



1. Plan Information

This form is to be used to provide direction on the intent to adopt the below selected provision made available under the Setting Every Community Up for Retirement Enhancement (SECURE) 2.0 Act enacted on December 29, 2022.

2. Plan Information

Plan Number: _____ Plan Name: _____

Plan Type: 401(k) 403(b) 457(b) 401(a) Profit Sharing Plan 401(a) Money Purchase

3. Intent to Adopt Provision

Within SECURE 2.0 there is a special anti-cutback and plan amendment relief provision which allows your Plan to incorporate provision into operation without a required Plan amendment until:

- End of 2026 plan year for qualified plans, 403(b) plans, and IRAs
- End of 2028 plan year for union qualified plans, tax-exempt union 403(b) plans, and plans maintained under Collective Bargained Agreement (CBA) ratified before 12/29/2022
- End of 2029 plan year for governmental qualified plans, public school 403(b) plans, governmental 457(b) plans

Since this provision does not need to be immediately incorporated into your Plan documents, Nationwide needs to know if you intend to add the following provision to your Plan when an amendment is available.

By electing an option below you are confirming your intent to incorporate the selected provision immediately into operation of your Plan and that you will formally adopt this provision into your Plan document when the interim amendment is provided:

- Intent to allow the special rules in connection with Qualified Federally Declared Disasters (Section 331).**
 The special rules permits plan participants to receive “qualified disaster recovery distributions” up to \$22,000 which can be repaid to the plan for participants who are impacted by federally declared disasters within a qualified plan (including a money purchase plan), 403(b), or a governmental 457(b) plans. Additionally, this provision permits individuals to recontribute distributions from 401(k) and 403(b) plans if such distributions were to be used to purchase or construct a principal residence in a disaster area. Finally, this provision provides loan relief to an “qualified individual” whose principal residence was located in a disaster area allowing the maximum loan amount to increase to the lesser of \$100,000 or 100% of the vested balance and permits a suspension of loan repayments.
- Allow for Qualified Disaster Recovery Distributions up to \$_____ (\$22,000 if not populated).
 - Allow for Enhanced Loans to the lessor of \$_____ (\$100,000 if not populated) or _____% (100 % if not populated) of the vested participant balance.
 - Allow loan repayments to be suspended during any applicable FEMA-declared incident period plus 180 days, with the total suspension not to exceed 12 months. Any such suspension of loan repayments will result in an extension of the loan term as needed to reflect the suspension period.

NOTE: Many of the features and specific details of this provision still need to be defined by the IRS. Because of these uncertainties any amounts withdrawn for the option elected above will be defined according to the current provision within your adoption agreement. All other available options and restrictions will be monitored and applied consistently by the Plan Sponsor until the final interim amendment defines all of the terms of this provision. Further options and/or restrictions may be incorporated into the final interim amendment.

4. Authorization

I, as the Plan Sponsor with authority to act on behalf of the Employer, confirm the intent to elect the SECURE 2.0 Act provision indicated above and understand that Nationwide will at a future date provide the required interim amendment to formally adopt this provision into my Plan. Until such time Nationwide may rely on this declaration of intend to adopt this provision as defined above.

Authorized Signer:

Full Name (please print): _____

Signature: _____ Date: _____

NOTE: Stamps and Adobe Signatures are not permitted.