

109TH CONGRESS
1ST SESSION

H. R. 3741

To amend the Internal Revenue Code to allow a one-time emergency, penalty free withdrawal, from a qualified investment retirement account.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2005

Mr. DAVIS of Kentucky (for himself and Mr. PICKERING) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code to allow a one-time emergency, penalty free withdrawal, from a qualified investment retirement account.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Disaster Victims’ Sav-
5 ings Access Act”.

6 **SEC. 2. WAIVER OF EARLY WITHDRAWAL PENALTY.**

7 The Internal Revenue Code Section 72(t)(2) (26
8 U.S.C. 72(t)(2)) is amended by adding at the end the fol-
9 lowing new subparagraph:

10 “(G) DISASTER AND EMERGENCY.—

1 “(i) A one time distribution to an em-
2 ployee whose domicile, place of business, or
3 principal place of employment is located in
4 a county enumerated in a Presidentially
5 declared disaster or emergency.

6 “(I) A qualified distribution as
7 defined in section 72(t)(2)(G)(i) is
8 limited to fifty percent of the amount
9 in the qualified retirement plan ac-
10 count of \$250,000, whichever is great-
11 er.

12 “(ii) Notwithstanding any other sec-
13 tion of the Internal Revenue Code, a quali-
14 fied distribution as defined in section
15 72(t)(2)(G)(i) and satisfying the require-
16 ment in section 72(t)(2)(G)(i)(I) shall be
17 divided evenly over five years for the pur-
18 pose of assessing tax on gross income as
19 defined in section 61.

20 “(iii) A qualified distribution as de-
21 fined in section 72(t)(2)(G)(i) is only per-
22 mitted within three years of the date of the
23 Presidential declaration.

24 “(iv) PRESIDENTIALLY DECLARED
25 DISASTER.—For purposes of this sub-

1 section, the term ‘Presidentially declared
 2 disaster’ means any Presidential declara-
 3 tion as defined within the Robert T. Staf-
 4 ford Disaster Relief and Emergency Assist-
 5 ance Act.”.

6 **SEC. 3. CATCH-UP ALLOWED.**

7 (a) The Internal Revenue Code section 414(v) (26
 8 U.S.C. 414(v)) is amended by adding “and survivors of
 9 disasters” after “Catch-up contributions for individuals
 10 age 50 or over”.

11 (b) The Internal Revenue Code section 414(v) (26
 12 U.S.C. 414(v)) is amended by adding at the end the fol-
 13 lowing new subparagraph:

14 “(7) DISASTER VICTIM ELIGIBLE.—

15 “(A) Notwithstanding any other provision
 16 of the Internal Revenue Code, a plan partici-
 17 pant who received a qualified distribution under
 18 section 72(t)(2)(G) is eligible to re-contribute
 19 the full amount withdrawn within five years
 20 from the distribution. If, after five years, the
 21 plan participant has not re-contributed the full
 22 amount, the plan participant may continue to
 23 make catch-up contributions in the same man-
 24 ner and subject to the same rules as a plan par-
 25 ticipant age 50 or over until such time as the

1 amount of the emergency withdrawal has been
2 re-contributed.

3 “(i) This eligibility for catch-up con-
4 tributions is limited to the amount of the
5 qualified distribution the plan participant
6 received under section 72(t)(2)(G).”.

7 **SEC. 4. EFFECTIVE DATE.**

8 The provisions of this Act shall take effect on the day
9 of enactment.

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