

103^D CONGRESS
2^D SESSION

H. R. 3970

To amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 1994

Mr. CARDIN 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 clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, 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; AMENDMENT OF 1986 CODE.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Church Retirement Benefits Simplification Act of 1993”.

1 (b) AMENDMENT OF 1986 CODE.—Except as other-
2 wise expressly provided, whenever in this Act an amend-
3 ment or repeal is expressed in terms of an amendment
4 to, or repeal of, a section or other provision, the reference
5 shall be considered to be made to a section or other provi-
6 sion of the Internal Revenue Code of 1986.

7 **SEC. 2. NEW QUALIFICATION PROVISION FOR CHURCH**
8 **PLANS.**

9 (a) IN GENERAL.—Subpart A of part I of subchapter
10 D of chapter 1 (relating to pension, profit-sharing, stock
11 bonus plans, etc.) is amended by adding after section 401
12 the following new section:

13 **“SEC. 401A. QUALIFIED CHURCH PLAN.**

14 “(a) GENERAL RULE.—For purposes of all Federal
15 laws, including this title, a qualified church plan shall be
16 treated as satisfying the requirements of section 401(a),
17 and all references in (or pertaining to) this title and such
18 laws to a plan described in section 401(a) shall include
19 a qualified church plan. Except as otherwise provided in
20 this section, no paragraph of section 401(a) shall apply
21 to a qualified church plan.

22 “(b) DEFINITION OF QUALIFIED CHURCH PLAN.—
23 A plan is a qualified church plan if such plan meets the
24 following requirements:

1 “(1) CHURCH PLAN REQUIREMENT.—The plan
2 is a church plan (within the meaning of section
3 414(e)), and the election provided by section 410(d)
4 has not been made with respect to such plan.

5 “(2) EMPLOYEE CONTRIBUTIONS ARE NON-
6 FORFEITABLE.—An employee’s rights in the employ-
7 ee’s accrued benefit derived from the employee’s own
8 contributions are nonforfeitable.

9 “(3) VESTING REQUIREMENTS.—The plan sat-
10 isfies the requirements of subparagraph (A) or (B).

11 “(A) 5-YEAR VESTING.—A plan satisfies
12 the requirements of this paragraph if an em-
13 ployee who has at least 5 years of service has
14 a nonforfeitable right to 100 percent of the em-
15 ployee’s accrued benefit derived from employer
16 contributions.

17 “(B) 3- TO 7-YEAR VESTING.—A plan sat-
18 isfies the requirements of this paragraph if an
19 employee who has completed at least 3 years of
20 service has a nonforfeitable right to a percent-
21 age of the employee’s accrued benefit derived
22 from employer contributions which is not less
23 than the percentage determined under the fol-
24 lowing table:

“Years of service	Nonforfeitable percentage
3	20
4	40

5	60
6	80
7 or more	100.

1 “(C) YEARS OF SERVICE.—For purposes of
2 this paragraph, an employee’s years of service
3 shall be determined in accordance with any rea-
4 sonable method selected by the plan adminis-
5 trator.

6 “(4) FUNDING REQUIREMENTS.—The plan
7 meets the funding requirements of section 401(a)(7)
8 as in effect on September 1, 1974.

9 “(5) ADDITIONAL REQUIREMENTS.—

10 “(A) The plan meets the requirements of
11 paragraphs (1), (2), (8), (9), (16), (17), (25),
12 (27), and (30) of section 401(a).

13 “(B) If the plan includes employees of an
14 organization which is not a church, the plan
15 meets the requirements of sections 401(a)(3)
16 and 401(a)(6) (as in effect on September 1,
17 1974) and sections 401(a)(4), 401(a)(5), and
18 401(m).

19 For purposes of subparagraph (B), the plan admin-
20 istrator may elect to treat the portion of the plan
21 maintained by any organization (or organizations)
22 described in subparagraph (B) as a separate plan
23 (or plans).

24 “(c) DEFINITIONS AND SPECIAL RULES.—

1 “(1) CHURCH.—For purposes of this section,
2 the term ‘church’ means a church or a convention or
3 association of churches, including an organization
4 described in section 414(e)(3)(A) and an organiza-
5 tion described in section 414(e)(3)(B)(ii), other
6 than—

7 “(A) an organization described in section
8 170(b)(1)(A)(ii) above the secondary school
9 level (other than a school for religious training),
10 or

11 “(B) an organization described in section
12 170(b)(1)(A)(iii)—

13 “(i) which provides community service
14 for inpatient medical care of the sick or in-
15 jured (including obstetrical care); and

16 “(ii) not more than 50 percent of the
17 total patient days of which during any year
18 are customarily assignable to the cat-
19 egories of chronic convalescent and rest,
20 drug and alcoholic, epileptic, mentally defi-
21 cient, mental, nervous and mental, and tu-
22 berculosis, and care for the aged.

23 “(2) SATISFACTION OF TRUST PROVISION.—A
24 plan shall not fail to be described in this section

1 merely because such plan is funded through an orga-
2 nization described in section 414(e)(3)(A) if—

3 “(A) such organization is subject to fidu-
4 ciary requirements under applicable State law;

5 “(B) such organization is separately incor-
6 porated from the church or convention or asso-
7 ciation of churches which controls it or with
8 which it is associated;

9 “(C) the assets which equitably belong to
10 the plan are separately accounted for; and

11 “(D) under the plan, at any time prior to
12 the satisfaction of all liabilities with respect to
13 participants and their beneficiaries, such assets
14 cannot be used for, or diverted to, purposes
15 other than for the exclusive benefit of partici-
16 pants and their beneficiaries (except that this
17 paragraph shall not be construed to preclude
18 the use of plan assets to defray the reasonable
19 costs associated with administering the plan
20 and informing employees and employers of the
21 availability of the plan).

22 “(3) CERTAIN SECTIONS APPLY.—Section 401
23 (b), (c), and (h) shall apply to a qualified church
24 plan.

1 “(4) FAILURE OF ONE ORGANIZATION MAIN-
2 TAINING PLAN NOT TO DISQUALIFY PLAN.—If one or
3 more organizations maintaining a church plan fail to
4 satisfy the requirements of subsection (b), such plan
5 shall not be treated as failing to satisfy the require-
6 ments of this section with respect to other organiza-
7 tions maintaining such plan.

8 “(5) CERTAIN EMPLOYEES NOT CONSIDERED
9 HIGHLY COMPENSATED AND EXCLUDED EMPLOY-
10 EES.—For purposes of this section, no employee
11 shall be considered an officer, person whose principal
12 duties consist in supervising the work of other em-
13 ployees, or highly compensated employee if such em-
14 ployee during the year or the preceding year received
15 compensation from the employer of less than
16 \$50,000. For purposes of this section, there shall be
17 excluded from consideration employees described in
18 section 410(b)(3)(A). The Secretary shall adjust the
19 \$50,000 amount under this paragraph at the same
20 time and in the same manner as under section
21 415(d).

22 “(6) TIME FOR DETERMINATION OF APPLICA-
23 BLE LAW.—Except where otherwise specified, the
24 determination of whether a plan meets the require-
25 ments of subsection (b) shall be made in accordance

1 with the provisions of this title as in effect imme-
2 diately following enactment of the Church Retire-
3 ment Benefits Simplification Act of 1993.”

4 (b) EFFECT ON EXISTING PLANS.—A church plan
5 (within the meaning of section 414(e) of the Internal Rev-
6 enue Code of 1986) which is otherwise subject to the appli-
7 cable requirements of section 401(a) of such Code and
8 which has not made the election provided by section
9 410(d) of such Code shall not be subject to section 401A
10 of such Code, and shall remain subject to the applicable
11 requirements of section 401(a) of such Code, unless the
12 board of directors or trustees of an organization described
13 in section 414(e)(3)(A) of such Code, or other appropriate
14 governing body responsible for maintaining the plan,
15 adopts a resolution under which the church plan is made
16 subject to section 401A of such Code.

17 (c) EFFECTIVE DATES.—

18 (1) IN GENERAL.—The amendment made by
19 this section shall be effective for years beginning
20 after December 31, 1993, except that the provisions
21 of section 401A(b)(3) of the Internal Revenue Code
22 of 1986 shall be effective for years beginning after
23 December 31, 1994. No regulation or ruling under
24 section 401(a) of such Code issued after December
25 31, 1992, shall apply to a qualified church plan de-

1 scribed in section 401A of such Code unless such
2 regulation or ruling is specifically made applicable
3 by its terms to qualified church plans.

4 (2) PRIOR YEARS.—A church plan (within the
5 meaning of section 414(e) of such Code) shall not be
6 deemed to have failed to satisfy the applicable re-
7 quirements of section 401(a) of such Code for any
8 year beginning prior to January 1, 1994.

9 **SEC. 3. RETIREMENT INCOME ACCOUNTS OF CHURCHES.**

10 (a) IN GENERAL.—Section 403(b)(9) is amended to
11 read as follows:

12 “(9) RETIREMENT INCOME ACCOUNTS PRO-
13 VIDED BY CHURCHES, ETC.—

14 “(A) AMOUNTS PAID TREATED AS CON-
15 TRIBUTIONS.—For purposes of this title—

16 “(i) a retirement income account shall
17 be treated as an annuity contract described
18 in this subsection, and

19 “(ii) amounts paid by an employer de-
20 scribed in paragraph (1)(A) or by a church
21 or a convention or association of churches,
22 including an organization described in sec-
23 tion 414(e)(3)(A) or 414(e)(3)(B)(ii), to a
24 retirement income account shall be treated
25 as amounts contributed by the employer

1 for an annuity contract for the employee
2 on whose behalf such account is main-
3 tained.

4 “(B) RETIREMENT INCOME ACCOUNT.—
5 For purposes of this paragraph, the term ‘re-
6 tirement income account’ means a program es-
7 tablished or maintained by a church, a conven-
8 tion or association of churches, including an or-
9 ganization described in section 414(e)(3)(A), to
10 provide benefits under this subsection for an
11 employee described in paragraph (1) or an indi-
12 vidual described in paragraph (13)(F), or their
13 beneficiaries.”

14 (b) EFFECTIVE DATES.—

15 (1) IN GENERAL.—The amendment made by
16 this section shall be effective for years beginning
17 after December 31, 1993.

18 (2) PRIOR YEARS.—A church plan (within the
19 meaning of section 414(e)) shall not be deemed to
20 have failed to satisfy the applicable requirements of
21 section 403(b) for any year beginning prior to Janu-
22 ary 1, 1994.

1 **SEC. 4. CONTRACTS PURCHASED BY A CHURCH.**

2 (a) CLARIFICATION OF APPLICABLE NON-
3 DISCRIMINATION REQUIREMENTS.—Subparagraph (D) of
4 section 403(b)(1) is amended to read as follows:

5 “(D) except in the case of a contract pur-
6 chased by a church, such contract is purchased
7 under a plan which meets the nondiscrimination
8 requirements of paragraph (12)(A), and”.

9 (b) CERTAIN COVERAGE RULES APPLY.—Subpara-
10 graph (B) of section 403(b)(12) is amended to read as
11 follows:

12 “(B) CERTAIN REQUIREMENTS.—If a con-
13 tract purchased by a church is purchased under
14 a church plan (within the meaning of section
15 414(e)) by—

16 “(i) an organization described in sec-
17 tion 170(b)(1)(A)(ii) above the secondary
18 school level (other than a school for reli-
19 gious training), or

20 “(ii) an organization described in sec-
21 tion 170(b)(1)(A)(iii)—

22 “(I) which provides community
23 service for inpatient medical care of
24 the sick or injured (including obstetri-
25 cal care), and

1 “(II) no more than 50 percent of
2 the total patient days of which during
3 any year are customarily assignable to
4 the categories of chronic convalescent
5 and rest, drug and alcoholic, epileptic,
6 mentally deficient, mental, nervous
7 and mental, and tuberculosis, and
8 care for the aged,
9 the plan meets the requirements of sec-
10 tions 401(a)(3) and 401(a)(6), as in effect
11 on September 1, 1974, and sections
12 401(a)(4), 401(a)(5), 401(a)(17), and
13 401(m).

14 For purposes of this subparagraph, the plan ad-
15 ministrator may elect to treat the portion of the
16 plan maintained by any organization (or organi-
17 zations) described in this subparagraph as a
18 separate plan (or plans).”

19 (c) SPECIAL RULES FOR CHURCHES.—Section
20 403(b) is amended by adding the following new paragraph
21 at the end thereof:

22 “(13) DEFINITIONS AND SPECIAL RULES.—

23 “(A) CONTRACT PURCHASED BY A
24 CHURCH.—For purposes of this subsection, the
25 term ‘contract purchased by a church’ includes

1 an annuity described in section 403(b)(1), a
2 custodial account described in section
3 403(b)(7), and a retirement income account de-
4 scribed in section 403(b)(9).

5 “(B) CHURCH.—For purposes of this sub-
6 section, the term ‘church’ means a church or a
7 convention or association of churches, including
8 an organization described in section
9 414(e)(3)(A) or section 414(e)(3)(B)(ii).

10 “(C) VESTING.—In the case of a contract
11 purchased by a church under a church plan
12 (within the meaning of section 414(e))—

13 “(i) sections 403(b)(1)(C) and
14 403(b)(6) shall not apply;

15 “(ii) such contract is not described in
16 this subsection unless an employee’s rights
17 in the employee’s accrued benefit under
18 such contract which is attributable to con-
19 tributions made pursuant to a salary re-
20 duction agreement are nonforfeitable; and

21 “(iii) such contract is not described in
22 this subsection unless the plan satisfies the
23 requirements of either of the following:

24 “(I) The plan provides that an
25 employee who has at least 5 years of

1 service has a nonforfeitable right to
 2 100 percent of the employee’s accrued
 3 benefit derived from employer con-
 4 tributions.

5 “(II) The plan provides that an
 6 employee who has completed at least
 7 3 years of service has a nonforfeitable
 8 right to a percentage of the employ-
 9 ee’s accrued benefit derived from em-
 10 ployer contributions which percentage
 11 is not less than the percentage deter-
 12 mined under the following table:

“Years of service	Nonforfeitable percentage
3	20
4	40
5	60
6	80
7 or more	100.

13 For purposes of clause (iii), an employee’s years
 14 of service shall be determined in accordance
 15 with any reasonable method selected by the
 16 plan administrator.

17 “(D) FAILURE OF ONE ORGANIZATION
 18 MAINTAINING PLAN NOT TO DISQUALIFY
 19 PLAN.—In the case of a contract purchased by
 20 a church under a church plan (within the mean-
 21 ing of section 414(e)), if one or more organiza-
 22 tions maintaining the church plan fails to sat-

1 isfy the requirements of this section, such plan
2 shall not be treated as failing to satisfy the re-
3 quirements of this section with respect to other
4 organizations maintaining such plan.

5 “(E) CERTAIN EMPLOYEES NOT CONSID-
6 ERED HIGHLY COMPENSATED AND EXCLUDED
7 EMPLOYEES.—For purposes of this subsection,
8 no employee for whom a contract is purchased
9 by a church shall be considered an officer, per-
10 son whose principal duties consist in super-
11 vising the work of other employees, or highly
12 compensated employee if such employee during
13 the year or the preceding year received com-
14 pensation from the employer of less than
15 \$50,000. For purposes of this subsection, there
16 shall be excluded employees described in section
17 410(b)(3)(A). The Secretary shall adjust the
18 \$50,000 amount under this subparagraph at
19 the same time and in the same manner as
20 under section 415(d).

21 “(F) CERTAIN MINISTERS MAY PARTICI-
22 PATE.—For purposes of this subsection—

23 “(i) IN GENERAL.—The term ‘em-
24 ployee’ shall include a duly ordained, com-
25 missioned, or licensed minister of a church

1 in the exercise of his or her ministry who
2 is a self-employed individual (within the
3 meaning of section 401(c)(1)(B)) or any
4 duly ordained, commissioned, or licensed
5 minister of a church in the exercise of his
6 or her ministry who is employed by an or-
7 ganization other than an organization de-
8 scribed in section 501(c)(3).

9 “(ii) TREATMENT AS EMPLOYER AND
10 EMPLOYEE.—A self-employed minister de-
11 scribed in clause (i) shall be treated as his
12 or her own employer which is an organiza-
13 tion described in section 501(c)(3) and
14 which is exempt from tax under section
15 501(a). Such an employee who is employed
16 by an organization other than an organiza-
17 tion described in section 501(c)(3) shall be
18 treated as employed by an organization de-
19 scribed in section 501(c)(3) and which is
20 exempt from tax under section 501(a).

21 “(iii) COMPENSATION.—In determin-
22 ing the compensation of a self-employed
23 minister described in clause (i), the earned
24 income (within the meaning of section
25 401(c)(2)) of such minister shall be sub-

1 stituted for ‘the amount of compensation
2 which is received from the employer’ under
3 paragraph (3).

4 In determining the years of service of a self-em-
5 ployed minister described in clause (i), the
6 years (and portions of years) in which such
7 minister was a self-employed individual (within
8 the meaning of section 401(c)(1)(B)) shall be
9 included for purposes of paragraph (4).

10 “(G) TIME FOR DETERMINATION OF AP-
11 PLICABLE LAW.—Except where otherwise speci-
12 fied, the determination of whether a contract
13 purchased by a church meets the requirements
14 of this subsection shall be made in accordance
15 with the provisions of this title as in effect im-
16 mediately following enactment of the Church
17 Retirement Benefits Simplification Act of
18 1993.”

19 (d) EFFECTIVE DATES.—

20 (1) IN GENERAL.—The amendments made by
21 this section shall be effective for years beginning
22 after December 31, 1993, except that the provisions
23 of section 403(b)(13)(C)(iii) of the Internal Revenue
24 Code of 1986 shall be effective for years beginning
25 after December 31, 1994. No regulation or ruling is-

1 sued under section 401(a) or 403(b) of such Code
2 after December 31, 1993, shall apply to a contract
3 purchased by a church unless such regulation or rul-
4 ing is specifically made applicable by its terms to
5 such contracts. For purposes of applying the exclu-
6 sion allowance of section 403(b)(2) of such Code and
7 the limitations of section 415 of such Code, any con-
8 tribution made after December 31, 1994, which is
9 forfeitable pursuant to section 403(b)(13)(C) of such
10 Code shall be treated as an amount contributed to
11 the contract in the year for which such contribution
12 is made and not in the year the contribution be-
13 comes nonforfeitable.

14 (2) PRIOR YEARS.—A church plan (within the
15 meaning of section 414(e) of such Code) shall not be
16 deemed to have failed to satisfy the applicable re-
17 quirements of section 403(b) of such Code for any
18 year beginning prior to January 1, 1993.

19 **SEC. 5. CHANGE IN DISTRIBUTION REQUIREMENT FOR RE-**
20 **TIREMENT INCOME ACCOUNTS.**

21 (a) IN GENERAL.—Subparagraph (A) of section
22 403(b)(11) is amended by inserting “or, in the case of a
23 retirement income account described in paragraph (9),
24 within the meaning of section 401(k)(2)” after “section
25 72(m)(7)”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall be effective for years beginning after De-
3 cember 31, 1988.

4 **SEC. 6. REQUIRED BEGINNING DATE FOR DISTRIBUTIONS**
5 **UNDER CHURCH PLANS.**

6 (a) IN GENERAL.—Subparagraph (C) of section
7 401(a)(9) is amended by striking the last sentence and
8 inserting the following new sentence: “For purposes of this
9 subparagraph, the term ‘church plan’ has the meaning
10 given such term by section 414(e).”

11 (b) EFFECTIVE DATE.—The amendment made by
12 this section shall be effective as if included in the provision
13 of the Tax Reform Act of 1986 to which such amendment
14 relates.

15 **SEC. 7. PARTICIPATION OF MINISTERS IN CHURCH PLANS.**

16 (a) IN GENERAL.—Section 414 is amended by adding
17 the following new subsection:

18 “(u) SPECIAL RULES FOR MINISTERS.—Notwith-
19 standing any other provision of this title, if a duly or-
20 dained, commissioned, or licensed minister of a church in
21 the exercise of his or her ministry participates in a church
22 plan (within the meaning of section 414(e)), then—

23 “(1) such minister shall be excluded from con-
24 sideration for purposes of applying sections
25 401(a)(3), 401(a)(4), and 401(a)(5), as in effect on

1 September 1, 1974, and sections 401(a)(4),
2 401(a)(5), 401(a)(26), 401(k)(3), 401(m),
3 403(b)(1)(D) (including section 403(b)(12)), and
4 410 to any stock bonus, pension, profit-sharing, or
5 annuity plan (including an annuity described in sec-
6 tion 403(b) or a retirement income account de-
7 scribed in section 403(b)(9)) described in this part.
8 For purposes of this part, the church plan in which
9 such minister participates shall be treated as a plan
10 or contract meeting the requirements of section
11 401(a), 401A, or 403(b) (including section
12 403(b)(9)) with respect to such minister's participa-
13 tion; and

14 “(2) such minister shall be excluded from con-
15 sideration for purposes of applying an applicable sec-
16 tion to any plan providing benefits described in an
17 applicable section.

18 For purposes of paragraph (2), the term ‘applicable sec-
19 tion’ means section 79(d), section 105(h), paragraphs (1),
20 (2), and (3) of section 120(c), section 125(b), section
21 127(b)(2), and paragraphs (2), (3), and (8) of section
22 129(d).”

23 (b) EFFECTIVE DATE.—The amendment made by
24 this section shall be effective for years beginning before,
25 on, or after December 31, 1993.

1 **SEC. 8. CERTAIN RULES AGGREGATING EMPLOYEES NOT**
2 **TO APPLY TO CHURCHES, ETC.**

3 (a) IN GENERAL.—Section 414 is amended by adding
4 the following new subsection:

5 “(v) CERTAIN RULES AGGREGATING EMPLOYEES
6 NOT TO APPLY TO CHURCHES, ETC.—

7 “(1) IN GENERAL.—If the election provided by
8 paragraph (3) is made, for purposes of sections
9 401(a)(3), 401(a)(4), and 401(a)(5), as in effect on
10 September 1, 1974, and sections 401(a)(4),
11 401(a)(5), 401(a)(17), 401(a)(26), 401(h), 401(m),
12 410(b), 411(d)(1), and 416, subsections (b), (c),
13 (m), (o), and (t) of this section shall not apply to
14 treat the employees of church-related organizations
15 as employed by a single employer, except in the case
16 of employees of church-related organizations which
17 are not exempt from tax under section 501(a) and
18 which have a common, immediate parent.

19 “(2) DEFINITION OF CHURCH-RELATED ORGA-
20 NIZATION.—For purposes of this subsection, the
21 term ‘church-related organization’ means a church
22 or a convention or association of churches, an orga-
23 nization described in section 414(e)(3)(A), an orga-
24 nization described in section 414(e)(3)(B)(ii), or an
25 organization the employees of which would be aggre-

1 gated with the employees of such organizations but
2 for the election provided by paragraph (3).

3 “(3) ELECTION TO DISAGGREGATE.—The provi-
4 sions of this subsection shall apply if a church-relat-
5 ed organization makes an election for itself and
6 other church-related organizations (in such form and
7 manner as the Secretary may by regulations pre-
8 scribe) on or before the last day of the first plan
9 year beginning on or after January 1, 1996.”

10 (b) EFFECTIVE DATE.—The amendment made by
11 this section shall be effective as if included in the provi-
12 sions of Public Law 93–406, Public Law 98–369, and
13 Public Law 99–514 to which such amendment relates.

14 **SEC. 9. SELF-EMPLOYED MINISTERS TREATED AS EMPLOY-**
15 **EES FOR PURPOSES OF CERTAIN WELFARE**
16 **BENEFIT PLANS AND RETIREMENT INCOME**
17 **ACCOUNTS.**

18 (a) IN GENERAL.—Section 7701(a)(20) is amended
19 to read as follows:

20 “(20) EMPLOYEE.—For the purpose of apply-
21 ing the provisions of section 79 with respect to
22 group-term life insurance purchased for employees,
23 for the purpose of applying the provisions of sections
24 104, 105, and 106 with respect to accident or health
25 insurance or accident or health plans, for the pur-

1 pose of applying the provisions of section 101(b)
2 with respect to employees' death benefits, for the
3 purpose of applying the provisions of subtitle A with
4 respect to contributions to or under a stock bonus,
5 pension, profit-sharing, or annuity plan, and with re-
6 spect to distributions under such a plan, or by a
7 trust forming part of such a plan, and for purposes
8 of applying section 125 with respect to cafeteria
9 plans, the term 'employee' shall include a duly or-
10 dained, commissioned, or licensed minister of a
11 church in the exercise of his or her ministry who is
12 a self-employed individual (within the meaning of
13 section 401(c)(1)(B)) or a full-time life insurance
14 salesman who is considered an employee for the pur-
15 pose of chapter 21, or in the case of services per-
16 formed before January 1, 1951, who would be con-
17 sidered an employee if his services were performed
18 during 1951."

19 (b) EFFECTIVE DATE.—The amendment made by
20 this section shall be effective for years beginning before,
21 on, or after December 31, 1993.

1 **SEC. 10. DEDUCTIONS FOR CONTRIBUTIONS BY CERTAIN**
2 **MINISTERS TO RETIREMENT INCOME AC-**
3 **COUNTS.**

4 (a) IN GENERAL.—Section 404(a) is amended by
5 adding the following new paragraph:

6 “(10) CONTRIBUTIONS BY CERTAIN MINISTERS
7 TO RETIREMENT INCOME ACCOUNTS.—In case con-
8 tributions are made by a minister described in sec-
9 tion 403(b)(13)(F) to a retirement income account
10 described in section 403(b)(9) and not by a person
11 other than such minister, such contributions shall be
12 treated as made to a trust which is exempt from tax
13 under section 501(a) which is part of a plan which
14 is described in section 401(a) and shall be deductible
15 under this subsection to the extent such contribu-
16 tions do not exceed the exclusion allowance of such
17 minister, determined under section 403(b)(2).”

18 (b) EFFECTIVE DATE.—The amendment made by
19 this section shall be effective for years beginning after De-
20 cember 31, 1993.

21 **SEC. 11. MODIFICATION FOR CHURCH PLANS OF RULES**
22 **FOR PLANS MAINTAINED BY MORE THAN ONE**
23 **EMPLOYER.**

24 (a) IN GENERAL.—Section 413(c) is amended by
25 adding the following new paragraph:

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to taxable years beginning after
3 December 31, 1978.

4 **SEC. 13. CHURCH PLAN MODIFICATION TO SEPARATE AC-**
5 **COUNT REQUIREMENT OF SECTION 401(h).**

6 (a) EXCEPTION TO SEPARATE ACCOUNT REQUIRE-
7 MENT.—Section 401(h) is amended by adding the follow-
8 ing new sentence at the end thereof: “Notwithstanding the
9 preceding sentence, in the case of a pension or annuity
10 plan that is a church plan (within the meaning of section
11 414(e)) which is maintained by more than one employer,
12 paragraph (6) shall not apply to an employee who is a
13 key employee for purposes of section 416 solely because
14 such employee is described in section 416(i)(1)(A)(i) (re-
15 lating to officers having an annual compensation greater
16 than 150 percent of the amount in effect under section
17 415(c)(1)(A)).”

18 (b) APPLICATION OF SECTION 415(l).—Section
19 415(l)(1) is amended to read as follows:

20 “(1) IN GENERAL.—For purposes of this sec-
21 tion, the following shall be treated as an annual ad-
22 dition to a defined contribution plan for purposes of
23 subsection (c):

1 “(A) Contributions allocated to any indi-
2 vidual medical account which is part of a pen-
3 sion or annuity plan.

4 “(B) The actuarially determined amount of
5 prefunding for the insurance value of benefits
6 which are—

7 “(i) described in section 401(h);

8 “(ii) paid under a pension or annuity
9 plan that is a church plan (within the
10 meaning of section 414(e));

11 “(iii) paid under a plan maintained by
12 more than one employer; and

13 “(iv) payable solely to an employee
14 who is a key employee for purposes of sec-
15 tion 415 solely because such employee is
16 described in section 416(i)(1)(A)(i) (relat-
17 ing to officers having an annual compensa-
18 tion greater than 150 percent of the
19 amount in effect under section
20 415(c)(1)(A)), his spouse, or his depend-
21 ents.

22 Subparagraph (B) of section (c)(1) shall not
23 apply to any amount treated as an annual addi-
24 tion under the preceding sentence.”

1 (c) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to years beginning after March 31,
3 1984.

4 **SEC. 14. RULE RELATING TO INVESTMENT IN CONTRACT**
5 **NOT TO APPLY TO FOREIGN MISSIONARIES.**

6 (a) IN GENERAL.—The last sentence of section 72(f)
7 is amended to read as follows: “The preceding sentence
8 shall not apply to amounts which were contributed by the
9 employer, as determined under regulations prescribed by
10 the Secretary, to provide pension or annuity credits, to
11 the extent such credits are attributable to services per-
12 formed before January 1, 1963, and are provided pursu-
13 ant to pension or annuity plan provisions in existence on
14 March 12, 1962, and on that date applicable to such serv-
15 ices, or to provide pension or annuity credits for foreign
16 missionaries (within the meaning of section
17 403(b)(2)(D)(iii)).”

18 (b) EFFECTIVE DATE.—The amendment made by
19 this section shall apply to taxable years beginning after
20 December 31, 1993.

21 **SEC. 15. REPEAL OF ELECTIVE DEFERRAL CATCH-UP LIMI-**
22 **TATION FOR RETIREMENT INCOME AC-**
23 **COUNTS.**

24 (a) IN GENERAL.—Clause (iii) of section
25 402(g)(8)(A) is amended to read as follows:

1 “(iii) except in the case of elective de-
2 ferrals under a retirement income account
3 described in section 403(b)(9), the excess
4 of \$5,000 multiplied by the number of
5 years of service of the employee with the
6 qualified organization over the employer
7 contributions described in paragraph (3)
8 made by the organization on behalf of such
9 employee for prior taxable years (deter-
10 mined in the manner prescribed by the
11 Secretary).”

12 (b) EFFECTIVE DATE.—The amendment made by
13 this section shall be effective as if included in the provision
14 of the Tax Reform Act of 1986 to which such amendment
15 relates.

16 **SEC. 16. CHURCH PLANS MAY ANNUITIZE BENEFITS.**

17 (a) IN GENERAL.—A retirement income account de-
18 scribed in section 403(b)(9) of the Internal Revenue Code
19 of 1986, a church plan (within the meaning of section
20 414(e) of such Code) that is a plan described in section
21 401(a) or 401A of such Code, or an account which consists
22 of qualified voluntary employee contributions described in
23 section 219(e)(2) of such Code (as in effect before the date
24 of the enactment of the Tax Reform Act of 1986) and
25 earnings thereon, shall not fail to be described in such sec-

1 tions merely because it pays benefits to participants (and
2 their beneficiaries) from a pool of assets administered or
3 funded by an organization described in section
4 414(e)(3)(A) of such Code, rather than through the pur-
5 chase of annuities from an insurance company.

6 (b) EFFECTIVE DATE.—This provision shall be effec-
7 tive for years beginning before, on, or after December 31,
8 1993.

9 **SEC. 17. CHURCH PLANS MAY INCREASE BENEFIT PAY-**
10 **MENTS.**

11 (a) IN GENERAL.—A retirement income account de-
12 scribed in section 403(b)(9) of the Internal Revenue Code
13 of 1986, a church plan (within the meaning of section
14 414(e) of such Code) that is a plan described in section
15 401(a) or 401A of such Code, or an account which consists
16 of qualified voluntary employee contributions described in
17 section 219(e)(2) of such Code (as in effect before the date
18 of the enactment of the Tax Reform Act of 1986) and
19 earnings thereon, shall not fail to be described in such sec-
20 tions merely because it provides benefit payments to par-
21 ticipants (and their beneficiaries)—

22 (1) to take into account the investment per-
23 formance of the underlying assets or favorable inter-
24 est or mortality experience, or

1 (2) that increase in an amount not in excess of
2 5 percent per year.

3 (b) EFFECTIVE DATE.—This provision shall be effec-
4 tive for years beginning before, on, or after December 31,
5 1993.

6 **SEC. 18. RULES APPLICABLE TO SELF-INSURED MEDICAL**
7 **REIMBURSEMENT PLANS NOT TO APPLY TO**
8 **PLANS OF CHURCHES.**

9 (a) IN GENERAL.—Section 105(h) is amended by
10 adding the following new paragraph:

11 “(11) PLANS OF CHURCHES.—This subsection
12 shall not apply to a plan maintained by a church
13 (within the meaning of section 401A(c)(1)).”

14 (b) EFFECTIVE DATE.—The amendment made by
15 this section shall be effective for years beginning before,
16 on, or after December 31, 1993.

17 **SEC. 19. RETIREMENT BENEFITS OF MINISTERS NOT SUB-**
18 **JECT TO TAX ON NET EARNINGS FROM SELF-**
19 **EMPLOYMENT.**

20 (a) IN GENERAL.—Section 1402(a)(8) (defining net
21 earning from self-employment) is amended by inserting “,
22 but shall not include in such net earning from self-employ-
23 ment any retirement benefit received by such individual
24 from a church plan (as defined in section 414(e))” before
25 the semicolon at the end.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to years beginning before, on, or
3 after December 31, 1993.

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