

# Required Beginning Dates

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## A. Background

This internal guidance contains rules for determining the latest permissible annuity starting date (the required beginning date) under Internal Guidance Annuity Starting Dates. This determination is significant because PBGC will pay retroactive benefits to payees who apply for benefits after the required beginning date. The internal guidance is based on the Internal Revenue Code provisions and IRS regulations on required minimum distributions from defined benefit pension plans. PBGC is revising this internal guidance to reflect the changes to the required beginning date rules prescribed by the SECURE 2.0 Act of 2022 (SECURE 2.0).

The Code and regulations generally require that a plan distribute a participant's benefit beginning no later than the "required beginning date." Prior to 2020, the required beginning date for participants (other than 5% owners) was generally April 1 of the calendar year following the later of (1) the calendar year in which the participant attains age 70 ½, and (2) the calendar year in which the participant separates from service. For 5% owners, the required beginning date was April 1 of the calendar year following the calendar year in which the participant attains age 70 ½, even if the participant has not retired. (Different rules apply in the case of participants who attained age 70 ½ before 1997.)

The SECURE Act of 2019 changed the age in the above requirements (the "mandatory retirement age") from 70 ½ to 72 for participants who had not reached age 70 ½ as of December 31, 2019. This change was reflected in the 4<sup>th</sup> Edition of this internal guidance.

The SECURE 2.0 Act of 2022 made further changes to the mandatory retirement applicable age for participants who were born after 1950: for those born in the years 1951-1959, the applicable age was changed to 73; and for those born after 1959, the applicable age was changed to 75.

The IRS regulations allow a pension plan to adopt for all participants a single rule that the required beginning date is April 1 of the calendar year following the calendar year in which the participant attains the mandatory retirement age, regardless of whether the participant continues to work for the employer. As in previous editions of this internal guidance, PBGC will continue to follow the plan's definition of the required beginning date but will treat DOPT as the date of separation from service for participants actively employed at DOPT.

With this edition, PBGC is also clarifying how we will determine the required beginning date for purposes of this internal guidance for participants who begin receiving required minimum distributions before DOPT.

## B. Scope and Effective Dates

This internal guidance applies to all annuity benefits in PBGC-trusted plans and is effective upon issuance and incorporates changes from SECURE 2.0 effective January 1, 2023.

## C. Definitions

**Required Beginning Date** means the latest permissible annuity start date which is the date by which a qualified retirement plan must begin to distribute an employee's plan benefits.

**Mandatory Retirement Age** means:

- Age 70 ½ for participants born on or before June 30, 1949;
- Age 72 for participants born on or after July 1, 1949, and on or before December 31, 1950;
- Age 73 for participants born on or after January 1, 1951, and on or before December 31, 1959; and
- Age 75 for participants born on or after January 1, 1960.

**Table 1. Participants' Mandatory Retirement Ages**

Date of Birth on or after	Date of birth on or before	Mandatory Retirement Age
	June 30, 1949	70 ½
July 1, 1949	December 31, 1950	72
January 1, 1951	December 31, 1959	73
January 1, 1960		75

## D. Internal Guidance

### 1. General Rule

- a. For a **participant who reaches their mandatory retirement age on or after DOPT**, the required beginning date (RBD) is April 1 of the calendar year following the calendar year in which they reached their mandatory retirement age.

- b. For a **participant who reaches their mandatory retirement age before DOPT**, the required beginning date is determined under plan provisions. If the participant has not separated from service as of DOPT, PBGC will treat DOPT as the date of separation from service for determining the required beginning date under the plan.
  - Different rules apply if a participant attained age 70 ½ before 1997; request guidance by emailing PSDGuidance@pbgc.gov if this situation arises.
  - If a participant separates from service after DOPT and before PBGC assumes the payment of benefits for the plan, and the plan puts the participant into pay on or before their RBD in accordance with the terms of the plan but after their RBD as determined under (b) above, PBGC may treat the RBD determined in accordance with the plan as their RBD for purposes of this internal guidance. Request guidance by emailing PSDGuidance@pbgc.gov if this situation arises.
  - If a participant begins receiving required minimum distributions before DOPT, PBGC may treat the date the required minimum distributions stopped (if applicable), or the first day of the month coincident with or next following DOPT if earlier, as the participant's required beginning under this internal guidance. Request guidance by emailing PSDGuidance@pbgc.gov if this situation arises.
- c. For an **alternate payee under a separate interest QDRO**, the required beginning date is the participant's required beginning date.
- d. If a participant dies before their required beginning date and before applying for benefits, the required beginning date for their **QPSA beneficiary**, including an alternate payee treated as a participant's spouse under a QDRO, is the later of December 1 of the calendar year immediately following the calendar year in which the participant died and December 1 of the calendar year in which the participant would have reached their mandatory retirement age.
- e. If a participant dies before their required beginning date and before applying for benefits, and benefits are payable to a non-spouse beneficiary the required beginning date for the **non-spouse beneficiary** is December 1 of the calendar year immediately following the calendar year in which the participant died.

## 2. Deaths on or after required beginning date and before applying for benefits

- a. If a **participant is married** on their required beginning date and dies on or after their required beginning date and before applying for benefits, back payments for a QJSA are owed to the deceased participant from the annuity starting date to the date of death. A continuing annuity is payable to the participant's spouse as of the required beginning date (or, if the benefit is subject to a QDRO assigning the QJSA rights to a former spouse, the alternate payee designated under that QDRO) if the spouse outlives the participant. Unless the participant is entitled to an earlier retroactive annuity starting date under Internal Guidance Annuity Starting Dates, the annuity starting date for the QJSA is the participant's required beginning date.
- b. If a **participant is unmarried** on their required beginning date and dies on or after their required beginning date and before applying for benefits, back payments in the plan's automatic form of benefit for unmarried participants are owed to the participant from the participant's annuity starting date to the date of death. (However, if the benefit is subject to a QDRO assigning the QJSA rights to a former spouse, the participant should be treated as married with the alternate payee under that QDRO treated as the spouse.) If the plan's automatic form of benefit for unmarried participants provides for payments to a

beneficiary, then additional payments may be due to the participant's beneficiary. Unless the participant is entitled to an earlier retroactive annuity starting date under Internal Guidance Annuity Starting Dates, the annuity starting date is the participant's required beginning date.

- c. If a **QPSA beneficiary** (including an alternate payee who, under a QDRO, is treated as the participant's surviving spouse) defers receipt of QPSA benefits beyond their required beginning date and dies before applying for benefits, back payments are owed to their beneficiary from the QPSA beneficiary's annuity starting date to the date of death. Unless the QPSA beneficiary is entitled to an earlier retroactive annuity starting date under Internal Guidance Annuity Starting Dates, the annuity starting date is the QPSA beneficiary's required beginning date.
- d. If an **alternate payee under a QDRO** dies on or after the participant's required beginning date and before applying for benefits, request guidance by emailing PSDGuidance@pbgc.gov. Whether or not a benefit is payable depends on the terms of the QDRO.