

AMENDMENT TO RULES COMMITTEE PRINT 115-

33

OFFERED BY MR. DANNY K. DAVIS OF ILLINOIS

Strike all the text and insert the following:

1 **TITLE I—REAUTHORIZING THE**
2 **MATERNAL, INFANT, AND**
3 **EARLY CHILDHOOD HOME**
4 **VISITING PROGRAM**

5 **SEC. 101. CONTINUING EVIDENCE-BASED HOME VISITING**
6 **PROGRAM.**

7 Section 511(j)(1) of the Social Security Act (42
8 U.S.C. 711(j)(1)) is amended—

9 (1) in subparagraph (G), by striking “and”;

10 (2) in subparagraph (H), by striking the period
11 and inserting a semicolon; and

12 (3) by adding at the end the following:

13 “(I) for fiscal year 2018, \$600,000,000;

14 “(J) for fiscal year 2019, \$600,000,000;

15 “(K) for fiscal year 2020, \$700,000,000;

16 “(L) for fiscal year 2021, \$700,000,000;

17 and

18 “(M) for fiscal year 2022, \$800,000,000.”.

1 **TITLE II—REVENUE PROVISIONS**

2 **SEC. 201. MODIFICATIONS OF REQUIRED DISTRIBUTION**
3 **RULES FOR PENSION PLANS.**

4 (a) MODIFICATION OF RULES WHERE EMPLOYEE
5 DIES BEFORE ENTIRE DISTRIBUTION.—

6 (1) IN GENERAL.—Section 401(a)(9) of the In-
7 ternal Revenue Code of 1986 is amended by adding
8 at the end the following new subparagraph

9 “(H) SPECIAL RULES FOR CERTAIN DE-
10 FINED CONTRIBUTION PLANS.—

11 “(i) IN GENERAL.—In the case of dis-
12 tributions from a defined contribution
13 plan, a trust forming part of such plan
14 shall not constitute a qualified trust under
15 this section unless the plan provides that,
16 if—

17 “(I) an employee dies before the
18 distribution of the employee’s interest
19 (whether or not such distribution has
20 begun in accordance with subpara-
21 graph (A)), and

22 “(II) the aggregate account bal-
23 ances to the credit of the employee
24 under all defined contribution plans,

1 determined as of the date of the em-
2 ployee's death, exceeds \$450,000,
3 so much of the entire interest of the em-
4 ployee as exceeds the dollar amount in sub-
5 clause (II) will be distributed within 5
6 years after the death of such employee.

7 “(ii) ALLOCATION OF LIMITATION.—If
8 an employee has an account under more
9 than 1 defined contribution plan, the
10 \$450,000 amount under clause (i)(II) shall
11 be allocated among all such plans, as pro-
12 vided in regulations prescribed by the Sec-
13 retary, for purposes of applying clause (i).

14 “(iii) TREATMENT OF REMAINING
15 AMOUNT.—The portion of the employee's
16 interest distributed under clause (i) shall
17 not be taken into account for purposes of
18 determining the rapidity or the method of
19 distribution of any portion of the interest
20 of the employee to which clause (i) does
21 not apply.

22 “(iv) MULTIPLE BENEFICIARIES.—In
23 the case of an employee who has more
24 than 1 beneficiary, the amount of the por-
25 tion required to be distributed under clause

1 (i) which shall be treated as payable to (or
2 for the benefit of) such beneficiary is the
3 amount which bears the same ratio to the
4 total amount of such portion as—

5 “(I) the portion of the employee’s
6 entire interest (determined as of the
7 date of the employee’s death) which is
8 payable to (or for the benefit of) such
9 beneficiary, bears to

10 “(II) the amount of the employ-
11 ee’s entire interest (so determined).

12 “(v) EXCEPTION FOR ELIGIBLE DES-
13 IGNATED BENEFICIARIES.—If—

14 “(I) any portion of the employ-
15 ee’s interest is payable to (or for the
16 benefit of) an eligible designated bene-
17 ficiary,

18 “(II) such portion will be distrib-
19 uted (in accordance with regulations)
20 over the life of such eligible des-
21 ignated beneficiary (or over a period
22 not extending beyond the life expect-
23 ancy of such beneficiary), and

24 “(III) such distributions begin
25 not later than 1 year after the date of

1 the employee's death or such later
2 date as the Secretary may by regula-
3 tions prescribe,

4 for purposes of clause (i), the portion re-
5 ferred to in subclause (I) shall be treated
6 as distributed on the date on which such
7 distributions begin.

8 “(vi) SPECIAL RULE FOR SURVIVING
9 SPOUSE OF EMPLOYEE.—If the eligible
10 designated beneficiary is the surviving
11 spouse of the employee—

12 “(I) the date on which the dis-
13 tributions are required to begin under
14 clause (v)(III) shall not be earlier
15 than the date on which the employee
16 would have attained age 70½, and

17 “(II) if the surviving spouse dies
18 before the distributions to such spouse
19 begin, this subparagraph shall be ap-
20 plied as if the surviving spouse were
21 the employee.

22 “(vii) RULES UPON DEATH OF ELIGI-
23 BLE DESIGNATED BENEFICIARY.—If an el-
24 igible designated beneficiary dies before the
25 portion of the employee's interest to which

1 clause (i) applies which is payable to (or
2 for the benefit of) such eligible designated
3 beneficiary is entirely distributed, the ex-
4 ception under clause (v) shall not apply to
5 any beneficiary of such eligible designated
6 beneficiary and the remainder of such por-
7 tion shall be distributed within 5 years
8 after the death of such beneficiary.

9 “(viii) COORDINATION WITH INDI-
10 VIDUAL RETIREMENT PLANS.—For pur-
11 poses of applying the provisions of this
12 subparagraph and subsections (a)(6) and
13 (b)(3) of section 408, individual retirement
14 plans shall be treated as defined contribu-
15 tion plans in determining the aggregate ac-
16 count balances to the credit of the em-
17 ployee under all defined contribution plans
18 and the amount required to be distributed
19 to each beneficiary under such provi-
20 sions.”.

21 (2) DEFINITION OF ELIGIBLE DESIGNATED
22 BENEFICIARY.—Section 401(a)(9)(E) of such Code
23 is amended to read as follows:

1 “(E) DEFINITIONS AND RULES RELATING
2 TO DESIGNATED BENEFICIARY.—For purposes
3 of this paragraph—

4 “(i) DESIGNATED BENEFICIARY.—The
5 term ‘designated beneficiary’ means any
6 individual designated as a beneficiary by
7 the employee.

8 “(ii) ELIGIBLE DESIGNATED BENE-
9 FICIARY.—The term ‘eligible designated
10 beneficiary’ means, with respect to any em-
11 ployee, any designated beneficiary who is—

12 “(I) the surviving spouse of the
13 employee,

14 “(II) subject to clause (iii), a
15 child of the employee who has not
16 reached majority (within the meaning
17 of subparagraph (F)),

18 “(III) disabled (within the mean-
19 ing of section 72(m)(7)),

20 “(IV) a chronically ill individual
21 (within the meaning of section
22 7702B(c)(2), except that the require-
23 ments of subparagraph (A)(i) thereof
24 shall only be treated as met if there is
25 a certification that, as of such date,

1 the period of inability described in
2 such subparagraph with respect to the
3 individual is an indefinite one which is
4 reasonably expected to be lengthy in
5 nature), or

6 “(V) an individual not described
7 in any of the preceding subclauses
8 who is not more than 10 years young-
9 er than the employee.

10 “(iii) SPECIAL RULE FOR CHIL-
11 DREN.—Subject to subparagraph (F), an
12 individual described in clause (ii)(II) shall
13 cease to be an eligible designated bene-
14 ficiary as of the date the individual reaches
15 majority and any remainder of the portion
16 of the interest described in subparagraph
17 (H)(v) shall be distributed within 5 years
18 after such date.

19 “(iv) TIME FOR DETERMINATION OF
20 ELIGIBLE DESIGNATED BENEFICIARY.—
21 The determination of whether a designated
22 beneficiary is an eligible designated bene-
23 ficiary shall be made as of the date of
24 death of the employee.”.

25 (3) CONFORMING AMENDMENTS.—

1 (A) Clause (ii) of section 401(a)(9)(B) of
2 the Internal Revenue Code of 1986 is amended
3 by striking “A trust” and inserting “Except as
4 provided in subparagraph (H), a trust”.

5 (B) Section 402(c)(11)(A)(iii) of such
6 Code is amended by striking “section
7 401(a)(9)(B) (other than clause (iv) thereof)”
8 and inserting “subparagraphs (B) (other than
9 clause (iv) thereof) and (H) (other than clause
10 (vi) thereof) of section 401(a)(9)”.

11 (4) EFFECTIVE DATES.—

12 (A) IN GENERAL.—Except as provided in
13 this paragraph and paragraphs (5) and (6), the
14 amendments made by this subsection shall
15 apply to distributions with respect to employees
16 who die after December 31, 2017.

17 (B) COLLECTIVE BARGAINING EXCEP-
18 TION.—In the case of a plan maintained pursu-
19 ant to 1 or more collective bargaining agree-
20 ments between employee representatives and 1
21 or more employers ratified before the date of
22 enactment of this Act, the amendments made
23 by this subsection shall apply to distributions
24 with respect to employees who die in calendar
25 years beginning after the earlier of—

- 1 (i) the later of—
- 2 (I) the date on which the last of
- 3 such collective bargaining agreements
- 4 terminates (determined without re-
- 5 gard to any extension thereof agreed
- 6 to on or after the date of the enact-
- 7 ment of this Act), or
- 8 (II) December 31, 2017, or
- 9 (ii) December 31, 2019.

10 For purposes of clause (i)(I), any plan amend-
11 ment made pursuant to a collective bargaining
12 agreement relating to the plan which amends
13 the plan solely to conform to any requirement
14 added by this section shall not be treated as a
15 termination of such collective bargaining agree-
16 ment.

17 (C) GOVERNMENTAL PLANS.—In the case
18 of a governmental plan (as defined in section
19 414(d) of the Internal Revenue Code of 1986),
20 subparagraph (A) shall be applied by sub-
21 stituting “December 31, 2019” for “December
22 31, 2017”.

23 (5) EXCEPTION FOR CERTAIN EXISTING ANNU-
24 ITY CONTRACTS.—

1 (A) IN GENERAL.—The amendments made
2 by this subsection shall not apply to a qualified
3 annuity which is a binding annuity contract in
4 effect on the date of enactment of this Act and
5 at all times thereafter.

6 (B) QUALIFIED ANNUITY.—For purposes
7 of this paragraph, the term “qualified annuity”
8 means, with respect to an employee, an annu-
9 ity—

10 (i) which is a commercial annuity (as
11 defined in section 3405(e)(6) of the Inter-
12 nal Revenue Code of 1986),

13 (ii) under which the annuity payments
14 are made over the life of the employee or
15 over the joint lives of such employee and a
16 designated beneficiary (or over a period
17 not extending beyond the life expectancy of
18 such employee or the joint life expectancy
19 of such employee and a designated bene-
20 ficiary) in accordance with the regulations
21 described in section 401(a)(9)(A)(ii) of
22 such Code (as in effect before such amend-
23 ments) and which meets the other require-
24 ments of section 401(a)(9) of such Code

1 (as so in effect) with respect to such pay-
2 ments, and

3 (iii) with respect to which—

4 (I) annuity payments to the em-
5 ployee have begun before the date of
6 enactment of this Act, and the em-
7 ployee has made an irrevocable elec-
8 tion before such date as to the method
9 and amount of the annuity payments
10 to the employee or any designated
11 beneficiaries, or

12 (II) if subclause (I) does not
13 apply, the employee has made an ir-
14 revocable election before the date of
15 enactment of this Act as to the meth-
16 od and amount of the annuity pay-
17 ments to the employee or any des-
18 ignated beneficiaries.

19 (6) EXCEPTION FOR CERTAIN BENE-
20 FICIARIES.—

21 (A) IN GENERAL.—If an employee dies be-
22 fore the effective date, then, in applying the
23 amendments made by this subsection to such
24 employee's designated beneficiary who dies after
25 such date—

1 (i) such amendments shall apply to
2 any beneficiary of such designated bene-
3 ficiary, and

4 (ii) the designated beneficiary shall be
5 treated as an eligible designated bene-
6 ficiary for purposes of applying section
7 401(a)(9)(H)(iv) of the Internal Revenue
8 Code of 1986 (as in effect after such
9 amendments).

10 (B) EFFECTIVE DATE.—For purposes of
11 this paragraph, the term “effective date” means
12 the first day of the first calendar year to which
13 the amendments made by this subsection apply
14 to a plan with respect to employees dying on or
15 after such date.

16 (b) PROVISIONS RELATING TO PLAN AMEND-
17 MENTS.—

18 (1) IN GENERAL.—If this subsection applies to
19 any plan amendment—

20 (A) such plan shall be treated as being op-
21 erated in accordance with the terms of the plan
22 during the period described in paragraph
23 (2)(B)(i), and

24 (B) except as provided by the Secretary of
25 the Treasury, such plan shall not fail to meet

1 the requirements of section 411(d)(6) of the In-
2 ternal Revenue Code of 1986 and section
3 204(g) of the Employee Retirement Income Se-
4 curity Act of 1974 by reason of such amend-
5 ment.

6 (2) AMENDMENTS TO WHICH SUBSECTION AP-
7 PLIES.—

8 (A) IN GENERAL.—This subsection shall
9 apply to any amendment to any plan or which
10 is made—

11 (i) pursuant to any amendment made
12 by this section or pursuant to any regula-
13 tion issued by the Secretary of the Treas-
14 ury under this section or such amend-
15 ments, and

16 (ii) on or before the last day of the
17 first plan year beginning after December
18 31, 2019, or such later date as the Sec-
19 retary of the Treasury may prescribe.

20 In the case of a governmental or collectively
21 bargained plan to which subparagraph (B) or
22 (C) of subsection (a)(4) applies, clause (ii) shall
23 be applied by substituting the date which is 2
24 years after the date otherwise applied under
25 such clause.

1 (B) CONDITIONS.—This subsection shall
2 not apply to any amendment unless—
3 (i) during the period—
4 (I) beginning on the date the leg-
5 islative or regulatory amendment de-
6 scribed in paragraph (1)(A) takes ef-
7 fect (or in the case of a plan amend-
8 ment not required by such legislative
9 or regulatory amendment, the effec-
10 tive date specified by the plan), and
11 (II) ending on the date described
12 in subparagraph (A)(ii) (or, if earlier,
13 the date the plan amendment is
14 adopted),
15 the plan is operated as if such plan amend-
16 ment were in effect; and
17 (ii) such plan amendment applies
18 retroactively for such period.

