**AMENDMENT TO IMPLEMENT IN-SERVICE DISTRIBUTION**

**ARTICLE 1; PREAMBLE**

1.1 **Adoption**. The Employer hereby adopts this Amendment to the Plan identified below.

1.2 **Superseding of inconsistent provisions**. This Amendment supersedes the provisions of the Plan to the extent those provisions are inconsistent with the provisions of this Amendment. Except as otherwise provided in this Amendment, terms defined in the Plan will have the same meaning in this Amendment.

1.3 **References.** Except as otherwise provided in this Amendment, any "Section" reference in this Amendment refers only to this Amendment and is not a reference to the Plan. The Article and Section numbering in this Amendment is solely for purposes of this Amendment, and does not relate to the Plan article, section, or other numbering designations.

1.4 **Intention; construction**. The purpose of this amendment is to amend the Plan in accordance with pension related provisions of the Further Consolidated Appropriations Act of 2019 (“FCAA”) in general, and Section 104 of the Bipartisan American Miners Act, in specific. The provisions of this Amendment shall be interpreted and applied to be consistent with FCAA and Part F of Notice 2020-68.

1.5 **Effect of restatement of Plan.** If the Employer restates the Plan then this Amendment shall remain in effect after such restatement unless the provisions in this Amendment are restated or otherwise become obsolete (e.g., if the Plan is restated onto a plan document which incorporates these provisions).

**ARTICLE 2; IDENTIFICATION**

2.1 **Identifying information.**

 A. Name of Plan: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 B. Type of Plan (check one)

 (1) [ ] Money Purchase Pension Plan

 (2) [ ] Defined Benefit Plan (including a cash balance plan)

 (3) [ ] Governmental 457(b) Plan

 (4) [ ] 401(k) or Profit Sharing Plan (see Section 3.2)

**ARTICLE 3; IN-SERVICE PENSION DISTRIBUTIONS**

3.1 **Distribution at 59½.** A Participant can take an in-service distribution at age 59½ unless a later age is entered here: \_\_\_\_\_\_. Such a distribution will be limited to the vested portion of Participant’s accrued benefit or account and will be subject to all Plan provisions related to in-service distributions. If the Plan is a Governmental 457(b) Plan, the Plan can operationally permit distributions as early as January 1 of the calendar year the Participant attains 59½ (or the later age specified above).

3.2 **Limited application to profit sharing plans.** If the Plan is a 401(k) Plan or a Profit Sharing Plan, this Article 3 will apply only to an account in the Plan which holds assets transferred from a Money Purchase Pension Plan or a Defined Benefit Plan.

3.3 **Effective Date.** This Amendment is effective on the first day of the first Plan Year beginning after December 31, 2019, unless a later effective date is entered here: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *[Enter effective date not earlier than the first day of the first Plan Year beginning after December 31, 2019.]*

This Amendment has been executed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_.

Name of Employer:

By: