

ROLLOVER CHART

The following chart illustrates what can and cannot be rolled over based on the recent changes according to the Economic Growth and Tax Relief Reconciliation Act 2001 (EGTRRA).

ROLLOVER		Before 2002	After 2001
From	To	(last reviewed Feb. 2004)	
IRA	IRA	Y	Y
	SIMPLE IRA	N	N
	Roth IRA	Y ¹	Y ¹
	SEP	Y	Y
	SIMPLE 401(k)	N	N ⁵
	safe harbor 401(k)	N	Y
	403(b)	N	Y
	governmental 457	N	Y
	qualified plan	N	Y
SIMPLE IRA	IRA	Y ²	Y ²
	SIMPLE IRA	Y	Y
	Roth IRA	Y ^{1,2}	Y ^{1,2}
	SEP	Y ²	Y ²
	SIMPLE 401(k)	N	N ^{2,5}
	safe harbor 401(k)	N	Y ²
	403(b)	N	Y ²
	governmental 457	N	Y ²
	qualified plan	N	Y ²
Roth IRA	IRA	N	N
	SIMPLE IRA	N	N
	Roth IRA	Y	Y
	SEP	N	N
	SIMPLE 401(k)	N	N
	safe harbor 401(k)	N	N
	403(b)	N	N
	governmental 457	N	N
	qualified plan	N	N
SEP	IRA	Y	Y
	SIMPLE IRA	N	N
	Roth IRA	Y ¹	Y ¹
	SEP	Y	Y
	SIMPLE 401(k)	N	N ⁵
	safe harbor 401(k)	N	Y
	403(b)	N	Y
	governmental 457	N	Y
	qualified plan	N	Y
SIMPLE 401(k)	IRA	Y	Y
	SIMPLE IRA	N	N
	Roth IRA	N	N ⁴
	SEP	Y	Y
	SIMPLE 401(k)	N ⁵	N ⁵
	safe harbor 401(k)	Y	Y
	403(b)	N	Y
	governmental 457	N	Y
	qualified plan	Y	Y
safe harbor 401(k)	IRA	Y	Y
	SIMPLE IRA	N	N
	Roth IRA	N	N ⁴
	SEP	Y	Y
	SIMPLE 401(k)	N ⁵	N ⁵
	safe harbor 401(k)	Y	Y
	403(b)	N	Y
	governmental 457	N	Y
	qualified plan	Y	Y
403(b)	IRA	Y	Y
	SIMPLE IRA	N	N
	Roth IRA	N	N ⁴
	SEP	N	Y
	SIMPLE 401(k)	N	N ⁵
	safe harbor 401(k)	N	Y
	403(b)	Y	Y
	governmental 457	N	Y
	qualified plan	N	Y

governmental 457	IRA	N	Y
	SIMPLE IRA	N	N
	Roth IRA	N	N ⁴
	SEP	N	Y
	SIMPLE 401(k)	N	N ⁵
	safe harbor 401(k)	N	Y
	403(b)	N	Y
	governmental 457	Y	Y
	qualified plan	N	Y
qualified plan	IRA	Y	Y
	SIMPLE IRA	N	N
	Roth IRA	N	N ⁴
	SEP	Y	Y
	SIMPLE 401(k)	N ⁵	N ⁵
	safe harbor 401(k)	Y	Y
	403(b)	N	Y
	governmental 457	N	Y
	qualified plan	Y	Y
after-tax contributions in qualified plan	IRA	N	Y
	SIMPLE IRA	N	N
	Roth IRA	N	N ⁴
	SEP	N	Y
	SIMPLE 401(k)	N	N ⁵
	safe harbor 401(k)	N	Y ³
	403(b)	N	N
	governmental 457	N	N
	qualified plan	N	Y ³
after-tax contributions in IRA	IRA	Y	Y
	SIMPLE IRA	N	N
	Roth IRA	N	N ⁴
	SEP	N	N
	SIMPLE 401(k)	N	N
	safe harbor 401(k)	N	N
	403(b)	N	N
	governmental 457	N	N
	qualified plan	N	N

Footnotes for the TAGdata.com Rollover Reference Chart for 2001 and 2002

A surviving spouse may rollover distributions into a tax-qualified retirement plan, 403(b) plan or governmental 457 plan. Hardship distributions cannot be rolled over.

The rules relating to non-governmental 457 plans have not been changed by EGTRRA.

1 Only if the taxpayer's adjusted gross income (AGI) for the tax year does not exceed \$100,000, and the taxpayer is not married filing separately (Code Sec. 408A(c)(3)(B)).

- Only after the individual has participated in the SIMPLE plan for two years (Code Sec. 408(d)(3)(G)).
- Only through direct trustee-to-trustee transfer.
- However, a distribution that is rolled over to a traditional IRA may then be rolled over to a Roth IRA, if the individual otherwise could roll over from the traditional IRA to a Roth IRA.
- Under Code Sec. 401(k)(11)(B)(i)(III), amounts received under a SIMPLE 401(k) plan may not be rolled over to another SIMPLE 401(k) plan because a SIMPLE 401(k) plan may only receive elective and matching contributions. Further, Rev. Proc. 97-9 says, "Generally, no contributions may be made during a year to a plan using the 401(k) SIMPLE provisions, other than those contributions described in section 2.03 below. However, the model amendment in appendix A of Rev. Proc. 97-9 appears to allow for rollovers.

When Congress wrote EGTRRA, it could have amended Code Section 401(k)(11)(B)(i)(III) to allow rollovers to SIMPLE 401(k) plans. Congress did not make that amendment.

IRS appears to have exceeded it's authority in this, in allowing a plan to adopt a provision that is not permissible under the Code. Until there is some clarification or further guidance, I do not believe the Code permits such a rollover.

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