

Form <b>8399</b> (March 2010)	Department of the Treasury – Internal Revenue Service <b>Employee Plan Deficiency Checksheet</b> <b>Attachment #9</b> <b>Required Plan Distributions</b>	Date
<i>For IRS Use</i>	Please furnish the amendment(s) requested in the section(s) checked below.	
902	Section _____ of the plan should be amended to provide that distributions to participants who are 5-percent owners must commence not later than the April 1 of the calendar year following the calendar year in which the participant attains age 70½. IRC section 401(a)(9).	
I.a.		
903	Section _____ of the plan should be amended to require that distributions to participants who are not 5-percent owners must commence by April 1 of the calendar year following (choose option):	
	(i) the calendar year in which the participant attains age 70½, or	
I.b.	(ii) the later of the calendar year in which the participant attains age 70½ or retires, except that benefits accrued as of the later of the adoption or effective date of the amendment to the plan implementing this required beginning date must commence by April 1 following the calendar year in which the participant attains age 70½.	
	(iii) the later of the calendar year in which the participant attains 70½ or retires.	
905	Section _____ of the plan should be amended to give any participant (other than a 5-percent owner) who attains age 70½ after 1995 the option of commencing distributions by April 1 of the calendar year following the year in which the participant reached age 70½ or deferring distributions until April 1 of the calendar year in which the participant retires.	
I.c.		
907	Section _____ of the plan must have been amended by the end of the GUST remedial amendment period to specify either a new annuity starting date or no new annuity starting date upon recommencement of distributions for participant who attained age 70½ before 1997 and had been allowed to stop receiving distributions and recommence them at a later date in accordance with Q&A 7 and Q&A 8 of Notice 97-75, 1997-2 C.B.337.	
I.d.		
908	Section _____ of the plan should be amended to require actuarial increases for a participant who retires in a calendar year after the calendar year in which the participant attains age 70½, for the period after age 70½ in which the participant was not receiving any benefits under the plan. IRC section 401(a)(9)(C)(iii).	
I.e.		
909	Section _____ of the plan should be amended to provide that when the distribution of the participant's entire interest is not made in a lump sum, the distribution will be made in one or more of the following ways; over the life of the participant; over the life of the participant and a designated beneficiary; over a period certain not extending beyond the life expectancy of the participant; or over a period certain not extending beyond the joint life and last survivor expectancy of the participant and a designated beneficiary. IRC section 401(a)(9)(A)(ii).	
I.f.		
911	Section _____ of the plan should be amended to provide if distribution has commenced before the participant's death, the remaining interest will be distributed at least as rapidly as under the method of distribution being used as of the date of the participant's death. IRC section 401(a)(9)(B)(i) and Reg. 1.401(a)(9)-2, Q&A 5.	
II.a.		
912	Section _____ of the plan should be amended to ensure that the method of distribution, if the participant dies before distributions commence, satisfies the following requirements: (a) any remaining portion of the participant's interest that is not payable to a beneficiary designated by the participant will be distributed by the end of the calendar year which contains the fifth anniversary of the participant's death; and (b) any portion of the participant's interest that is payable to a beneficiary designated by the participant will be	

912 (cont)	<p>distributed either (i) by the end of the calendar year which contains the fifth anniversary of the participant's death, or (ii) over the life of the beneficiary or over a period certain not extending beyond the life expectancy of the beneficiary, commencing not later than the end of the calendar year following the calendar year in which the participant died (or, if the designated beneficiary is the participant's surviving spouse, commencing by the end of the calendar year following the calendar year in which the participant died or, if later, by the end of the calendar year in which the participant would have attained age 70½ ). IRC section 401(a)(9)(B)(ii), (iii), and (iv). Reg. 1.401(a)(9)-3.</p> <p>Section _____ of the plan should be amended to allow the participant (or beneficiary) to elect on an individual basis whether the 5-year rule or the life expectancy rule applies to distributions after the death of an employee who has a designated beneficiary, pursuant to Reg. 1.401(a)(9)-3.</p> <p>Section _____ of the plan should be amended to allow the participant (or beneficiary) to elect on an individual basis whether the 5-year rule or the life expectancy rule applies to distributions after the death of an employee who has a designated beneficiary, pursuant to Reg. 1.401(a)(9)-3.</p>
II.b.	
913	<p>Section _____ of the plan should be amended to provide that distributions from the plan will be made in accordance with the requirements of the regulations under section 401(a)(9). <b>Reg. 1.401(a)(9)-1, Q&amp;A 3.</b></p>
III.a	
914	<p>Section _____ of the plan should be amended to provide that the amount that must be distributed on or before the participant's required beginning date (or, if the participant dies before distributions begin, the date distributions are required to begin) is the payment that is required for one payment interval. <b>Reg. 1.401(a)(9)-6, Q&amp;A 1.</b></p>
III.b (i)	
915	<p>Section _____ of the plan should be amended to provide that payment intervals are the periods for which payments are received e.g., monthly, bi-monthly, semi-annually, or annually, but in no case made at intervals longer than one year. <b>Regs. 1.401(a)(9)-6, Q&amp;A 1.</b></p>
(ii)	
916	<p>Section _____ of the plan should be amended to provide that, unless the employee's sole beneficiary is the employee's spouse, the period certain for an annuity distribution commencing during the participant's lifetime may not exceed the applicable distribution period for the participant under the Uniform Lifetime Table set forth in section 1.409(a)(9)-9 of the Treasury regulations for the calendar year that contains the annuity starting date. However, if the employee's sole beneficiary is the employee's spouse, the period certain is permitted to be as long as the joint life and last survivor expectancy of the employee and the employee's spouse, if longer than the applicable distribution period for the employee, provided the period certain is not provided in conjunction with a life annuity. <b>Regs. 1.401(a)(9)-6, Q&amp;A 3, 1.401(a)(9)-9.</b></p>
(iii)	
917	<p>Section _____ of the plan should be amended to provide that once payments have begun over a period certain, the period certain will not be changed, except in limited circumstances in accordance with <b>Reg. 1.401(a)(9)-6 Q&amp;A 13.</b></p>
(iv)	
918	<p>Section _____ of the plan should be amended to provide that annuity payments will either be nonincreasing or increase only in accordance with <b>Reg. 1.401(a)(9)-6, Q&amp;A 14.</b></p>
(v)	
919	<p>Section _____ of the plan should be amended to provide that distributions from the plan will be made in accordance with the requirements of the regulations under section 401(a)(9) with respect to the minimum distribution incidental benefit requirements. <b>IRC section 401(a)(9)(G) and Reg. 1.401(a)(9)-1, Q&amp;A 3.</b></p>
III.c.	
920	<p>Section _____ of the plan should be amended to require that distributions made pursuant to a TEFRA transitional rule distribution election meet the requirements of IRC section 401(a)(9) as in effect on December 31, 1983, and also satisfy IRC sections 401(a)(11) and 417. Regs. 1.401(a)(9)-8, Q&amp;A 13-16.</p>
IV.	

921	Section _____ of the plan should be amended to ensure that, with respect to distributions made in calendar years 2003-2005, if a defined benefit plan has not been amended to comply with the Final and Temporary Regulations, that the plan provisions comply with either,
V.	(1) 1.401(a)(9)-6T, (2) the IRC 401(a)(9) 2001 Proposed Regulations, or the (3) IRC 401(a)(9) 1987 Proposed Regulations in order to meet the good faith standard described in Notice 2003-2. <b>Reg. 1.401(a)(9)-6, Q&amp;A 17</b>