

Legal Update

Brought to you by: Potomac Companies, Inc

“SECURE 2.0” Becomes Law

On Dec. 29, 2022, President Biden signed the [Consolidated Appropriations Act of 2023](#), an omnibus bill that includes the “SECURE 2.0” legislation, referred to as such because it builds on the Setting Every Community Up for Retirement Enhancement (SECURE) Act of 2019.

Key SECURE 2.0 provisions include:

- **Expanding automatic enrollment** in 401(k) and 403(b) retirement plans (for plan years beginning after Dec. 31, 2024);
- **Increasing the age for required minimum distributions** (the SECURE Act increased this to age 72, while SECURE 2.0 raises the age further to 73 starting on Jan. 1, 2023, and to age 75 on Jan. 1, 2033);
- **Further reducing the years of service requirements** for part-time workers to participate in 401(k) plans (for plan years beginning after Dec. 31, 2024);
- **Indexing IRA catch-up contribution limits for people aged 50 and over** (for taxable years beginning after Dec. 31, 2023);
- **Increasing the catch-up limit to apply at age 60, 61, 62 and 63** (for taxable years beginning after Dec. 31, 2024);
- **Allowing SIMPLE IRAs to accept Roth contributions** (for tax years beginning after Dec. 31, 2022);
- **Treating student loan payments as elective deferrals for purposes of matching contributions** (for plan years beginning after Dec. 31, 2023);
- **Modifying the credit for small employer pension plan startup costs** (for taxable years beginning after Dec. 31, 2022);
- **Establishing a national, online Retirement Savings Lost & Found Database** for workers and retirees to find their lost retirement accounts (no later than two years after the date of enactment); and
- **Allowing small immediate financial incentives** for contributing to a workplace retirement plan (effective for plan years beginning after the date of enactment).

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Legislative Resources

Bill Summary

A summary of the bill can be found [here](#).

Section-by-Section Summary

A section-by-section summary of the legislation can be found [here](#).

Original SECURE Act

The U.S. Department of Labor has created a [SECURE Act webpage](#) for more information on the 2019 law.

The bipartisan legislation builds on the original SECURE Act of 2019, with varying effective dates for its numerous provisions.