2025 Required Amendments List Issued by the IRS

Notice 2025-60 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 2025 RA List also applies to pre-approved plans with respect to interim amendments. The 2025 RA List relates to change required to the SECURE 2.0 Act as well as reform of partnership and trust attribution rules. Individually designed plans and pre-approved plans generally need to be amended by December 31, 2027. 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, 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.

CONTENT AND ORGANIZATION OF RA LIST

In general, an RA List includes changes to statutory and administrative qualification requirements and section 403(b) requirements[8] 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;

(3) 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

(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 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.

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

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

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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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