

2026 Cumulative List of Changes in Plan Qualification Requirements for Defined Benefit Qualified Pre-approved Plans

Notice 2026-34

I. PURPOSE

This notice sets forth the 2026 Cumulative List of Changes in Plan Qualification Requirements for Defined Benefit Qualified Pre-approved Plans (2026 Cumulative List). The 2026 Cumulative List will assist providers applying to the Internal Revenue Service (IRS) for opinion letters for the fourth remedial amendment cycle for defined benefit qualified pre-approved plans (Cycle 4) under the IRS's pre-approved plan program. Cycle 4 began on April 1, 2025. The Cycle 4 submission period begins on August 1, 2026, and ends on July 31, 2027. The 2026 Cumulative List identifies recent changes in the qualification requirements of the Internal Revenue Code (Code) that were not taken into account during the first three remedial amendment cycles for defined benefit qualified pre-approved plans and that will be taken into account by the IRS with respect to the form of a plan submitted to the IRS for Cycle 4.

II. BACKGROUND

Under Rev. Proc. 2023-37, 2023-51 IRB 1491, every pre-approved plan has a recurring remedial amendment cycle, and a provider of a pre-approved plan may apply for a new opinion letter for the plan for each remedial amendment cycle. Further, defined contribution qualified pre-approved plans, defined benefit qualified pre-approved plans, and section 403(b) pre-approved plans all have separate remedial amendment

cycles. Part III of Rev. Proc. 2023-37 sets forth the procedures for a provider to apply for an opinion letter for a pre-approved plan, as well as the scope of reliance provided by an opinion letter to adopting employers of a provider's pre-approved plan.

Pursuant to section 17 of Rev. Proc. 2023-37, the IRS publishes a cumulative list for each remedial amendment cycle to identify the recent changes in the qualification requirements that will be taken into account with respect to the form of a pre-approved plan submitted to the IRS for that remedial amendment cycle.¹ A change in the qualification requirements includes a statutory change or a change in the requirements provided in regulations or other guidance published in the Internal Revenue Bulletin, without regard to whether the change is required to be reflected in plan terms or relates to an optional provision that a provider could choose to reflect in plan terms as a discretionary amendment.

III. APPLICATION OF THE 2026 CUMULATIVE LIST

In section IV of this notice, the 2026 Cumulative List sets forth specific items the IRS has identified for review in determining whether the form of a defined benefit qualified pre-approved plan that has been submitted to the IRS for a Cycle 4 opinion letter has been properly updated since the plan was submitted for a Cycle 3 opinion letter.²

Generally, the IRS will consider only the items on the 2026 Cumulative List in

¹ In order to be qualified, a defined benefit pre-approved plan must comply in operation with all applicable qualification requirements, not only those on the 2026 Cumulative List. To assist plan providers in achieving operational compliance, the IRS provides an Operational Compliance List on its website that is updated periodically to identify changes in qualification requirements that are effective during a calendar year. For the current Operational Compliance List, see <https://www.irs.gov/retirement-plans/operational-compliance-list>.

² Consistent with previous Cumulative Lists, the 2026 Cumulative List does not include routine, ministerial guidance (such as guidance that is typically issued annually to announce a cost-of-living adjustment to a qualified plan contribution limit).

determining whether to issue a Cycle 4 opinion letter with respect to a defined benefit qualified pre-approved plan, and providers of pre-approved plans should not include in plan documents submitted with their Cycle 4 opinion letter applications terms reflecting the provisions of legislation enacted or guidance issued after this notice is issued. However, if a plan has not been previously reviewed and is submitted for Cycle 4 (or has been amended with respect to previously approved language), the IRS will also review the plan for items on earlier Cumulative Lists,³ as well as for any other applicable qualification requirements that were considered by the IRS in issuing opinion letters prior to the implementation of Cumulative Lists.

The list of changes in section IV of this notice does not extend the deadline by which a plan must be amended to comply with any change in the qualification requirements applicable to the plan. The general deadline for timely adoption of an interim or discretionary amendment is provided in section 7 of Rev. Proc. 2023-37. However, Q&A J-1 of Notice 2024-2, 2024-2 IRB 316, provides additional guidance with respect to the deadlines for interim or discretionary amendments adopted to reflect applicable provisions of Division O of the Further Consolidated Appropriations Act, 2020, Pub. L. 116-94, 133 Stat. 2534 (FCAA), known as the Setting Every Community Up for Retirement Enhancement Act of 2019 (SECURE Act), section 104 of Division M of the FCAA, known as the Bipartisan American Miners Act of 2019 (Miners Act), section 2202 or 2203 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116-136, 134 Stat. 281 (2020) (CARES Act), as modified by section 280 of the COVID-

³ For the items on earlier Cumulative Lists for defined benefit qualified pre-approved plans, see the 2020 Cumulative List, Notice 2020-14, 2020-13 IRB 555, and the 2012 Cumulative List, Notice 2012-76, 2012-52 IRB 775.

related Tax Relief Act of 2020, which was enacted as Subtitle B, Title II, Division N, of the Consolidated Appropriations Act, 2021, Pub. L. 116-260, 134 Stat. 1182 (2020) (CAA 2021), section 302 of Title III of the Taxpayer Certainty and Disaster Tax Relief Act of 2020 (Relief Act), enacted as Division EE of CAA 2021, or Division T of the Consolidated Appropriations Act, 2023, Pub. L. 117-328, 136 Stat. 4459 (2022), known as the SECURE 2.0 Act of 2022 (SECURE 2.0 Act).

IV. 2026 CUMULATIVE LIST OF CHANGES IN PLAN QUALIFICATION
REQUIREMENTS FOR DEFINED BENEFIT QUALIFIED PRE-APPROVED PLANS

1. **Section 401(a):**

a. Required Minimum Distributions (Section 401(a)(9))

i. Required beginning date

- Section 114 of the SECURE Act amended section 401(a)(9)(C)(i)(I) of the Code to increase the age with respect to which the required beginning date for required minimum distributions (RMDs) is determined from age 70½ to age 72 for employees born on or after July 1, 1949, but before January 1, 1951.
- Section 107 of the SECURE 2.0 Act amended section 401(a)(9)(C) of the Code to increase the age with respect to which the required beginning date for RMDs is determined from age 72 to age 73, for employees born on or after January 1, 1951.⁴

ii. Miscellaneous

⁴ Section 107 of the SECURE 2.0 Act includes a provision increasing the age with respect to which the required beginning date for RMDs is determined to age 75. This increase will not affect the timing of RMDs until after the end of Cycle 4 for defined benefit qualified pre-approved plans. Accordingly, the IRS will not review plan documents submitted for Cycle 4 for that provision.

- Section 401 of the SECURE Act amended section 401(a)(9) of the Code to provide new RMD rules for designated beneficiaries.
- Final regulations under section 401(a)(9) of the Code that were published on July 19, 2024 (89 FR 58886), provide guidance relating to RMDs from defined benefit plans that reflects the amendments made to section 401(a)(9) by sections 114 and 401 of the SECURE Act and by section 107 and other sections of the SECURE 2.0 Act. These regulations apply for purposes of determining required minimum distributions for calendar years beginning on or after January 1, 2025.⁵
- Notice 2023-54, 2023-31 IRB 383, provides relief with respect to certain required minimum distributions for 2023.
 - b. Certain Involuntary Distributions (Code Sections 401(a)(31)(B) and 411(a)(11))
 - Section 304 of the SECURE 2.0 Act permits a plan to increase its involuntary cashout limit from \$5,000 to \$7,000.
 - c. Distributions During Working Retirement (Code Section 401(a)(36))
 - Section 104 of the Miners Act amended section 401(a)(36) of the Code to lower the minimum age at which a pension plan may make a distribution to an employee who is not separated from employment at the time of the distribution. For plan years beginning after December 31, 2019, the minimum age is lowered from age

⁵ Proposed regulations under section 401(a)(9) that were published on February 24, 2022 (87 FR 10504), would provide guidance relating to RMDs from defined benefit plans that reflects the amendments made to section 401(a)(9) by sections 114 and 401 of the SECURE Act. Under the proposed regulations, until the applicability date of the final regulations, an employer may rely on a good faith, reasonable interpretation of the amendments made by sections 114 and 401 of the SECURE Act to which the final regulations relate. Compliance with the proposed regulations is considered reliance on a good faith, reasonable interpretation of the amendments made by sections 114 and 401 of the SECURE Act to which the final regulations relate.

62 to age 59½.

- Notice 2020-68, 2020-38 IRB 567, provides guidance with respect to section 104 of the Miners Act.

d. Forfeitures

- Proposed regulations under section 401 of the Code that were published on February 27, 2023 (88 FR 12282), would provide rules relating to the use of forfeitures in qualified retirement plans. The proposed regulations are proposed to apply for plan years that begin on or after January 1, 2024, but, prior to the applicability date of final regulations, taxpayers may rely on the proposed regulations.

e. Witnessing of Spousal Consent

- Proposed regulations under section 401 of the Code that were published on December 30, 2022 (87 FR 80501), would provide an alternative to in-person witnessing of spousal consents required to be witnessed by a notary public or a plan representative and would clarify that certain special rules for the use of an electronic medium for participant elections also apply to spousal consents. The regulations are proposed to apply beginning on the date that is six months after the publication of final regulations, but, prior to the applicability date of final regulations, taxpayers may rely on the proposed regulations.⁶

f. Modification of Nondiscrimination Rules to Protect Older, Longer Service Participants (Sections 401(a)(26) and 401(o))

⁶ The IRS expects that most plans will not need to be amended to reflect these proposed regulations relating to the witnessing of spousal consent, as most plans will not include language that contradicts these proposed regulations.

- Section 205 of the SECURE Act added section 401(a)(26)(I) to the Code to treat certain closed or frozen defined benefit plans as satisfying the section 401(a)(26) minimum participation requirements. Section 205 of the SECURE Act also added section 401(o) to the Code to provide special nondiscrimination testing relief for plan sponsors seeking to protect certain participants in a closed defined benefit plan. In addition, section 401(o)(2) permits nondiscrimination testing relief where a sponsor provides certain “make-whole” contributions to a defined contribution plan.

2. Section 401(b):

- Section 316 of the SECURE 2.0 Act amended section 401(b) of the Code to provide that if an employer amends a plan to increase accrued benefits effective as of any date during the immediately preceding plan year, the amendment would not otherwise cause the plan to fail to meet any of the qualification requirements, and the amendment is adopted before the time prescribed by law for filing the return of the employer for the taxable year (including extensions) that includes the effective date of the amendment, then the employer may elect to treat the amendment as having been adopted as of the last day of the plan year in which it is effective.

3. Sections 402 and 402A:

- Section 41104 of the Bipartisan Budget Act of 2018, Pub. L. 115-123, 132 Stat. 64, added section 6343(f) of the Code to hold an individual harmless in the case of a wrongful levy upon an eligible retirement plan. The eligible retirement plan may permit the re-contribution of any property or money returned to the individual as a

result of the wrongful levy, and such contribution will be treated as a rollover under section 402(c) or section 402A(c)(3), as applicable.

- Final regulations under section 402(c) that were published on July 19, 2024, amend the rules relating to eligible rollover distributions from defined benefit plans. These regulations apply for distributions on or after January 1, 2025.⁷

4. Section 402(l):

- Section 328 of the SECURE 2.0 Act amended section 402(l)(5)(A) of the Code to permit governmental plans to make direct distributions to certain eligible retired public safety officers of amounts necessary to pay for qualified health insurance premiums.

5. Section 411:

a. Partial Terminations

- Section 209 of the Relief Act provides temporary guidance relating to partial plan terminations.⁸

b. Cash Balance Plans

- 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

⁷ Proposed regulations under section 402(c) that were published on February 24, 2022, would amend the rules relating to eligible rollover distributions from defined benefit plans. Under the proposed regulations, until the applicability date of the final regulations, an employer may rely on a good faith, reasonable interpretation of the statutory amendments to which the final regulations relate. Compliance with the proposed regulations is considered reliance on a good faith, reasonable interpretation of the statutory amendments to which the final regulations relate.

⁸ The IRS expects that most plans will not need to be amended to reflect section 209 of the Relief Act, as most plans will not include language contradicting it.

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 section 348 of the SECURE 2.0 Act.

6. Sections 411 and 417:

- Final regulations under sections 411 and 417 of the Code that were published on January 19, 2024 (89 FR 3552), provide guidance relating to the minimum present value requirements applicable to certain defined benefit pension plans. The regulations provide guidance on changes made by the Pension Protection Act of 2006, Pub. L. 109-280, 120 Stat. 780, to the prescribed interest rate and mortality table and other guidance, including rules regarding the treatment of preretirement mortality discounts and Social Security level income options.

7. Section 414:

- Section 315 of the SECURE 2.0 Act amended section 414 of the Code 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).
- Final regulations that were published on December 30, 2024 (89 FR 106848) extend the partnership and trust attribution rules to the determination of whether a parent-subsidiary controlled group exists under section 414(c) (trades or businesses under common control). The change applies to plan years beginning on or after January 1, 2025.

8. Section 414(p):

- Section 339 of the SECURE 2.0 Act amended the definition of “domestic relations order” in section 414(p)(1)(B) of the Code to include a domestic relations order issued pursuant to an Indian tribal domestic relations law.

9. Section 415(b):

- Section 119 of the SECURE 2.0 Act amended the limitations in section 415(b) for certain participants in an eligible rural electric cooperative plan.

10. Section 420:

- Section 606 of the SECURE 2.0 Act amended section 420 of the Code to provide that a qualified transfer of excess pension assets of a defined benefit plan may be made to a retiree medical account or life insurance account within the plan until December 31, 2032, rather than December 31, 2025. Section 420, as amended, also provides a rule for de minimis transfers.

11. Sections 430 and 436:

- Section 3609 of the CARES Act added section 414(y)(1)(D) to the Code. Section 414(y)(1)(D) provides that a cooperative and small employer charity pension plan (CSEC plan) is defined to include a defined benefit plan that, as of January 1, 2000, was maintained by a tax-exempt employer that met specific characteristics. A CSEC plan, as defined in section 414(y), is not permitted to include the benefit restrictions of section 436.

12. Disaster-related Rules:

- Section 202 of the Taxpayer Certainty and Disaster Tax Relief Act of 2019, enacted as Division Q of the FCAA, provides special disaster-related rules for use

of retirement funds.

- Section 2202 of the CARES Act, as modified by section 280 of Division N of the CAA 2021, provides special rules for coronavirus-related distributions and plan loans made to qualified individuals.
- Notice 2020-50, 2020-28 IRB 35, provides guidance relating to the application of section 2202 of the CARES Act for qualified individuals and eligible retirement plans.
- Section 302 of the Relief Act provides special disaster-related rules for use of retirement funds.
- Section 331 of the SECURE 2.0 Act provides permanent special rules governing plan distributions, recontributions, and loans to participants affected by qualified federally declared major disasters.

V. DRAFTING INFORMATION

The principal author of this notice is the Office of Associate Chief Counsel (Employee Benefits, Exempt Organizations, and Employment Taxes). For further information regarding this notice, contact Employee Plans at (513) 975-6319 (not a toll-free number).