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Benefit Plan Audit Specialists

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2024 Required Amendments List Issued by the IRS



[Notice 2024-82](#) sets forth the 2024 Required Amendments List (2024 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. The RA List primarily relates to change required to the [SECURE 2.0 Act](#). Individual designed plans and pre-approved plans generally need to be amended by December 31, 2026. Please see below for more details as well as the Notice for specific guidance.

REMEDIAL AMENDMENT PERIOD AND PLAN AMENDMENT DEADLINE

For individually designed plans, December 31, 2026, 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 2024 RA List, and (2) a form defect arising as a result of a change in section 403(b) requirements that appears on the 2024 RA List. For pre-approved plans, December 31, 2026, is also generally the last day for a provider (or the adopting employer, if

applicable) to timely adopt an interim amendment. 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.

CONTENT AND ORGANIZATION OF RA LIST

In general, an RA List includes changes to statutory and administrative qualification requirements and section 403(b) requirements with which the plan must comply in operation during the calendar year in which the list is published. However, an RA List does not include:

- Guidance issued or legislation enacted after the list has been prepared;
- 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;
- Changes in requirements that permit (but do not require) optional plan provisions, in contrast to changes in requirements that cause existing plan provisions (which may include optional plan provisions previously adopted) to become disqualifying provisions or section 403(b) form defects; or
- 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 are included in Part C. This placement is 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 are 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 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.

2024 REQUIRED AMENDMENTS LIST

There were no Part A required amendments for 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.

There were two Part B required amendments for 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. These required amendments were:

- Application of section 415 limit for certain employees of rural electric cooperatives (SECURE 2.0 Act section 119). Under section 415(b)(12) of the Code, rural electric cooperative retirement plans no longer have a compensation-based limit for participants who are non-highly compensated employees.
- Reform of family attribution rule (SECURE 2.0 Act section 315). Section 414 of the Code is amended to

eliminate automatic attribution of ownership between spouses with separate businesses in community property states, and to modify the attribution rules regarding ownership between parents and minor children, for purposes of applying the rules relating to a controlled group of corporations under section 414(b) or an affiliated service group under section 414(m).

There were several Part C required amendments for changes in requirements that relate to optional plan provisions previously adopted. These required amendments were:

- Guidance for Coronavirus-Related Distributions from Retirement Plans Under the CARES Act (Notice 2020-50, 2020-28 IRB 35). Under section 2202 of the CARES Act, plans may provide for in-service coronavirus[1]related distributions. Notice 2020-50 provides guidance with respect to this optional provision.
- Guidance on Waiver of 2020 Required Minimum Distributions (Notice 2020-51, 2020-29 IRB 73), Transition Relief and Guidance Relating to Certain Required Minimum Distributions (Notice 2023-54, 2023-31 IRB 382), and Certain Required Minimum Distributions for 2024 (Notice 2024- 35, 2024-19 IRB 1051). Guidance is provided with respect to optional required minimum distribution provisions.
- Miscellaneous Changes Under the SECURE Act and the Miners Act (Notice 2020-68, 2020-38 IRB 567):
 - SECURE Act section 113. Under section 113 of the SECURE Act, certain plans may permit qualified birth or adoption distributions. Section D of Notice 2020-68 provides guidance with respect to this optional provision.
 - Miners Act section 104. Under section 104 of the Miners Act, the minimum age is reduced for allowable in-service distributions. Section F of Notice 2020-68 provides guidance with respect to

this optional provision.

- Guidance on Sections 102 and 103 of the SECURE Act with Respect to Safe Harbor Plans (Notice 2020-86, 2020-53 IRB 1786). Under sections 102 and 103 of the SECURE Act, the 10-percent cap for automatic enrollment safe harbor plans is increased and certain other changes with respect to safe harbor plans are made. Guidance is provided with respect to optional safe harbor plan provisions.
- Repayment of qualified birth or adoption distribution limited to 3 years (SECURE 2.0 Act section 311). Under section 113 of the SECURE Act, plans may permit qualified birth or adoption distributions and those distributions may be repaid to an applicable eligible retirement plan. Under section 311 of the SECURE 2.0 Act, repayment of qualified birth or adoption distributions is limited to a 3-year period beginning on the day after the date on which the distribution was received.
- Amendments relating to Setting Every Community Up for Retirement Enhancement Act of 2019 (SECURE 2.0 Act section 401). Section 103 of the SECURE Act provides rules relating to election of safe harbor 401(k) status. Section 401 of the SECURE 2.0 Act provides a technical amendment with respect to optional safe harbor plan provisions.
- Miscellaneous Changes Under the SECURE 2.0 Act of 2022 (Notice 2024-2, 2024-2 IRB 316):
 - Section 113 of the SECURE 2.0 Act. Under section 113 of the SECURE 2.0 Act, employers may offer small immediate financial incentives for contributing to a plan. Section D of Notice 2024-2 provides guidance with respect to this optional provision.¹¹
 - Section 117 of the SECURE 2.0 Act. Under section 117 of the SECURE 2.0 Act, the contribution limit for SIMPLE 401(k) plans is increased for certain

eligible employers. Section E of Notice 2024-2 provides guidance with respect to this optional provision.

- Section 332 of the SECURE 2.0 Act. Under section 332 of the SECURE 2.0 Act, employers are allowed to replace SIMPLE retirement accounts with safe harbor 401(k) plans during a year. Section G of Notice 2024-2 provides guidance with respect to this optional provision.
- Section 348 of the SECURE 2.0 Act. Under section 348 of the SECURE 2.0 Act, a cash balance plan that provides for pay credits to participants that increase with a participant's age or service and provides for a variable interest crediting rate no longer risks violating the accrual requirements of section 411(b)(1) of the Code if that interest crediting rate falls below a certain point. Section H of Notice 2024-2 provides guidance with respect to the application of section 501 of the SECURE 2.0 Act for amendments made pursuant to this optional provision.
- Section 604 of the SECURE 2.0 Act. Under section 604 of the SECURE 2.0 Act, a plan may permit certain matching contributions or nonelective contributions to be designated as Roth contributions. Section L of Notice 2024-2 provides guidance with respect to this optional provision.
- Guidance on Anti-Abuse Rules Under Section 127 of the SECURE 2.0 Act of 2022 and Certain Other Issues with Respect to Pension-Linked Emergency Savings Accounts (Notice 2024-22, 2024-6 IRB 662). Under section 127 of the SECURE 2.0 Act, plans may implement pension-linked emergency savings accounts. Notice 2024-22 provides guidance regarding anti-abuse rules with respect to this optional provision.
- Certain Exceptions to the 10 Percent Additional Tax Under Code Section 72(t) (Notice 2024-55, 2024-28 IRB



31). Under section 115 of the SECURE 2.0 Act, certain plans may permit emergency personal expense distributions. Under section 314 of the SECURE 2.0 Act, certain plans may permit domestic abuse victim distributions. Notice 2024-55 provides guidance with respect to these optional provisions.



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Who We Are

Torrillo & Associates, LLC specializes in employee benefit plan audits including 401k audits, 403b audits, pension plan audits, and other retirement plan audits. We are licensed in 10 states including Pennsylvania, New Jersey, Delaware, New York and Florida. We are also able to practice in additional states that have passed firm mobility.

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