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Publicly Sponsored Private Retirement Programs: Comparison of Plan Design Options and Features

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The Federal Government Clears the Path for States to Innovate – A Review of the Options and Features

This chart summarizes the range of plan design options and their features available to states to expand access to simple, low cost retirement savings options for private sector workers. The federal government took action in 2016 to "clear the pathway" and expand the options available to states. These actions include:

1) **Creating a New Employee Retirement Income Security Act of 1974 (ERISA) Safe Harbor for Publicly Sponsored Auto-Enroll Individual Retirement Accounts (IRAs)**. On August 30, 2016, the U.S. Department of Labor (DOL) published a final rule related to Savings Arrangements Established by States for Non-Governmental Employees establishing a new safe harbor for state savings arrangements that allow qualifying state payroll deduction IRA programs using auto-enrollment to be exempt from ERISA. Also on August 30, 2016, DOL published a proposed rule for public comment that would allow certain state political subdivisions, such as cities, to establish similar types of plans.

2) **Issuing Guidance Regarding Publicly Sponsored ERISA Plans**. On November 18, 2015, DOL issued Interpretive Bulletin 2015-02 regarding certain state laws designed to expand the retirement savings options available to their private sector workers through ERISA-covered retirement plans. The guidance outlined three specific approaches states may choose to take including marketplaces, open multiple-employer plans (MEPs) and master and prototype plans.

3) **Launching the Federal myRA program.** Beginning in November 2015, this program has made available to workers a voluntary Roth IRA without fees and the ability set up automatic contributions of any amount desired by the worker.

These programs and policies expand the options available to states to beyond what already existed, which was a **1975 original safe harbor for payroll deduction IRAs** (See 29 CFR 2510.3-2(d); 40 FR 34526 (Aug. 15, 1975)).

This chart compares the features of all of these plan design options. The original 1975 safe harbor outlines conditions under which payroll deduction IRAs offered by employers would not be treated as ERISA plans. The conditions include requirements that: the employer make no contributions; the employer does not endorse the plan; and the employee's participation is "completely voluntary." This original safe harbor remains available to employers and now to states that wish to sponsor payroll deduction IRA plans. The new, second safe harbor was determined to be needed because a program using automatic enrollment ("auto-enroll") was determined by DOL to not meet the conditions of "completely voluntary" as outlined in the 1975 safe harbor.

States Are Leading the Way. The options outlined in this chart do not restrict options that states could take to promote retirement security for private-sector workers. As the DOL has noted, states have the ability to experiment (29 CFR 2510.3-2(a)) and may take "additional or different action…with other programs or arrangements" (80 Fed. Reg. 59466 (August 30, 2016)). States have begun to look at hybrid options combining different plan options and features. For example, the Retirement Security Study Group of the New York City's Office of the Comptroller recommended offering a voluntary retirement program NYC Marketplace including a new publicly sponsored Empire City 401(k) Multiple Employer Plan (MEP) and a new default Roth IRA for those employers who do not already have or provide a retirement plan either on their own or through the publicly sponsored marketplace.

What is important to note in this overview of plan design options is the number of options available to states and *most of the options are voluntary participation for both the employer and employee*, most notably for ERISA-covered plans **(shown as "Voluntary" in the chart)**. Of the six options presented in this chart, *there is only one option where employer participation must be mandated by a state (and employee participation remains voluntary through use of the opt-out option)* and that is if the payroll deduction IRA program uses auto-enrollment as outlined in the new safe harbor established by the U.S. Department of Labor **(shown as "Mandatory" in the chart)**.

Consistent with the history of 529 college savings plans, the federal government has taken action to support policies encouraging innovation at the state level. The federal government took such action to allow states to move forward with programs they had *already established*, primarily mandatory auto-IRA programs (more commonly referred to as "Secure Choice"). The federal government stepped out of the way of these states. The federal government must continue to work collaboratively with states and cities to develop *and implement* innovative and successful programs that will strengthen the retirement security for the millions of American workers today who lack access to simple, low-cost ways to save.

	Voluntary					Mandatory
	Multiple Employer Plan (“MEP”)/ 401(k)	**Master and Prototype (“Prototype”)**	**Marketplace**	**myRA**	**Payroll Deduction IRAs**	**Auto-IRAs**
ERISA Applicability	Yes ERISA provides a well-established uniform regulatory structure with important consumer protections, including fiduciary obligations, automatic enrollment rules, recordkeeping and disclosure requirements, legal accountability provisions, and spousal protections.	Yes	The marketplace is itself not a plan and would not be ERISA-regulated. The plans and other arrangements available to employers through the marketplace could include ERISA-covered plans and other non-ERISA savings arrangements.[1]	No[2]	No The DOL established a 1975 safe harbor (See 29 CFR 2510.3-2(d); 40 FR 34526 (Aug. 15, 1975)) outlining conditions under which payroll deduction IRAs would not be treated as ERISA plans if provided voluntarily by employers. The conditions set out that employee participation is “completely voluntary” (meaning decision regarding an employee’s enrollment in the program is made by the employee not the employer) and highlight that limited employer involvement as key to determining whether the employer has not established or maintained an employee benefit plan.	Not subject to ERISA

[1] 80 Fed. Reg. 71,937 (November 18, 2015) -Interpretive Bulletin Relating to State Savings Programs That Sponsor or Facilitate Plans Covered by the Employee Retirement Income Security Act of 1974,

[2] DOL responded to the Treasury Department on December 15, 2014 regarding ERISA’s applicability to President Obama’s myRA program. In the letter, DOL wrote that, given the absence of any employer funding or role in myRA’s administration or design, it was the DOL’s view that an employer would not be establishing or maintaining an “employee pension benefit plan” under ERISA.

	Voluntary					Mandatory
	Multiple Employer Plan ("MEP")/ 401(k)	**Master and Prototype ("Prototype")**	**Marketplace**	**myRA**	**Payroll Deduction IRAs**	**Auto-IRAs**
State Role	The state, or designated governmental agency or instrumentality would be the plan sponsor under ERISA and the named fiduciary and plan administrator responsible (either directly or through contracted agents) for administering the plan, selecting service providers, communicating with employees, paying benefits, and providing other plan services. Fiduciary responsibilities would be assigned to the parties responsible for administration and management of the state MEP.	In a state administered prototype plan the state or state designee assumes responsibility for ERISA compliance. The degree of state involvement would depend on the program's structure, but would be less than under MEP approach (e.g., adopting employers would be plan sponsors and named fiduciary). Thus, the state or a designated third-party could assume responsibility for most administrative and asset management functions of an employer's prototype plan. The state could also designate low-cost investment options and a third-party administrative service provider for its prototype plans.[3]	The state would contract with the private sector to establish a program that connects eligible employers with qualifying savings plans available in the private sector market. The state would set standards to determine whether products are suited for small employers, provide good quality, and charge low fees to be included in the marketplace.[4]	No action from the state is required. However, states may consider whether and how they may want to incorporate myRA accounts into their programs.	The state may establish a voluntary payroll deduction IRA, but only may use the auto-enrollment feature and be exempt from ERISA if the program is mandatory (see Mandatory Auto-IRAs).	- The program must be specifically established pursuant to state law.[5] - The state may delegate implementation and administrative authority (rulemaking, contracting with third-party vendors, and investing, etc.) to a board, committee, or other similar governmental agency or instrumentality of the state.[6] - The state must adopt measures to ensure that employees are notified of their rights under the program and create mechanisms for enforcing those rights.[7] - States are not made guarantors or held strictly liable for employers' failures to transmit payroll deductions safely, appropriately, and in a timely fashion. - States are permitted to adopt timing and enforcement provisions specific to their respective programs.

[3] 80 Fed. Reg. 71,938 (November 18, 2015)
[4] 80 Fed. Reg. 71,937 (November 18, 2015)
[5] 29 CFR 2510.3-2(h)(1)(i)
[6] 29 CFR 2510.3-2(h)(1)(ii)
[7] 29 CFR 2510.3-2(h)(1)(iv)

	Voluntary					Mandatory
	Multiple Employer Plan ("MEP")/ 401(k)	**Master and Prototype ("Prototype")**	**Marketplace**	**myRA**	**Payroll Deduction IRAs**	**Auto-IRAs**
Employer Participation/ Availability to Other Employers	Voluntary. Employers meeting the specified eligibility criteria would be permitted to join the plan.[8]	Voluntary. Employers meeting the specified eligibility criteria would be permitted to adopt the plan.	Voluntary. Employers would be free to use the marketplace and are not required to establish any savings plans for their employees.[9]	Voluntary	Voluntary	Mandatory. Any employer not mandated by law to participate that voluntarily chooses to automatically enroll its employees in a state payroll deduction savings program has likely established an employee benefit plan under ERISA and would not be eligible for the ERISA safe harbor unless employees can only voluntarily contribute (no auto enrollment).[10]

[8] 80 Fed. Reg. 71,938 (November 18, 2015)
[9] 80 Fed. Reg. 71,937 (November 18, 2015)
[10] 80 Fed. Reg. 59,470 (August 30, 2016)

	Voluntary					Mandatory
	Multiple Employer Plan (“MEP”)/ 401(k)	**Master and Prototype (“Prototype”)**	**Marketplace**	**myRA**	**Payroll Deduction IRAs**	**Auto-IRAs**
Employer Role	Employers would be required to execute a participation agreement. Each employer that chose to participate would not be considered to have established its own “single employer” ERISA plan. Participating employers would not act as a plan administrator or named fiduciary. Although employers would have a duty to prudently select the arrangement and to monitor its operation, it would generally be limited to enrolling employees in the state plan and forwarding voluntary employee and employer contributions to the plan. Only a single Form 5500 Annual Return/Report would be filed. A MEP may allow participating employers to specify employer and employee contributions and maintain unique plan benefit formulas.[11]	Each employer that adopts the prototype sponsors an ERISA plan for its employees and would assume the same fiduciary obligations associated with sponsorship of any ERISA-covered plan, but the plan documents for a state-administered prototype plan would designate the state or a state designee to perform many of the functions of a plan's named fiduciary and plan administrator responsible for complying with ERISA. Employers would be able to choose certain features of the plan such as contribution rates.[12]	The employer would establish the savings arrangement, whether it is an ERISA-covered employee benefit plan or a non-ERISA savings arrangement.[13]	Employers would share myRA information with employees, and set up payroll deduction for employees or inform them of other ways that they can fund their accounts. There is no cost to opening an account and employers would not administer, contribute to, or match employee contributions.[14]	Employers would not endorse the program and would act only as a facilitator of information between the IRA provider and their employees.	The employer's role must be limited to ministerial activities (collecting payroll deductions and remitting them to the program). Such duties include maintaining records of the payroll deductions and remittance of payments, providing information to the state necessary for the operation of the program and distributing program information from the state program to employees.[15]

[11] 80 Fed. Reg. 71,938 (November 18, 2015)
[12] 80 Fed. Reg. 71,938 (November 18, 2015)
[13] 80 Fed. Reg. 71,937 (November 18, 2015)
[14] https://myra.gov/employers/
[15] 29 CFR 2510.3-2(h)(1)(vii)

	Voluntary					Mandatory
	Multiple Employer Plan ("MEP")/ 401(k)	**Master and Prototype ("Prototype")**	**Marketplace**	**myRA**	**Payroll Deduction IRAs**	**Auto-IRAs**
Employer Contribution	Permitted	Permitted	Permitted	Not permitted	Not permitted	Not permitted[16]
Structure of Accounts	401(k), defined benefit plan or other tax qualified retirement savings program.	401(k) or other tax-favored retirement plans such as a SIMPLE IRA plan.	ERISA and non-ERISA covered plans, such as SIMPLE IRAs, payroll deduction IRAs, Roth IRAs, 401(k)s, etc.	Roth IRA	Payroll deduction IRAs (options include traditional and Roth IRAs)	Payroll deduction IRAs (options include traditional and Roth IRAs)

[16] 29 CFR 2510.3-2(h)(1)(viii)

	Voluntary					Mandatory
	Multiple Employer Plan ("MEP")/ 401(k)	**Master and Prototype ("Prototype")**	**Marketplace**	**myRA**	**Payroll Deduction IRAs**	**Auto-IRAs**
Contribution Limits[17]	401(k): $18,000 ($24,000 for individuals age 50 and over). Annual additions paid to an individual's account cannot exceed $54,000 (or $60,000 including catch-up contributions) or 100 percent of an individual's compensation, whichever is less.[18] Required minimum distribution begins generally on April 1 following the later of the calendar year in which the account holder either reaches age 70.5 or retires.	SIMPLE IRA: No more than $12,500 a year ($15,500 for individuals age 50 and older)[19] Required minimum distribution for a SIMPLE IRA begins on April 1 of the year following the calendar year in which the account holder reaches age 70.5.[20]	Dependent on product – as noted for 401(k)s, SIMPLE IRAs, payroll deduction IRAs, etc.	Once account reaches $15,000 or has been held for 30 years, it must roll over into a private-sector Roth IRA. Contribution rules for Roth IRAs apply: Cannot be more than $5,500 per year ($6,500 for individuals age 50 and older) or the taxable compensation for the year.[21]	Traditional and Roth IRAs: Cannot be more than $5,500 per year ($6,500 for individuals age 50 and older) or the taxable compensation for the year.[22] <u>Traditional IRA:</u> Contributions may be fully or partly deductible and generally amounts in the account (including earnings and gains) are not taxed until distributed.[23] Required minimum distribution begins on April 1 of the year following the calendar year in which the account holder reaches age 70.5.[24] <u>Roth IRA:</u> Contributions are not deductible and qualified distributions are tax-free. Contributions are permitted after the age of 70.5. and minimum distributions do not apply to employee.[25]	Traditional and Roth IRAs: Cannot be more than $5,500 per year ($6,500 for individuals age 50 and older) or the taxable compensation for the year.[26] <u>Traditional IRA:</u> Contributions may be fully or partly deductible and generally amounts in the account (including earnings and gains) are not taxed until distributed.[27] Required minimum distribution begins on April 1 of the year following the calendar year in which the account holder reaches age 70.5.[28] <u>Roth IRA</u>: Contributions are not deductible and qualified distributions are tax-free. Contributions are permitted after the age of 70.5. and minimum distributions do not apply to employee.[29]

[17] Figures are for tax year 2017.
[18] https://www.irs.gov/retirement-plans/plan-participant-employee/retirement-topics-401k-and-profit-sharing-plan-contribution-limits
[19] https://www.irs.gov/retirement-plans/plan-participant-employee/retirement-topics-simple-ira-contribution-limits
[20] https://www.irs.gov/retirement-plans/plan-participant-employee/retirement-topics-required-minimum-distributions-rmds
[21] https://myra.gov/how-it-works/
[22] https://www.irs.gov/retirement-plans/cola-increases-for-dollar-limitations-on-benefits-and-contributions
[23] https://www.irs.gov/retirement-plans/traditional-iras
[24] https://www.irs.gov/retirement-plans/plan-participant-employee/retirement-topics-required-minimum-distributions-rmds
[25] https://www.irs.gov/retirement-plans/roth-iras
[26] https://www.irs.gov/retirement-plans/cola-increases-for-dollar-limitations-on-benefits-and-contributions
[27] https://www.irs.gov/retirement-plans/traditional-iras
[28] https://www.irs.gov/retirement-plans/plan-participant-employee/retirement-topics-required-minimum-distributions-rmds
[29] https://www.irs.gov/retirement-plans/roth-iras

	Voluntary					Mandatory
	Multiple Employer Plan ("MEP")/ 401(k)	**Master and Prototype ("Prototype")**	**Marketplace**	**myRA**	**Payroll Deduction IRAs**	**Auto-IRAs**
Income Limits for Contribution[30]	401(k): None. However, there is a compensation limit which determines how much of an individual's compensation can be accounted for when determining contribution limits. This figure is $270,000 for 2017.[31]	See MEPs for 401(k)s. SIMPLE IRAs have an income limit of $270,000.[32]	Dependent on product	Rules for Roth IRA would apply: Contributions are not allowed for adjusted gross income greater than $196,000 a year for those who are married and filing jointly and $133,000 a year for those filing as single.[33]	Roth IRA: Contributions are not allowed for adjusted gross income greater than $196,000 a year for those who are married and filing jointly and $133,000 a year for those filing as single.[34] Traditional IRA: There is no income limit. However, if individual also is eligible to participate in a 401(k) or other employer plan, tax deductions received on contributions are phased based on income. Participants receive no deductions if earning $119,000 or more for those filing jointly and $72,000 or more for those filing as single.[35]	Roth IRA: Contributions are not allowed for adjusted gross income greater than $196,000 a year for those who are married and filing jointly and $133,000 a year for those filing as single.[36] Traditional IRA: There is no income limit. However, if individual also is eligible to participate in a 401(k) or other employer plan, tax deductions received on contributions are phased based on income. Participants receive no deductions if earning $119,000 or more for those filing jointly and $72,000 or more for those filing as single.[37]

[30] Figures are for tax year 2017.
[31] https://www.irs.gov/retirement-plans/401k-plans-deferrals-and-matching-when-compensation-exceeds-the-annual-limit
[32] https://www.irs.gov/retirement-plans/retirement-plans-faqs-regarding-seps-contributions
[33] https://www.irs.gov/uac/newsroom/irs-announces-2017-pension-plan-limitations-401k-contribution-limit-remains-unchanged-at-18000-for-2017
[34] Ibid.
[35] Ibid.
[36] Ibid.
[37] Ibid.

	Voluntary					Mandatory
	Multiple Employer Plan ("MEP")/ 401(k)	**Master and Prototype ("Prototype")**	**Marketplace**	**myRA**	**Payroll Deduction IRAs**	**Auto-IRAs**
Automatic Enrollment	Permitted. The Pension Protection Act of 2006 made it clear that automatic enrollment is not prohibited by state wage withholding laws. It also incentivized employers to use automatic enrollment by creating a safe harbor from (i) fiduciary responsibility for the selection of certain default investments (*e.g.*, target date funds) and (ii) tax non-discrimination testing, provided the employer automatically enrolls employees at a certain rate (starting at 3% and escalating to at least 6%) and makes certain matching or non-matching contributions. Employers are not required to comply with the safe harbors.	Permitted. The Pension Protection Act of 2006 made it clear that automatic enrollment is not prohibited by state wage withholding laws. It also incentivized employers to use automatic enrollment by creating a safe harbor from (i) fiduciary responsibility for the selection of certain default investments (*e.g.*, target date funds) and (ii) tax non-discrimination testing, provided the employer automatically enrolls employees at a certain rate (starting at 3% and escalating to at least 6%) and makes certain matching or non-matching contributions. Employers are not required to comply with the safe harbors.	Permitted as noted for 401(k) plans pursuant to the Pension Protection Act of 2006 (as described for MEPs and Prototype Plan). However, if an employer chooses to use an IRA plan, it could not use auto-enrollment without being considered an employee benefit plan subject to ERISA.	Not permitted	Not permitted	Permitted[38]

[38] 29 CFR 2510.3-2(h)(2)(iii)

	Voluntary					Mandatory
	Multiple Employer Plan ("MEP")/ 401(k)	**Master and Prototype ("Prototype")**	**Marketplace**	**myRA**	**Payroll Deduction IRAs**	**Auto-IRAs**
Employee Opt-out	Permitted under a plan which allows for automatic enrollment. Employees must be given adequate advance notice and have the right to opt out.	Permitted under a plan which allows for automatic enrollment. Employees must be given adequate advance notice and have the right to opt out.	Permitted under a plan which allows for automatic enrollment. Employees must be given adequate advance notice and have the right to opt out.	Not applicable	Not applicable	Permitted. Employees must be given adequate advance notice and have the right to opt out.[39]
Tax & Other Incentives	Tax credits are permissible to allow small employers to offset part of the costs of starting certain types of retirement plans.[40]	Tax credits are permissible to allow small employers to offset part of the costs of starting certain types of retirement plans.[41]	Tax credits are permissible to allow small employers to offset part of the costs of starting certain types of retirement plans.[42]	Availability of federal Retirement Savings Contribution Credit (Saver's Credit).	Availability of federal Retirement Savings Contribution Credit (Saver's Credit).	States may use tax incentives or credits, as long as they ensure that economic incentives are narrowly tailored to reimbursing employers for their costs under the payroll deduction savings programs. States may not provide rewards for employers that incentivizes participation in state programs instead of establishing employee pension benefit plans.[43] Allowable incentives may include disseminating information about the federal Retirement Savings Contributions Credit (Saver's Credit).[44]

39 Ibid.
40 80 Fed. Reg. 71,937 (November 18, 2015)
41 Ibid.
42 Ibid.
43 80 Fed. Reg. 59,467 (August 30, 2016)
44 The Saver's Credit is available for individuals making eligible contributions to an IRA or employer-sponsored retirement plan. It is available to those aged 18 or older, not a full-time student and not claimed as a dependent on another person's return who earn less than $31,000 a year as a single or $62,000 as married filing jointly. Although the Saver's Credit is non-refundable (and so does not provide a refund), it can be combined with another refundable tax credit, such as the Earned Income Tax Credit, to allow a filer to receive a refund.

	Voluntary					Mandatory
	Multiple Employer Plan ("MEP")/ 401(k)	**Master and Prototype ("Prototype")**	**Marketplace**	**myRA**	**Payroll Deduction IRAs**	**Auto-IRAs**
Investment Options	Determination is left to the state, or a designated governmental agency of instrumentality, either directly or through one or more contract agents.[45]	The state could designate low-cost investment options and a third-party administrative service provider for its prototype plans.[46]	Dependent on product	Invests solely in a Treasury retirement savings bond.[47]	Responsibility left to IRA providers.	Determination is left to the state[48] or a designated governmental agency of instrumentality, either directly or through one or more contract agents.

[45] 80 Fed. Reg. 71,938 (November 18, 2015)
[46] Ibid.
[47] https://myra.gov/how-it-works/
[48] 80 Fed. Reg. 59,467 (August 30, 2016)

	Voluntary					**Mandatory**
	Multiple Employer Plan ("MEP")/ 401(k)	**Master and Prototype ("Prototype")**	**Marketplace**	**myRA**	**Payroll Deduction IRAs**	**Auto-IRAs**
Withdrawal Options	401(k): Hardship withdrawals are allowed, including for: • Medical expenses for an individual, spouse, or dependents • Purchasing principal residence • Postsecondary education expenses for an individual, spouse, or dependents • Payments to prevent eviction or foreclosure on residence • Funeral expenses • Certain expenses relating to repair to principal residence Generally, withdrawals made before age 59.5 are taxed at 10 percent, unless they fall under exceptions.[49] Plan also may allow hardship withdrawals of employer contributions.	Early withdrawals from IRAs (including SIMPLE-IRA) are permissible at any time without a need to show hardship. Early withdrawals will be included in taxable income and may be subject to a 10 percent additional tax for those under the age of 59.5. Exceptions to the 10 percent tax are made for disability, higher education expenses, first time homebuyers, and medical expenses. There is an additional tax of 25 percent if withdrawals are made from a SIMPLE IRA plan within the first two years of participation.[50] 401(k) prototypes are covered by the same rules discussed under MEPs.	Dependent on product	Roth IRA: No penalties or taxes for a qualified distribution (payment or distribution made 5 years after the first contribution and after age 59.5 or made due to disability, made to a beneficiary after death, or to meet the requirement of a first home purchase). All withdrawals of contributions are tax free. An individual under age 59.5 may have to pay an additional 10 percent tax on withdrawal of accumulated investment income unless the withdrawal qualifies for exceptions.[51]	Traditional IRA: Any deductible contributions and earnings that are withdrawn or distributed are taxable. An individual under age 59.5 may have to pay an additional 10 percent tax unless the withdrawal qualifies for exceptions.[52] Roth IRA: No penalties or taxes for a qualified distribution (payment or distribution made 5 years after the first contribution and after age 59.5 or due to disability, made to a beneficiary after death, or to meet the requirement of a first home purchase).[53] All withdrawals of contributions are tax free. An individual before age 59.5 may have to pay an additional 10 percent tax on withdrawal of accumulated investment income unless the withdrawal qualifies for exceptions. [54]	States have the control to establish restrictions on withdrawals from IRAs to limit leakage.[55] Traditional IRA: Any deductible contributions and earnings that are withdrawn or distributed are taxable. An individual under age 59.5 may have to pay an additional 10 percent tax unless the withdrawal qualifies for exceptions. [56] Roth IRA: No penalties or taxes for a qualified distribution (payment or distribution made 5 years after the first contribution and after age 59.5 or due to disability, made to a beneficiary after death, or to meet the requirement of a first home purchase). All withdrawals of contributions are tax free. An individual before age 59.5 may have to pay an additional 10 percent tax on withdrawal of accumulated income unless the withdrawal qualifies for exceptions. [57]

[49] https://www.irs.gov/retirement-plans/plan-participant-employee/401k-resource-guide-plan-participants-general-distribution-rules
[50] https://www.irs.gov/retirement-plans/retirement-plans-faqs-regarding-iras-distributions-withdrawals
[51] https://www.irs.gov/publications/p590b/ch02.html#en_US_2015_publink1000231061
[52] Ibid.
[53] Ibid.
[54] https://www.irs.gov/retirement-plans/traditional-and-roth-iras
[55] 80 Fed. Reg. 59,467 (August 30, 2016)
[56] https://www.irs.gov/publications/p590b/ch02.html#en_US_2015_publink1000231061
[57] https://www.irs.gov/retirement-plans/traditional-and-roth-iras

	Voluntary					Mandatory
	Multiple Employer Plan ("MEP")/ 401(k)	**Master and Prototype ("Prototype")**	**Marketplace**	**myRA**	**Payroll Deduction IRAs**	**Auto-IRAs**
Disclosures and Consumer Protection	ERISA's reporting and disclosure requirements, protective standards and remedies would apply.	ERISA's reporting and disclosure requirements, protective standards and remedies would apply.[58]	ERISA's reporting and disclosure requirements, protective standards and remedies would apply to the ERISA plans used by employers through the marketplace.[59]	The program is underwritten by the federal government. Assets are invested in government bonds, so there is no risk of principal loss.[60] See previous information regarding Employer Role for myRAs.	Does not have the fiduciary consumer protection of ERISA. However, IRS prohibited transaction rules that address conduct between plans and related parties still apply. States can establish their own regulatory framework for effective disclosures, oversight and risk management.[61]	Does not have the fiduciary consumer protection of ERISA. However, IRS prohibited transaction rules that address conduct between plans and related parties still apply. States can establish their own regulatory framework for effective disclosures, oversight and risk management.[62]

[58] 80 Fed. Reg. 71,938 (November 18, 2015)
[59] 80 Fed. Reg. 71,937 (November 18, 2015)
[60] https://myra.gov/how-it-works/
[61] 80 Fed. Reg. 59,469 (August 30, 2016)
[62] Ibid.

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