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Amendment Deadlines Extended for SECURE Act and 2020 Minimum Distribution Relief

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The IRS has extended plan amendment deadlines to comply with the Setting Every Community Up for Retirement Act of 2019 (“Secure Act”) and the relief for 2020 required minimum distributions (RMDs) under the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). Without this relief, plan amendments reflecting changes by these laws would have been required by the last day of the first plan year ending on or after January 1, 2022. [\[1\]](#)

[Notice 2022-33](#) extends these deadlines as follows:

Secure Act

Plan amendment deadlines for all changes made by the Secure Act, including regulations, have been extended until December 31, 2025. This extension also applies to Section 104 of the Miners Act, which was enacted together with the Secure Act, which allows for in-service distributions under defined benefit pension plans to participants who have attained age 59-1/2.

A summary of Secure Act provisions is available at: [Congress Passes Secure Act with Significant Changes to Retirement Plans \(kilpatricktownsend.com\)](#).

CARES Act

The CARES Act included several provisions impacting retirement plans, including relief for 2020 required minimum distributions and special loan and withdrawal provisions for certain participants affected by coronavirus.

Notice 2022-33 extends the amendment deadline for the 2020 required minimum distribution relief until December 31, 2025.

However, Notice 2022-33 does not extend the amendment deadline for CARES Act loan and withdrawal provisions, which are currently due by the last day of the plan year on or after January 1, 2022. See: [IRS Releases Detailed Guidance on CARES Withdrawal and Loan Relief \(kilpatricktownsend.com\)](#).

As a result, retirement plans that implemented CARES Act loan and withdrawal provisions may still need to adopt amendments by December 31, 2022, unless the IRS extends these deadlines in future guidance.

[\[1\]](#) Special amendment deadlines apply to governmental and collectively bargained plans, which are not addressed in this blog post.