



IRS Extends Plan Amendment Deadlines for CARES Act, Miners Act and SECURE Act Provisions

The IRS issued Notice 2022-33, extending plan amendment deadlines for up to three years with respect to certain provisions of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), the Bipartisan American Miners Act of 2019 (the Miners Act), and the Setting Every Community Up for Retirement Enhancement Act of 2019 (SECURE Act).

Under the guidance, all qualified and 403(b) plans except for governmental plans will have until December 31, 2025 to adopt the 2020 required minimum distribution rules from the CARES Act, and any optional or required changes under the Miners Act and SECURE Act.

Previously, plans other than Taft-Hartley (collectively bargained) and governmental plans were required to be amended by the last day of the plan year beginning on or after January 1, 2022 (e.g. December 31, 2022 for calendar year plans) for these law changes. Taft-Hartley (collectively-bargained) and governmental plans, under prior guidance, were allowed until the last day of the plan year beginning on or after January 1, 2024 to adopt these amendments.

These extensions are issued as plan sponsors await final IRS guidance on many SECURE Act provisions. Plan sponsors should note that although the amendment deadline has been extended, plans are still required to operate in accordance with required provisions and any optional provisions that are elected. The IRS' 2023 and later Required Amendment lists will reflect the amendment extensions, in accordance with the guidance.

The following chart summarizes the extended amendment deadlines under Notice 2022-33:

Type of Plan	New Amendment Deadline for CARES Act*, Miners Act and SECURE Act
401(a) and 403(b) plans (excluding governmental plans)	December 31, 2025
Governmental 401(a), 457(b) and 403(b) plans	90 days after the close of the third regular legislative session of the legislative body with the authority to amend the plan that begins after December 31, 2023
Taft-Hartley (collectively- bargained) 401(a) plans	December 31, 2025
IRA	December 31, 2025 (IRAs are not required to be amended for the CARES Act)

**Excludes the special loan and withdrawal provisions of the CARES Act, which require plan amendments no later than the end of the plan year beginning on/after January 1, 2022*

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