

Plan Legislative and Regulatory Update

Department of Labor (DOL) Releases Cybersecurity Guidance

On April 14th, the DOL released new guidance for plan fiduciaries, recordkeepers, and plan participants on cybersecurity best practices.¹ The goal of this guidance is to provide clarity and tips on maintaining and protecting online retirement accounts. The guidance was provided in three forms:

- [Tips for Hiring a Service Provider with Strong Cybersecurity Practices](#) – provides guidance to plan sponsors on hiring service providers and monitoring their cybersecurity policies.
- [Cybersecurity Program Best Practices](#) – provides plan sponsors and recordkeepers with guidance on protecting participants' online retirement accounts and managing cybersecurity risk.
- [Online Security Tips](#) – provides plan participants and beneficiaries guidance on how to protect their online retirement accounts.

NWCM recently hosted a cybersecurity best practices webinar with a guest IT expert. Click [here](#) to view this on-demand webinar.

Action Item: Review the DOL guidance and educate staff on cybersecurity best practices.

SECURE 2.0 Update

On May 5, 2021, the House Ways and Means Committee unanimously passed the [Securing a Strong Retirement Act of 2021](#) (also known as the "SECURE 2.0").² The bill is now eligible to be considered by the full House chamber and companion legislation has been introduced in the Senate. The legislation has strong bipartisan support in both the House and Senate and is seen as likely to be signed into law in 2021.³ Key proposals of SECURE 2.0 include the following:

- Mandatory automatic enrollment and escalation
- Changes to required minimum distribution (RMD) rules
- The authorization of student loan matching contributions
- The expansion of part-time worker eligibility
- Increased catch-up contributions

Action Item: While it is possible that the provisions may be adjusted before a final bill is passed, plan sponsors may want to begin reviewing the provisions now and consider a strategy for implementation.

DOL Agenda

On June 11, 2021, the DOL released its federal regulatory agenda for Spring 2021, outlining its priorities for the upcoming months.⁴ This was the first such release under the new Biden Administration.

According to Acting Assistant Secretary Ali Khawar, the DOL will issue a new rule on environmental, social, and corporate governance (ESG) retirement investing this September and will revise its Fiduciary rule by the end of the year.⁵

Other retirement related agenda items include the following:

- Further details on the implementation of consolidated Form 5500 filings
- A final rule on Lifetime Income Illustrations
- Amendments to the Voluntary Fiduciary Correction Program

The DOL's agenda can be viewed in full [here](#). It is important to note that the regulatory agenda is subject to change and may not be all inclusive. NWCM will continue to keep plan sponsors apprised of any relevant developments.

Action Item: If you have questions about any of the guidance, regulatory agenda items, or proposed legislation please feel free to contact your NWCM advisor.

Check out the latest in our ongoing series on [Plan Sponsor Best Practices here](#).



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Upcoming Plan Document Deadlines

Date	Legislation	Description
July 31 st , 2022	Cycle 3 Post-PPA Restatement	Every 6 years pre-approved 401(k) plan documents must be restated to incorporate legislative changes. By this date, all pre-approved 401(k) plans must be restated onto a post-PPA document. Reach out to your recordkeeper to confirm that your plan document is being restated.
December 31 st , 2022	CARES Act	If Coronavirus-Related Distributions or Loans were issued during the 2020 plan year, a retroactive plan amendment must be completed by December 31 st , 2022 (or by the end of 2024 for governmental plans).
December 31 st , 2022	SECURE Act	The required amendments for any of the optional retirement plan changes in the SECURE Act (such as qualified birth and adoption distributions) must be completed by December 31 st , 2022 (or by the end of 2024 for governmental plans and collectively bargained plans).

Note: Plan amendments for SECURE Act and CARES Act changes aren't due until December 31st, 2022. However, if you made discretionary changes to your qualified retirement plan in 2021 unrelated to the SECURE Act or CARES Act, plan amendments documenting those changes must be adopted by December 31st, 2021 (for calendar-year plans).

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