



Legislative and Regulatory Report

A monthly review of the latest information of importance to retirement plan sponsors

August 2023

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IRS provides 2-year delay for SECURE 2.0 Roth catch-up provision

On August 25, the IRS issued [Notice 23-62](#) addressing the Roth catch-up contribution provision in SECURE 2.0. The notice announces a 2-year administrative transition period with respect to the requirement under section 603 of the SECURE 2.0 Act that catch-up contributions made on behalf of certain eligible participants be designated as Roth contributions. During this period, employees who earned more than \$145,000 in FICA wages from the employer in the preceding year may continue to make pretax catch-up contributions, despite the SECURE 2.0 provision that would require those catch-up contributions to be made on a Roth basis. The notice is not intended to provide comprehensive guidance as to section 603, and the IRS requests comments on the rule, which are due by October 24, 2023.

DOL seeks feedback on SECURE 2.0 implementation

On August 10, the Department of Labor released a [Request for Information](#) seeking public feedback on several provisions of SECURE 2.0 that “principally impact” reporting and disclosure requirements under ERISA. Responses to the RFI will be used to inform any later rulemaking or other action by DOL on the SECURE 2.0 provisions addressed by the RFI. Comments on the RFI will be due 60 days after the RFI is published in the Federal Register. Assuming the RFI is published on August 11 as expected, this would mean comments are due October 10. DOL also invites stakeholders to provide any available relevant data.

Tip: Click on highlighted words to go to the topic being discussed.

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Lawmakers reintroduce spousal consent bill for DC plans

On August 8, Rep. Lauren Underwood (D-IL) and Sen. Tammy Baldwin (D-WI) [reintroduced](#) the Women's Retirement Protection Act of 2023 (WRPA). The legislation would establish spousal protections (e.g., spousal consent requirements) for defined contribution plans. These protections will be similar to those available for defined benefit plans. The legislation would also provide funding to, among other things, help women with low incomes and survivors of domestic abuse get qualified domestic relations orders and make sure they receive the retirement benefits they are entitled to following a divorce or legal separation. A previous version of the legislation included a provision expanding retirement plan eligibility for part-time workers. That provision was included in SECURE 2.0.

References and source material used in this publication

"Guidance on Section 603 of the SECURE 2.0 Act with Respect to Catch-Up Contributions," <https://www.irs.gov/pub/irs-drop/n-23-62.pdf> (Aug. 25, 2023).

"Request for Information-SECURE 2.0 Reporting and Disclosure," <https://www.federalregister.gov/documents/2023/08/11/2023-17249/request-for-information-secure-20-reporting-and-disclosure> (Aug. 11, 2023).

"Underwood, Baldwin Introduce Legislation to Protect Women's Retirement Security," <https://underwood.house.gov/media/press-releases/underwood-baldwin-introduce-legislation-protect-womens-retirement-security> (Aug. 8, 2023).

Keeping watch

You can find the most recent information on issues affecting governmental defined contribution plans, plan sponsors and plan participants on the Employer page of our plan website, NRSforu.com/plansponsor.



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NRM-22060AO (09/23)

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