Retirement Plan Year-End Amendments and Action Items

November 4, 2026

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There have been very few required amendments for retirement plans the past several years. 2026 is different! In case you haven't already heard, non-governmental retirement plans must be amended for required and discretionary changes under the CARES Act, SECURE Act, and SECURE 2.0 Act on or before December 31, 2026. Plan sponsors should consult plan counsel as soon as possible to ensure that the amendments can be drafted, finalized, and signed by the end of the year.

Plan sponsors also may need to adopt certain plan amendments, including, without limitation:

- Amendments to implement any discretionary plan design changes that are intended to be effective in 2026; and
- If the plan sponsor's controlled group acquired any new entities during the plan year and those entities have employees who will participate in the retirement plan, amendments to reflect their participation and any amendments necessary to credit prior service.

In addition to adopting any required and discretionary plan amendment by the end of the year, the following non-exhaustive list describes the annual notices for retirement plans, which generally must be distributed within a reasonable time prior to the start of the plan year. For calendar year plans, providing the notices outlined below by December 1, 2026, will meet that requirement in most cases.

- **Safe Harbor 401(k) Notice**: For 401(k) plans that are designed to comply with the safe harbor requirements of the Code.
- **Automatic Enrollment Notices**: For any plan that includes automatic enrollment provisions, which include qualified automatic contribution arrangements and eligible automatic contribution arrangements.
- **Qualified Default Investment Alternative ("*QDIA*") Notice**: For plans with participant-directed investments that include a QDIA in which a participant's account will be invested if the participant fails to make an investment election.
- **Annual Funding Notice**: For defined benefit plans.

Participant-directed individual account plans, such as 401(k) plans, operating on a calendar year plan year also must distribute third-quarter fee disclosure notices by November 14, 2026. Note that November 14 falls on a weekend in 2026, so plan sponsors should prepare accordingly.

Finally, plan sponsors should consider making necessary updates to summary plan descriptions and enrollment materials to reflect any plan amendments and changes to the various plan limits for

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2027. It is expected that the IRS will publish the updated annual limits soon.

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