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The Coronavirus Aid, Relief and Economic Security Act (CARES Act)

Frequently asked questions

Amidst the ongoing COVID-19 crisis, the American Retirement Association has been working diligently to push for common sense proposals that provide Americans with the funds necessary to provide for themselves and their families while simultaneously protect the private employer-sponsored retirement system.

What is the CARES Act?

The Coronavirus Aid, Relief and Economic Security (CARES) Act, just signed into law by President Trump, includes several key provisions the American Retirement Association (ARA) believes will positively impact retirement plan participants and plan sponsors. The following FAQs highlight some of the most salient relief measures.

Are plan participants impacted by COVID-19 able to access their retirement funds?

Yes, if allowed by the plan, certain participants may withdraw, penalty-free, up to $100,000 between January 1, 2020, and December 31, 2020.

Who is eligible for these withdrawals?

To be eligible to make such a withdrawal, the individual participant, or their spouse or dependent, must have been diagnosed with COVID-19, or the individual suffered adverse financial consequences due to COVID-19 (e.g., furlough, reduction in hours, unable to work due to childcare, loss of business, etc.).

Have participant loan limits been adjusted?

Yes. If allowed by the plan, the loan limit can be increased to the lesser of $100,000 or 100% of the participant's vested account balance. This only applies to loans made on or before September 23, 2020 (180 days following enactment of CARES), and is only for individuals who meet the same conditions outlined for the withdrawals noted above.

What about outstanding loans?

Subject to plan approval, scheduled participant loan repayments due from March 27, 2020 (the enactment of CARES), through December 31, 2020, may be delayed for up to 1 year for qualifying employees. Interest continues to accrue during the period and the plan can extend the term of the loan for up to 1 year.

Can a participant who receives a COVID-19 distribution repay the amount into a qualified retirement plan?

Yes, the participant has 3 years from the day after the distribution was received to repay the amount into a qualified retirement plan (or any other plan or IRA that can accept rollovers). The distribution will be taxable if it's not repaid, but it can be repaid over a 3-year period, unless otherwise elected.

Does the plan sponsor need to verify whether an individual qualifies for a COVID-19 withdrawal or loan?

No, the plan sponsor may rely on participant's certification for eligibility.

Have there been adjustments made for required minimum distributions (RMDs)?

Yes. The CARES Act waives the requirement for any RMD required to be paid in 2020. This includes an individual's first RMD, which is attributable to 2019 (not paid by January 1, 2020). If an RMD has already been received during 2020, the participant may roll it over and defer paying taxes, including rolling back into the plan. We expect the IRS to extend the 60-day rollover period.

For example, if a participant turned 70½ in 2019 and has an RMD beginning date of April 1, 2020:

- But has not yet taken the distribution — then no distribution is required in 2020 (for the 2019 distribution year).
- And has a distribution taken after December 31, 2019, it is subject to the waiver for 2020 and the amount can be rolled over.
- And the distribution was taken in 2019, no relief is available.

Why does this matter?

An RMD is calculated using the balance of an individual retirement account on December 31 of the year prior to the date it must be distributed to a participant.

- The Dow Jones closed at 28,538 on December 31, 2019.
- On March 27, 2020, the Dow Jones closed at 21,636.78 — a significant decrease.

An RMD calculated based on a December 31, 2019, value could lead to a disproportionate RMD relative to today's account values, forcing a disproportionately large taxable distribution

When do I need to amend my plan for the changes to withdrawals, loans and RMDs?

While you can start utilizing any of these provisions immediately, the plan must be formally amended for those new options generally no later than the last day of the first plan year beginning on or after January 1, 2022.

Is there any help for student loan debt?

Yes. Section 2206 of the CARES Act extends Code Section 127 (which currently allows for tuition reimbursement up to $5,250/year) to apply to student loan repayments for employees, with no tax implications.

Is there any relief for defined benefit plans?

Yes. For defined benefit and money purchase pension plans, the law includes a delay in contribution deadlines. Specifically, any contribution due in calendar year 2020 (including quarterly contributions) now has a delayed due date of January 1, 2021. Note the employer must pay interest on delayed contributions, from the original due date to payment date, using the effective rate of interest for the plan year, including the payment date.

Are there any changes for health savings accounts (HSAs)?

Yes. All telehealth and other remote care services can be covered pre-deductible without violating federal rules for high-deductible health plans paired with an HSA (this is only permitted for plan years that begin on or before December 31, 2021). Additionally, for expenses incurred after December 31, 2019, the CARES Act eliminates the rule limiting the use of HSAs to prescribed medicines or drugs.

Individuals may make contributions to HSA or Archer MSA for 2019 at any time up to July 15, 2020.

Will there be any relief in terms of plan/ participant notices?

The CARES Act provides the Department of Labor with broad authority to extend the deadlines for certain notices. Stay tuned for more information.

For more information, visit equitable.com.

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