

116TH CONGRESS
2D SESSION

H. R. 6377

To amend the Internal Revenue Code of 1986 to provide for a temporary waiver of required minimum distribution rules for certain retirement plans and accounts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2020

Ms. WEXTON (for herself, Ms. NORTON, Mr. COOPER, Mr. CONNOLLY, Mr. RASKIN, Mr. MEEKS, Mr. BEYER, Mr. LYNCH, Mr. COURTNEY, Mr. KILDEE, Mr. KILMER, Mr. ROUDA, Mr. DEFazio, Mr. SEAN PATRICK MALONEY of New York, and Ms. HOULAHAN) 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 provide for a temporary waiver of required minimum distribution rules for certain retirement plans and accounts, and for other purposes.

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 “Retirement Protection
5 Act”.

1 **SEC. 2. TEMPORARY WAIVER OF REQUIRED MINIMUM DIS-**
2 **TRIBUTION RULES FOR CERTAIN RETIRE-**
3 **MENT PLANS AND ACCOUNTS.**

4 (a) IN GENERAL.—Section 401(a)(9) of the Internal
5 Revenue Code of 1986 (26 U.S.C. 401) (relating to re-
6 quired distributions) is amended by adding at the end the
7 following new subparagraph:

8 “(I) TEMPORARY WAIVER OF MINIMUM RE-
9 QUIRED DISTRIBUTIONS.—

10 “(i) IN GENERAL.—The requirements
11 of this paragraph shall not apply for cal-
12 endar year 2020 to—

13 “(I) a defined contribution plan
14 which is described in this subsection
15 or in section 403(a) or 403(b),

16 “(II) a defined contribution plan
17 which is an eligible deferred com-
18 pensation plan described in section
19 457(b) but only if such plan is main-
20 tained by an employer described in
21 section 457(e)(1)(A), or

22 “(III) an individual retirement
23 plan.

24 “(ii) SPECIAL RULES REGARDING
25 WAIVER PERIOD.—For purposes of this
26 paragraph—

1 “(I) the required beginning date
2 with respect to any individual shall be
3 determined without regard to this
4 subparagraph for purposes of applying
5 this paragraph for calendar years
6 after 2020, and

7 “(II) if clause (ii) of subpara-
8 graph (B) applies, the 5-year period
9 described in such clause shall be de-
10 termined without regard to calendar
11 year 2020.

12 “(iii) AMOUNT DISTRIBUTED MAY BE
13 REPAID.—

14 “(I) IN GENERAL.—Any indi-
15 vidual who receives a distribution re-
16 quired under this subsection may, at
17 any time during the calendar year
18 2020, make one or more contributions
19 in an aggregate amount not to exceed
20 the amount of such distribution to an
21 eligible retirement plan of which such
22 individual is a beneficiary and to
23 which a rollover contribution of such
24 distribution could be made under sec-
25 tion 402(c), 403(a)(4), 403(b)(8),

1 408(d)(3), or 457(e)(16), as the case
2 may be.

3 “(II) TREATMENT OF REPAY-
4 MENTS OF DISTRIBUTIONS FROM ELI-
5 GIBLE RETIREMENT PLANS OTHER
6 THAN IRAS.—For purposes of this
7 subparagraph, if a contribution is
8 made pursuant to subclause (I) with
9 respect to a distribution required
10 under this subsection from an eligible
11 retirement plan other than an indi-
12 vidual retirement plan, then the tax-
13 payer shall, to the extent of the
14 amount of the contribution, be treated
15 as having received the waiver in an el-
16 igible rollover distribution (as defined
17 in section 402(c)(4)) and as having
18 transferred the amount to the eligible
19 retirement plan in a direct trustee to
20 trustee transfer within 60 days of the
21 distribution.

22 “(III) TREATMENT OF REPAY-
23 MENTS FOR DISTRIBUTIONS FROM
24 IRAS.—For purposes of this subpara-
25 graph, if a contribution is made pur-

1 suant to subclause (I) with respect to
2 a distribution required under this sub-
3 section from an individual retirement
4 plan (as defined by section
5 7701(a)(37)), then, to the extent of
6 the amount of the contribution, the
7 qualified required distribution shall be
8 treated as a distribution described in
9 section 408(d)(3) and as having been
10 transferred to the eligible retirement
11 plan in a direct trustee to trustee
12 transfer within 60 days of the dis-
13 tribution.”.

14 (b) ELIGIBLE ROLLOVER DISTRIBUTION.—Section
15 402(c)(4) of the Internal Revenue Code of 1986 (26
16 U.S.C. 402) (defining eligible rollover distribution) is
17 amended by adding at the end the following new flush sen-
18 tence:

19 “If all or any portion of a distribution during
20 2020 is treated as an eligible rollover distribution
21 but would not be so treated if the minimum distribu-
22 tion requirements under section 401(a)(9) had ap-
23 plied during 2020, such distribution shall not be
24 treated as an eligible rollover distribution for pur-

poses of section 401(a)(31) or 3405(c) or subsection (f) of this section.”.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply for calendar years beginning after December 31, 2019.

(2) PROVISIONS RELATING TO PLAN OR CONTRACT AMENDMENTS.—

(A) IN GENERAL.—If this paragraph applies to any pension plan or contract amendment, such pension plan or contract shall not fail to be treated as being operated in accordance with the terms of the plan during the period described in subparagraph (B)(ii) solely because the plan operates in accordance with this section.

(B) AMENDMENTS TO WHICH PARAGRAPH APPLIES.—

(i) IN GENERAL.—This paragraph shall apply to any amendment to any pension plan or annuity contract which—

(I) is made pursuant to the amendments made by this section, and

1 (II) is made on or before the last
2 day of the first plan year beginning
3 on or after January 1, 2022.

4 In the case of a governmental plan, sub-
5 clause (II) shall be applied by substituting
6 “2023” for “2022”.

7 (ii) CONDITIONS.—This paragraph
8 shall not apply to any amendment unless
9 during the period beginning on the effec-
10 tive date of the amendment and ending on
11 December 31, 2020, the plan or contract is
12 operated as if such plan or contract
13 amendment were in effect.

○