Instructions for Forms 1099-R and 5498

Section references are to the Internal Revenue Code unless otherwise noted.

What's New

Form 1099-R

Reporting IRA distributions. Generally, box 2a should be left blank when reporting distributions. If there is no distribution, plan or SEP IRAs, unless otherwise instructed later in these instructions. Box 2b, "Taxable amount not determined" should be checked. Corrected distributions. For plan years beginning after 2007, excess contributions and excess aggregate contributions plus earnings are taxable in the year distributed (except for designated Roth contributions). See Excess contributions and Excess aggregate contributions on page 5. Distributions to beneficiaries. Distributions from a nonqualified deferred compensation (NQDC) plan to an estate or beneficiary of a deceased plan participant are no longer reported on Form 1099-R. They should be reported on Form 1099-MISC. Qualified charitable distributions. Qualified distributions from IRAs for charitable purposes may be made through December 31, 2009. Distributions from an Employee Stock Ownership Plan (ESOP). Distributions of dividends from an ESOP under section 404(k) to participants or their beneficiaries are to be reported on Form 1099-R. All other distributions from an ESOP must be reported on a separate Form 1099-R. Partial exchanges of annuity contracts. Rev. Proc. 2008-24 was issued to address the tax treatment of certain tax-free exchanges of annuity contracts under sections 72 and 1035. The interim guidance provided by Notice 2003-51 is superseded. Guide to Distribution Codes. The following changes were made to the Guide to Distribution Codes. • For Distribution Code 1, on page 11, references to the qualified reservist distribution under section 72(2)(D) have been made permanent. • New Distribution Code U, for distributions under IRC 404(k), was added to the table that begins on page 11. • Distribution Codes B and U are a valid combination.

Form 5498

Reformatted form. Form 5498 has been enlarged and reformatted to two to a page instead of three to a page to provide additional boxes for reporting information formerly reported in the blank box next to box 10. Instructions have been added for new boxes 12a through 15b on page 16. Federally declared disaster areas. The words "presidentially declared disaster areas" have been replaced with "federally declared disaster areas." Military death gratuities and servicemembers’ group life insurance (SGLI) payments. Payments from traditional death gratuities and SGLI payments can contribute all or a portion of the amounts received to a Roth IRA. See Military death gratuities and servicemembers’ group life insurance (SGLI) payments on page 14. Qualified settlement income. The qualified settlement income in connection with the Exxon Valdez litigation can contribute all or a portion of the amounts received to a traditional or Roth IRA. See Qualified settlement income on page 14.

Airline payment amount. All or a portion of certain payments made to qualified airline employees by commercial passenger airline carriers may be contributed to a Roth IRA. See Airline payment amount on page 20. Required minimum distributions for 2009. Required minimum distributions (RMDs) for 2009 for defined contribution plans and IRAs have been suspended.

Reminders

In addition, see the 2009 General Instructions for Forms 1099, 1098, 3921, 3922, 5498, and W-2G for information on the following topics. Backup withholding. • Electronic reporting requirements. • Penalty. • Who must file (nominee/middleman). • When and where to file. • Taxpayer identification numbers. • Statements to recipients. • Corrected and void returns. Other general topics. You can get the general instructions from the IRS website at www.irs.gov or call 1-800-TAX-FORM (1-800-829-3676).

Specific Instructions for Form 1099-R

File Form 1099-R, Distributions From Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc., for each person to whom you have made a designated distribution or are treated as having made a distribution of $10 or more from profit-sharing or retirement plans, any individual retirement arrangements (IRAs), annuities, pensions, insurance contracts, survivor income benefit plans, charitable and disaster relief payments under life insurance contracts, charitable gift annuities, etc. Also, report on Form 1099-R death benefit payments made by employers that are not made as part of a pension, profit-sharing, or retirement plan. See box 1 on page 6. Reportable disability payments made from a retirement plan must be reported on Form 1099-R. Generally, do not report payments subject to withholding of social security and Medicare taxes on this form. Report such payments on Form W-2, Wage and Tax Statement. Generally, do not report amounts totally exempt from tax, such as workers’ compensation and Department of Veterans Affairs (VA) payments. However, if part of the distribution is taxable and part is nontaxable, report the entire distribution. There is no special reporting for qualified charitable distributions described in section 408(d)(9), qualified HSA funding distributions described in section 408(d)(9), or for the payment of qualified health and long-term care insurance premiums for retired public safety officers described in section 402(l).

Military retirement annuities. Report payments to military retirees or payments of survivor benefit annuities on Form 1099-R. Report military retirement pay awarded as a property settlement to a former spouse under the name and taxpayer identification number (TIN) of the recipient, not that of the military retiree.

Governmental section 457(b) plans. Report on Form 1099-R, not Form W-2, income tax withholding and distributions from a governmental section 457(b) plan maintained by a state or local government employer. Distributions from a governmental section 457(b) plan to a participant or beneficiary include all amounts that are paid from the plan. For more information, see Notice 2003-20 which is on page 894 of
Nonqualified plans. Report any reportable distributions from commercial annuities. Report distributions to employee plan participants from section 404(k) plans other than section 404(k) dividend plans, other qualified employer plan non-401(k) compensation plans including nongovernmental section 457(b) plans on Form W-2, not on Form 1099-R; for nonemployees, these reportable distributions are reportable on Form 1099-MISC. Also, report distributions to beneficiaries of deceased plan participants on Form 1099-MISC.

Section 404(k) dividends. Distributions of section 404(k) dividends from a plan must be reported on a separate Form 1099-R. Section 404(k) dividends paid directly from the corporation to participants or their beneficiaries are reported on Form 1099-DIV. See Announcement 2008-66, 2008-26 I.R.B. 1192, available at www.irs.gov/irb/2008-26_IRB/ar11.html.

Charitable gift annuities. If cash or capital gain property is donated in exchange for a charitable gift annuity, report distributions from the annuity on Form 1099-R. See Charitable gift annuities on page 7.

Life insurance, annuity, and endowment contracts. Report payments of matured or redeemed annuity, endowment, and life insurance contracts. However, you do not need to file Form 1099-R to report the surrender of a life insurance contract if it is reasonable to believe that none of the payments is includible in the income of the recipient. If you are reporting the surrender of a life insurance contract, see Code 7 on page 11.

Also report premiums paid by a trustee or custodian for the cost of current life or other insurance protection. Costs of current life insurance protection are not subject to the 10% additional tax under section 72(c). See Cost of current life insurance protection on page 7.

Section 1035 exchange. A tax-free section 1035 exchange is the exchange of (a) a life insurance contract for another life insurance, endowment, or annuity contract, (b) an endowment contract for an annuity contract or for another endowment contract that provides for regular payments to begin no later than the later of the end of the calendar year in which the policyholder dies or the end of the calendar year in which the annuity contract begins, and (c) an annuity contract for another annuity contract. However, the distribution of other property or the cancellation of a contract loan at the time of the exchange may be taxable and reportable on a separate Form 1099-R. These exchanges of contracts are generally reportable on Form 1099-R. However, reporting on Form 1099-R is not required if (a) the exchange occurs within the same company, (b) the exchange is solely a contract for contract exchange, as defined above, that does not result in a designated distribution, and (c) the company maintains adequate records of the policyholder's basis in the contracts. For example, a life insurance contract issued by Company X received in exchange solely for another life insurance contract previously issued by Company X does not have to be reported on Form 1099-R as long as the company maintains the required records. See Rev. Proc. 92-26, 1992-1 C.B. 744, for certain exchanges for which reporting is not required under section 1035. See Rev. Rul. 2007-24, 2007-21 I.R.B. 1282, available at www.irs.gov/irb/2007-21_IRB/ar15.html for certain transactions that do not qualify as tax-free exchanges. For more information on partial reports of exchanges of annuity contracts, see Rev. Proc. 2008-24, 2008-15 I.R.B. 684, available at www.irs.gov/irb/2008-15_IRB/ar13.html.

For more information on reporting taxable exchanges, see box 1 on page 6.

Designated Roth Account Distributions

An employer offering a section 401(k) or 403(b) plan may allow participants to contribute all or a portion of the elective deferrals they are otherwise eligible to make to a separate designated Roth account established under the plan. Contributions made under a section 401(k) plan must meet the requirements of Regulations section 1.401(k)-1(f) (Regulations section 1.403(b)-3(c) for a section 403(b) plan). Under the terms of the section 401(k) plan or section 403(b) plan the designated Roth account must meet the requirements of section 402A.

A separate Form 1099-R must be used to report a distribution from a designated Roth account.

IRA Distributions

For deemed IRAs under section 408(q), use the rules that apply to traditional IRAs and Roth IRAs as applicable. Simplified employee pension (SEP) IRAs and savings incentive match plan for employees (SIMPLE) IRAs, however, may not be used as deemed IRAs.

Deemed IRAs. A qualified employer plan may allow employees to make voluntary employee contributions to a separate account or annuity established under the plan. Under the terms of the qualified employer plan, the account or annuity must meet the applicable requirements of section 408 or 408A for a traditional IRA or Roth IRA. Under section 408(d)(6), the “deemed IRA” portion of the qualified employer plan is subject to the rules applicable to traditional and Roth IRAs, and not to those of the applicable plan under section 401(a), 403(a), 403(b), or 457.

Accordingly, the reporting and withholding rules on plan and IRA distributions apply separately depending on whether the distributions are made from the deemed IRA or the qualified employer plan. For example, the reporting from required minimum distributions (RMDs) apply separately for the two portions of the plan. A total distribution of amounts held in the qualified employer plan portion and the deemed IRA portion is reportable on two separate Forms 1099-R — one for the distribution from the deemed IRA portion and one for the rest of the distributions from the 20% withholding provisions on page 3 do not apply to distributions from any IRA. However, taxable distributions from traditional IRAs and SEP IRAs may be rolled over into an eligible retirement plan. See section 408(d)(3). SIMPLE IRAs may also be rolled over into an eligible retirement plan, but only after the 2-year period described in section 72(t)(6).

An IRA includes all investments under one IRA plan or account. File only one Form 1099-R for distributions from all investments under one plan that are paid in 1 year to one recipient, unless you must enter different codes in box 7. You do not have to file a separate Form 1099-R for each distribution under the plan.

Roth IRAs. For distributions from a Roth IRA, report the gross distribution in box 1 but generally leave box 2a blank. Check the “Taxable amount not determined” box in box 2b. But see Traditional IRA or SEP IRA on page 8 for how to report the withdrawal of IRA contributions under section 408(d)(4). Also see Transfers on page 4 for information on trustee-to-trustee transfers, including recharacterizations. The direct rollover provisions on page 3 do not apply to distributions from any IRA. However, taxable distributions from traditional IRAs and SEP IRAs may be rolled over into an eligible retirement plan. See section 408(d)(3). SIMPLE IRAs may also be rolled over into an eligible retirement plan, but only after the 2-year period described in section 72(t)(6).

An IRA includes all investments under one IRA plan or account. File only one Form 1099-R for distributions from all investments under one plan that are paid in 1 year to one recipient, unless you must enter different codes in box 7. You do not have to file a separate Form 1099-R for each distribution under the plan.

Roth IRAs. For distributions from a Roth IRA, report the gross distribution in box 1 but generally leave box 2a blank. Check the “Taxable amount not determined” box in box 2b. But see Traditional IRA or SEP IRA on page 8 for how to report the withdrawal of excess contributions, see Roth IRA on page 8. It is not necessary to mark the IRA/SEP/SIMPLE checkbox.

Roth IRA conversions. You must report an IRA that is converted or reconverted this year to a Roth IRA in boxes 1 and 2a, even if the conversion is to a trusteed-trustee transfer or is with the same trustee. Enter Code 2 or 7 in box 7 depending on the participant’s age.

IRA Revocation or Account Closure

If a traditional or Roth IRA is revoked during its first 7 days (under Regulations section 1.408-6(d)(4)(iv)), or whether at any time by the IRA trustee or custodian due to a failure of the taxpayer to satisfy the Customer Identification Program requirements described in section 326 of the USA PATRIOT Act, the distribution from the IRA must be reported. In addition, Form 5498 must be used to report any regular, rollover, Roth IRA conversion, SEP IRA, or SIMPLE IRA contribution to an IRA that is subsequently revoked or closed by the trustee or custodian.

If a regular contribution is made to a traditional or Roth IRA that later is revoked or closed, and distribution is made to the...
Designated Roth accounts.

1. One of a series of substantially equal periodic payments made at least annually over:
   a. The life of the employee or the joint lives of the employee and the employee’s designated beneficiary.
   b. The life expectancy of the employee or the joint life and last survivor expectancy of the employee and the employee’s designated beneficiary.
   c. A specified period of 10 years or more.

Notice 2007-7 and Notice 2008-30 do not reflect changes made to section 402 by the Worker, Retiree, and 1.402(c)-2. Also, see Rev. Rul. 2002-62 which is on page 710 of Internal Revenue Bulletin 2002-42 at www.irs.gov/pub/irs-irsibs/irbs02-42.pdf for guidance on substantially equal periodic payments made at least annually over:
   a. The life of the employee or the joint lives of the employee and the employee’s designated beneficiary.
   b. The life expectancy of the employee or the joint life and last survivor expectancy of the employee and the employee’s designated beneficiary.
   c. A specified period of 10 years or more.

Notice 2007-7 and Notice 2008-30 do not reflect changes made to section 402 by the Worker, Retiree, and 1.402(c)-2. Also, see Rev. Rul. 2002-62 which is on page 710 of Internal Revenue Bulletin 2002-42 at www.irs.gov/pub/irs-irsibs/irbs02-42.pdf for guidance on substantially equal periodic payments made at least annually over:
   a. The life of the employee or the joint lives of the employee and the employee’s designated beneficiary.
   b. The life expectancy of the employee or the joint life and last survivor expectancy of the employee and the employee’s designated beneficiary.
   c. A specified period of 10 years or more.

3. Elective deferrals (under section 402(g)(3)), employee contributions, and earnings on each return because of the section 415 limits.

4. Corrective distributions of excess deferrals (under section 402(g) and earnings on each return because of the section 415 limits.

5. Corrective distributions of excess contributions under a qualified cash or deferred arrangement (under section 401(k) and aggregate contributions (under section 401(m)) and earnings.

6. Loans treated as deemed distributions (under section 72(p)). But plan loan offset amounts can be eligible rollover distributions. See Regulations section 1.402(c)-2, Q/A-9.

7. Section 404(k) dividends.

8. Cost of current life insurance protection.

9. Distributions to a payee other than the employee, the employee’s surviving spouse, or a spouse or former spouse who is an alternate payee under a QDRO.

10. Any hardship distribution.

11. A direct rollover of the DECs. A direct rollover of the DECs is the direct payment of the amount (including a governmental section 457(b) plan) or section 403(b) plan to a traditional IRA, Roth IRA, or other eligible retirement plan. See Regulations section 1.402(a)-1(e). the 10% early distribution tax under section 72(t).

12. The type and rule above prints on all proofs including departmental reproduction proofs. MUST be removed before printing.
held under two separate plans for purposes of applying the automatic rollover rules of section 401(a)(31)(B) and Q/A-9 through Q/A-11 of Regulations section 1.401(a)(31)-1. Thus, if a participant’s balance in the designated Roth account is less than $200, the plan is not required to offer a direct rollover election or to apply the automatic rollover provisions to such balance.

When the portion of the distribution from a designated Roth account that is not includible in gross income is to be rolled over into a designated Roth account under another plan, the rollover must be accomplished by a direct rollover. An amount that is not includible in gross income that is distributed to the employee, however, cannot be rolled over to another designated Roth account in the case of a direct rollover; the distribution plan is required to report to the recipient plan the amount of the investment (basis) in the contract and the first year of the 5-taxable-year period.

For a direct rollover of a distribution from a designated Roth account to a Roth IRA, enter the amount rolled over in box 1 and 0 (zero) in box 2a. Use Code H in box 7. If the direct rollover is from one designated Roth account to another designated Roth account, enter Codes B and G in box 7.

**Qualified rollover contributions as defined in section 408A(e).** A qualified rollover contribution as defined in section 408A(e) is:

- A contribution to a Roth IRA from another IRA that meets the requirements of section 408(d)(3) or
- A contribution to a Roth IRA from an eligible rollover distribution that is not includible in gross income, or a portion thereof, transferred in accordance with section 401(a)(31)(B) and Q/A-9 through Q/A-11 of Regulations section 1.401(a)(31)-1. (Thus, if a participant’s balance in the designated Roth account is less than $200, the plan is not required to offer a direct rollover election or to apply the automatic rollover provisions to such balance.

**Transfers**

Generally, do not report a transfer between trustees or issuers that involves a distribution from one IRA to another IRA, a transfer between trustees or issuers, or an IRA recharacterization. However, if a participant makes a contribution to an IRA (first IRA) for a year, and that participant, including a trustee-to-trustee transfer from an IRA (second IRA), makes another contribution on behalf of another participant, the contribution to the second IRA (recharacterization) may be made with the same trustee or with another trustee but in any case, may be reported to the first IRA.

**Involuntary distributions.** For involuntary distributions paid to and received from one IRA to another IRA, enter Codes B and G in box 7. If the direct rollover is from one IRA to another IRA, enter Codes G in box 7.

For reporting instructions for a direct rollover from a designated Roth account, see Designated Roth accounts on page 3.

**Explanation to Recipients Before Eligible Rollover Distributions (Section 402(f) Notice)**

The requirements of section 402(f) do not apply to direct rollovers by nonspouse designated beneficiaries before 2010. Notice 2002-3 has not yet been updated for the rollover of accrued amounts in section 401(a)(31) plans, including any direct rollovers from such plans that are qualified rollover contributions as described in section 408A(e).

**IRA recharacterizations.** You must report each recharacterization of an IRA contribution. If a participant makes a contribution to an IRA (first IRA) for a year, and that participant, including a trustee-to-trustee transfer from an IRA (second IRA), makes another contribution on behalf of another participant, the contribution to the second IRA (recharacterization) may be made with the same trustee or with another trustee. The trustee of the first IRA must report the recharacterization as a distribution on Form 1099-R and the contribution to the first IRA and its character on Form 5498.

Enter the fair market value (FMV) of the amount recharacterized in box 1, 0 (zero) in box 2a, and Code R in box 7 if reporting a recharacterization of a prior-year (2008) contribution or Code N if reporting a recharacterization of a contribution in the same year (2009). It is not necessary to check the IRA/SEP/SIMPLE checkbox. For more information on how to report, see Notice 2000-30 on page 1266 of Internal Revenue Bulletin 2000-25 at www.irs.gov/pub/irs-regs/irtbs/00-25.pdf.

**Section 1035 exchange.** You may have to report exchanges of insurance contracts, including an exchange under section 1035, under which any designated distribution may be made. For a section 1035 exchange that is in part taxable, file a separate Form 1099-R to report the taxable amount. See Section 1035 exchange on page 2.

**SIMPLE IRAs.** Do not report a trustee-to-trustee transfer from one SIMPLE IRA to another SIMPLE IRA. However, you must report as a taxable distribution in boxes 1 and 2a a trustee-to-trustee transfer from a SIMPLE IRA to an IRA that is not a SIMPLE IRA during the 2-year period beginning on the day contributions are first deposited in the individual’s SIMPLE IRA by the employer. Use Code S in box 7 if appropriate.

**Transfer of an IRA to spouse.** If you transfer or re-designate an interest from one spouse’s IRA to an IRA for the other spouse under a divorce or separation instrument, the transfer or re-designation as provided under section 408(d)(6)(E) is tax free. Do not report such a transfer on Form 1099-R.
Corrective Distributions

You must report on Form 1099-R corrective distributions of excess deferrals, excess contributions, and excess aggregate contributions under section 401(a) plans, section 401(k) cash or deferred arrangements, section 403(a) annuity plans, section 403(b) salary reduction agreements, and salary reduction simplified employee pensions (SARSEPs) under section 408(k)(6). Excess contributions that are recharacterized under a section 401(k) plan are treated as distributed. Corrective distributions of an excess plus earnings are reportable on Form 1099-R and taxable in the year of the distribution (except for designated Roth accounts). Enter Code C, P, or in some cases D, in box 7 (with Code B if applicable) to designate the distribution and the year it is taxable.

Use a separate Form 1099-R to report a corrective distribution from a designated Roth account.

The total amount of the elective deferral is reported in box 12 of Form W-2. See the Instructions for Forms W-2 and W-3 for more information.

For more information about reporting corrective distributions see: the Guide to Distribution Codes on pages 11 and 12; Notice 89-32, 1989-1 C.B. 671; Notice 88-33, 1988-1 C.B. 513; Notice 87-77, 1987-2 C.B. 385; and the Regulations under sections 401(k), 401(m), 402(g), and 457.

Excess deferrals. Excess deferrals under section 402(g) can occur in section 401(k) plans or section 403(b) plans or SARSEPs. If distributed by April 15 of the year following the year of deferral, the excess is taxable to the participant in the year of distribution and any earnings are taxable in the year distributed. Except for a SARSEP, if the distribution occurs after April 15, the excess is taxable in the year of deferral and the year distributed. The earnings are taxable in the year distributed. For a SARSEP, excess deferrals not withdrawn by April 15 are considered regular IRA contributions subject to the IRA contribution limits. Corrective distributions of excess deferrals are not subject to federal income tax withholding or social security, Medicare, or Federal Unemployment Tax Act (FUTA) taxes. In addition, such distributions are not subject to the 10% early distribution tax under section 72(t). Excess contributions that are recharacterized under a section 401(k) plan are treated as distributed. Report the gross distribution in box 1 of Form 1099-R. In box 2a, enter the excess contribution and earnings distributed less any designated Roth contributions. For a SARSEP, the employer must notify the participant by March 15 of the year after the year the excess contribution was made that the participant must withdraw the excess and earnings. All distributions from a SARSEP are taxable in the year of distribution. An excess contribution not withdrawn by April 15 of the year after the year of notification is considered a regular IRA contribution subject to the IRA contribution limits.

Excess aggregate contributions. Excess aggregate contributions under section 401(m) can occur in section 401(a), section 401(k), section 403(a), and section 403(b) plans. A corrective distribution of excess aggregate contributions plus earnings is taxable to the participant in the year the distribution was made. Report the gross distribution in box 1 of Form 1099-R. In box 2a, enter the excess and earnings distributed less any after-tax distributions.

Losses. If a corrective distribution of an excess deferral is made in a year after the year of deferral and a net loss has been allocated to the excess deferral, report the corrective distribution amount in boxes 1 and 2a of Form 1099-R for the year of the distribution with the appropriate distribution code in box 7. If the excess deferrals consist of designated Roth account contributions, report the corrective distribution amount in box 1, 0 (zero) in box 2a, and the appropriate distribution code in box 7. However, taxpayers must include the total amount of the excess deferral (unadjusted for loss) in income in the year of deferral, and they may report a loss on the tax return for the year the corrective distribution is made.

Distributions under Employee Plans Compliance Resolution System (EPCRS)

New regulations under section 415, effective for limitation years beginning after June 30, 2007, do not contain procedures for reducing excess annual additions. The correction and reporting procedures can be used for correcting excess annual additions in 2009 under the EPCRS, as explained in Rev. Proc. 2008-50, available at www.irs.gov/irb/2008-35_IRB/ar10.html. Such distributions are not eligible rollover distributions although they are subject to federal income tax withholding under section 3405. They are not subject to social security, Medicare, or Federal Unemployment Tax Act (FUTA) taxes. In addition, such distributions are not subject to the 10% early distribution tax under section 72(t).

You may report the distribution of elective deferrals (other than designated Roth account contributions) and employee contributions (and gains attributable to such elective deferrals and employee contributions) on the same Form 1099-R. However, if you made other distributions during the year, report them on a separate Form 1099-R. Because the distribution of elective deferrals (other than designated Roth account contributions) is fully taxable in the year distributed (no part of the distribution is a return of the investment in the contract), report the gross amount of the distribution in boxes 1 and 2a, Leave box 5 blank, and enter Code E in box 7. For a return of employee contributions (or designated Roth account contributions plus gains), enter the gross amount of the distribution in box 1, the gains attributable to the employee contributions (or designated Roth account contributions) being returned in box 2a, and the employee contributions (or designated Roth account contributions) being returned in box 5. Enter Code E in box 7. For more information, see Rev. Proc. 92-93, 1992-2 C.B. 505.

A corrective distribution under the EPCRS to the participant of contributions to a section 403(b) plan (plus gains attributable to such contributions) that were in excess of the limits under section 415 is treated the same as corrective distributions of elective deferrals to satisfy the limits under section 415. It is taxable to the participant in the year of distribution as described above.

For excess deferrals or excess employer contributions made to a SIMPLE IRA plan, see EPCRS as explained in Rev. Proc. 2007-27.

Failing the ADP or ACP Test After a Total Distribution

If you make a total distribution in 2009 and file a Form 1099-R with the IRS and then discover in 2010 that the plan failed either the section 401(k)(3) actual deferral percentage (ADP) test for 2009 and you compute excess contributions or the section 401(m)(2) actual contribution percentage (ACP) test and you compute excess contributions, you must recharacterize part of the total distribution as excess contributions or excess aggregate contributions. First, file a CORRECTED Form 1099-R for 2009 for the correct amount of the total distribution (not including the amount recharacterized as excess contributions or excess aggregate contributions). Second, file a new Form 1099-R for 2009 for the excess contributions or excess aggregate contributions and allocable earnings.

To avoid a late filing penalty if the new Form 1099-R is filed after the due date, enter in the bottom margin of Form 1096, Annual Summary and Transmittal of U.S. Information Returns, the words “Filed To Correct Excess Contributions.” You must also issue copies of the Forms 1099-R to the plan participant with an explanation of why these new forms are being issued.

Loans Treated as Distributions

A loan from a qualified plan under sections 401(a) and 403(a) and (b), and a plan maintained by the United States, a state or political subdivision, or any of its subsidiary agencies to a participant or beneficiary is not treated as a distribution from the plan if the loan satisfies the following requirements:

1. The loan is evidenced by an enforceable agreement,
2. The agreement specifies that the loan must be repaid within 5 years, except for a principal residence,
3. The loan must be repaid in substantially equal installments (at least quarterly), and
4. The loan amount does not exceed the limits in section 72(p)(2)(A) (maximum limit is equal to the lesser of 50% of the vested account balance or $50,000).

   Certain exceptions, cure periods, and suspension of the repayment schedule may apply.

The loan agreement must specify the amount of the loan, the term of the loan, and the repayment schedule. The agreement may include more than one document.

If a loan fails to satisfy 1, 2, or 3, the balance of the loan is a deemed distribution. The distribution may occur at the time the loan is made or later if the loan is not repaid in accordance with the repayment schedule.

If a loan fails to satisfy 4 at the time the loan is made, the amount that exceeds the amount permitted to be loaned is a deemed distribution.

**Deemed distribution.** If a loan is treated as a deemed distribution, it is reportable on Form 1099-R using the normal taxation rules of section 72, including tax basis rules. The distribution also may be subject to the 10% early distribution tax under section 72(t). It is not eligible to be rolled over to an eligible retirement plan nor is it eligible for the 10-year tax deferral option. On Form 1099-R, complete the appropriate boxes, and enter the percentage in box 9a, if applicable.

If a distribution results from a deemed distribution of a loan, it is reportable on Form 1099-R. Additionally, the IRS encourages you to designate an alternate payee under a QDRO.

**Permissible Withdrawals Under Section 414(w)**

For permissible withdrawals from an EACA under section 414(w):

- The distribution (except to the extent the distribution consists of designated Roth contributions) is included in the employee’s gross income in the year distributed,
- Report principal and earnings in boxes 1 and 2a except, in the case of a distribution from a designated Roth account, report only earnings in box 2a;
- The distribution is not subject to the 10% additional tax, indicated by reporting Distribution Code 2 in box 7; and
- The distribution must be elected by the employee no later than 90 days after the first elective contribution, as specified in Proposed Regulations section 1.414(w)-1(c)(2).

If the distribution is from a designated Roth account, enter Code B as well as Code 2 in box 7.

**Missing Participants**

The IRS administers a letter-forwarding program that could help plan administrators contact missing retirement plan participants (or their beneficiaries) to inform them of their rights to benefits under a retirement plan. The IRS will forward letters from plan administrators to the missing individuals if the administrators provide the names and SSNs of the missing individuals. However, the IRS cannot disclose individuals’ addresses or give confirmation of letter delivery. All undelivered letters will be destroyed. For further information, see Rev. Proc. 94-22, 1994-1 C.B. 608, or contact your IRS office.

**Corrected Form 1099-R**

If you filed a Form 1099-R and the IRS later discover that there is an error on it, you must correct it as soon as possible. For example, if you transmit a direct rollover and file a Form 1099-R with the IRS reporting that none of the direct rollover is taxable, and later discover that part of the direct rollover consists of RMDs under section 401(a)(9), you must file a corrected Form 1099-R. See part H in the 2009 General Instructions for Forms 1099, 1098, 3921, 3922, 5498, and W-2G or Pub. 1220, if filing electronically.

**Filer**

The payer, trustee, or plan administrator must file Form 1099-R using the same name and employer identification number (EIN) used to deposit any tax withheld and file Form 945, Annual Return of Withheld Federal Income Tax.

**Beneficiaries**

If you make a distribution to a beneficiary, trust, or estate, prepare Form 1099-R using the name and TIN of the beneficiary, trust, or estate, not that of the decedent. If there are multiple beneficiaries, report on each Form 1099-R only the amount paid to the beneficiary whose name appears on the Form 1099-R, and enter the percentage in box 9a, if applicable.

**Disclaimers.** A beneficiary may make a qualified disclaimer of all or some of an IRA account balance if the disclaimer amount and income are paid to a new beneficiary or segregated in a separate account. A qualified disclaimer may be made after the beneficiary has previously received the RMD for the year of the decedent’s death. For more information, see Rev. Rul. 2005-36, 2005-26 I.R.B. 1368, available at www.irs.gov/irb/2005-26_IRB/ar11.html.

**Alternate Payee under a Qualified Domestic Relations Order (QDRO)**

Distributions to an alternate payee who is a spouse or former spouse of the employee under a QDRO are reportable on Form 1099-R using the name and TIN of the alternate payee. If the alternate payee under a QDRO is a nonspouse, enter the name and TIN of the employee. However, this rule does not apply to IRAs; the transfer of an IRA to a spouse on page 4.

**Nonresident Aliens**

If income tax is withheld under section 3405 on any distribution to a nonresident alien, report the distribution and withholding on Form 1099-R. Also file Form 945 to report the withholding. See the Presumption Rules in part S of the 2009 General Instructions for Forms 1099, 1098, 3921, 3922, 5498, and W-2G.

However, any payments to a nonresident alien from any trust under section 401(a), any annuity plan under section 403(a), any annuity, custodial account, or retirement income account under section 408(b), or any IRA account under section 408(a) or (b) are subject to withholding under section 1441. Report the distribution and withholding on Form 1042, Annual Withholding Tax Return for U.S. Source Income of Foreign Persons, and Form 1042-S, Foreign Person’s U.S. Source Income Subject to Withholding.

**Statements to Recipients**

If you are required to file Form 1099-R, you must furnish a statement to the recipient. For more information about the requirement to furnish a statement to each recipient, see part M in the 2009 General Instructions for Forms 1099, 1098, 3921, 3922, 5498, and W-2G.

Do not enter a negative amount in any box on Form 1099-R.

**Account Number**

The account number is required if you have multiple accounts for a recipient for whom you are filing more than one Form 1099-R. Additionally, the IRS encourages you to designate an account number for all Forms 1099-R that you file. See part L in the 2009 General Instructions for Forms 1099, 1098, 3921, 3922, 5498, and W-2G.

**Box 1. Gross Distribution**

Enter the total amount of the distribution before income tax or other deductions were withheld. Include direct rollovers, IRA distributions to accepting employer plans, premiums paid by a trustee or custodian for the cost of current life or other.
insurance protection, including a recharacterization and a Roth IRA conversion. Also include in this box payments to figure the taxable amount depends on and cash or other property are distributed, show the actual cash the taxable amount. Under this method, the expected number of payments is based only on the primary annuitant’s age on the annuity starting date. See Notice 98-2.

Example. Participant A received a nonqualified distribution of $5,000 from the participant’s designated Roth account. Prior to the distribution, the participant’s account had earnings of $5,000, consisting of $9,400 of designated Roth contributions and $600 of earnings. The taxable amount of the $5,000 distribution is $300 ($600/$10,000 x $5,000). The non-taxable portion of the distribution is $4,700 ($9,400/$10,000 x $5,000). The issuer would report on Form 1099-R:

- Box 1, $300 as the gross distribution;
- Box 2a, $300 as the taxable amount;
- Box 4, $60 ($300 x 20%) as the withholding on the earnings portion of the distribution;
- Box 5, $4,700 as the designated Roth contribution basis (nontaxable amount);
- Box 7, Distribution Code B; and
- The first year of the 5-taxable-year period in the box to the left of box 10.

Using the same facts as in the example above, except that the distribution was a direct rollover to a Roth IRA, the issuer would report on Form 1099-R:

- Box 1, $5,000 as the gross distribution;
- Box 2a, 0 (zero) as the taxable amount;
- Box 4, no entry;
- Box 5, $4,700 as the designated Roth contribution basis (nontaxable amount);
- Box 7, Distribution Code H; and
- The first year of the 5-taxable-year period in the box to the left of box 10.

Losses. If a distribution is a loss, do not enter a negative amount in this box. For example, if stock is distributed from a profit-sharing plan but the value is less than the employee’s after-tax contributions or designated Roth account contributions, enter the value of the stock in box 1, leave box 2a blank, and enter the employee’s contributions or designated Roth account contributions in box 5.

For a plan with no after-tax contributions or designated Roth account contributions, even though the value of the account may have decreased, there is no loss for reporting purposes. Therefore, if there are no employer securities distributed, show the actual cash and/or FMV of properly distributed in boxes 1 and 2a, and make no entry in box 5. If only employer securities are distributed, show the FMV of the securities in boxes 1 and 2a and make no entry in box 5 or 6. If both employer securities and cash or other property are distributed, show the actual cash and/or FMV of the property (including employer securities)
distributed in box 1, the gross less any NUA on employer securities in box 2a, no entry in box 5, and any NUA in box 6. **Qualified rollover contributions.** See Direct Rollovers on page 3 for information on qualified rollover contributions. **Roth IRA.** For a distribution from a Roth IRA, report the total distribution in box 1. Enter the gross amount in box 2a, blank except in the case of an IRA revocation or account closure (see page 2) and a recharacterization (see page 4). Use Code Q, R, or T as appropriate in box 7. Use Code 8 or P, if applicable, in box 7 with Code J. Do not combine Code Q or T with any other codes. However, for the distribution of excess Roth IRA contributions, report the gross distribution in box 1 and only the earnings in box 2a. Enter Code J and Code 8 or P in box 7. **Roth IRA conversions.** Report the total amount converted or reconversion to a traditional IRA, SEP IRA, or SIMPLE IRA to a Roth IRA in box 2a. A conversion or reconversion is considered a distribution and must be reported even if it is with the same trustee and even if the conversion is done by a trustee-to-trustee transfer. When an individual retirement annuity described in section 408(b) is converted to a Roth IRA, the amount that is treated as distributed is the FMV of the annuity contract on the date the annuity contract is converted. This amount is treated as the excess of the traditional IRA holdings over an annuity contract as an account asset and the traditional IRA is converted to a Roth IRA. Determining the FMV of an individual retirement annuity issued by a company regularly engaged in the selling of contracts depends on the timing of the conversion as outlined in Q/A-14 of Regulations section 1.408A-4.

For a Roth IRA conversion, use Code 2 in box 7 if the participant is under age 59 1/2 or Code 7 if the participant is at least age 59 1/2. Also check the IRA/SEP/SIMPLE box in box 7. **SIMPLE IRA.** Enter the total amount distributed from a SIMPLE IRA in box 2a. For a SIMPLE IRA directly rolled over to an accepting employer plan after the 2-year period (see section 720(b)(3)), enter the gross amount in box 1, 0 (zero) in box 2a, and Code G in box 7. **Traditional IRA or SEP IRA.** Generally, you are not required to combine the redeemable amount of a traditional IRA or SEP IRA. However, for purposes of withholding, if the participant is under age 59 1/2 or Code 7 if the participant is at least age 59 1/2, enter the full amount eligible for the capital gain election. Use Code J, Q, or T as appropriate in box 7. Do not combine Code Q or T with any other codes.

**Step 1. Total Taxable Amount**

A. Total distribution XXXXX

B. Less:

1. Current actuarial value of any annuity XXXX

2. Employee contributions or designated Roth contributions (minus any amounts previously distributed that were not includable in the employee’s gross income) XXXX

3. Net unrealized appreciation in the value of any employer securities that was a part of the lump-sum distribution. XXXX

C. Total of lines 1 through 3 XXXXX

D. Total taxable amount. Subtract line C from XXXXX

**Step 2. Capital Gain**

Total taxable amount months of active participation before 1974 Line D X = Capital gain months of active participation

**Box 4. Federal Income Tax Withheld**

Enter any federal income tax withheld. This withholding under section 3405 is subject to deposit rules and the withholding tax return is Form 945. Backup withholding does not apply. See Pub. 15-A, Employer’s Supplemental Tax Guide, and the Instructions for Form 945 for more information.

Even though you may be using Code 1 in box 7 to designate an early distribution subject to the 10% additional tax specified in section 72(q)(1), (t), or (v), you are not required to withhold that tax.

The amount withheld cannot be more than the sum of the cash and the FMV of property (excluding employer securities) otherwise distributed. A distribution consists of solely of employer securities and cash ($200 or less) in lieu of fractional shares, no withholding is required.

The amount withheld cannot be more than the sum of the cash and the FMV of property (excluding employer securities) otherwise distributed. A distribution consists solely of employer securities and cash ($200 or less) in lieu of fractional shares, no withholding is required. For purposes of withholding, distributions from any IRA are not eligible rollover distributions.
Eligible rollover distribution; 20% withholding. If an eligible rollover distribution is paid directly to an eligible retirement plan in a direct rollover, do not withhold federal income tax. If any part of an eligible rollover distribution is not a direct rollover, you must withhold 20% of the part that is paid to the recipient and includible in gross income. This includes the earnings portion of any nonqualified designated Roth account distribution that is not distributions rolled over. The recipient cannot claim exemption from the 20% withholding but may ask to have additional amounts withheld on Form W-4P. Withholding Certificate for Pension or Annuity Payments. If the recipient is not asking that additional amounts be withheld, Form W-4P is not required for an eligible rollover distribution because 20% withholding is mandatory. The 20% withholding does not apply to a distribution that is an eligible rollover distribution because of the 2009 RMD waiver.

Employer securities and plan loan offset amounts that are part of an eligible rollover distribution must be included in the amount paid to the recipient. However, the offset amount to be withheld cannot be more than the sum of the cash and the FMV of property (excluding employer securities and plan loan offset amounts). For example, if the entire amount of an eligible rollover distribution that is a direct rollover, do not withhold federal income tax. If any previous distributions were made, any amount recovered tax free in prior years must not appear in box 5.

If you are unable to reasonably obtain the data necessary to compute the employee's portion, leave boxes 2a and 5 blank, and check the first box in box 2b.

CAUTION!

Failure to provide TIN. Rather than Form W-4P, military retirees should use the simplified method if they are not on active duty. If a payee fails to give his or her correct TIN to you in the manner required, or if the IRS notifies you before any distribution that the TIN furnished is incorrect, a payee cannot claim exemption from withholding. Periodic payments. For periodic payments that are not eligible rollover distributions, the withholding must be computed as though the periodic payments were wages, based on the recipient's Form W-4P. The recipient may request additional withholding on Form W-4P or claim exemption from withholding. If a recipient does not submit a Form W-4P, withhold by treating the recipient as married with three withholding allowances. See Circular E, Employer's Tax Guide (Pub. 15), for wage withholding tables.

Rather than Form W-4P, military retirees should use the simplified method if they are not on active duty. If a payee fails to give his or her correct TIN to you in the manner required, or if the IRS notifies you before any distribution that the TIN furnished is incorrect, a payee cannot claim exemption from withholding. Periodic payments, withhold as if the payee was single claiming no withholding allowances. For nonperiodic payments, withhold 10%. Backup withholding does not apply.

Box 5. Employee Contributions/Designated Roth Contributions or Insurance Premiums

Enter the employee's contributions to a profit-sharing or retirement plan, designated Roth account contributions, or insurance premiums that the employee may recover tax free this year. The entry in box 5 may include any of the following: (a) designated Roth account contributions or contributions actually made by the employee over 4 years under the retirement or profit-sharing plan that were required to be included in the income of the employee when contributed (after-tax contributions), (b) contributions made by the employer but considered to have been contributed by the employee under section 72(f), (c) the accumulated cost of premiums paid for life insurance protection taxable to the employee in previous years and in the current year under Regulations section 1.72-16 (cost of current life insurance protection) only if the life insurance contract itself is distributed, and (d) premiums paid on commercial annuities. Also report after-tax contributions directly rolled over to an IRA. Do not include contributions to any DEC, section 401(k) plan, or any other contribution to a retirement plan that was not an after-tax contribution.

Generally, for qualified plans, section 403(b) plans, and nonqualified commercial annuities, enter in box 5 the employee contributions or insurance payments received after the date the last distribution was paid to the employee.

For periodic payments before 1993, you are not required to, but you are encouraged to, report in box 5.

If you made periodic payments from a qualified plan and the annuity starting date is after November 18, 1996, use the simplified method only. If you have a lump-sum distribution, use the tax-free amount each year. See Annuity starting date in 1998 or later on page 7.

If a total distribution is made, the total employee contributions or insurance premiums available to be recovered tax free must be shown only in box 5. If any previous distributions were made, any amount recovered tax free in prior years must not appear in box 5.

For reporting charitable gift annuities, see Box 6. Net Unrealized Appreciation (NUA) in Employer's Securities

Use this box if a distribution from a qualified plan (except a traditional IRA, SEP, SIMPLE IRA, or Roth IRA) includes securities of the employer corporation (or a subsidiary or parent corporation) and you can compute the NUA in employer securities attributable to employee contributions. Enter all the NUA in employer securities attributable to employee contributions. See Regulations section 1.402(a)-1(b) for the determination of the NUA. Also see Notice 89-25, Q&A-1, 1989-1-C B. 682. Include the NUA in box 1 but not in box 2a. You do not have to complete this box for a direct rollover.

Box 7. Distribution Code(s)

Enter an “X” in the IRA/SEP/SIMPLE checkbox if the distribution is from a traditional IRA, SEP, SIMPLE IRA, or SIMPLE IRA. It is not necessary to check the box for a distribution from a Roth IRA or for an IRA recharacterization.

Enter the appropriate code(s) in box 7. Use the Guide to Distribution Codes on pages 11 and 12 to determine the appropriate code(s) to enter in box 7 for any amounts reported on Form 1099-R. Read the codes carefully and enter them accurately because the IRS uses the codes to help determine whether the recipient has properly reported the distribution. If the codes you enter are incorrect, the IRS may improperly propose changes to the recipient’s taxes.

When applicable, enter a numeric and an alpha code. For example, when using Code P for a traditional IRA distribution under section 408(d)(4), you must also enter Code 1, if it applies. For a normal distribution from a qualified plan that qualifies for the 10-year tax option, enter Codes 7 and A. For a direct rollover to an IRA or a qualified plan for the surviving spouse of a deceased participant, or on behalf of a non-spouse designated beneficiary, enter Codes 4 and G (Codes 4 and H if from a designated Roth account to a Roth IRA). If two or more
distribution codes are not valid combinations, you must file more than one Form 1099-R. Enter a maximum of two alpha/numeric codes in box 7. See the Guide to Distribution Codes on pages 11 and 12 for allowable combinations. Only three numeric combinations are permitted on one Form 1099-R: Codes 8 and 1, 8 and 2, or 8 and 4. If two or more other numeric codes are applicable, you must file more than one Form 1099-R. For example, if part of a distribution is premature (Code 1) and part is not (Code 7), file one Form 1099-R for the part to which Code 1 applies and another Form 1099-R for the part to which Code 7 applies. In addition, for the distribution of excess deferrals, excess contributions, or excess aggregate contributions, parts of the distribution may be taxable in 2 or 3 different years. File separate Forms 1099-R using Code 8, D, or P to indicate the year the amount is taxable.

Even if the employee/taxpayer is age 59½ or over, use Code 1 if a series of substantially equal periodic payments was modified within 5 years of the date of the first payment (within the meaning of section 72(q)(3) or (t)(4)). For example, Mr. B began receiving payments that qualified for the exception for part of a series of substantially equal periodic payments under section 72(q)(2)(A)(i) when he was 57. When he was 61, Mr. B substantially modified the payments. Because the payments were modified within 5 years, use Code 1 in the year the payments were modified, even though Mr. B is over 59½.


If part of an eligible rollover distribution is paid in a direct rollover and part is not, you must file a separate Form 1099-R for each part showing the appropriate code on each form. If part of a distribution is an eligible rollover distribution and part is not (for example, a minimum distribution required by section 401(a)(9)) and the part that is an eligible rollover distribution is directly rolled over, you must file a separate Form 1099-R to report each part.

Section 457(b) plan distributions. Generally, a distribution from a governmental section 457(b) plan is not subject to the 10% additional tax under section 72(t). However, an early distribution from a governmental section 457(b) plan of an amount that is attributable to a rollover from another type of plan or IRA is subject to the additional tax as if the distribution were from a plan described in section 401(a). See section 72(t)(9). If the distribution consists solely of amounts that are not attributable to such a rollover, enter Code 2 in box 7. If the distribution consists solely of amounts attributable to such a rollover, then enter the appropriate code in box 7 as if the distribution were from a plan described in section 401(a). If the distribution is made up of amounts from both sources, you must file separate Forms 1099-R for each part of the distribution unless Code 2 would be entered on each form.

Box 8. Other
Enter the current actuarial value of an annuity contract that is part of a lump-sum distribution. Do not include this item in boxes 1 and 2a.

To determine the value of an annuity contract, show the value as an amount equal to the current actuarial value of the annuity contract, reduced by an amount equal to the excess of the employee’s contributions over the cash and other property (not including the annuity contract) distributed.

If an annuity contract is part of a multiple recipient lump-sum distribution, enter in box 8, along with the current actuarial value, the percentage of the total annuity contract each Form 1099-R represents.

Box 9a. Your Percentage of Total Distribution
If this is a total distribution and it is made to more than one person, enter the percentage received by the person whose name appears on Form 1099-R. You need not complete this box for any IRA distributions or for a direct rollover.

Box 9b. Total Employee Contributions
You are not required to enter the total employee contributions or designated Roth account contributions in box 9b. However, because this information may be helpful to the recipient, you may choose to report them.

If you choose to report the total employee contributions or designated Roth account contributions, do not include any amounts recovered tax free in prior years. For a total distribution, report the total employee contributions or designated Roth account contributions in box 5 rather than in box 9b.

Boxes 10–15. State and Local Information
These boxes and Copies 1 and 2 are provided for your convenience only and need not be completed for the IRS. Use the state and local information boxes to report distributions and taxes for up to two states or localities. Keep the information for each state or locality separated by the broken line. If state or local income tax has been withheld on this distribution, you may enter it in boxes 10 and 13, as appropriate. In box 11, enter the abbreviated name of the state and the payer’s state identification number. The state number is the payer’s identification number assigned by the individual state. In box 14, enter the name of the locality. In boxes 12 and 15, you may enter the amount of the state or local distribution. Copy 1 may be used as the recipient’s copy in filing a state or local income tax return.
**Guide to Distribution Codes**

<table>
<thead>
<tr>
<th>Distribution Codes</th>
<th>Explanations</th>
<th>Used with code ...(if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1—Early distribution, no known exception.</td>
<td>Use Code 1 only if the employee/taxpayer has not reached age 59 1/2, and you do not know if any of the exceptions under Distribution Code 2, 3, or 4 apply. Use Code 1 even if the distribution is made for medical expenses, health insurance premiums, qualified higher education expenses, a first-time home purchase, or a qualified reservist distribution under section 72(t)(2)(B), (D), (E), (F), or (G). Code 1 must also be used even if a taxpayer is 59 1/2 or older and he or she modifies a series of substantially equal periodic payments under section 72(q), (I), or (V) prior to the end of the 5-year period.</td>
<td>B, D, L, or P</td>
</tr>
<tr>
<td>2—Early distribution, exception applies.</td>
<td>Use Code 2 only if the employee/taxpayer has not reached age 59 1/2 and the distribution is:</td>
<td>B, D, or P</td>
</tr>
<tr>
<td></td>
<td>• A Roth IRA conversion (an IRA converted to a Roth IRA).</td>
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</tr>
<tr>
<td></td>
<td>• A distribution made from a qualified retirement plan or IRA because of an IRS levy under section 6331.</td>
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<td></td>
<td>• A section 457(b) plan distribution that is not subject to the additional 10% tax. But see Section 457(b) plan distribution on page 10 for information on distributions that may be subject to the 10% additional tax.</td>
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<tr>
<td></td>
<td>• A distribution from a qualified retirement plan after separation from service in or after the year the taxpayer has reached age 55.</td>
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<tr>
<td></td>
<td>• A distribution from a governmental defined benefit plan to a public safety employee after separation from service in or after the year the employee has reached age 50.</td>
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<td></td>
<td>• A distribution that is part of a series of substantially equal periodic payments as described in section 72(q), (I), (U), or (V).</td>
<td></td>
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<tr>
<td></td>
<td>• A distribution that is a permissible withdrawal under an eligible automatic contribution arrangement.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Any other distribution subject to an exception under section 72(q), (I), (U), or (V) that is not required to be reported using Code 1, 3, or 4.</td>
<td></td>
</tr>
<tr>
<td>3—Disability.</td>
<td>For these purposes, see section 72(m)(7).</td>
<td>None</td>
</tr>
<tr>
<td>4—Death.</td>
<td>Use Code 4 regardless of the age of the employee/taxpayer to indicate payment to a decedent’s beneficiary, including an estate or trust. Also use it for death benefit payments made by an employer but not made as part of a pension, profit-sharing, or retirement plan.</td>
<td>B, A, B, D, G, H, L, or P</td>
</tr>
<tr>
<td>5—Prohibited transaction.</td>
<td>Use Code 5 if there was a prohibited (improper) use of the account. Code 5 means the account is no longer an IRA.</td>
<td>None</td>
</tr>
<tr>
<td>6—Section 1035 exchange.</td>
<td>Use Code 6 to indicate the tax-free exchange of life insurance, annuity, or endowment contracts under section 1035.</td>
<td>None</td>
</tr>
<tr>
<td>7—Normal distribution.</td>
<td>Use Code 7: (a) for a normal distribution from a plan, including a traditional IRA, section 401(a), or section 403(b) plan, if the employee/taxpayer is at least age 59 1/2, (b) for a Roth IRA conversion or reconversion if the participant is at least age 59 1/2, and (c) to report a distribution from a life insurance, annuity, or endowment contract and for reporting income from a failed life insurance contract under sections 7702(g) and (h).</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>Use Code 7 with Code A, if applicable. Generally, use Code 7 if no other code applies. Do not use Code 7 for a Roth IRA.</td>
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<tr>
<td></td>
<td>Note: Code 1 must be used even if a taxpayer is 59 1/2 or older and he or she modifies a series of substantially equal periodic payments under section 72(q), (I), or (V) prior to the end of the 5-year period.</td>
<td></td>
</tr>
<tr>
<td>8—Excess contributions plus earnings/ excess deferrals (and/or earnings) taxable in 2009.</td>
<td>Use Code 8 for an IRA distribution under section 408(d)(4), unless Code P applies. Also use this code for corrective distributions of excess deferrals, excess contributions, and excess aggregate contributions, unless Code D or P applies. See Corrective Distributions on page 5 and IRA Revocation or Account Closure on page 2 for more information.</td>
<td>1, 2, 4, B, or J</td>
</tr>
<tr>
<td>9—Cost of current life insurance protection.</td>
<td>Use Code 9 to report premiums paid by a trustee or custodian for current life or other insurance protection. See box 2a on page 7 for more information.</td>
<td>None</td>
</tr>
<tr>
<td>A—May be eligible for 10-year tax option.</td>
<td>Use Code A only for participants born before January 2, 1936, or their beneficiaries to indicate the distribution may be eligible for the 10-year tax option method of computing the tax on lump-sum distributions (on Form 4972, Tax on Lump-Sum Distributions). To determine whether the distribution may be eligible for the tax option, you need not consider whether the recipient used this method (or capital gain treatment) in the past.</td>
<td>4 or 7</td>
</tr>
<tr>
<td>B—Designated Roth account distribution.</td>
<td>Use Code B for a distribution from a designated Roth account that is not a qualified distribution. But use Code E for a section 415 excess.</td>
<td>1, 2, 4, B, D, G, L, P, or U</td>
</tr>
<tr>
<td>D—Excess contributions plus earnings/ excess deferrals taxable in 2007.</td>
<td>See the explanation for Code 8. Generally, do not use Code D for an IRA distribution under section 408(d)(4) or 408(b)(5).</td>
<td>1, 2, 4, or B</td>
</tr>
<tr>
<td>E—Distributions under Employee Plans Compliance Resolution System (EPCRS).</td>
<td>See Distributions under Employee Plans Compliance Resolution System (EPCRS) on page 5.</td>
<td>None</td>
</tr>
<tr>
<td>Distribution Codes</td>
<td>Explanations</td>
<td>Used with code ... (if applicable)</td>
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<td>--------------------</td>
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<tr>
<td>F—Charitable gift annuity.</td>
<td>See Charitable gift annuities on page 8.</td>
<td>None</td>
</tr>
<tr>
<td>G—Direct rollover and rollover contribution.</td>
<td>Use Code G for a direct rollover from a qualified plan (including a governmental section 457(b) plan) or section 403(b) plan to an eligible retirement plan (another qualified plan, a section 403(b) plan, or an IRA). See Direct Rollovers on page 3. Also use Code G for certain distributions to an employer plan and IRA rollover contributions to an accepting employer plan. Note: Do not use Code G for a direct rollover from a designated Roth account to a Roth IRA. Use Code H.</td>
<td>4 or B</td>
</tr>
<tr>
<td>H—Direct rollover of a designated Roth account distribution to a Roth IRA.</td>
<td>Use Code H for a direct rollover of a distribution from a designated Roth account to a Roth IRA.</td>
<td>4</td>
</tr>
<tr>
<td>J—Early distribution from a Roth IRA.</td>
<td>Use Code J for a distribution from a Roth IRA when Code Q or Code T does not apply. But use Code 2 for an IRS levy and Code 5 for a prohibited transaction.</td>
<td>8 or P</td>
</tr>
<tr>
<td>L—Loans treated as deemed distributions under section 72(p).</td>
<td>Do not use Code L to report a loan offset. See Loans Treated as Distributions on page 5.</td>
<td>1, 4, or B</td>
</tr>
<tr>
<td>N—Recharacterized IRA contribution made for 2009.</td>
<td>Use Code N for a recharacterization of an IRA contribution made for 2009 and recharacterized in 2009 to another type of IRA by a trustee-to-trustee transfer or with the same trustee.</td>
<td>None</td>
</tr>
<tr>
<td>P—Excess contributions plus earnings/ excess deferrals taxable in 2008.</td>
<td>See the explanation for Code 8. The IRS suggests that anyone using Code P for the refund of an IRA contribution under section 408(d)(4), including excess Roth IRA contributions, advise payees, at the time the distribution is made, that the earnings are taxable in the year in which the contributions were made.</td>
<td>1, 2, 4, 8, or J</td>
</tr>
<tr>
<td>Q—Qualified distribution from a Roth IRA.</td>
<td>Use Code Q for a distribution from a Roth IRA if you know that the participant meets the 5-year holding period and: • The participant has reached age 59 1/2, • The participant died, or • The participant is disabled. Note: If any other code, such as 8 or P, applies, use Code J.</td>
<td>None</td>
</tr>
<tr>
<td>R—Recharacterized IRA contribution made for 2008.</td>
<td>Use Code R for a recharacterization of an IRA contribution made for 2008 and recharacterized in 2009 to another type of IRA by a trustee-to-trustee transfer or with the same trustee.</td>
<td>None</td>
</tr>
<tr>
<td>S—Early distribution from a SIMPLE IRA in the first 2 years, no known exception.</td>
<td>Use Code S only if the distribution is from a SIMPLE IRA in the first 2 years, the employee/taxpayer has not reached age 59 1/2, and none of the exceptions under section 72(t) are known to apply when the distribution is made. The 2-year period begins on the day contributions are first deposited in the individual’s SIMPLE IRA. Do not use Code S if Code 3 or 4 applies.</td>
<td>None</td>
</tr>
<tr>
<td>T—Roth IRA distribution, exception applies.</td>
<td>Use Code T for a distribution from a Roth IRA if you do not know if the 5-year holding period has been met but: • The participant has reached age 59 1/2, • The participant died, or • The participant is disabled. Note: If any other code, such as 8 or P, applies, use Code J.</td>
<td>None</td>
</tr>
<tr>
<td>U—Dividends distributed from an ESOP under section 404(k).</td>
<td>Use Code U for a distribution of dividends from an employee stock ownership plan (ESOP) under section 404(k). These are not eligible rollover distributions. Note. Do not report dividends paid by the corporation directly to plan participants or their beneficiaries. Continue to report those dividends on Form 1099-DIV.</td>
<td>8</td>
</tr>
</tbody>
</table>

*See the first Caution for box 7 instructions on page 10.
Specific Instructions for Form 5498

File Form 5498, IRA Contribution Information, with the IRS by June 1, 2010, for each person for whom in 2009 you maintained any individual retirement arrangement (IRA), including a dedicated IRA, SEP IRA, or SIMPLE IRA.

An IRA includes all investments under one IRA plan. It is not necessary to file a Form 5498 for each investment under one plan. For example, if a participant has three certificates of deposit (CDs) under one IRA plan, only one Form 5498 is required for all contributions and the fair market values (FMVs) of the CDs under the plan. However, if a participant has established more than one IRA plan with the same trustee, a separate Form 5498 must be filed for each plan.

Contributions. You must report contributions to any IRA on Form 5498, using one copy for each IRA plan, for participants who held the plan as of December 31, 2009. If a participant has contributions for more than one calendar year, check the box for the first year. For each calendar year you held as of December 31 of the prior year, report the total contributions made, including any contributions that were made after December 31 of the prior year, and the recharacterizations made, if any.

Transfers. Do not report on Form 5498 a direct or trustee-to-trustee transfer from (a) a traditional IRA to another traditional IRA or to a simplified employee pension (SEP) IRA, (b) a SIMPLE IRA to another IRA, (c) a SEP IRA to another SEP IRA or to a traditional IRA, or (d) a Roth IRA to a Roth IRA. You are not required to use the same method for all IRA contributions and rollovers do not include these transfers.

Recharacterizations. You must report each recharacterization of an IRA contribution. If a participant makes a contribution to an IRA (first IRA) for a year, the participant may choose to recharacterize the contribution by transferring, in a trustee-to-trustee transfer, any part of the contribution (plus earnings) to another IRA (second IRA). The contribution is treated as made to the second IRA (recharacterization). A recharacterization may be made with the same trustee or with another trustee. The trustee of the first IRA must report the amount contributed before the recharacterization as a contribution on Form 5498 and the recharacterization as a distribution on Form 1099-R. The trustee of the second IRA must report the amount received (FMV) in box 4 on Form 5498 and check the type of IRA box in box 7.

All recharacterized contributions received by an IRA in the same year must be totaled and reported on one Form 5498 in box 4. You may report the FMV of the account on the same Form 5498 you use to report a recharacterization of an IRA contribution and any other contributions made to the IRA for the year.

Catch-up contributions. Participants, who are age 50 or older by the end of the year, may be eligible to make catch-up IRA contributions or catch-up elective deferral contributions. The annual IRA regular contribution limit of $5,000 is increased to $6,000 for participants age 50 or older. Catch-up elective deferral contributions reported on Form 5498 may be made under a salary reduction SEP (SARSEP) or under a SIMPLE IRA plan. For 2009, up to $5,500 in catch-up elective deferral contributions may be made under a SARSEP, and up to $2,500 to a SIMPLE IRA plan. For more information on catch-up elective deferral contributions, see Regulations section 1.414(v)-1. Include any catch-up amounts when reporting contributions for the year in boxes 1, 8, 9, or 10.

Special reporting for 2009. Special catch-up contributions of up to $3,000 may be made by certain participants under section 219(b)(3)(C) as added by section 831 of the Pension Protection Act of 2006. Report these contributions in boxes 1a and 1b according to the instructions on page 16. Participants who make these contributions cannot also make catch-up IRA contributions. This is the last year these contributions may be made.

Roth IRA conversions. You must report the receipt of a conversion from an IRA to a Roth IRA even if the conversion is not satisfied the 2-year period specified in section 72(t)(6), qualified charitable distribution is counted for purposes of the annual distribution requirement for Roth IRAs (first IRA) for a year, the participant may choose to recharacterize the contribution by transferring, in a trustee-to-trustee transfer, any part of the contribution (plus earnings) to another IRA (second IRA). The contribution is treated as made to the second IRA (recharacterization). A recharacterization may be made with the same trustee or with another trustee. The trustee of the first IRA must report the amount contributed before the recharacterization as a contribution on Form 5498 and the recharacterization as a distribution on Form 1099-R. The trustee of the second IRA must report the amount received (FMV) in box 4 on Form 5498 and check the type of IRA box in box 7.

All recharacterized contributions received by an IRA in the same year must be totaled and reported on one Form 5498 in box 4. You may report the FMV of the account on the same Form 5498 you use to report a recharacterization of an IRA contribution and any other contributions made to the IRA for the year.
2009 General Instructions for Forms 1099-R and 5498

Page 14 of 17 Instructions for Forms 1099-R and 5498

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Qualified settlement income. Qualified settlement income received in connection with the Exxon Valdez litigation may be contributed to a traditional or Roth IRA. See P.L. 110-343, Division C, sec. 504 for contribution limitations and Box 2.

Rollover contributions on page 15.

Airline payment amount. Qualified airline employees may contribute the amounts received (money or other property) with regard to death insurance (SGLI) payments. However, see the Caution on page 16 for using boxes 12a and 12b for reporting RMDs to participants.


Inherited IRAs. In the year an IRA participant dies, you, as an IRA trustee, must generally must file a Form 5498 and furnish an annual statement for the decedent and a Form 5498 and furnishing an annual statement for each nonsupervisory beneficiary. An IRA holder must be able to identify the source of each IRA he or she holds for purposes of figuring the taxation of a distribution from an IRA, including exclusion from current income as an eligible rollover distribution under section 402(c). Thus, the decedent’s name must be shown on the beneficiary’s Form 5498 and annual statement.

An IRA set up to receive a direct rollover for a nonspouse designated beneficiary is treated as an inherited IRA.

Fair market value (FMV). On the decedent’s Form 5498 and annual statement, you must enter the FMV of the IRA on the date of death in box 5. You may choose the alternate reporting method and report the FMV as of the end of the year in which the decedent died. This alternate value will usually be zero because you will be reporting the end-of-year valuation on the decedent’s Form 5498 and annual statement. The same figure should not be shown on both the beneficiary’s and the decedent’s forms. If you choose to report using the alternate method, you must inform the executor or administrator of the decedent’s estate of his or her right to request a date-of-death valuation.

On the beneficiary’s Form 5498 and annual statement, the FMV of that beneficiary’s share of the IRA as of the end of the year in which the decedent died appears in box 5. Every year thereafter that the IRA exists, you must file Form 5498 and furnish an annual statement for each beneficiary who has not received a total distribution of his or her share of the IRA showing the FMV at the end of the year and identifying the IRA as described above.

However, if a beneficiary takes a total distribution of his or her share of the IRA in the year of death, you need not file a Form 5498 nor furnish an annual statement for that beneficiary, but you must still file Form 5498 for the decedent.

If you have no knowledge of the death of an IRA participant until after you are required to file Form 5498 (May 31), you are not required to file a corrected Form 5498 nor furnish a corrected annual statement. However, you must still provide the date-of-death valuation in a timely manner to the executor or administrator upon request.

For more information about the reporting requirements for inherited IRAs, see Rev. Proc. 89-52, 1989-2 C.B. 632.

Disaster relief reporting. Special tax law provisions and reporting rules may apply when you report a disaster or a non-disaster situation that results in a location to be a major disaster area. To determine the location and special rules applicable to individual federally declared disaster victims, go to www.irs.gov and enter the keyword "disaster" in the upper right hand corner. Then click on "Tax Relief in Disaster Situations." The information provided includes:

A list of the areas for which relief has recently been granted,

News Releases detailing the scope of the relief and any special reporting instructions, and

A link to the Federal Emergency Management Agency’s list of federal disaster declarations.

See the instructions for Box 13a through Box 13c for reporting postponed contributions on page 16.

Additional contribution rules for 2004 and 2005. Under the HERO Act, participants whose compensation was excluded from gross income under section 112 is treated as includible compensation for purposes of determining IRA contributions. If a qualifying combat zone participant makes a contribution to an IRA and the location to be a major disaster area, go to www.irs.gov/pub/irs-irbs/Rollover Contributions on page 15.

Special reporting for U.S. Armed Forces in designated combat zones. A participant who is serving in or in support of a combat zone and the location to be a major disaster area. To determine the location to be a major disaster area. To determine the location to be a major disaster area.

See boxes 13a, 13b, and 13c on page 16; also see Pub. 3, Armed Forces' Tax Guide, for a list of the locations within the designated combat zones and qualified hazardous duty areas.

Example. For a $4,000 IRA contribution designated for Enduring Freedom for the tax year 2006, enter “1006” in box 13a, “2006” in box 13b, and “EF” in box 13c only. Make no entry in box 1.
Information Returns Electronically. Once you have received the waiver, you may report all Forms 5498 for combat zone participants on paper. Alternatively, you may report contributions made by the normal contribution due date and report the corrections made after the normal contribution due date on paper. You may also report prior year contributions by combat zone participants on a corrected Form 5498 electronically or on paper.

See part F in the 2009 General Instructions for Forms 1099, 1098, 3921, 3922, 5498, and W-2G for information on how to report rollovers (report in box 8), recharacterizations (report in box 4), or Roth IRA conversion (report in box 10).

Corrected Form 5498. If you file a Form 5498 with the IRS and later discover that there is an error on it, you must correct it as soon as possible. See part H in the 2009 General Instructions for Forms 1099, 1098, 3921, 3922, 5498, and W-2G or Pub. 1220, if filing electronically. For example, if you report contributions as rollover contributions in box 2, and you later discover that part of the contribution was not eligible to be rolled over and was, therefore, a regular contribution that should have been reported in box 1, you must file a corrected Form 5498.

Statements to participants. If you are required to file Form 5498, you must provide a statement to the participant. By January 1, 2010, you must provide participants with a statement of the December 31, 2009, value of the participant’s account. Check the “RMD” box if you have multiple accounts and RMDs are applicable for any account. Trustee of SIMPLE IRAs also must provide a statement of the account activity by January 31. Contributions, recharacterizations, or growth from a Roth IRA conversion are reported in box 1. If an excess contribution is treated as a contribution from a qualified plan (including a governmental section 457(b) plan) or section 403(b) plan. Any qualified rollover contribution as defined in section 408A(e) from an eligible retirement plan (other than an IRA) to a Roth IRA.

If you furnish a statement of the FMV of the account, and RMD if applicable, to the participant by February 1, 2010, and no reportable contributions, including rollovers, recharacterizations, or Roth IRA conversions, were made after December 31, 2009, you need not furnish another statement (or Form 5498) to the participant. Enter contributions made to a SEP IRA during 2009. Do not include a rollover from one Roth IRA to another Roth IRA. Enter any contributions made to a SEP IRA in box 1 and later discover that part of the contribution was not eligible to be rolled over and was, therefore, a regular contribution that should have been reported in box 1, you must file a corrected Form 5498.

Box 1. IRA Contributions (Other Than Amounts in Boxes 2–4, 8–10, 13a, 14a, and 15a) Enter contributions to a traditional IRA made in 2009 and through April 15, 2010, designated for 2009. Enter contributions to a SEP IRA, including contributions from an employer or a self-employed individual in a SIMPLE IRA, or a Roth IRA in box 1. Enter any rollover contributions (or contributions treated as rollovers) to any IRA received by you during 2009. These contributions may be any of the following:

• A direct or indirect rollover from a qualified plan (including a governmental section 457(b) plan) or section 403(b) plan. Any qualified rollover contribution as defined in section 408A(e) from an eligible retirement plan (other than an IRA) to a Roth IRA.
• A military death gratuity.
• An SGLI payment.
• A military death gratuity.
• A direct or indirect rollover from a qualified plan (including a governmental section 457(b) plan) or section 403(b) plan. Any qualified rollover contribution as defined in section 408A(e) from an eligible retirement plan (other than an IRA) to a Roth IRA.
• A military death gratuity.
• An SGLI payment.
• A military death gratuity.
• A direct or indirect rollover from a qualified plan (including a governmental section 457(b) plan) or section 403(b) plan. Any qualified rollover contribution as defined in section 408A(e) from an eligible retirement plan (other than an IRA) to a Roth IRA.
Boxes 12a and 12b are provided for your use to report RMD dates and amounts to participants. You may choose to complete these boxes, or continue to provide a separate Form 5498, or a separate statement, to report the information required by Alternative one or Alternative two. See page 13. To determine the RMD, see the regulations under sections 401(a)(9) and 408(a)(6) and (b)(3).

**Box 12a. RMD Date**

Enter the RMD date if you are using Form 5498 to report the additional information. See page 13.

**Box 12b. RMD Amount**

Enter the RMD amount if you are using Form 5498 to report the additional information under Alternative one. See page 13.

**Box 13a. Postponed Contribution**

Report the amount of any postponed contribution made in 2009 for a prior year. If contributions were made for more than 1 prior year, each prior year’s postponed contribution must be reported on a separate form.

**Box 13b. Year**

Enter the year for which the postponed contribution in box 13a was made.

**Box 13c. Code**

From the following list of codes, enter the reason the participant made the postponed contribution.

- For participants’ service in the combat zone or hazardous duty area, enter:
  - AF—Allied Force.
  - JE—Joint Endeavor.
  - EF—Enduring Freedom.
  - IF—Iraqi Freedom.

- For participants who are “affected taxpayers,” as described in an IRS News Release relating to a federally designated disaster area, enter FD.

**Box 14a. Repayments**

Enter the amount of any repayment of a qualified reservist distribution or a designated disaster distribution repayment (for example, a qualified hurricane distribution).

**Box 14b. Code**

Enter QR for the repayment of a qualified reservist distribution, or DD for repayment of a federally designated disaster distribution.

**Box 15a. Other Contributions**

Enter the amount of any catch-up contributions made in the case of certain employer bankruptcies (maximum amount $3,000). The regular catch-up contributions for individuals 50 or older does not apply if this special catch-up contribution is made. See section 219(b)(5)(C) for further information.

**Box 15b. Code**

Enter BK for these special catch-up contributions.
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