



IRS Announces New Plan Amendment and Cycle 4 Restatement Deadlines

In recent years, the U.S. Congress has enacted several laws that include a variety of required and discretionary changes for retirement plans. Each piece of legislation specified deadlines by which plans were required to be amended for the changes. Many of those amendment deadlines were extended by subsequent legislation and IRS guidance. Those deadlines have now been pushed back yet again.

The SECURE 2.0 Act of 2022 coordinated the amendment deadlines, resulting in a deadline of December 31, 2025, for calendar year plans (or the end of the 2027 plan year for governmental and collectively bargained plans). However, the IRS has extended the plan amendment deadline once again with the issuance of [Notice 2024-2](#).

Notice 2024-2 provides guidance on several provisions of SECURE 2.0, including the deadline by which retirement plans must be amended for the required and adopted discretionary changes associated with the following laws:

- The Setting Every Community Up for Retirement Enhancement Act of 2019 (SECURE Act)
- The Bipartisan American Miners Act of 2019 (Miners Act)
- The Coronavirus Aid, Relief, and Economic Security Act (CARES)
- The Taxpayer Certainty and Disaster Tax Relief Act (Relief Act)
- The SECURE 2.0 Act of 2022 (SECURE 2.0)

Plans are required to operate in compliance with the Acts' required changes as of the applicable legislation's effective dates, but plan amendments are not required until the dates summarized in the following chart:

Type of Plan

Amendment Deadline

401(a) and 403(b) plans (excluding governmental plans, collectively bargained plans, and 403(b) plans maintained by public schools)	December 31, 2026
Taft-Hartley (collectively bargained) 401(a) and 403(b) plans	December 31, 2028
403(b) plans maintained by public schools	December 31, 2029
Governmental 401(a), 457(b), and 403(b) plans	December 31, 2029 (or, if later, the first day of the first plan year beginning more than 180 days after the date of notification that a governmental 457(b) plan does not meet Tax Code requirements)

Cycle 4 Restatements

As described in IRS [Notice 2024-3](#), pre-approved plans have a recurring remedial amendment cycle. Providers of pre-approved plans may apply for a new IRS opinion letter for the plan for each remedial amendment cycle.

The fourth remedial amendment cycle for pre-approved defined contribution plans (Cycle 4) began on February 1, 2023. The submission period began on February 1, 2024, and ends on January 31, 2025. Moreover, the general deadline for adopting required and discretionary plan amendments to pre-approved defined contribution plans is December 31, 2026. Therefore, employers using a provider's pre-approved plan for its plan document should expect their provider to initiate a Cycle 4 restatement process in 2025 or 2026.

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