

# 26 CFR § 1.401(a)(9)-5 - Required minimum distributions from defined contribution plans.

§ 1.401(a)(9)-5 Required minimum [distributions](#) from [defined](#) contribution plans.

Q-1. If an [employee's benefit](#) is in the form of an [individual account](#) under a [defined contribution plan](#), what is the [amount](#) required to be [distributed](#) for each calendar year?

A-1.

(a) **General rule.** If an [employee's accrued benefit](#) is in the form of an [individual account](#) under a [defined contribution plan](#), the minimum [amount](#) required to be [distributed](#) for each [distribution calendar year](#), as [defined](#) in paragraph (b) of this A-1, is equal to the quotient obtained by dividing the [account](#) (determined under A-3 of this section) by the applicable [distribution](#) period (determined under A-4 or A-5 of this section, whichever is applicable). However, the required minimum [distribution amount](#) will never exceed the entire [account](#) balance on the date of the [distribution](#). See A-8 of this section for [rules](#) that apply if a portion of the [employee's account](#) is not vested. Further, the minimum [distribution](#) required to be [distributed](#) on or before an [employee's](#) required beginning date is always determined under section 401(a)(9)(A)(ii) and this A-1 and not section 401(a)(9)(A)(i).

(b) **Distribution calendar year.** A calendar [year](#) for which a minimum [distribution](#) is required is a [distribution calendar year](#). If an [employee's](#) required beginning date is April 1 of the calendar [year](#) following the calendar [year](#) in which the [employee](#) attains age 70 1/2, the [employee's](#) first [distribution calendar year](#) is the [year](#) the [employee](#) attains age 70 1/2. If an [employee's](#) required beginning date is April 1 of the calendar [year](#) following the calendar [year](#) in which the [employee](#) retires, the [employee's](#) first [distribution calendar year](#) is the calendar [year](#) in which the [employee](#) retires. In the case of [distributions](#) to be made in accordance with the [life expectancy rule](#) in § 1.401(a)(9)-3 and in section 401(a)(9)(B)(iii) and (iv), the first [distribution calendar year](#) is the calendar [year](#) containing the date described in A-3(a) or A-3(b) of § 1.401(a)(9)-3, whichever is applicable.

(c) **Time for distributions.** The [distribution](#) required to be made on or before the [employee's](#) required beginning date shall be treated as the [distribution](#) required for the [employee's](#) first [distribution calendar year](#) (as [defined](#) in paragraph (b) of this A-1). The required minimum [distribution](#) for other [distribution](#) calendar years, including the required minimum [distribution](#) for the [distribution calendar year](#) in which the [employee's](#) required beginning date occurs, must be made on or before the end of that [distribution calendar year](#).

(d) **Minimum distribution incidental benefit requirement.** If [distributions](#) of an [employee's](#) [account](#) balance under a [defined contribution plan](#) are made in accordance with this section, the [minimum distribution incidental benefit requirement](#) of section 401(a)(9)(G) is satisfied. Further,

with respect to the retirement [benefits](#) provided by that [account](#) balance, to the extent the incidental [benefit requirement](#) of [§ 1.401-1\(b\)\(1\)\(i\)](#) requires a [distribution](#), that [requirement](#) is deemed to be satisfied if [distributions](#) satisfy the [minimum distribution incidental benefit requirement](#) of section 401(a)(9)(G) and this section.

**(e) Annuity contracts.** Instead of satisfying this A-1, the minimum [distribution requirement](#) may be satisfied by the [purchase](#) of an [annuity contract](#) from an [insurance company](#) in accordance with A-4 of [§ 1.401\(a\)\(9\)-6](#) with the [employee's](#) entire [individual account](#). If such an annuity is [purchased](#) after [distributions](#) are required to commence (the required beginning date, in the case of [distributions](#) commencing before death, or the date determined under A-3 of [§ 1.401\(a\)\(9\)-3](#), in the case of [distributions](#) commencing after death), [payments](#) under the [annuity contract](#) [purchased](#) will satisfy section 401(a)(9) for [distribution calendar years](#) after the calendar [year](#) of the [purchase](#) if [payments](#) under the [annuity contract](#) are made in accordance with [§ 1.401\(a\)\(9\)-6T](#). In such a case, [payments](#) under the [annuity contract](#) will be treated as [distributions](#) from the [individual account](#) for [purposes](#) of determining if the [individual account](#) satisfies section 401(a)(9) for the calendar [year](#) of the [purchase](#). An [employee](#) may also [purchase](#) an [annuity contract](#) with a portion of the [employee's](#) [account](#) under the [rules](#) of A-2(a)(3) of [§ 1.401\(a\)\(9\)-8](#).

Q-2. If an [employee's](#) [benefit](#) is in the form of an [individual account](#) and, in any calendar [year](#), the [amount distributed](#) exceeds the minimum required, will credit be given in subsequent calendar [years](#) for such excess distribution?

A-2. If, for any [distribution calendar year](#), the [amount distributed](#) exceeds the minimum required, no credit will be given in subsequent calendar [years](#) for such excess [distribution](#).

Q-3. What is the [amount](#) of the [account](#) of an [employee used](#) for determining the [employee's](#) required minimum [distribution](#) in the case of an individual account?

A-3. **(a)** In the case of an [individual account](#), the [benefit](#) used in determining the required minimum [distribution](#) for a [distribution calendar year](#) is the [account](#) balance as of the last [valuation date](#) in the calendar [year](#) immediately preceding that [distribution calendar year](#) (valuation calendar year) adjusted in accordance with paragraphs **(b)**, **(c)**, and **(d)** of this A-3.

**(b)** The [account](#) balance is increased by the [amount](#) of any contributions or forfeitures allocated to the [account](#) balance as of dates in the [valuation](#) calendar [year](#) after the [valuation date](#). For this [purpose](#), contributions that are allocated to the [account](#) balance as of dates in the [valuation](#) calendar [year](#) after the [valuation date](#), but that are not actually made during the [valuation](#) calendar [year](#), are permitted to be excluded.

**(c)** The [account](#) balance is decreased by [distributions](#) made in the [valuation](#) calendar [year](#) after the [valuation date](#).

**(d)** The [account](#) balance does not include the [value](#) of any qualifying longevity [annuity contract](#) (QLAC), [defined](#) in A-17 of [§ 1.401\(a\)\(9\)-6](#), that is held under the [plan](#). This paragraph **(d)** applies only to [contracts purchased](#) on or after July 2, 2014.

(e) If an [amount](#) is [distributed](#) from a [plan](#) and rolled over to another [plan](#) (receiving plan), A-2 of [§ 1.401\(a\)\(9\)-7](#) provides [additional rules](#) for determining the [benefit](#) and required minimum [distribution](#) under the receiving [plan](#). If an [amount](#) is [transferred](#) from one [plan](#) (transferor plan) to another [plan](#) (transferee plan) in a [transfer](#) to which section 414(l) applies, A-3 and A-4 of [§ 1.401\(a\)\(9\)-7](#) provide [additional rules](#) for determining the [amount](#) of the required minimum [distribution](#) and the [benefit](#) under both the transferor and [transferee](#) plans.

Q-4. For required minimum [distributions](#) during an [employee's](#) lifetime, what is the applicable [distribution](#) period?

A-4.

**(a) General rule.** Except as provided in paragraph (b) of this A-4, the applicable [distribution](#) period for required minimum [distributions](#) for [distribution calendar years](#) up to and including the [distribution calendar year](#) that includes the [employee's](#) date of death is determined using the Uniform Lifetime [Table](#) in A-2 of [§ 1.401\(a\)\(9\)-9](#) for the [employee's](#) age as of the [employee's](#) birthday in the relevant [distribution calendar year](#). If an [employee](#) dies on or after the required beginning date, the [distribution](#) period applicable for calculating the [amount](#) that must be [distributed](#) during the [distribution calendar year](#) that includes the [employee's](#) death is determined as if the [employee](#) had lived throughout that [year](#). Thus, a minimum required [distribution](#), determined as if the [employee](#) had lived throughout that [year](#), is required for the [year](#) of the [employee's](#) death and that [amount](#) must be [distributed](#) to a [beneficiary](#) to the extent it has not already been [distributed](#) to the [employee](#).

**(b) Spouse is sole beneficiary -**

**(1) General rule.** Except as otherwise provided in paragraph (b)(2) of this A-4, if the sole designated [beneficiary](#) of an [employee](#) is the [employee's](#) [surviving spouse](#), for required minimum [distributions](#) during the [employee's](#) lifetime, the applicable [distribution](#) period is the longer of the [distribution](#) period determined in accordance with paragraph (a) of this A-4 or the joint [life expectancy](#) of the [employee](#) and [spouse](#) using the [employee's](#) and [spouse's](#) attained ages as of the [employee's](#) and the [spouse's](#) birthdays in the [distribution calendar year](#). The [spouse](#) is sole designated [beneficiary](#) for [purposes](#) of determining the applicable [distribution](#) period for a [distribution calendar year](#) during the [employee's](#) lifetime only if the [spouse](#) is the sole [beneficiary](#) of the [employee's](#) [entire interest](#) at all times during the [distribution calendar year](#).

**(2) Change in marital status.** If the [employee](#) and the [employee's](#) [spouse](#) are married on January 1 of a [distribution calendar year](#), but do not remain married throughout that [year](#) (i.e., the [employee](#) or the [employee's](#) [spouse](#) die or they become divorced during that year), the [employee](#) will not fail to have a [spouse](#) as the [employee's](#) sole [beneficiary](#) for that [year](#) merely because they are not married throughout that [year](#). If an [employee's](#) [spouse](#) predeceases the [employee](#), the [spouse](#) will not fail to be the [employee's](#) sole [beneficiary](#) for the [distribution calendar year](#) that includes the date of the [spouse's](#) death solely because, for the period remaining in that [year](#) after the [spouse's](#) death, someone other than the [spouse](#) is [named](#) as [beneficiary](#). However, the change in [beneficiary](#) due to the death or divorce of the [spouse](#) will be effective for [purposes](#) of determining the applicable [distribution](#) period under section 401(a)(9) in the [distribution calendar](#)

year following the distribution calendar year that includes the date of the spouse's death or divorce.

Q-5. For required minimum distributions after an employee's death, what is the applicable distribution period?

A-5.

**(a) Death on or after the employee's required beginning date.** If an employee dies after distribution has begun as determined under A-6 of § 1.401(a)(9)-2 (generally on or after the employee's required beginning date), in order to satisfy section 401(a)(9)(B)(i), the applicable distribution period for distribution calendar years after the distribution calendar year containing the employee's date of death is either -

(1) If the employee has a designated beneficiary as of the date determined under A-4 of § 1.401(a)(9)-4, the longer of -

(i) The remaining life expectancy of the employee's designated beneficiary determined in accordance with paragraph (c)(1) or (2) of this A-5; and

(ii) The remaining life expectancy of the employee determined in accordance with paragraph (c)(3) of this A-5; or

(2) If the employee does not have a designated beneficiary as of the date determined under A-4 of § 1.401(a)(9)-4, the remaining life expectancy of the employee determined in accordance with paragraph (c)(3) of this A-5.

**(b) Death before an employee's required beginning date.** If an employee dies before distribution has begun, as determined under A-5 of § 1.401(a)(9)-2 (generally before the employee's required beginning date), in order to satisfy section 401(a)(9)(B)(iii) or (iv) and the life expectancy rule described in A-1 of § 1.401(a)(9)-3, the applicable distribution period for distribution calendar years after the distribution calendar year containing the employee's date of death is determined in accordance with paragraph (c) of this A-5. See A-4 of § 1.401(a)(9)-3 to determine when the 5-year rule in section 401(a)(9)(B)(ii) applies (e.g., there is no designated beneficiary or the 5-year rule is elected or specified by plan provision).

**(c) Life expectancy -**

(1) Nonspouse designated beneficiary. Except as otherwise provided in paragraph (c)(2), the applicable distribution period measured by the beneficiary's remaining life expectancy is determined using the beneficiary's age as of the beneficiary's birthday in the calendar year immediately following the calendar year of the employee's death. In subsequent calendar years, the applicable distribution period is reduced by one for each calendar year that has elapsed after the calendar year immediately following the calendar year of the employee's death.

(2) Spouse designated beneficiary. If the [surviving spouse](#) of the [employee](#) is the [employee's](#) sole [beneficiary](#), the applicable [distribution](#) period is measured by the [surviving spouse's](#) [life expectancy](#) using the [surviving spouse's](#) birthday for each [distribution calendar year](#) after the calendar [year](#) of the [employee's](#) death up through the calendar [year](#) of the [spouse's](#) death. For calendar [years](#) after the calendar [year](#) of the [spouse's](#) death, the applicable [distribution](#) period is the [life expectancy](#) of the [spouse](#) using the age of the [spouse](#) as of the [spouse's](#) birthday in the calendar [year](#) of the [spouse's](#) death, reduced by one for each calendar [year](#) that has elapsed after the calendar [year](#) of the [spouse's](#) death.

(3) No designated beneficiary. If the [employee](#) does not have a designated [beneficiary](#), the applicable [distribution](#) period measured by the [employee's](#) remaining [life expectancy](#) is the [life expectancy](#) of the [employee](#) using the age of the [employee](#) as of the [employee's](#) birthday in the calendar [year](#) of the [employee's](#) death. In subsequent calendar [years](#) the applicable [distribution](#) period is reduced by one for each calendar [year](#) that has elapsed after the calendar [year](#) of the [employee's](#) death.

Q-6. What life expectancies must be used for [purposes](#) of determining required minimum [distributions](#) under section 401(a)(9)?

A-6. Life expectancies for [purposes](#) of determining required minimum [distributions](#) under section 401(a)(9) must be computed using the Single Life [Table](#) in A-1 of [§ 1.401\(a\)\(9\)-9](#) and the Joint and Last Survivor [Table](#) in A-3 of [§ 1.401\(a\)\(9\)-9](#).

Q-7. If an [employee](#) has more than one designated [beneficiary](#), which designated [beneficiary's](#) [life expectancy](#) will be used to determine the applicable [distribution](#) period?

A-7.

**(a) General rule** - (1) Except as otherwise provided in paragraph (c) of this A-7, if more than one individual is designated as a [beneficiary](#) with respect to an [employee](#) as of the applicable date for determining the designated [beneficiary](#) under A-4 of [§ 1.401\(a\)\(9\)-4](#), the designated [beneficiary](#) with the shortest [life expectancy](#) will be the designated [beneficiary](#) for [purposes](#) of determining the applicable [distribution](#) period.

(2) See A-3 of [§ 1.401\(a\)\(9\)-4](#) for [rules](#) that apply if a [person](#) other than an individual is designated as a [beneficiary](#) and see A-2 and A-3 of [§ 1.401\(a\)\(9\)-8](#) for [special rules](#) that apply if an [employee's](#) [benefit](#) under a [plan](#) is divided into separate [accounts](#) and the beneficiaries with respect to a separate [account](#) differ from the beneficiaries of another separate [account](#).

**(b) Contingent beneficiary.** Except as provided in paragraph (c)(1) of this A-7, if a [beneficiary's](#) entitlement to an [employee's](#) [benefit](#) after the [employee's](#) death is a contingent right, such [contingent beneficiary](#) is nevertheless considered to be a [beneficiary](#) for [purposes](#) of determining whether a [person](#) other than an individual is designated as a [beneficiary](#) (resulting in the [employee](#) being treated as having [no designated beneficiary](#) under the [rules](#) of A-3 of [§](#)

[1.401\(a\)\(9\)-4](#)) and which designated [beneficiary](#) has the shortest [life expectancy](#) under paragraph [\(a\)](#) of this A-7.

(c) Successor beneficiary - (1) A [person](#) will not be considered a [beneficiary](#) for [purposes](#) of determining who is the [beneficiary](#) with the shortest [life expectancy](#) under paragraph [\(a\)](#) of this A-7, or whether a [person](#) who is not an individual is a [beneficiary](#), merely because the [person](#) could become the [successor](#) to the [interest](#) of one of the [employee's](#) beneficiaries after that [beneficiary's](#) death. However, the preceding sentence does not apply to a [person](#) who has any right (including a contingent right) to an [employee's](#) [benefit](#) beyond being a mere potential [successor](#) to the [interest](#) of one of the [employee's](#) beneficiaries upon that [beneficiary's](#) death. Thus, for [example](#), if the first [beneficiary](#) has a right to all [income](#) with respect to an [employee's](#) [individual account](#) during that [beneficiary's](#) life and a second [beneficiary](#) has a right to the principal but only after the death of the first [income beneficiary](#) (any portion of the principal [distributed](#) during the life of the first [income beneficiary](#) to be held in [trust](#) until that first [beneficiary's](#) death), both beneficiaries must be taken into [account](#) in determining the [beneficiary](#) with the shortest [life expectancy](#) and whether only [individuals](#) are beneficiaries.

(2) If the individual [beneficiary](#) whose [life expectancy](#) is being used to calculate the [distribution](#) period dies after September 30 of the calendar [year](#) following the calendar [year](#) of the [employee's](#) death, such [beneficiary's](#) remaining [life expectancy](#) will be used to determine the [distribution](#) period without regard to the [life expectancy](#) of the subsequent [beneficiary](#).

(3) This paragraph [\(c\)](#) is illustrated by the following examples:

**Example 1.**

(i) Employer M maintains a defined contribution plan, Plan X. Employee A, an employee of M, died in 2005 at the age of 55, survived by spouse, B, who was 50 years old. Prior to A's death, M had established an account balance for A in Plan X. A's account balance is invested only in productive assets. A named a testamentary trust (Trust P) established under A's will as the beneficiary of all amounts payable from A's account in Plan X after A's death. A copy of the Trust P and a list of the trust beneficiaries were provided to the plan administrator of Plan X by October 31 of the calendar year following the calendar year of A's death. As of the date of A's death, the Trust P was irrevocable and was a valid trust under the laws of the state of A's domicile. A's account balance in Plan X was includible in A's gross estate under § 2039.

(ii) Under the [terms](#) of [Trust](#) P, all [trust income](#) is payable annually to B, and no one has the power to appoint [Trust](#) P principal to any [person](#) other than B. A's children, who are all younger than B, are the sole remainder beneficiaries of the [Trust](#) P. No other [person](#) has a beneficial [interest](#) in [Trust](#) P. Under the [terms](#) of the [Trust](#) P, B has the power, exercisable annually, to compel the [trustee](#) to withdraw from A's [account](#) balance in [Plan](#) X an [amount](#) equal to the [income](#) earned on the assets held in A's [account](#) in [Plan](#) X during the calendar [year](#) and to distribute that [amount](#) through [Trust](#) P to B. [Plan](#) X contains no prohibition on

withdrawal from A's [account](#) of [amounts](#) in excess of the annual required minimum [distributions](#) under section 401(a)(9). In accordance with the [terms](#) of [Plan X](#), the [trustee](#) of [Trust P](#) elects, in order to satisfy section 401(a)(9), to receive annual required minimum [distributions](#) using the [life expectancy rule](#) in section 401(a)(9)(B)(iii) for [distributions](#) over a [distribution](#) period equal to B's [life expectancy](#). If B [exercises](#) the withdrawal power, the [trustee](#) must withdraw from A's [account](#) under [Plan X](#) the greater of the [amount](#) of [income](#) earned in the [account](#) during the calendar [year](#) or the required minimum [distribution](#). However, under the [terms](#) of [Trust P](#), and applicable [state](#) law, only the portion of the [Plan X distribution](#) received by the [trustee](#) equal to the [income](#) earned by A's [account](#) in [Plan X](#) is required to be [distributed](#) to B (along with any other [trust income](#).)

(iii) Because some amounts [distributed](#) from A's [account](#) in [Plan X](#) to [Trust P](#) may be accumulated in [Trust P](#) during B's lifetime for the [benefit](#) of A's children, as remaindermen beneficiaries of [Trust P](#), even though access to those [amounts](#) are delayed until after B's death, A's [children](#) are beneficiaries of A's [account](#) in [Plan X](#) in addition to B and B is not the sole designated [beneficiary](#) of A's [account](#). Thus the designated [beneficiary](#) used to determine the [distribution](#) period from A's [account](#) in [Plan X](#) is the [beneficiary](#) with the shortest [life expectancy](#). B's [life expectancy](#) is the shortest of all the potential beneficiaries of the testamentary [trust's interest](#) in A's [account](#) in [Plan X](#) (including remainder beneficiaries). Thus, the [distribution](#) period for [purposes](#) of section 401(a)(9)(B)(iii) is B's [life expectancy](#). Because B is not the sole designated [beneficiary](#) of the testamentary [trust's interest](#) in A's [account](#) in [Plan X](#), the [special rule](#) in 401(a)(9)(B)(iv) is not available and the annual required minimum [distributions](#) from the [account](#) to [Trust M](#) must begin no later than the end of the calendar [year](#) immediately following the calendar [year](#) of A's death.

### Example 2.

(i) The facts are the same as Example 1 except that the testamentary trust instrument provides that all amounts distributed from A's account in Plan X to the trustee while B is alive will be paid directly to B upon receipt by the trustee of Trust P.

(ii) In this case, B is the sole designated [beneficiary](#) of A's [account](#) in [Plan X](#) for [purposes](#) of determining the designated [beneficiary](#) under section 401(a)(9)(B)(iii) and (iv). No amounts [distributed](#) from A's [account](#) in [Plan X](#) to [Trust P](#) are accumulated in [Trust P](#) during B's lifetime for the [benefit](#) of any other [beneficiary](#). Therefore, the residuary beneficiaries of [Trust P](#) are mere potential [successors](#) to B's [interest](#) in [Plan X](#). Because B is the sole [beneficiary](#) of the testamentary [trust's interest](#) in A's [account](#) in [Plan X](#), the annual required minimum [distributions](#) from A's [account](#) to [Trust P](#) must begin no later than the end of the calendar [year](#) in which A would have attained age 70 1/2, rather than the calendar [year](#) immediately following the calendar [year](#) of A's death.

Q-8. If a portion of an [employee's individual account](#) is not [vested](#) as of the [employee's](#) required beginning date, how is the [determination](#) of the required minimum [distribution](#) affected?

A-8. If the [employee's benefit](#) is in the form of an [individual account](#), the [benefit](#) used to determine the required minimum [distribution](#) for any [distribution calendar year](#) will be determined in accordance with A-1 of this section without regard to whether or not all of the [employee's benefit](#) is vested. If any portion of the [employee's benefit](#) is not vested, [distributions](#) will be treated as being paid from the [vested](#) portion of the [benefit](#) first. If, as of the end of a [distribution calendar year](#) (or as of the [employee's](#) required beginning date, in the case of the [employee's](#) first [distribution](#) calendar year), the total [amount](#) of the [employee's vested benefit](#) is less than the required minimum [distribution](#) for the calendar [year](#), only the [vested](#) portion, if any, of the [employee's benefit](#) is required to be [distributed](#) by the end of the calendar [year](#) (or, if applicable, by the [employee's](#) required beginning date). However, the required minimum [distribution](#) for the subsequent [distribution calendar year](#) must be increased by the sum of [amounts](#) not [distributed](#) in prior calendar [years](#) because the [employee's vested benefit](#) was less than the required minimum [distribution](#).

Q-9. Which amounts [distributed](#) from an [individual account](#) are taken into [account](#) in determining whether section 401(a)(9) is satisfied and which [amounts](#) are not taken into [account](#) in determining whether section 401(a)(9) is satisfied?

A-9.

**(a) General rule.** Except as provided in paragraph [\(b\)](#), all amounts [distributed](#) from an [individual account](#) are [distributions](#) that are taken into [account](#) in determining whether section 401(a)(9) is satisfied, regardless of whether the [amount](#) is includible in [income](#). Thus, for [example](#), [amounts](#) that are excluded from [income](#) as recovery of [investment](#) in the [contract](#) under section 72 are taken into [account](#) for [purposes](#) of determining whether section 401(a)(9) is satisfied for a [distribution calendar year](#). Similarly, [amounts](#) excluded from [income](#) as net unrealized appreciation on [employer securities](#) also are amounts [distributed](#) for [purposes](#) of determining if section 401(a)(9) is satisfied.

**(b) Exceptions.** The following [amounts](#) are not taken into [account](#) in determining whether the required minimum [amount](#) has been [distributed](#) for a calendar year:

(1) [Elective deferrals](#) (as [defined](#) in section 402(g)(3)) and [employee contributions](#) that, pursuant to [rules](#) prescribed by the Commissioner in revenue rulings, notices, or [other guidance](#) published in the Internal Revenue Bulletin (see [§ 601.601\(d\)\(2\)](#) of this chapter), are [returned](#) to the [employee](#) (together with the [income](#) allocable thereto) in order to comply with the section 415 [limitations](#).

(2) Corrective [distributions](#) of [excess deferrals](#) as described in [§ 1.402\(g\)-1\(e\)\(3\)](#), together with the [income](#) allocable to these [distributions](#).

(3) Corrective [distributions](#) of [excess contributions](#) under a qualified [cash or deferred arrangement](#) under section 401(k)(8) and [excess aggregate contributions](#) under section 401(m)(6), together with the [income](#) allocable to these [distributions](#).

(4) Loans that are treated as [deemed distributions](#) pursuant to section 72(p).



(5) [Dividends](#) described in section 404(k) that are paid on [employer securities](#). (Amounts paid to the [plan](#) that, pursuant to section 404(k)(2)(A)(iii)(II), are included in the [account](#) balance and subsequently [distributed](#) from the [account](#) lose their [character](#) as [dividends](#).)

(6) The [costs](#) of life insurance coverage (P.S. 58 [costs](#)).

(7) Similar items designated by the Commissioner in revenue rulings, notices, and [other guidance](#) published in the Internal Revenue Bulletin. See [§ 601.601\(d\)\(2\)\(ii\)\(b\)](#) of this chapter.

[T.D. 8987, [67 FR 18994](#), Apr. 17, 2002, as amended by T.D. 9130, [69 FR 33293](#), June 15, 2004; T.D. 9319, [72 FR 16894](#), Apr. 5, 2007; T.D. 9673, [79 FR 37639](#), July 2, 2014]