

Justification for No Material or Non-substantive Change to Currently Approved Collection

AGENCY: Internal Revenue Service (IRS)

TITLE: Annual Return/Report of Employee Benefit Plan (Form 5500)

STATUS: OMB control number 1545-1610

The Internal Revenue Service (IRS) is submitting the 2026 versions of the Form 5500, Annual Return/Report of Employee Benefit Plan, and instructions as a no material/non-substantive change request. OMB Control Number 1545-1610. The IRS is not making any program changes to the forms and instructions for 2026. The forms and instructions have been updated to reflect the new form year (2026). This request parallels no material/non-substantive change requests, submitted by the Department of Labor (OMB Control Number 1210-0110) and Pension Benefit Guaranty Corporation (1212-0057).

The “Changes to Note” section on the first page of the respective instructions of the Forms 5500 and 5500-SF each highlight no material/non-substantive changes of most interest.

Both Form 5500 and Form 5500-SF instructions were updated by the agencies to add tips reminding filers to: not include a copy of the plan’s filed Form 5558 with the annual return/report, refer to updated DFVC program links and online only payment processes; and ensure that single employer plans that join multiple-employer plans, such as when a plan joins a pooled employer plan (PEP), file a final return for such terminated single employer plan. Both sets of instructions reflect minor edits to clarify that the maximum per day \$2,739 penalty shown reflects the same amount as 2025 form years; subject to future updates, including those that may occur after forms and instructions are posted.

The Form 5500 instructions for Schedules MB and SB add tips to remind filers to check that the actuary’s name matches their most recent enrollment number. A tip was also added by the agencies to Schedule R directing filers to the DOL’s regulation on when participants are no longer covered under the plan due to one, or a series of, distributions.

IRS and PBGC also added clarifying language to the Schedule SB, Part V, Statement of Actuarial Assumptions/Methods with respect to interest crediting rate assumptions.

Extensions of Time Using Form 5558

The DOL and IRS added Tip Boxes where Form 5558 is mentioned in the instructions to remind filers who have requested an extension using Form 5558 that they should NOT attach a copy of their filed Form 5558 when they file their Form 5500 or Form 5500-SF. Filers simply need to retain a copy in the plan records as instructed in Line Box D. Agencies have no need for an additional copy with the related Form 5500 or Form 5500-SF filing. Since Jan. 1, 2025, filers are able to file their Form 5558 online using the EFAST2 system, improving efficiencies for agencies in confirming that data.

- The following text has been added to Form 5500 Instructions at **Section 2, When to File, Extension of Time To File Using Form 5558**



Do Not Attach a copy of your filed Form 5558 to your Form 5500. See Form 5500 Line D box instructions.

- The following text has been added to Form 5500 Instructions at **Line D – Box for Extension Using Form 5558.**



Do Not Attach a copy of your filed Form 5558 to your Form 5500.

- The following text has been added to Form 5500-SF Instructions at **Extension of Time to File, When to File, Using Form 5558**



Do Not Attach a copy of your filed Form 5558 to your Form 5500. See Form 5500-SF Line C box instructions.

- The following text has been added to Form 5500-SF at **Line C – Box for Extension Using Form 5558**, respectively.



Do Not Attach a copy of your filed Form 5558 to your Form 5500-SF.

Modification to Administrative Penalty Information Disclosure

To clarify that the 2025 penalties remain the most recent information on per day Administrative Penalty amounts, revise the instructions for Form 5500 at Section 3: Electronic Filing Requirement. Penalties, Administrative Penalties, and Form 5500-SF, at Administrative Penalties, so that under each heading, each list item 1 paragraph, reads as follows:

1. The previous penalty amount of up to \$2,739 a day for each day a plan administrator fails or refuses to file a complete and accurate report, See ERISA section 502(c)(2), 29 CFR 2560.502c-2, and the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Inflation Adjustment Act). Pub. L. No. 114-74; 129 Stat. 599 and the DOL's implementing regulation at Fed. Reg. (Jan. 10, 2025), is applicable only with respect to civil penalties assessed after Jan. 15, 2025, and on or before Jan. 14, 2026, whose associated violation(s) occurred after Nov. 2, 2015. Because the Federal Civil Penalties Inflation Adjustment Improvements Act of 2015 (Pub. L. No. 114-74; 129 Stat. 599), requires the penalty amount to be adjusted annually after the Form 5500 and its schedules, attachments, and instructions are published for filing, be sure to check DOL's website for any possible required inflation adjustments of the maximum penalty amount that may have been published in the Federal Register after the instructions have been posted.

Conforming Changes Due to DFVC Updates

The DOL revises the Form 5500 the Line D (and Form 5500-SF Line C) – Box for Filing Under the DFVC Program Caution Box to reflect an updated EBSA website link for information on the program regarding payments and to advise DFVC users that online filing and payments, formerly optional but encouraged, are now the required method. These changes to the DFVC Program were published by the DOL in a Notice titled, Delinquent Filer Voluntary Compliance Program, 90 FR 61411 (Dec. 31, 2025), and


became effective on that same date. The revised sections of the instructions that include the website and online filing method update are shown below:

- Form 5500 instructions at **Section 2, When to File, Delinquent Filer Voluntary Compliance (DFVC) Program**, revises the last sentence of the second paragraph, which immediately precedes the Caution Box, to read as follows:

Payments under the DFVC Program must be submitted online. For information on how to pay DFVC Program payments online, go to <https://www.askebsa.dol.gov/dfvcepay/>

- Form 5500 Instructions at **Line D- Box for Filing Under the DFVC Program**, at the Caution Box, are revised to update the link and payment method so the last two sentences in the Tip Box read as shown below:

Line D – Box for Filing Under the DFVC Program. Check this box if you are filing under DOL's Delinquent Filer Voluntary Compliance (DFVC) Program.

 *Checking this box does not enter you in the DFVC Program. You can enter the program at this site: www.dol.gov/agencies/ebsa/employers-and-advisers/plan-administration-and-compliance/correction-programs/dfvcp*

See additional information on the DFVC Program at <https://www.askebsa.dol.gov/dfvcepay/>


Applying and paying electronically to the DFVC Program is required.

- Form 5500-SF instructions at **Delinquent Filer Voluntary Compliance (DFVC) Program, contain** conforming language that revises the last sentence of the second paragraph, which immediately precedes the Caution Box, to read as follows:

Payments under the DFVC Program must be submitted online. For information on how to pay DFVC Program payments online, go to <https://www.askebsa.dol.gov/dfvcepay/>

- Form 5500-SF Instructions at **Line C- Box for Filing Under the DFVC Program**, at the Caution Box, are revised so the last two sentences in the box read as follows:

Line C – Box for Filing Under the DFVC Program. Check this box if you are filing under DOL's Delinquent Filer Voluntary Compliance (DFVC) Program.

 *Checking this box does not enter you in the DFVC Program. You can enter the program at this site: www.dol.gov/agencies/ebsa/employers-and-advisers/plan-administration-and-compliance/correction-programs/dfvcp*

See additional information on the DFVC Program at <https://www.askebsa.dol.gov/dfvcepay/>

Applying and paying electronically to the DFVC Program is required.

Added Tip to Final Report Examples of Mergers/Consolidations

IRS and DOL amplify and clarify existing text in both Form 5500 and Form 5500-SF to remind plan administrators that a final return/report must be filed when all plan assets of one plan are legally transferred to the control of another plan. Additional clarity is needed for the specific situation where a single employer plan joins a multiple-employer


plan, for example, by joining a pooled employer plan (PEP). PEPs have been gaining in number and IRS has observed in their data that some single employers may not realize that by joining the PEP, and transferring all the plan's assets to the PEP, they must file a final report for the transferring plan. DOL and IRS believe that providing a Tip Box example will assist single plan filers that join multiple-employer plans, including PEPs, in recognizing and complying with final return filing obligations.

- Form 5500 instructions, **Section 3: Electronic Filing Requirements, Final Return/Report**, at the end of the examples section, a Tip Box is added to assist single plan filers that join MEPs, as shown below:

Examples:

Mergers/Consolidations

A final return/report should be filed for the plan year (12 months or less) that ends when all plan assets were legally transferred to the control of another plan.


 *When an existing single employer plan becomes a participating employer in a Multiple-Employer Plan, and all plan assets are legally transferred to that plan, a final return must be filed for that single employer plan.*

- At Form 5500-SF instructions, Line B- Box for Final Return/Report, at the end of the examples section text for Mergers/Consolidations, a Tip Box is added to assist single plan filers that join MEPs, as shown below:

Examples:


Mergers/Consolidations

A final return/report should be filed for the plan year (12 months or less) that ends when all plan assets were legally transferred to the control of another plan.

 *When an existing single employer plan becomes a participating employer in a Multiple-Employer Plan, and all plan assets are legally transferred to that plan, a final return must be filed for that single employer plan.*

Schedule R

IRS and DOL provided a clarifying update to Form 5500, **Schedule R instructions, Specific Instructions, Part I, Distributions**, to add a Tip Box that directs filers to the underlying DOL regulation on Participants Covered Under the Plan at 29 CFR 2510.3-3(d)(2) to assist them in filling out entries on Lines 1-3 with respect identifying those distributions that result in a participant no longer being covered under the plan. IRS is seeking to improve their ability to make comparisons and reconciliation of those lines to the categories of participants reported on Form 5500 at Line 6.

 *When making entries on Lines 1-3, see 29 CFR 2510.3-3(d)(2), which provides information on how to determine which employees remain Participants Covered Under the Plan in cases where one or more "Distributions" are made during the plan year being reported.*

Schedules MB and SB Actuary Name and Enrollment Number.

The agencies also added to a Tip Box to remind filers to confirm that the enrolled actuary's name matches their most recent enrollment number. The tips include a link to the IRS website where information on actuaries and their current enrollment numbers can be found. The IRS and PBGC believe that this will improve accuracy in identifying and monitoring actuaries who provide certain information on Schedule SB or Schedule MB for use by plan administrators in filing Form 5500 or Form 5500-SF (Schedule SB only).

- Form 5500 instructions for **Schedule MB at Statement by Enrolled Actuary**

TIP Before attaching your Schedule MB to Form 5500, it is important to confirm that the enrolled actuary's name matches their most recent enrollment number. Information can be found on the IRS website. See FAQ 7 at <https://www.irs.gov/tax-professionals/enrolled-actuaries/enrolled-actuary-frequently-asked-questions>.

- Form 5500 instructions for **Schedule SB at Statement by Enrolled Actuary**

TIP Before attaching your Schedule SB to Form 5500, it is important to verify that the enrolled actuary's name matches their most recent enrollment number. Information can be found on the IRS website. See FAQ 7 at <https://www.irs.gov/tax-professionals/enrolled-actuaries/enrolled-actuary-frequently-asked-questions>.

Schedule SB, Part V, Actuarial Assumptions

The IRS and PBGC also made a revision to the Schedule SB at the Line 23 instructions for the second required attachment, the “Schedule SB, Part V - Statement of Actuarial Assumptions/Methods” by adding the text shown in red to clarify the instructions regarding interest crediting rate assumptions. Certain applicable defined benefit plans, such as cash balance plans with variable crediting interest rates, must assume an interest crediting rate order to perform funding calculations, including the funding target and target normal cost. The revision clarifies that the assumed rate used to project account balances to the assumed retirement age should be included in the statement of actuarial assumptions. This rate is already determined by the plan actuary in performing the funding calculations and is typically documented among the actuarial assumptions used for these calculations, thus the clarification should not require plans to develop new information or perform additional calculations.

Attach a statement of actuarial assumptions and funding methods used to calculate the Schedule SB entries and label the statement “**Schedule SB, Part V – Statement of Actuarial Assumptions/Methods.**” The statement must describe all non-prescribed actuarial assumptions (e.g., retirement, withdrawal rates) used to determine the funding target and target normal cost, including the assumption as to the frequency with which participants are assumed to elect each optional form of benefit (including lump sum distributions), whether mortality tables are applied on a static or generational basis, whether combined mortality tables are used instead of separate annuitant and nonannuitant mortality tables (for plans with 500 or fewer participants as of the valuation date), and (for target normal cost) expected plan-related expenses and increases in compensation. For applicable defined benefit plans under Code section 411(a)(13)(C) and ERISA section 203(f)(3) (e.g., cash balance plans) the statement must include the assumptions used to convert balances to

annuities, and the interest crediting rate used to project the balance to the assumed retirement age (for participants whose assumed retirement age is not the age at valuation date). In addition, the statement must describe the method for determining the actuarial value of assets and any other aspects of the funding method for determining the Schedule SB entries that are not prescribed by law.