



OFFICE OF THE CHIEF COUNSEL

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, DC 20224

September 14, 2023

Number: **2023-0009**
Release Date: 11/17/2023

CONEX-115808-23

UIL: 4974.00-00

The Honorable Christopher Deluzio
Member, U.S. House of Representatives
Carnegie Office Park
600 North Bell Avenue
Building 1, Suite 102
Carnegie, PA 15106

Attention:

Dear Representative Deluzio:

I'm responding to your inquiry, dated April 17, 2023, on behalf of your constituent, . We understand that she received a required minimum distribution (RMD) from her individual retirement account after the deadline to receive RMDs set forth in Internal Revenue Code section 401(a)(9).

I apologize for the delayed response experienced while trying to resolve her retirement account distribution. Our goal is to provide all taxpayers excellent customer service.

On August 23, 2023, I called Bill O'Toole of your office to discuss RMD. It appears had an RMD shortfall for 2022. An RMD shortfall is the difference between the minimum amount required to be distributed for a given year and the amount that is distributed for the year. An RMD shortfall is subject to an excise tax under section 4974 of the Internal Revenue Code.

may report the excise tax on IRS Form 5329. We enclosed a copy of the form and instructions for her convenience. She may use Form 5329 to request a waiver of the excise tax if she has reasonable cause, as described on the final page of the instructions to Form 5329.

I hope this information is helpful to your constituent. If you have any questions, please contact me at _____ or _____ at _____.

Sincerely,

Brandon M. Ford
Acting Branch Chief,
Qualified Plans Branch 4
(Employee Benefits,
Exempt Organizations,
and Employment Taxes)

Enclosures (2)