

2025 Required Amendments List Addresses Required Minimum Distribution Changes

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IRS Notice 2025-60 (Dec. 4, 2025)

Available at <https://www.irs.gov/pub/irs-drop/n-25-60.pdf>

The IRS has issued its 2025 Required Amendments List (RA List) for individually designed qualified retirement plans (including 401(k) plans) and 403(b) plans. RA Lists are issued annually to identify changes in the Code's qualification requirements that may result in "disqualifying provisions" that necessitate a remedial amendment. (A disqualifying provision is a required provision that is not in the plan document, a provision in the document that does not comply with the Code's qualification requirements, or a provision that the IRS so designates.) The RA List contains three parts. Part A lists changes in qualification requirements that require most plans of the relevant type to be amended. Part B lists changes that should only require amendments for certain plans with unusual plan provisions affected by the changes (other than optional provisions). Part C lists changes that relate to optional plan provisions previously adopted.

For 2025, Part A lists SECURE Act changes relating to required minimum distributions (RMDs): the increase in the applicable age that triggers RMDs to age 72 (for individuals reaching age 70-1/2 after December 31, 2019); and the requirement that a deceased employee's entire interest be distributed within ten years after the employee's death, except for distributions to "eligible designated beneficiaries." Also included are final regulations implementing these changes and certain changes made by the SECURE 2.0 Act. [EBIA Comment: The SECURE 2.0 Act increased the applicable age for RMDs to 73 beginning January 1, 2023; the 2025 RA List does not expressly list that change, but it is reflected in the final regulations.]

Part B lists final regulations on the application of the partnership and trust attribution rules to the determination of whether a parent-subsidiary controlled group exists under Code § 414(c). Part C lists no changes. The notice specifies that periodic cost-of-living adjustments (COLAs) to various dollar limitations do not appear on the annual RA List but are treated as if included; few plans likely contain language requiring amendment for the COLAs. It also notes items not included on the 2025 RA List but expected to appear on a future list, including mandatory Roth treatment of certain catch-up contributions and RMD provisions addressed in proposed regulations (issued concurrently with the final RMD regulations and not yet finalized).

For individually designed 401(k) plans, the end of the remedial amendment period and plan amendment deadline for items on the 2025 RA List is generally December 31, 2027. This is also the deadline for pre-approved plans to timely adopt interim amendments with respect to these provisions. Later deadlines may apply for governmental plans. Amendments made on or before the deadline established by the RA List in which a provision is included will not cause the plan to fail to satisfy applicable anti-cutback requirements.

EBIA Comment: Many 401(k) plans likely need to be amended to reflect the RMD applicable age change. Whether a plan needs to be amended to reflect the changes to post-death distributions will depend on the terms of the plan—some may already provide for distribution of a participant's benefit earlier than required under this

provision. Of course, compliance with the changes is generally required well before the amendment deadline. Keep in mind that the RA List does not cover discretionary plan amendments, which have different adoption deadlines. Also, plans that offer certain types of disaster relief may need to be amended under disaster-specific IRS guidance. For more information, see EBIA's 401(k) Plans manual at Sections XXVII.E ("Amendment Timing: Overview") and XXVII.G.1.b ("RA List of Statutory and Administrative Changes in Qualification Requirements").

Contributing Editors: EBIA Staff.