both the last day of the remedial amendment period and the plan amendment deadline with respect to (1) a disqualifying provision arising as a result of a change in qualification requirements that appears on the 2025 RA List, and (2) a form defect arising as a result of a change in section 403(b) requirements that appears on the 2025 RA List. For pre-approved plans, December 31, 2027, is also generally the last day for a provider (or the adopting employer, if applicable) to timely adopt an interim amendment with respect to such a disqualifying provision or form defect. Later dates may apply to a governmental plan within the meaning of section 414(d) pursuant to section 5.03(2)(c) of Rev. Proc. 2022-40 for individually designed plans and section 7.01(2) of Rev. Proc. 2023-37 for pre-approved plans.

IV. CONTENT AND ORGANIZATION OF RA LIST

In general, an RA List includes changes to statutory and administrative qualification requirements and section 403(b) requirements⁸ that result in disqualifying provisions or form defects and with which a plan must comply in operation during the calendar year in which the list is published.⁹ However, an RA List does not include:

- (1) Guidance issued or legislation enacted after the list has been prepared;
- (2) Changes in requirements that cannot reasonably be reflected in plan language without guidance and with respect to which the Treasury Department and the IRS expect to issue guidance that would be included on an RA List issued in a future year;¹⁰
- (3) Changes in requirements that permit (but do not require) optional plan provisions, in contrast to changes in requirements that cause existing plan

⁸ References to qualification requirements and to section 403(b) requirements in Parts IV and V of this notice are referred to as “requirements.”

⁹ RA Lists also may include changes in requirements with which a plan must comply in operation during a prior calendar year that were not included on a prior RA List under certain circumstances, such as changes in requirements that were issued or enacted after the prior year’s RA List was prepared.

¹⁰ Items relating to the Roth catch-up requirement under section 603 of the SECURE 2.0 Act are examples of changes described in item (2) and also the principle that, in general, an RA List includes only changes to statutory and administrative qualification requirements and section 403(b) requirements with which a plan must comply in operation during the calendar year in which the list is published. Thus,

provisions (which may include optional plan provisions previously adopted) to become disqualifying provisions or section 403(b) form defects;¹¹ or

- (4) Changes in the tax laws affecting qualified plans or section 403(b) plans that do not cause plan provisions to become disqualifying provisions or section 403(b) form defects (such as changes to the tax treatment of plan distributions or changes to the plan funding requirements).

The RA List is divided into three parts. Part A includes changes in requirements that (1) generally would require an amendment to most plans or to most plans of the type affected by the changes, and (2) do not relate to optional plan provisions previously adopted.

Part B includes changes in requirements that (1) the Treasury Department and the IRS anticipate will not require amendments to most plans but might require an amendment because of an unusual plan provision in a particular plan, and (2) do not relate to optional plan provisions previously adopted. For example, if a change affects a particular requirement that most plans incorporate by reference, Part B would include that change because a particular plan might not incorporate the requirement by reference and, thus, might include language inconsistent with the change.

Part C includes changes in requirements that relate to optional plan provisions previously adopted. For example, changes in requirements included in section L of Notice 2024-2 relating to the treatment of employer contributions or nonelective contributions as Roth contributions under section 604 of the SECURE 2.0 Act were included in Part C of the 2024 RA List. This placement was because plans are not required to include terms providing for that Roth treatment (so that section 604 of the SECURE 2.0 Act will not be listed on any RA List) but plans that were amended to provide for the treatment of employer contributions as Roth contributions prior to the release of section L of Notice 2024-2 were required to comply with administrative guidance relating to that treatment.

Amendments to an eligible retirement plan (including an annuity contract) made pursuant to a provision of the Acts, or any regulations or other guidance published in the IRB under the Acts, that are made on or before the plan amendment deadline

because final regulations issued in 2025 regarding Roth catch-up contributions (90 Fed. Reg. 44527) are not applicable until taxable years beginning on or after January 1, 2027 (or later dates for collectively bargained and governmental plans), they are not on the 2025 RA List. In addition, because the final regulations regarding Roth catch-up contributions are not yet applicable and do not appear on the 2025 RA List, section 603 of the SECURE 2.0 Act also does not appear on the 2025 RA List. It is anticipated that the final regulations regarding Roth catch-up contributions and section 603 of the SECURE 2.0 Act will appear on the 2027 RA List.

¹¹ The remedial amendment period and plan amendment deadline for discretionary changes to the terms of an individually designed qualified or section 403(b) plan are governed by sections 5.03(1)(b), 5.03(2)(b), and 6.02 of Rev. Proc. 2022-40. The remedial amendment period and plan amendment deadline for discretionary changes are not affected by the inclusion of a change in requirements on an RA List.

established under the RA List in which the provision is included will not cause the plan to fail to satisfy the anti-cutback requirements of section 411(d)(6) of the Code or section 204(g) of ERISA, if applicable, by reason of the amendments.

Annual, monthly, or other periodic changes to (1) the various dollar limits that are adjusted for cost of living increases as provided in section 415(d) or other Code provisions, (2) the spot segment rates used to determine the applicable interest rate under section 417(e)(3), and (3) the applicable mortality table under section 417(e)(3), are treated as included on the RA List for the year in which such changes are effective even though they are not directly referenced on that RA List. The Treasury Department and the IRS anticipate that few plans have language that will need to be amended on account of these changes.

The fact that a change in a requirement is included on the RA List does not necessarily mean that a plan must be amended as a result of that change. Each plan sponsor must determine whether a particular change in a requirement requires an amendment to its plan.

V. 2025 REQUIRED AMENDMENTS LIST

Part A. Changes in requirements that generally would require an amendment to most plans or to most plans of the type affected by the change and do not relate to optional plan provisions previously adopted.

- *Modification of required minimum distribution rules* (SECURE Act sections 114 and 401). Sections 114 and 401 of the SECURE Act amended section 401(a)(9) of the Code to provide for changes to requirements with respect to required minimum distributions (RMDs) from retirement accounts, including required beginning dates and requirements for beneficiaries of retirement accounts. It generally provides for delayed required beginning dates¹² and restricts the ability to "stretch" RMDs over a beneficiary's life expectancy, with exceptions for certain designated beneficiaries.
 - *Required Minimum Distributions* (89 Fed. Reg. 58886). These final regulations relate to required minimum distributions from qualified plans; section 403(b) annuity contracts, custodial accounts, and retirement income accounts; individual retirement accounts and annuities; and certain eligible deferred compensation plans. They address the required minimum distribution requirements for plans qualified under section 401(a) and update the regulations to reflect the amendments made to section 401(a)(9) by sections 114 and

¹² Although a plan may continue to require that benefits commence in connection with a participant attaining age 70 ½, the plan's RMD provisions may need to be revised to reflect the changes regarding required beginning dates.

401 of the SECURE Act, and by certain sections of the SECURE 2.0 Act.¹³

Part B. Changes in requirements that may require an amendment because of an unusual plan provision in a particular plan and do not relate to optional plan provisions previously adopted.

- *Reform of partnership and trust attribution rules* (89 Fed. Reg. 106848). This regulation extends the partnership and trust attribution rules to the determination of whether a parent-subsidiary controlled group exists under section 414(c) of the Code (trades or businesses under common control). The change applies to plan years beginning on or after January 1, 2025.

Part C. Changes in requirements that relate to optional plan provisions previously adopted.

- *None*

VI. DRAFTING INFORMATION

The principal author of this notice is Tom Morgan of the Office of Associate Chief Counsel (Employee Benefits, Exempt Organizations, and Employment Taxes). For further information regarding this notice, contact Mr. Morgan at (202) 317-6700 (not a toll-free number).

¹³ Additional proposed regulations relating to SECURE 2.0 Act changes to the RMD rules will appear on a later RAL upon finalization. See 89 Fed. Reg. 58644.