

SECURE and SECURE 2.0 Amendments' Deadlines are Due: The IRS Provides Some Clarity



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If your SECURE and SECURE 2.0 amendment package has recently appeared in your inbox (or you received it earlier this year, but have yet to get it completed), you are not alone. While recordkeepers have been working for years on SECURE and SECURE 2.0 for potential implementations, plan sponsors are now getting the paperwork to match.

And, with December 31, 2026 getting closer and closer, you may be wondering, “Do we really have to amend the plan for all the SECURE 2.0 items by year-end?”

The IRS recently answered that question – or at least made it a little clearer- in its recent release “[Clarifying Deadlines for SECURE and SECURE 2.0 Required and Discretionary Plan Amendments.](#)”

The short version: December 31, 2026, is still an important date, but not every SECURE and SECURE 2.0 amendment is due then.

Required Amendments: You May Have a Little More Time

For required amendments, the [IRS Required Amendments List](#) (RA List) plays an important role in determining deadlines. Generally, if a mandatory change in qualification requirements appears on the RA list, the amendment deadline is tied to the end of the second calendar year following the applicable RA List. When the IRS determines that additional guidance is needed before a provision can reasonably be written into plan language, the provision may not appear on the RA list until that guidance has been issued and become applicable.

In its recent guidance, the IRS uses the Roth catchup requirement as an example. It is expected to appear on the 2027 RA List, when the final Roth catch-up regulations generally become applicable. That means the amendment deadline is generally expected to be December 31, 2029.

The IRS also expects future RA Lists to address certain provisions involving:

- Automatic enrollment;
- Long-term part-time employees; and
- Required minimum distributions that have not already appeared on the RA List.

In other words, “effective” in a particular year does not always mean “the plan amendment is due in that year or in 2026”.

Discretionary Amendments: December 31, 2026, is Still Calling

Optional Provisions are a different story. A statutory provision that permits – but does not require – a plan feature will not itself appear on the RA List. While discretionary amendments ordinarily have an earlier amendment deadline, [Notice 2024-2](#) extended the deadline for SECURE and SECURE 2.0 discretionary amendments to December 31, 2026, with later deadlines for certain collective bargaining plans, governmental plans, and 403(b) plan maintained by public schools.

The IRS gives Roth matching and nonelective contributions as an example. If an applicable plan began offering this optional feature in 2023, the amendment implementing it generally needs to be adopted by December 31, 2026.

So, while December 31, 2026, is not the deadline for everything, it is also a deadline that cannot be ignored.

Before You Check Every Optional Box...

For the discretionary amendments, just because the option may be available in the amendment you received may not mean it is ready for prime time. Before adopting an optional provision, check with your recordkeeper and payroll provider. An amendment package may include provisions related to SECURE 2.0, but your recordkeeper or payroll provider may not yet have the capability to administer it. The last thing anyone wants is a plan document saying one thing while the payroll and the recordkeeping system do not offer or have the ability to administer the newly elected provision(s) within the plan.

So, What Should Plan Sponsors Do?

Don't just sign the SECURE 2.0 amendment package and send it on its way. Take the opportunity to confirm that the amendment reflects how the plan has actually been operating (and as of what date that change was made so the amendment matches operations), identify any discretionary provisions that need to be documented by December 31, 2026, and make sure your recordkeeper and payroll provider can support any optional provisions you are considering.

The IRS expects to provide additional clarification in the 2026 Required Amendment List consistent with the recent release.

With Q4 already underway, now is the time to review your SECURE and SECURE 2.0 amendments – everyone gets busy at the holidays and year end so assume this needs to get done before the Thanksgiving Holiday. Starting the process sooner gives you time to identify the applicable deadlines, confirm the amendment reflects the correct provisions, and coordinate with recordkeeper and payroll providers.

If you have questions about your SECURE and SECURE 2.0 amendments or the applicable deadlines, please contact your Boutwell Fay attorney for assistance.