



December 22, 2022

Ms. Carol Weiser
Benefits Tax Counsel
Office of the Benefits Tax Counsel
Department of the Treasury
1500 Pennsylvania Ave., NW
Washington, DC 20220

Ms. Rachel Levy
Associate Chief Counsel (EEE)
Office of Chief Counsel
Internal Revenue Service
1111 Constitution Ave., NW
Washington, DC 20224

Re: Notice 2022-53 Related to Certain Required Minimum Distributions for 2021 and 2022

Dear Mses. Weiser and Levy:

The American Institute of CPAs (AICPA) appreciates the efforts of the Department of the Treasury (“Treasury”) and the Internal Revenue Service (IRS) to address the need for guidance related to the changes made to required minimum distributions (RMD) as enacted in the Setting Every Community Up for Retirement Enhancement Act, commonly referred to as the “SECURE Act,” contained in the Further Consolidated Appropriations Act, 2020.¹

On February 23, 2022, Treasury and the IRS issued proposed regulations [REG-105954-20] related to the changes to RMDs (“the proposed regulations”). In response to the proposed regulations, the AICPA submitted comments on June 14, 2022,² and July 1, 2022.³ On October 7, 2022, Treasury and the IRS issued Notice 2022-53 (“The Notice”), which provided further guidance on the changes to RMDs. This letter is in response to the Notice.

Specifically, the AICPA provides comments and recommendations in the following areas related to the Notice:

- I. Minimum Distribution Requirements for Designated Beneficiaries when Death of the Employee or IRA Owner Occurs After the Required Beginning Date
- II. Transition Relief
 1. Rollback of Certain 2021 and 2022 RMDs Taken Under the 10-Year Rule
 2. Extension of Excise Tax Relief

¹ P.L. 116-94.

² <https://us.aicpa.org/content/dam/aicpa/interestareas/peerreview/prprompts/downloadabledocuments/aicpa-comments-on-trust-and-estate-secure-regs-submit.pdf>.

³ <https://us.aicpa.org/content/dam/aicpa/advocacy/tax/downloadabledocuments/aicpa-comments-rmd-prop-regs-final.pdf>.

3. Additional Relief Related to Distribution Requirements
 - a. Delay Any RMD Requirement Until at Least 2024
 - b. Rules Governing the Remaining Distributions for Beneficiaries Who Inherit Accounts in 2020, 2021, and 2022

The AICPA is the world's largest member association representing the accounting profession, with more than 421,000 members in the United States and worldwide, and a history of serving the public interest since 1887. Our members advise clients on federal, state and international tax matters and prepare income and other tax returns for millions of Americans. Our members provide services to individuals, not-for-profit organizations, small and medium-sized businesses, as well as America's largest businesses.

We appreciate your consideration of these comments and welcome the opportunity to discuss these issues further. If you have any questions, please feel free to contact Tom Pevarnik, Chair, AICPA Employee Benefits Taxation Technical Resource Panel, at (202) 879-5314, or tpevarnik@deloitte.com; Kristin Esposito, AICPA Director – Tax Policy & Advocacy, at (202) 434-9241, or kristin.esposito@aicpa-cima.com; or me, at (601) 326-7119, or JanLewis@HaddoxReid.com.

Sincerely,



Jan Lewis, CPA
Chair, AICPA Tax Executive Committee

cc: The Honorable Lily Batchelder, Assistant Secretary for Tax Policy, Department of the Treasury
Mr. Douglas O'Donnell, Acting Commissioner, Internal Revenue Service
Mr. William Paul, Principal Deputy Chief Counsel (Technical) and Deputy Chief Counsel, Internal Revenue Service
Ms. Helen Morrison, Deputy Benefits Tax Counsel, Department of the Treasury
Mr. Harlan Weller, Government Actuary, Department of the Treasury
Ms. Laura Warshawsky, Deputy Associate Chief Counsel (EEE), Office of Chief Counsel, Internal Revenue Service

AMERICAN INSTITUTE OF CPAs

Notice 2022-53 Related to Certain Required Minimum Distributions for 2021 and 2022

December 22, 2022

BACKGROUND

The SECURE Act, which took effect on January 1, 2020, made substantial changes to the rules governing RMDs from both employer-sponsored retirement plans and individual retirement accounts (IRAs) (collectively, retirement accounts). The changes to RMDs apply to plan participants and IRA owners, as well as their beneficiaries. The proposed regulations published earlier this year were, in part, in response to those changes. The Notice addressed a specific issue created by the proposed regulations.

Pre-SECURE Act

Prior to the SECURE Act, beneficiaries of deceased retirement plan participants and IRA owners were permitted to take distributions from retirement accounts over their life expectancy. Distributions taken in this manner were often referred to as “stretch” distributions. Stretch distributions were available whether the plan participant or IRA owner died prior to their required beginning date (RBD),⁴ or after. The stretch distribution rules required annual distributions that were determined based on the end of prior year account balance, and a specific divisor that was derived from the designated beneficiary’s life expectancy based on the designated beneficiary’s age as of the year following death, as determined under IRS tables.

When IRA owners died prior to their RBD, there was an alternative to the stretch distribution under which a beneficiary of a plan participant or IRA owner could take a distribution under the 5-year rule. The 5-year rule simply required that the entire balance be distributed by the end of the fifth calendar year following death. Under this rule, there was no requirement for annual distributions prior to the fifth year, though the designated beneficiary could take a distribution in any of those prior years if he/she chose to do so.

SECURE Act

For accounts inherited in 2020 and beyond, the SECURE Act eliminated stretch distributions for non-spouse beneficiaries, other than those who qualify as eligible designated beneficiaries (EDB).⁵ In place of stretch distributions, the SECURE Act modified the 5-year rule to 10-years to be

⁴ The RBD is the date when retirement account holders must begin taking RMDs. Section 401(a)(9)(C)(i) defines the “required beginning date” as (I) the calendar year in which the employee attains age 72, or (II) the calendar year in which the employee retires.

⁵ The term “eligible designated beneficiary” is defined in section 401(a)(9)(E)(ii) and includes the surviving spouse of the employee/IRA owner, a child who has not attained the age of majority, a disabled (within the meaning of section 72(m)(7)) individual, a chronically ill individual, or any other individual who is not more than 10 years younger than the employee/IRA owner.

applied to all inherited defined contribution retirement plans and IRAs regardless of whether death occurred prior to the RBD.

Prior to the February 2022 issuance of proposed regulations, most advisors interpreted the SECURE Act's 10-year rule to operate just as the 5-year rule, which did not require annual distributions, regardless of whether the participant or IRA owner died prior to his or he RBD.

Proposed Regulations

Proposed Reg. § 1.401(a)(9)-3 contains rules for implementing the new 10-year rule in cases where the plan participant/IRA owner dies prior to the RBD. Under Prop. Reg. § 1.401(a)(9)-3(c)(3), the entire interest must be distributed by the end of the tenth calendar year following the death of the plan participant/IRA owner. Proposed Reg. § 1.401(a)(9)-3 does not require any amount to be distributed in any year following the year of death, until December 31 of the year containing the 10th anniversary of the owner's death.

In cases when death occurs after the RBD, the distribution requirements are set forth in Prop. Reg. § 1.401(a)(9)-5(d) and Prop. Reg. § 1.401(a)(9)-5(e). Proposed Reg. § 1.401(a)(9)-5(d)(1)(i) requires the designated beneficiary to take a distribution in each year following the death of the employee/account owner. Proposed Reg. § 1.401(a)(9)-5(e) also states that when section 401(a)(9)(H)⁶ applies the entire interest of the employee must be distributed by the end of the 10-year period. The requirement for the designated beneficiary to take annual distributions each year between the year of death and the tenth year following death is the main difference in the proposed regulations that apply in cases of death before the RBD and death after the RBD for account-type plans.

The explanation for the annual distribution requirement when death occurs after the RBD is to comply with section 401(a)(9)(B)(i) that provides, if the employee dies after distributions have begun, the employee's remaining interest must be distributed at least as rapidly as under the distribution method used by the employee as of the date of the employee's death.

Following the issuance of the proposed regulations, some beneficiaries who inherited retirement accounts in 2020 and 2021 were advised to take a distribution in 2022 in a good faith effort to comply with the new rules. Many other designed beneficiaries did not take a distribution because they were unaware of the change included in the proposed regulations, or were aware of the change, but understood that it was a topic of much dissenting comment and could change in the final regulations.

Notice 2022-53

We applaud Treasury and the IRS for issuing the Notice, which provides certain beneficiaries with the following transition relief related to the proposed regulations:

⁶ Unless otherwise indicated, hereinafter, all section references are to the Internal Revenue Code of 1986, as amended, or to the Treasury Regulations promulgated thereunder.

- Effective date of the proposed regulations related to certain 2021 and 2022 RMDs is postponed to no earlier than the 2023 distribution year;
- Individual beneficiaries who were required to, but did not take an RMD under the new 10-year rule for 2021 and 2022, as defined in Section IV.C of the Notice, will not owe the excise tax under section 4974;
- Individual beneficiaries who paid the excise tax are permitted to request a refund; and
- Defined contribution plans that did not make an RMD under Section IV.C of the Notice will not be treated as failing to satisfy section 401(a)(9).

I. Minimum Distribution Requirements for Designated Beneficiaries when Death of the Employee or IRA Owner Occurs After the Required Beginning Date

Overview

Section 401(a)(9)(H) was added to the Internal Revenue Code (IRC or Code), by the SECURE Act, to change the requirements for RMDs for retirement plans and IRAs that apply after the employee or IRA owner's death. The new rules apply to distributions from account balance type retirement arrangements made to designated beneficiaries, other than EDBs. The new rules apply to designated beneficiaries (including EDBs) of employees or IRA owners who die after December 31, 2019.⁷

Under section 401(a)(9)(H), if the retirement plan is a defined contribution plan, distributions are required to be made within 10 years of the death of the employee/IRA owner. The rules governing distributions after death are contained in two separate locations in the proposed regulations, which parallel the organization of the rules in the current final regulations, as follows:

- Proposed Reg. § 1.401(a)(9)-3 provides rules applicable to determining RMDs in the case of the account owner's death prior to the RBD;
- Proposed Reg. § 1.401(a)(9)-5 contains rules applicable to determining the lifetime minimum distributions to an employee or IRA owner, and the RMDs after the death of the employee or IRA owner if death occurs after the RBD.

Proposed Reg. § 1.401(a)(9)-3 contains rules for implementing the new 10-year rule added by the SECURE Act in cases where the employee/IRA owner dies prior to the RBD. Under Prop. Reg. § 1.401(a)(9)-3(c)(3), the entire interest in the retirement account must be distributed by the end of the tenth calendar year following the death of the employee/IRA owner. Proposed Reg. § 1.401(a)(9)-3 does not require any amount to be distributed in any year following the year of death, until the tenth year following the death of the employee/IRA owner.

⁷ No changes were made to the RMD requirements applicable to defined benefit plans. Also, in relation to defined contribution plans, the rules in effect prior to the changes made by the SECURE Act continue to apply to designated beneficiaries of employees or IRA owners who die on or before December 31, 2019. In addition, the pre-SECURE Act rules apply to EDBs.

When the employee/IRS owner dies after the RBD, the distribution requirements are set forth in Prop. Regs. § 1.401(a)(9)-5(d) and Prop. Regs. § 1.401(a)(9)-5 (e). Proposed Reg. § 1.401(a)(9)-5(d)(1)(i) requires the designated beneficiary to take a distribution in each year following the death of the employee/account owner. In addition, Prop. Reg. § 1.401(a)(9)-5(e) states that if the designated beneficiary is not an EDB, any remaining interest must be distributed in the tenth year following the year of death. The requirement for the designated beneficiary to take annual distributions each year between the year of death and the tenth year following death is the main difference in the rules that apply in cases of death before the RBD and death after the RBD for account-type plans.

Recommendation

As indicated in our prior comment letter⁸ dated July 1, 2022, the AICPA recommends that Treasury and the IRS eliminate the requirement in Prop. Reg. § 1.401(a)(9)-5(d)(1) mandating that a designated beneficiary who is not an EDB take distributions in each of the 10 years following the death of the employee.

We also recommend that the final regulations follow the rule set forth in Prop. Reg. § 1.401(a)(9)-3 requiring only that the entire interest in the retirement account is to be distributed no later than by the end of the tenth year following the death of the employee/IRA owner.

Analysis

The AICPA's comment letter dated July 1, 2022, states that the requirements of Prop. Reg. § 1.401(a)(9)-5(d)(1) do not reflect the statutory language related to the changes made to RMDs by the SECURE Act. The statute, as amended, provides for the 10-year rule. As it is written, the 10-year rule operates like the 5-year rule, except with a longer period. The 5-year rule did not (and does not) require annual distributions. The change made by the SECURE Act extends 5 years to 10 years, and makes no other changes.

The proposed regulations mandate that in the case of a designated beneficiary of an employee/IRA owner who dies after the RBD, distributions must be completed by the end of the tenth year following death. However, they also require the designated beneficiary to take distributions in *each* year following the year of death.⁹ In order for there to be a requirement of annual distributions, one of the following statements must be correct:

- The 10-year rule itself requires a distribution to be made in each of the years prior to the tenth year based on life expectancy, with a full distribution by the end of year 10; or
- The 10-year rule applies simultaneously with the “at least as rapidly” rule, and the “at least as rapidly” rule continues to apply.

⁸ <https://us.aicpa.org/content/dam/aicpa/advocacy/tax/downloadabledocuments/aicpa-comments-rmd-prop-regs-final.pdf>

⁹ The requirement for annual distributions is contained at Prop. Reg. § 1.401(a)(9)-5(d). The requirement that distributions be completed by the end of the tenth year following death is contained at Prop. Reg. § 1.401(a)(9)-5(e)(3).

The 10-year rule does not require annual distributions between the year of death and the tenth year following death, since it operates identically to the 5-year rule, but with a 10- year period. Thus, the first statement above is not accurate.

The second statement above also is not accurate since the “at least as rapidly” rule has been rendered inoperative by section 401(a)(9)(H). Section 401(a)(9)(H)(i)(II) states that subparagraph (B)(ii) (i.e., the 5-year rule that is changed to 10 years) “shall apply whether or not distributions of the employees’ interest have begun in accordance with subparagraph (A)” (i.e., whether or not the death occurred prior to the RBD). Therefore, the 10-year rule also applies if death occurs after distributions have begun. The language does not specifically indicate that the “at least as rapidly” rule continues to apply. Therefore, the “at least as rapidly” rule does not apply, making the 10-year rule the only rule applicable.

The “at least as rapidly” rule is inconsistent with the 10-year rule. The “at least as rapidly” rule requires distributions to be made on an annual basis, while the 10-year rule does not. Since the language of the statute states that the 10-year rule “shall apply” whether or not distributions have begun, Congress intended for the 10-year rule, and only the 10-year rule, to apply.

Our conclusion is further supported by the legislative history of the SECURE Act. House Report 116-65 explains the revisions to section 401(a)(9) as follows:

Under the provision, the five-year rule is expanded to become a 10-year period instead of five years (“the 10-year rule”), such that the 10-year rule is the general rule for distributions to designated beneficiaries after death (**regardless of whether the employee (or IRA owner) dies before, on, or after the required beginning date**) unless the designated beneficiary is an eligible beneficiary as defined in the provision. Thus, in the case of an ineligible beneficiary, distribution of the employee (or IRA owner’s) entire benefit is required to be distributed by the end of the tenth calendar year following the year of the employee or IRA owner’s death.

(Emphasis added.)

Congress intended the 10-year rule to be the exclusive rule for distributions made after the death of the employee/IRA owner (except to EDBs), which renders the “at least as rapidly” rule inapplicable. The “at least as rapidly” rule was not removed entirely because Congress did not intend to change the rules for beneficiaries of defined benefit plans or for beneficiaries of decedents who die prior to January 1, 2020. Thus, it was necessary to retain that statutory language, but its application is limited solely to those situations.

II. Transition Relief

Overview

The Notice announced that Treasury and the IRS intend to issue final regulations related to certain changes made to RMDs by the SECURE Act, postponing the effective date to no earlier than the 2023 distribution year. In addition, the Notice announced that individual beneficiaries who were

required to, but did not take an RMD under the new 10-year rule for 2021 and 2022, as defined in Section IV.C of the Notice, will not owe the excise tax under section 4974. Individual beneficiaries who did pay the excise tax are permitted to request a refund. Finally, the Notice stated that defined contribution plans that did not make an RMD under Section IV.C of the Notice will not be treated as failing to satisfy section 401(a)(9).

However, the Notice made no mention of reversing the rule in the proposed regulations regarding the annual distribution requirement contained in Prop. Reg. § 1.401(a)(9)-5(d)(1). If that rule is retained, the following issues will need to be addressed in guidance.

1. Rollback of Certain 2021 and 2022 RMDs Taken Under the 10-Year Rule

Recommendation

The AICPA recommends that Treasury and the IRS issue guidance permitting designated beneficiaries, except EDBs, who inherited employer-sponsored retirement accounts or IRAs in 2020-2021, when death occurred after the employee/IRA owner's RBD, to rollback any related distributions taken in 2021 and 2022, into the employer-sponsored retirement account or IRA, if the beneficiary would have been exempt from the 50% excise tax per the Notice, if the RMD had not been made.

Analysis

Proposed Reg. § 1.401(a)(9)-5(d)(1)(i) requires a designated beneficiary, who is not an EDB, to take a distribution in each year following the death of the employee/account owner, in cases when death occurred after the RBD. This interpretation of the 10-year rule was unexpected, and not in alignment with the intent of the SECURE Act. Prior to the February 2022 issuance of the proposed regulations, most advisors interpreted the SECURE Act's 10-year rule to not require annual distributions regardless of whether the participant or IRA owner died prior to the RBD. However, certain beneficiaries may have taken a related RMD in 2021 and 2022.

The AICPA appreciates the transition relief provided for in the Notice, which exempts certain beneficiaries from the 50% excise tax if they did not take an RMD in 2021 and 2022 related to the 10-year rule in cases where death of the employee/account owner occurred after the RBD. However, the Notice did not address allowing designated beneficiaries, who took related RMDs in 2021 and/or 2022, the option to rollback these distributions into the distributing retirement account.

The Coronavirus Aid, Relief, and Economic Security (CARES) Act,¹⁰ provided a waiver of 2020 RMDs to assist taxpayers through a financially difficult time. Subsequently, the IRS issued Notice 2020-51, permitting an individual who failed to take advantage of the waiver and took an RMD in 2020, to undo the distribution by rolling it back to the distributing retirement account. We suggest offering the same treatment to designated beneficiaries in the case of the 10-year rule, provided the beneficiary would qualify for the excise tax relief in the Notice if the distribution had not been made.

¹⁰ P.L. 116-136.

Designated beneficiaries (except EDBs), of employee/IRA owners whose death occurred after the RBD and who took related RMDs in 2021 and/or 2022, absent the ability to roll them back into the distributing retirement plan or IRA, are financially penalized in relation to designated beneficiaries who did not take related RMDs. Those beneficiaries who took RMDs in 2022 may have been advised to do so to comply with the proposed regulations. However, other beneficiaries were advised not to take the distributions unless forthcoming final regulations instructs them to do so as this issue has been the topic of much dissenting commentary as it does not follow the intent of the statute.

Failure to provide beneficiaries who took RMDs, the option to rollback them back also undermines the regulatory process as it suggests that the regulations were, in a sense, finalized prior to their publication as such. Therefore, we suggest that designated beneficiaries who are not EDBs, be allowed to rollback any 2021 and 2022 RMDs related to the 10-year rule in cases when death occurred after the RBD. Permitting designated beneficiaries to rollback these distributions would provide them with parity in relation to the tax treatment of designated beneficiaries who did not take the RMDs for 2021 and 2022.

2. Extension of Excise Tax Relief

Recommendation

The AICPA recommends that Treasury and the IRS provide guidance extending the relief from the excise tax through 2023 for designated beneficiaries, except EDBs, who inherited an employer-sponsored retirement account/IRA in 2020, 2021 and 2022, when death occurred after the RBD.

Analysis

The relief from the 50% excise tax provided for in the Notice is applauded and a necessary component of mapping a route to compliance related to beneficiaries who did not take annual RMDs under the 10-year rule in 2021 or 2022. However, we suggest that a relief period longer than 2021 and 2022 is necessary since final regulations have not yet been issued.

Uncertainty related to this issue will remain until the final regulations are digested and socialized. Beneficiaries of accounts inherited in 2020 and 2021 will not know how to calculate their 2023 distribution under the 10-year rule until final regulations are issued. Additional accounts will be inherited in 2022 for which the beneficiaries will be investigating the rules for the first time amid the confusion surrounding the rules. Therefore, we recommend that the relief from payment of the 50% excise tax under section 4974, as defined in Section IV.C of the Notice, be extended through 2023.

3. Additional Relief Related to Distribution Requirements

The requirement in the proposed regulations to take annual distributions under the 10-year rule is not consistent with the statutory language of section 401(a)(9), as amended by the SECURE Act. Therefore, we recommend that the annual distribution requirement be eliminated in the final regulations. If, however, the annual distribution requirement is retained in the final regulations, we suggest addressing the items discussed below in the final regulations.

a. Delay Annual RMD Requirement Until at Least 2024

Recommendation

In the absence of repealing the requirement to take annual distributions, the AICPA recommends that Treasury and the IRS issue final regulations stating that annual distributions are required no earlier than the 2024 distribution calendar year in relation to designated beneficiaries, who are not EDBs, who inherited an employer-sponsored retirement account/IRA when death occurred after the RBD.

Analysis

To properly administer annual RMDs in relation to the beneficiary and IRA custodian, it is necessary for any changes to the RMD requirements to be applied prospectively. Most IRA custodians interpreted the changes made by the SECURE Act to not require annual distributions and their systems were programmed accordingly. The annual distribution requirement in the proposed regulations would require annual distributions prior to the tenth year to be calculated similarly to the annual RMDs under the prior stretch distribution rules. Programming changes to systems will be necessary to incorporate the requirement to take a full distribution at the end of the tenth year, in addition to the annual distributions.

There will be disparate compliance if an annual distribution requirement applies prior to the 2024 distribution calendar year. Many designated beneficiaries rely on an IRA custodian to inform them of and calculate the amount of any RMD. Since many systems will not be adjusted in time to make these calculations for 2023, many designated beneficiaries will not take an RMD, which will complicate the preparation of their tax returns. Delaying the RMD requirement until 2024, at the earliest, will help designated beneficiaries, and the custodians on whom they rely, to more readily comply with such a requirement.

We also suggest applying this delay to the rules as applied to qualified retirement plans. Qualified retirement plans face similar implementation issues. In addition, for qualified plans, the failure to issue an RMD is a qualification issue that would, in turn, require use of the Employee Plans Compliance Resolution System (EPCRS).

b. Rules Governing the Remaining Distributions for Beneficiaries who Inherit accounts in 2020, 2021, and 2022

Recommendation

In the absence of repealing the requirement to take annual distributions, the AICPA recommends that Treasury and the IRS issue final regulations instructing beneficiaries how to calculate RMDs for beneficiaries who inherited IRAs in 2020, 2021, and 2022.

Analysis

While the Notice provided certain beneficiaries of an IRA or employer-sponsored retirement plan relief from the excise tax on certain missed RMDs in 2020 and 2021, it did not provide rules on how the remaining distributions should be taken.

Administratively, recordkeepers designed their systems consistent with the statutory language under section 401(a)(9)(H)(i)(II) which states under subparagraph (B)(ii) (i.e., the 5-year rule that is changed to 10 years) “shall apply whether or not distributions of the employees’ interest have begun in accordance with subparagraph (A)” (i.e., whether or not death occurred prior to the RBD).

Example

IRA owner A died in 2020, at age 80 after the RBD.

Under the proposed regulations, which were released in February 2022, designated beneficiary B, who is not an eligible beneficiary, was required to have taken RMDs annually beginning in 2021 through 2029, with the remainder of the account balance distributed in 2030. If designated beneficiary B did not take the RMD in 2021 and/or 2022 they would be subject to an excise tax.

Under the Notice, designated beneficiary B is not subject to the excise tax if no RMD was taken in 2021 and 2022. It is currently unknown if the remaining distributions are required to be taken under the original schedule (i.e., 2021 and 2022 RMDs are not required to be made until 2030), or instead are required to be taken equally over the remaining 8 or 9 years, through 2030.

Under the example, it is necessary to provide guidance on how to calculate the RMDs in 2023, and subsequent years until the year of final distribution. In addition, the following items will need addressed in guidance, including:

- How to calculate a distribution that is required in 2023. For example, it could be calculated based on the actual year-end balance from 2022, or another other amount. The year-end 2022 balance is higher than it would have been if RMDs were not issued, which would inflate the amount required to be distributed in 2023, as well as subsequent years.
- The life expectancy to use in calculating the 2023 distribution. For example, the designated beneficiary could be permitted to use his or her life expectancy from 2023 (based on his/her age in 2023), or his/her life expectancy from a prior year, adjusted by a reduction of 1 for each year prior to 2023.
- Consideration as to whether a designated beneficiary who must commence distributions in 2023 should be allowed a ten-year period that begins in 2023. This method may eliminate some of the complications arising from prior concerns related to the account balance and the life expectancy.