

110TH CONGRESS
2D SESSION

H. R. 6708

To amend the Internal Revenue Code of 1986 to provide that no loan may be made from a qualified employer plan using revolving credit arrangements and to limit the number of loans that may be made from a qualified employer plan to a participant or beneficiary.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2008

Mr. FOSTER (for himself and Mr. POMEROY) 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 that no loan may be made from a qualified employer plan using revolving credit arrangements and to limit the number of loans that may be made from a qualified employer plan to a participant or beneficiary.

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

1 **SECTION 1. QUALIFIED EMPLOYER PLANS PROHIBITED**
2 **FROM MAKING LOANS THROUGH REVOLVING**
3 **CREDIT ARRANGEMENTS.**

4 (a) IN GENERAL.—Subsection (a) of section 401 of
5 the Internal Revenue Code of 1986 is amended by insert-
6 ing after paragraph (37) the following new paragraph:

7 “(38) PROHIBITION OF LOANS THROUGH RE-
8 VOLVING CREDIT ARRANGEMENTS.—A trust shall
9 not constitute a qualified trust under this section if
10 the plan makes any loan to any beneficiary under
11 the plan in the form of a revolving credit arrange-
12 ment.”.

13 (b) APPLICATION TO EMPLOYEE ANNUITIES.—

14 (1) IN GENERAL.—Section 404(a)(2) of the In-
15 ternal Revenue Code of 1986 (relating to employees’
16 annuities) is amended by striking “and (31)” and
17 inserting “(31), and (38)”.

18 (2) SECTION 403(b) ANNUITY CONTRACTS.—
19 Section 403(b)(1) of such Code is amended by strik-
20 ing “and” at the end of subparagraph (D), by in-
21 sserting “and” at the end of subparagraph (E), and
22 by inserting after subparagraph (E) the following
23 new subparagraph:

24 “(F) the requirements of section
25 401(a)(38) are met with respect to the contract

1 and any plan under which the contract is pur-
2 chased,”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to plan years beginning after the
5 date of the enactment of this Act.

6 **SEC. 2. LIMITATION ON NUMBER OF LOANS FROM QUALI-**
7 **FIED EMPLOYER PLANS WHICH MAY BE OUT-**
8 **STANDING WITH RESPECT TO ANY PARTICI-**
9 **PANT OR BENEFICIARY.**

10 (a) IN GENERAL.—Paragraph (2) of section 72(p) of
11 the Internal Revenue Code of 1986 (relating to loans
12 treated as distributions) is amended by redesignating sub-
13 paragraph (D) as subparagraph (E) and by inserting after
14 subparagraph (C) the following new subparagraph:

15 “(D) EXCEPTION ONLY TO APPLY TO 3
16 LOANS.—

17 “(i) IN GENERAL.—Subparagraph (A)
18 shall not apply to any loan made after the
19 date of the enactment of this subparagraph
20 if, immediately after such loan is made, the
21 number of outstanding loans from the plan
22 to the participant or beneficiary exceeds 3.

23 “(ii) REFINANCINGS.—If any loan
24 made after the date of the enactment of
25 this subparagraph refinances 1 or more

1 outstanding loans from the plan to the
2 participant or beneficiary, the number of
3 loans taken into account under subpara-
4 graph (A) with respect to such loan shall
5 be equal to 1 plus the number of loans re-
6 financed by such loan.”.

7 (b) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to loans made after the date of
9 the enactment of this Act.

○