

109TH CONGRESS
1ST SESSION

H. R. 448

To amend the Internal Revenue Code of 1986 to make inapplicable the 10 percent additional tax on early distributions from certain pension plans of public safety employees.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2005

Mr. BRADY of Texas (for himself, Mr. GENE GREEN of Texas, Mr. BECERRA, and Mr. FOLEY) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to make inapplicable the 10 percent additional tax on early distributions from certain pension plans of public safety employees.

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. WAIVER OF 10 PERCENT EARLY WITHDRAWAL**
4 **PENALTY TAX ON CERTAIN DISTRIBUTIONS**
5 **OF PENSION PLANS FOR PUBLIC SAFETY EM-**
6 **PLOYEES.**

7 (a) IN GENERAL.—Subsection (t) of section 72 of the
8 Internal Revenue Code of 1986 (relating to 10-percent ad-

1 ditional tax on early distributions from qualified retire-
2 ment plans) is amended by adding at the end the following
3 new paragraph:

4 “(10) DISTRIBUTIONS TO QUALIFIED PUBLIC
5 SAFETY EMPLOYEES IN GOVERNMENTAL PLANS.—

6 “(A) IN GENERAL.—In the case of a dis-
7 tribution to a qualified public safety employee
8 from a governmental plan (within the meaning
9 of section 414(d)) which is a defined benefit
10 plan, paragraph (2)(A)(v) shall be applied by
11 substituting ‘age 50’ for ‘age 55’.

12 “(B) QUALIFIED PUBLIC SAFETY EM-
13 PLOYEE.—For purposes of this paragraph, the
14 term ‘qualified public safety employee’ means
15 any employee of a State or political subdivision
16 of a State who provides police protection, fire-
17 fighting services, or emergency medical services
18 for any area within the jurisdiction of such
19 State or political subdivision.”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 this section shall apply to distributions after the date of
22 the enactment of this Act.

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