

### Publication 531

(Rev. November 1998) Cat. No. 15059V

# Reporting Tip Income



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## Introduction

This publication is for employees who receive tips from customers. Waiters, hairdressers, cab drivers, and club performers are some people who get tips. If you are self-employed and receive tip income, see Publication 334, *Tax Guide for Small Business*, for more information.

All tips you receive are income and are subject to federal income tax. You must include in gross income all tips you receive directly from customers, tips from charge customers that are paid to your employer, and your share of any tips you receive under a tip-splitting arrangement.

The value of noncash tips, such as tickets, passes, or other items of value are also income and subject to tax.

Reporting your tip income correctly is not difficult. You must do three things.

- 1) Keep a daily tip record.
- 2) Report tips to your employer.
- 3) Report all your tips on your income tax return.

This publication will show you how to do these three things, and what to do on your tax return if you have not done the first two. This publication will also show you how to treat allocated tips.

## Keeping a Daily Tip Record

Why keep a daily tip record? You must keep a daily tip record so you can:

- Report your tips accurately to your employer,
- Report your tips accurately on your tax return, and
- Prove your tip income if your return is ever questioned.

How to keep a daily tip record. There are two ways to keep a daily tip record. You can either:

- 1) Write information about your tips in a tip diary, or
- 2) Keep copies of documents that show your tips, such as restaurant bills and credit card charge slips.

You should keep your daily tip record with your personal records.

If you keep a tip diary, you can use **Form 4070A**, *Employee's Daily Record of Tips*. To get a year's supply of the form, ask the Internal Revenue Service (IRS) or your employer for **Publication 1244**, *Employee's Daily Record of Tips and Report to Employer*. Each day, write in the information asked for on the form. A filled-in Form 4070A is shown on page 2.

If you do not use Form 4070A, start your records by writing your name, your employer's name, and the name of the business if it is different from your employer's name. Then, each workday, write the date and the following information:

- Cash tips you get directly from customers or from other employees,
- Tips from credit card charge customers that your employer pays you,
- The value of any noncash tips you get, such as tickets, passes, or other items of value,
- The amount of tips you paid out to other employees through tip pools or tip splitting, or other arrangements, and the names of the employees to whom you paid the tips.



Do not write in your tip diary the amount of any service charge that your employer adds to a CAUTION customer's bill and then pays to you and treats as wages. This is part of your wages, not a tip.

## **Reporting Tips to Your** Employer

Why report tips to your employer? You must report tips to your employer so that:

- Your employer can withhold federal income tax and social security and Medicare taxes or railroad retirement tax,
- Your employer can report the correct amount of your earnings to the Social Security Administration or Railroad Retirement Board (which affects your benefits when you retire or if you become disabled, or your family's benefits if you die), and
- You can avoid the penalty for not reporting tips to your employer (explained later).

What tips to report. Report to your employer only cash, check, or credit card tips you receive. If your total tips for any one month from any one job are less than \$20, do not report them to your employer. Do not report the value of any noncash tips, such as tickets or passes, to your employer. You do not have to pay social security and Medicare taxes or railroad retirement tax on these tips.

How to report. You can use Form 4070, Employee's Report of Tips to Employer. To get a year's supply of the form, ask the IRS or your employer for Publication 1244. Fill in the information asked for on the form, sign and date the form, and give it to your employer. A sample filled-in Form 4070 is shown later.

If you do not use Form 4070, write the following information in your report:

- Your name, address, and social security number,
- Your employer's name, address, and business name (if it is different from the employer's name),
- The month (or the dates of any shorter period) in which you received tips, and

#### Sample Filled-in Form 4070A from Publication 1244

(Rev. July 1996) This is a			mployee This is a volunt See instru	ary form p		
Emplo	yee's n	ame and address		Emplo	yer's name	Month and year
Jo	ihn W.	Allen		Dia	mond Restaurant	
111	7 Maj	ole Ave.			shment name (if differe	
Ar	nytowi	n, NY 14202				1998
Date tips rec'd.	Date of entry	<ul> <li>a. Tips received directly from customers and other employees</li> </ul>	b. Credit ca receive	rd tips d	<li>c. Tips paid out to other employees</li>	d. Names of employees to whom you paid tips
1	10/3	- OFF -				
2	10/3	48.80	26.4	0	15.20	Judy Brown
3	10/3	28.00	21.6	0	8.00	Carl Jones
4	10/5	42.00	24.C	0	10.00	Judy Brown
5	10/7	40.80	28.0	0	12.00	Judy Brown & Brian Smith
ubto	tals	159.60	100.0	0	45.20	
or Pa	perwo	rk Reduction Act Notice	e, see Instruc	tions on	the back of Form 40	70. Pag
Date tips ec'd.	Date of entry	<ul> <li>a. Tips received directly from customers and other employees</li> </ul>	b. Credit ca receive		<li>c. Tips paid out to other employees</li>	d. Names of employees to whom you paid tips
6	10/7	- OFF -				
7	10/8	37.20	22.4	0	8.00	Carl Jones
8	10/9	50.80	17.2	0	10.00	Judy Brown & Carl Jones
9	10/9	33.60	16.4	0	8.00	Judy Brown
10	10/11	30.40	22.C	0	9.20	Judy Brown
11	10/11	42.00	11.60		8.80	Carl Jones
12	10/14	35.60	16.00		7.60	Judy Brown
13	10/14	- OFF -				
14	10/14	48.40	14.4	0	12.40	Judy Brown & Brian Smith
15	10/16	45.20	32.C	0	17.20	Brian Smith
Subto	tals	323.20	152.C	0	81.20	
Page 2 Date tips rec'd.	2 Date of entry	a. Tips received directly from customers and other employees	<ul> <li>b. Credit ca receive</li> </ul>		c. Tips paid out to other employees	d. Names of employees to whom you paid tips
16	10/16	41.20	18.4	0	8.80	Judy Brown
17	10/18	39.20	21.2	0	9.60	Judy Brown
18	10/19	46.80	12.8	0	8.40	Carl Jones
	10/21	34.00	19.2	0	10.00	Judy Brown
19	10/21	- OFF -				
19 20				0	12.80	Judy Brown & Brian Smith
	10/22	34.80	26.0	0		
20		34.80 42.40	26.0		12.40	Carl Jones
20 21	10/22 10/24 10/24		22.8 17.2	0	12.40 13.60	Judy Brown
20 21 22	10/22 10/24	42.40	22.8	0		
20 21 22 23	10/22 10/24 10/24	42.40 48.80	22.8 17.2	0 0 0 0	13.60	Judy Brown

Date tips rec'd.	Date of entry	<ul> <li>a. Tips received directly from customers and other employees</li> </ul>	<ul> <li>b. Credit card tips received</li> </ul>	<li>c. Tips paid out to other employees</li>	d. Names of employees to whom you paid tips
26	10/26	31.60	11.60	12.40	Judy Brown
27	10/27	- OFF -			
28	10/29	43.20	14.00	12.80	Carl Jones
29	10/30	34.80	22.40	7.20	Carl Jones
30	10/31	46.00	27.20	12.80	Judy Brown & Brian Smith
31	11/2	27.60	20.40	6.40	Judy Brown
Subtotals from pages 1, 2, and 3		159.60 323.20 358.00	100.00 152.00 171.60	45.20 81.20 95.60	
Total	s	1.024.00	519.20	273.60	

1. Report total cash tips (col. a) on Form 4070, line 1

2. Report total credit card tips (col. b) on Form 4070, line 2. 3. Report total tips paid out (col. c) on Form 4070, line 3.

#### The total amount of tips you received.

Then, sign and date the report and give it to your employer. You should keep a copy of the report with your personal records.

When to report. Give your report for each month to your employer by the 10th of the next month. If the 10th falls on a Saturday, Sunday, or legal holiday, give your employer the report by the next day that is not a Saturday, Sunday, or legal holiday.

**Example 1.** You must report your tips received in January 1999 by February 10, 1999.

Example 2. You must report your tips received in March 1999 by April 12, 1999. April 10 is on a Saturday, and the 12th is the next day that is not a Saturday, Sunday, or legal holiday.

Form <b>4070</b> (Rev. July 1996) Department of the Treasury Internal Revenue Service	Employee's Report of Tips to Employer For Paperwork Reduction Act Notice, see back	of form.	OMB No. 1545-0065
Employee's name and add	ress John W. Allen 117 Maple Ave. Anytown, NY 14202	Social secu 987 0	rity number
Diamor 834 N	ress (include establishment name, if different) nd Restaurant 1ain Street vn, NY 14203	<ol> <li>Cash tips</li> <li>Credit ca</li> <li>Tips paid</li> </ol>	1,024.00 rd tips received 519.20
Month or shorter period in from October 1	which tips were received , 19 98 , to October 31 , 19 98	4 Net tips (	lines <b>1 + 2 - 3)</b> 1,269.60
John W.	Allen	Date N	ov. 6, 1998

### Sample Filled-in Form 4070 from Publication 1244

Penalty for not reporting tips. If you do not report tips to your employer as required, you may be subject to a penalty equal to 50% of the social security and Medicare taxes or railroad retirement tax you owe on the unreported tips. (For information about these taxes, see Reporting social security and Medicare taxes on tips not reported to your employer under Reporting Tips on Your Return, later.) The penalty amount is in addition to the taxes you owe.

You can avoid this penalty if you can show reasonable cause for not reporting the tips to your employer. To do so, attach a statement to your return explaining why you did not report them.

Giving your employer money for taxes. Your regular pay may not be enough for your employer to withhold all the taxes you owe on your regular pay plus your reported tips. If this happens, you can give your employer money to pay the rest of the taxes, up to the close of the calendar year.

If you do not give your employer enough money, your employer will apply your regular pay and any money you give to the taxes, in the following order:

- 1) All taxes on your regular pay,
- 2) Social security and Medicare taxes or railroad retirement tax on your reported tips, and
- 3) Federal, state, and local income taxes on your reported tips.

Any taxes that remain unpaid can be collected by your employer from your next paycheck. If withholding taxes remain uncollected at the end of the year, you may need to make an estimated tax payment. Use Form 1040-ES, Estimated Tax for Individuals. See Publication 505, Tax Withholding and Estimated Tax, for more information.

You must report on your tax return any social security and Medicare taxes or railroad retire-CAUTION ment tax that remained uncollected at the end of 1998. See Reporting uncollected social security and Medicare taxes on tips under Reporting Tips on Your Tax Return, later. These uncollected taxes will be shown in box 13 of your Form W-2 (codes A and B).

### **Reporting Tips on Your** Tax Return

How to report tips. Report your tips with your wages on line 1, Form 1040EZ, or line 7, Form 1040A or Form 1040.

What tips to report. You must report all tips you received in 1998, including both cash tips and noncash tips, on your tax return. Any tips you reported to your employer for 1998 are included in the wages shown in box 1 of your Form W-2. Add to the amount in box 1 only the tips you did not report to your employer.

If you received \$20 or more in cash and charge tips in a month and did not report all of those CAUTION tips to your employer, see Reporting social security and Medicare taxes on tips not reported to your employer, later.



If you did not keep a daily tip record as required and an amount is shown in box 8 of your Form AUTION W-2, see Allocated Tips, later.

If you kept a daily tip record and reported tips to your employer as required under the rules explained earlier, add the following tips to the amount in box 1 of your Form W-2:

- Cash and charge tips you received that totaled less than \$20 for any month, and
- The value of noncash tips, such as tickets, passes, or other items of value.

**Example.** John Allen began working at the Diamond Restaurant (his only employer in 1998) on June 30 and received \$10,000 in wages during the year. John kept a daily tip record showing that his tips for June were \$18 and his tips for the rest of the year totaled \$7,000. He was not required to report his June tips to his employer, but he reported all of the rest of his tips to his employer as required. His daily tip record (Form 4070A) and his report to his employer (Form 4070) for October are illustrated earlier.

John's Form W-2 from Diamond Restaurant shows \$17,000 (\$10,000 wages plus \$7,000 reported tips) in box 1. He adds the \$18 unreported tips to that amount and reports \$17,018 as wages on line 1 of his Form 1040EZ.

**Reporting social security and Medicare taxes on tips not reported to your employer.** If you received \$20 or more in cash and charge tips in a month while working for one employer, you must report the social security and Medicare taxes on the unreported tips as additional tax on your return. To report these taxes, you must file a return even if you would not otherwise have to file. You must use Form 1040. (You cannot file Form 1040EZ or Form 1040A.)

Use **Form 4137**, *Social Security and Medicare Tax on Unreported Tip Income*, to figure these taxes. Enter the amount from line 12 of the form on line 52, Form 1040, and attach the form to your return.

**Reporting uncollected social security and Medicare taxes on tips.** If your employer could not collect all the social security and Medicare taxes or railroad retirement tax you owe on tips reported to your employer, the uncollected taxes will be shown in box 13 of your Form W-2 (codes A and B). You must report these amounts as additional tax on your return. You may have uncollected taxes if your regular pay was not enough for your employer to withhold all the taxes you owe and you did not give your employer enough money to pay the rest of the taxes.

To report these uncollected taxes, you must file a return even if you would not otherwise have to file. You must use Form 1040. (You cannot file Form 1040EZ or Form 1040A.) Include the taxes in your total tax amount on line 56, and write "UT" and the total of the uncollected taxes on the dotted line next to line 56.

## **Allocated Tips**

What are allocated tips? These are tips that your employer assigned to you in addition to the tips you reported to your employer for the year. Your employer will have done this only if:

• You worked in a restaurant, cocktail lounge, or similar business that must allocate tips to employees, and

• The tips you reported to your employer were less than your share of 8% of food and drink sales.

If your employer allocated tips to you, they are shown separately in box 8 of your Form W-2. They are not included in box 1 with your wages and reported tips. If box 8 is blank, this discussion does not apply to you.

How were your allocated tips figured? The tips allocated to you are your share of an amount figured by subtracting the reported tips of all employees from 8% (or an approved lower rate) of food and drink sales (other than carryout sales and sales with a service charge of 10% or more). Your share of that amount was figured using either a method provided by an employer-employee agreement or a method provided by IRS regulations based on employees' sales or hours worked. For information about the exact allocation method used, ask your employer.

**Must you report your allocated tips on your return?** You must report allocated tips on your return unless either of the following exceptions applies.

- 1) You kept a daily tip record as required under rules explained earlier.
- 2) Your tip record is incomplete, but it shows that your actual tips were more than the tips you reported to your employer plus the allocated tips.

If either exception applies, report your actual tips on your return. Do not report the allocated tips. See *What tips to report* under *Reporting Tips on Your Tax Return*, earlier.

How to report allocated tips. If you must report allocated tips on your return, add the amount in box 8 of your Form W-2 to the amount in box 1. Report the total as wages on line 7 of Form 1040. (You cannot file Form 1040EZ or Form 1040A.)

Because social security and Medicare taxes were not withheld from the allocated tips, you must report those taxes as additional tax on your return. Complete Form 4137, and include the allocated tips on line 1 of the form. See *Reporting social security and Medicare taxes on tips not reported to your employer* under *Reporting Tips on Your Return*, earlier.

How to request an approved lower rate. Your employer can use a tip rate lower than 8% (but not lower than 2%) to figure allocated tips only if the IRS approves the lower rate. Either the employer or the employees can request approval of a lower rate by filing a petition with the district director for the IRS district in which the business is located. The petition must include specific information about the business that will justify the lower rate. A user fee must be paid with the petition.

An employee petition can be filed only with the consent of a majority of the directly-tipped employees (waiters, bartenders, and others who receive tips directly from customers). The petition must state the total number of directly-tipped employees and the number of employees consenting to the petition. Employees filing the petition must promptly notify the employer, and the employer must promptly give the district director a copy of any **Form 8027**, *Employer's Annual Information Return of Tip Income and Allocated Tips*, filed by the employer for the previous 3 years.

For more information about how to file a petition and what information to include, see the instructions for Form 8027.

### How To Get More Information

You can order free publications and forms, ask tax questions, and get more information from the IRS in several ways. By selecting the method that is best for you, you will have quick and easy access to tax help.

**Free tax services.** To find out what services are available, get Publication 910, *Guide to Free Tax Services*. It contains a list of free tax publications and an index of tax topics. It also describes other free tax information services, including tax education and assistance programs and a list of TeleTax topics.

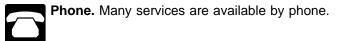
Personal computer. With your personal computer and modem, you can access the IRS on the Internet at *www.irs.ustreas.gov.* While visiting our Web Site, you can select:

- *Frequently Asked Tax Questions* to find answers to questions you may have.
- Fill-in Forms to complete tax forms on-line.
- Forms and Publications to download forms and publications or search publications by topic or keyword.
- Comments & Help to e-mail us with comments about the site or with tax questions.
- *Digital Dispatch* and *IRS Local News Net* to receive our electronic newsletters on hot tax issues and news.

You can also reach us with your computer using any of the following.

- Telnet at iris.irs.ustreas.gov
- File Transfer Protocol at ftp.irs.ustreas.gov
- Direct dial (by modem) 703-321-8020

**TaxFax Service.** Using the phone attached to your fax machine, you can receive forms, instructions, and tax information by calling **703–368–9694.** Follow the directions from the prompts. When you order forms, enter the catalog number for the form you need. The items you request will be faxed to you.



- Ordering forms, instructions, and publications. Call **1–800–829–3676** to order current and prior year forms, instructions, and publications.
- Asking tax questions. Call the IRS with your tax questions at **1–800–829–1040**.
- *TTY/TDD equipment*. If you have access to TTY/TDD equipment, call **1–800–829–4059** to ask tax questions or to order forms and publications.
- TeleTax topics. Call 1–800–829–4477 to listen to pre-recorded messages covering various tax topics.

**Evaluating the quality of our telephone services.** To ensure that IRS representatives give accurate, courteous, and professional answers, we evaluate the quality of our telephone services in several ways.

- A second IRS representative sometimes monitors live telephone calls. That person only evaluates the IRS assistor and does not keep a record of any taxpayer's name or tax identification number.
- We sometimes record telephone calls to evaluate IRS assistors objectively. We hold these recordings no longer than one week and use them only to measure the quality of assistance.
- We value our customers' opinions. Throughout this year, we will be surveying our customers for their opinions on our service.

**Walk-in.** You can pick up certain forms, instructions, and publications at many post offices, libraries, and IRS offices. Some libraries and IRS offices have an extensive collection of products available to print from a CD-ROM or photocopy from reproducible proofs.

	<b>Mail.</b> You can send your order for forms, in- structions, and publications to the Distribution Center nearest to you and receive a response
	Center nearest to you and receive a response
	5 workdays after your request is received. Find
the add	dress that applies to your part of the country.

- Western part of U.S.: Western Area Distribution Center Rancho Cordova, CA 95743–0001
- Central part of U.S.: Central Area Distribution Center P.O. Box 8903 Bloomington, IL 61702–8903
- Eastern part of U.S. and foreign addresses: Eastern Area Distribution Center P.O. Box 85074 Richmond, VA 23261–5074



**CD-ROM.** You can order IRS Publication 1796, *Federal Tax Products on CD-ROM,* and obtain:

- Current tax forms, instructions, and publications.
- Prior-year tax forms, instructions, and publications.
- Popular tax forms which may be filled-in electronically, printed out for submission, and saved for recordkeeping.
- Internal Revenue Bulletins.

The CD-ROM can be purchased from National Technical Information Service (NTIS) for \$25.00 by calling 1–877–233–6767 or for \$18.00 on the Internet at **www.irs.ustreas.gov/cdorders.** The first release is available in mid-December and the final release is available in late January.

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#### Tax Publications for Individual Taxpayers

See How To Get More Information for a variety of ways to get publications, including by computer, phone, and mail.

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#### **General Guides**

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- 17 Your Federal Income Tax (For Individuals)
- 225 Farmer's Tax Guide
- 334 Tax Guide for Small Business
- 509 Tax Calendars for 1999
- 553 Highlights of 1998 Tax Changes
- 595 Tax Highlights for Commercial
- Fishermen 910 Guide to Free Tax Services

#### **Specialized Publications**

- 3 Armed Forces' Tax Guide
- 378 Fuel Tax Credits and Refunds
- 463 Travel, Entertainment, Gift, and Car Expenses
- 501 Exemptions, Standard Deduction, and Filing Information
- 502 Medical and Dental Expenses
- 503 Child and Dependent Care Expenses
- 504 Divorced or Separated Individuals
- 505 Tax Withholding and Estimated Tax
- 508 Educational Expenses
- 514 Foreign Tax Credit for Individuals
- 516 U.S. Government Civilian Employees Stationed Abroad
- **517** Social Security and Other Information for Members of the Clergy and Religious Workers
- 519 U.S. Tax Guide for Aliens
- 520 Scholarships and Fellowships
- 521 Moving Expenses
- 523 Selling Your Home

Sch A & B

- 524 Credit for the Elderly or the Disabled
- 525 Taxable and Nontaxable Income
- 526 Charitable Contributions
- 527 Residential Rental Property

#### 529 Miscellaneous Deductions

#### Commonly Used Tax Forms

1040 U.S. Individual Income Tax Return

Sch C Profit or Loss From Business

Form Number and Title

**Ordinary Dividends** 

Itemized Deductions & Interest and

- 530 Tax Information for First-Time Homeowners
- 531 Reporting Tip Income
- 533 Self-Employment Tax
- Depreciating Property Placed in Service Before 1987 534
- 537 Installment Sales
- 541 Partnerships
- 544 Sales and Other Dispositions of Assets
- 547 Casualties, Disasters, and Thefts (Business and Nonbusiness)
- 550 Investment Income and Expenses
- 551 Basis of Assets
- 552 Recordkeeping for Individuals
- 554 Older Americans' Tax Guide
- 555 Community Property
- 556 Examination of Returns, Appeal Rights, and Claims for Refund
- 559 Survivors, Executors, and Administrators
- Determining the Value of Donated 561 Property
- 564 Mutual Fund Distributions
- 570 Tax Guide for Individuals With Income From U.S. Possessions
- 575 Pension and Annuity Income
- 584 Nonbusiness Disaster, Casualty, and Theft Loss Workbook
- 587 Business Use of Your Home (Including Use by Day-Care Providers)
- 590 Individual Retirement Arrangements (IRAs) (Including Roth IRAs and Education IRAs)
- Tax Highlights for U.S. Citizens and 593 Residents Going Abroad
- 594 Understanding the Collection Process
- 596 Earned Income Credit
- 721 Tax Guide to U.S. Civil Service **Retirement Benefits**

See How To Get More Information for a variety of ways to get forms, including by computer, fax, phone, and mail. For fax orders only, use the catalog numbers when ordering. Catalog Form Number and Title Number 11320 2106 Employee Business Expenses 11330 2106-EZ Unreimbursed Employee Business Expenses 2210 Underpayment of Estimated Tax by 11334 Individuals, Estates and Trusts 14374

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- Disabilities 908 Bankruptcy Tax Guide 911 Direct Sellers Social Security and Equivalent 915 Railroad Retirement Benefits 919 Is My Withholding Correct for 1999?
  - 925 Passive Activity and At-Risk Rules

Tax Highlights for Persons with

- 926 Household Employer's Tax Guide Tax Rules for Children and 929 Dependents
- 936 Home Mortgage Interest Deduction
- 946 How To Depreciate Property
- 947 Practice Before the IRS and Power of Attorney
- 950 Introduction to Estate and Gift Taxes
- 967 IRS Will Figure Your Tax
- 968 Tax Benefits for Adoption
- 970 Tax Benefits for Higher Education
- 971 Innocent Spouse Relief
- 1542 Per Diem Rates
- 1544 Reporting Cash Payments of Over \$10,000
- **1546** The Problem Resolution Program of the Internal Revenue Service

#### Spanish Language Publications

1SP	Derechos del Contribuyente
579SP	Cómo Preparar la Declaración de Impuesto Federal
594SP	Comprendiendo el Proceso de Cobro
	Crédito por Ingreso del Trabajo
	English-Spanish Glossary of Words and Phrases Used in Publications Issued by the Internal Revenue Service
1544SP	Informe de Pagos en Efectivo en Exceso de \$10,000 (Recibidos en una Ocupación o Negocio)

Catalog Number

11700

20604

11744

901 U.S. Tax Treaties