DEPARTMENT OF THE TREASURY

31 CFR Subtitle A, Chs. I and II

Semiannual Agenda

AGENCY: Department of the Treasury.

ACTION: Semiannual regulatory agenda.

SUMMARY: This notice is given pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980) and Executive Order 12866 ("Regulatory Planning and Review"), which require the publication by the Department of a semiannual agenda of regulations.

FOR FURTHER INFORMATION CONTACT: The Agency Contact identified in the item relating to that regulation.

SUPPLEMENTARY INFORMATION: The semiannual regulatory agenda includes regulations that the Department has issued or expects to issue and rules currently in effect that are under departmental or agency review. Beginning with the fall 2007 edition, the Internet is the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at www.reginfo.gov and www.regulations.gov, in a format that offers users an enhanced ability to obtain information from the Agenda database. Because publication in the Federal Register is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), Treasury's printed agenda entries include only:

(1) Rules that are in the regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Any rule that has been identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. The semiannual agenda of the Department of the Treasury conforms to the Unified Agenda format developed by the Regulatory Information Service Center (RISC).


NAME: Richard G. Lepley,
Deputy Assistant General Counsel for General Law and Regulation.
## Expansion of the Russian River Valley American Viticultural Area
- Title: Expansion of the Russian River Valley American Viticultural Area
- Regulation Identifier Number: 1513-AB57

## Repeal of Special (Occupational) Tax
- Title: Repeal of Special (Occupational) Tax
- Regulation Identifier Number: 1513-AB63

## Technical Corrections to TTB Regulations
- Title: Technical Corrections to TTB Regulations
- Regulation Identifier Number: 1513-AB69

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<td>Section 482: Methods To Determine Taxable Income in Connection with a Cost Sharing Arrangement (Temporary)</td>
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<td>Guidance Related to Section 954(d)(2) Branch Rules</td>
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Title: Proposed Establishment of the Tehachapi Valley Viticultural Area

Abstract: TTB received a petition to establish the 42,100-acre Tehachapi Valley viticultural area in south central Kern County, California. Approximately 75 miles inland from the Pacific Ocean, Tehachapi Valley lies 120 miles north of the Los Angeles metropolitan area and 300 miles south of San Francisco. Distinguishing features of the proposed Tehachapi Valley viticultural area include a four-season climate, and valley topography at 3,760 to 4,600 feet in elevation surrounded by mountains peaking as high as 8,000 feet in elevation. The distinctive soils, derived from erosion of the granite in the surrounding mountains, covers the alluvial fans and terrace of the valley floor.

Priority: Routine and Frequent
Agenda Stage of Rulemaking: Completed Action
Major: No
Unfunded Mandates: No

CFR Citation: 27 CFR 9 (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 27 USC 205
Legal Deadline: None
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Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Small Entities Affected: No
Federalism: No
Energy Affected: No

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Title: Determination of Governmental Plan Status

Abstract: The advance notice of proposed rulemaking would provide guidance relating to the determination of whether a plan is a governmental plan within the meaning of section 414(d) of the Internal Revenue Code and would affect sponsors of, and
participants and beneficiaries in, employee benefit plans that are determined to be governmental plans.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** PreRule  
**Major:** No  
**Unfunded Mandates:** Undetermined  
**CFR Citation:** 26 CFR sec 1.414(d)-1 (To search for a specific CFR, visit the [Code of Federal Regulations](http://www.regulations.gov))  
**Legal Authority:** 26 USC 414(d); sec 906 of Pension Protection Act of 2006, PL 109-280, 120 Stat 780; 26 USC 7805  
**Legal Deadline:** None  

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** Federal; Local; State  
**Small Entities Affected:** Governmental Jurisdictions  
**Federalism:** No  

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**Title:** Calculation of the Applicable Premium for Combined Omnibus Budget Reconciliation Act of 1986 (COBRA) Continuation Coverage  
**Abstract:** These regulations provide guidance on how to calculate the applicable premium, which limits the amount that group health plans can require individuals to pay for COBRA continuation coverage.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** PreRule  
**Major:** No  
**Unfunded Mandates:** Undetermined  
**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](http://www.regulations.gov))  
**Legal Authority:** 26 USC 7805  
**Legal Deadline:** None  

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**Additional Information:** REG-111547-08 Drafting attorney: Leslie R. Paul (202) 622-6080 Reviewing attorney: Russell E. Weisnheimer (202) 622-6080 Treasury attorney: Kevin Knopf (202) 622-2329 CC: TEGE  

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No  
**Small Entities Affected:** Business; Organizations  
**Federalism:** No  

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Department of the Treasury (TREAS)  
Internal Revenue Service ( IRS )  
RIN:  1545-BI26

Title:  Prepaid Forward Contracts
Abstract:  The advanced notice of proposed rulemaking explains rules that the IRS and Treasury are considering and may propose in a notice of proposed rulemaking regarding the taxation of prepaid forward contracts. The ANPRM invites comments from the public regarding these proposals.

Priority:  Substantive, Nonsignificant  
Agenda Stage of Rulemaking:  PreRule
Major:  No  
Unfunded Mandates:  Undetermined
CFR Citation:  Not Yet Determined  (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority:  26 USC 7805; 26 USC 446(b)
Legal Deadline:  None

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Additional Information:  REG-142844-08 Drafting attorney: Diana A. Imholtz (202) 622-6934 Reviewing attorney: David B. Silber (202) 622-3930 CC:  FIP

Regulatory Flexibility Analysis Required:  No  
Government Levels Affected:  No
Small Entities Affected:  No  
Federalism:  No
Energy Affected:  No
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Department of the Treasury (TREAS)  
Internal Revenue Service ( IRS )  
RIN:  1545-BI37

Title:  Capitalization and Inclusion in Inventory of Certain Costs
Abstract:  This advance notice of proposed rulemaking will request information and invite comments from the public on issues relating to the regulations under section 263A as they apply to retailers.

Priority:  Substantive, Nonsignificant  
Agenda Stage of Rulemaking:  PreRule
Major:  No  
Unfunded Mandates:  Undetermined
CFR Citation:  26 CFR 1.263A-2; 26 CFR 1.263A-3  (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 263A; 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No  Government Levels Affected: No
Small Entities Affected: No                  Federalism: No
Energy Affected: No

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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Clarification of Treatment of Separate Limitation Losses

Abstract: Section 1203 of the Tax Reform Act of 1986 amends section 904(f) by adding paragraph (f)(5) at the end thereof, which requires that foreign source losses with respect to any income category first offset a taxpayer’s other foreign source income before such losses offset the taxpayer’s U.S. source income. The regulation will provide rules for the allocation of foreign source losses.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No  Government Levels Affected: No
Small Entities Affected: No                  Federalism: No
Energy Affected: No

Agency Contact:
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Foreign Insurance Company--Domestic Election

Abstract: This regulation will provide substantive and procedural rules regarding the election under section 953(d) to treat certain controlled foreign corporations engaged in the insurance business as domestic corporations.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 953

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Taxation of Global Trading

Abstract: These regulations will improve the taxation of global trading.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 482; 26 USC 863 and 864

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No Government Levels Affected: No
Small Entities Affected: No Federalism: No
Energy Affected: No

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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Information Reporting and Record Maintenance
Abstract: This regulation will implement the directives of section 6038C. This will be accomplished by requiring foreign corporations engaged in a U.S. business to provide specific information regarding related party transactions.

Priority: Substantive, Nonsignificant Agenda Stage of Rulemaking: Proposed Rule
Major: No Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805; 26 USC 7801; 26 USC 6038C
Legal Deadline: None

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Title: Definition of Cash Value
Abstract: The regulations will provide rules relating to the cash value taken into account in determining whether a contract qualifies as a life insurance contract for purposes of the Internal Revenue Code (Code).

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule
Major: No
Unfunded Mandates: No
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805; 26 USC 101; 26 USC 7702 to 7702A; 26 USC 72
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Energy Affected: No
Agency Contact: John E. Glover
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Title: Definition of "Highly Compensated Employee"
Abstract: The regulations define the term "highly compensated employee" under section 414(q) of the Internal Revenue Code (Code). Temporary and proposed regulations, under sections 414(q) and 414(s), were published February 19, 1988 (53 FR 4965). Final regulations, under section 414(s), were published September 19, 1991 (56 FR 47659), under project EE-129-86. The regulations under 414(q) were split off from project EE-129-86. It is anticipated that proposed regulations under section 414(q) will be published in the future under project REG-209558-92 (EE-32-92).

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule
Major: No
Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805; 26 USC 414
Legal Deadline: None

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Title: Definition of "Highly Compensated Employee"
Abstract: The regulations define the term "highly compensated employee" under section 414(q) of the Internal Revenue Code (Code). Temporary and proposed regulations, under sections 414(q) and 414(s), were published February 19, 1988 (53 FR 4965). Final regulations, under section 414(s), were published September 19, 1991 (56 FR 47659), under project EE-129-86. The regulations under 414(q) were split off from project EE-129-86. It is anticipated that proposed regulations under section 414(q) will be published in the future under project REG-209558-92 (EE-32-92).

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule
Major: No
Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805; 26 USC 414
Legal Deadline: None

Timetable:

Regulatory Flexibility Analysis Required: No  Government Levels Affected: Local; State
Small Entities Affected: No  Federalism: Undetermined
Energy Affected: No

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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)  RIN: 1545-AR20

Title:  Integrated Financial Transaction
Abstract:  The regulation addresses whether funding raised for a securities dealing and/or trading operation, and whether matched book sale and repurchase transactions conducted by securities dealers, qualify as integrated financial transactions under section 1.861-10(c).

Priority:  Substantive, Nonsignificant  Agenda Stage of Rulemaking: Proposed Rule
Major:  No  Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805; 26 USC 864
Legal Deadline: None

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Additional Information: REG-209604-93 (INTL-001-93) Drafting attorney: Sheila Ramaswamy (202) 622-3870 CC: INTL

Regulatory Flexibility Analysis Required: No  Government Levels Affected: No
Small Entities Affected: No  Federalism: No
Energy Affected: No

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Title: Application of Attribution Rules to Foreign Trusts
Abstract: The regulations will provide attribution rules for foreign trusts with respect to foreign personal holding companies, foreign passive investment companies, and controlled foreign corporations.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Proposed Rule
Major: No  
Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805
Legal Deadline: None

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Additional Information: REG-252774-96 Drafting attorney: M. Grace Fleeman (202) 622-3880 Reviewing attorney: Elizabeth Karzon (202) 622-3880 CC: INTL

Regulatory Flexibility Analysis Required: No  
Government Levels Affected: No
Small Entities Affected: No  
Federalism: Undetermined
Energy Affected: No
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Title: Substantiating Travel Expense Deductions for Members of Congress
Abstract: This regulation provides rules for the substantiation of Congress members’ travel expenses. The current regulations are out-of-date because the authorizing legislation was subsequently repealed.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Proposed Rule
Major: No  
Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 1; 26 CFR 5 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805
Legal Deadline: None

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Title: Rules for Sourcing Certain Transportation Income, Space, or Ocean Activity Income, and Related Foreign Base Company Shipping Income

Abstract: The regulation provides guidance for application of the source rules for transportation income under section 863(c).

Priority: Substantive, Nonsignificant

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Department of the Treasury (TREAS)
Internal Revenue Service (IRS) RIN: 1545-AX02

Title: Guidance on Cost Recovery in the Entertainment Industry

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Patricia A. Bray
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS) RIN: 1545-AX12
Abstract: This regulation relates to the application of the income forecast method under section 167(g) of the Internal Revenue Code.

Priority: Substantive, Nonsignificant
Major: No
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805
Legal Deadline: None

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Additional Information: REG-103823-99 Drafting attorney: Bernard P. Harvey (202) 622-4930 Reviewing attorney: Kathleen Reed (202) 622-4930 CC: ITA

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Energy Affected: No
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Inspection of Written Determinations
Abstract: These regulations amend Treasury Regulation sections 301.6110-1 through 301.6110-7 relating to written determinations.

Priority: Substantive, Nonsignificant
Major: No
CFR Citation: 26 CFR 301 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805
Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Energy Affected: No
Agency Contact: Deborah C. Lambert-Dean
Attorney
Title: Awarding of Costs and Certain Fees

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule
Major: No
Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 7805; 26 USC 7430
Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Small Entities Affected: No
Federalism: No
Energy Affected: No
Agency Contact: Ronald J. Goldstein
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E-Mail: ronald.j.goldstein@irscounsel.treas.gov

Title: Modification to Section 367(a) Stock Transfer Regulations
Abstract: This regulation will modify section 367(a), stock transfer regulations, to address the use of the check-the-box regulations and the use of convertible stock.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule
Major: No
Unfunded Mandates: Undetermined
Title: Definition of Passive Foreign Investment Company (PFIC) Under Section 1297

Abstract: This regulation defines a passive foreign investment company (PFIC) under section 1297(a) and the terms "passive income" and "passive asset" under section 1297(b). The regulation will also set forth the exceptions to the terms "passive income" and "passive asset," and provide guidance on the applicability of the look-through rule under section 1297(c), in cases involving PFICs that own 25 percent or more of a lower-tier foreign subsidiary. In addition, the regulation will provide guidance under section 1297(e), regarding the overlap rule between a controlled foreign corporation and a PFIC.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 1297

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

RIN: 1545-AX78

View Related Documents
Title: Clarification of Foreign Base Company Sales Income Rules

Abstract: This regulation will clarify application of the manufacturing exception in the foreign base company sales rules.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 7805; 26 USC 954

Legal Deadline: None

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Additional Information: REG-106356-00 Drafting attorney: Ethan A. Atticks (202) 622-3840 Reviewing attorney: Phyllis E. Marcus (202) 622-3840 CC: INTL

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Title: Authorized Placement Agency

Abstract: This regulation amends the definition of "authorized placement agency" (for purposes of determining whether a child placed for legal adoption in a taxpayer's home is a dependent of the taxpayer) to include biological parents and other persons authorized by State law to place children for legal adoption.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule
**Major:** No  
**Unfunded Mandates:** Undetermined  
**CFR Citation:** 26 CFR 1 (To search for a specific CFR, visit the [Code of Federal Regulations](https://www.gpo.gov/fdsys/search/index.html))  
**Legal Authority:** 26 USC 152; 26 USC 7805  
**Legal Deadline:** None

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**Additional Information:** REG-107279-00 Drafting attorney: Christina M. Glendening (202) 622-4920 Reviewing attorney: Donna J. Welsh (202) 622-4920 Treasury attorney: Eric San Juan (202) 622-0224 CC: ITA

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No  
**Small Entities Affected:** No  
**Federalism:** No  
**Energy Affected:** No  
**Related RINs:** Related to 1545-BE40  
**Agency Contact:** Christina M. Glendening  
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**Department of the Treasury (TREAS)**  
**Internal Revenue Service (IRS)**  
**RIN:** 1545-AY30

---

**Title:** Taxable Years of Controlled Foreign Corporations (CFCs)  
**Abstract:** This regulation will provide definitions and rules for determining the required year for certain CFCs.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Proposed Rule  
**Major:** No  
**Unfunded Mandates:** Undetermined  
**CFR Citation:** 26 CFR 1 (To search for a specific CFR, visit the [Code of Federal Regulations](https://www.gpo.gov/fdsys/search/index.html))  
**Legal Authority:** 26 USC 7805; 26 USC 898  
**Legal Deadline:** None

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**Additional Information:** REG-108523-00 Drafting attorney: Phyllis E. Marcus (202) 622-3840 Reviewing attorney: Phyllis E. Marcus (202) 622-3840 CC: INTL

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No  
**Small Entities Affected:** No  
**Federalism:** No  
**Energy Affected:** No  
**Agency Contact:** Phyllis E. Marcus  
Branch Chief  
Department of the Treasury  
Internal Revenue Service  
1111 Constitution Avenue NW
Title: Special Rules Relating to Transfers of Intangibles to Foreign Corporations
Abstract: The regulations will address the income tax consequences relating to the transfer of intangibles to foreign corporations.

Priority: Substantive, Nonsignificant
Major: No
Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805; 26 USC 367
Legal Deadline: None

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Title: Liabilities Assumed in Certain Corporate Transactions
Abstract: These proposed regulations relate to the assumption of liabilities in certain corporate transactions under section 357 of the Internal Revenue Code and affect corporations and their shareholders.

Priority: Substantive, Nonsignificant
Major: No
Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 357; 26 USC 7805
Legal Deadline: None

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<td>05/06/2003</td>
<td>68 FR 23931</td>
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Title: Allocation of New Markets Tax Credit

Abstract: The regulations will address how the section 45D new markets tax credit should be allocated to the partners of a partnership under section 704(b) of the Internal Revenue Code and will address related partnership issues.

Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

RIN: 1545-BA84

View Related Documents

Regulations.gov
Monday, May 11, 2009
Unified Agenda


Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Small Entities Affected: No
Federalism: No
Energy Affected: No

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Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Small Entities Affected: Business
Federalism: No
Energy Affected: No

Agency Contact: Richard T. Probst
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

RIN: 1545-BB27
Title: Accrual Rules for Creditable Foreign Taxes and Guidance on Change in Taxable Year

Abstract: These proposed regulations will clarify the rules for determining when a creditable foreign tax accrues and may be claimed as a credit, and will provide guidance for determining the allowable foreign tax credit upon a change in the U.S. taxable year.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805

Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

Agency Contact: Teresa B. Hughes
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Department of the Treasury (TREAS)
Internal Revenue Service ( IRS )

RIN: 1545-BB37

Title: Section 1.42-9, Amendments to the General Public Use Requirements in the Low-Income Housing Tax Credit Program

Abstract: These regulations are amendments to the general public use requirements in the low-income housing tax credit program.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 42; 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No
Small Entities Affected: No  Federalism: No
Energy Affected: No
Agency Contact: David A. Selig
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Liquidation of an Interest
Abstract: This regulation relates to additional rules for determining when restrictions on liquidation are disregarded in valuing an interest under section 2704 of the Internal Revenue Code.
Priority: Substantive, Nonsignificant
Major: No
Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 25 (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 2704(b); 26 USC 7805
Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis Required: No  Government Levels Affected: No
Small Entities Affected: No  Federalism: No
Energy Affected: No
Agency Contact: John D. MacEachen
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Contingent at Closing Escrows
Abstract: The regulations will provide rules for taxing the income of a contingent at closing escrow. A contingent at closing escrow is, generally, established in connection with the sale or exchange of real or personal property to hold assets that will be distributable to the purchaser or seller based on the post-closing resolution of bona fide contingencies. The rules will require the
Coordination of United States and Certain Possessions Income Taxes

Internal Revenue Code section 7654 contains provisions for coordination of United States and certain possessions income taxes. Specifically, section 7654 provides for "cover over" of the net collection of taxes imposed under chapter 1 or deducted and withheld under chapter 24. Section 7654 of the Internal Revenue Code of 1986 provides specific rules for cover over with regard to the possessions American Samoa and the U.S. Virgin Islands. Section 7654 of the 1954 Code, as amended in 1972 by Public Law 92-606, provides specific rules for cover over with regard to the possessions Guam and the Northern Mariana Islands (NMI). Section 7654 of the 1954 Code remains applicable to Guam and the NMI because neither of these two possessions has an effective implementing agreement with the United States, in accordance with the Tax Reform Act of 1986, Public Law 99-514. The regulations will provide rules under both the 1954 Code and the 1986 Code versions of section 7654.

Title: Coordination of United States and Certain Possessions Income Taxes

Abstract: Internal Revenue Code section 7654 contains provisions for coordination of United States and certain possessions income taxes. Specifically, section 7654 provides for "cover over" of the net collection of taxes imposed under chapter 1 or deducted and withheld under chapter 24. Section 7654 of the Internal Revenue Code of 1986 provides specific rules for cover over with regard to the possessions American Samoa and the U.S. Virgin Islands. Section 7654 of the 1954 Code, as amended in 1972 by Public Law 92-606, provides specific rules for cover over with regard to the possessions Guam and the Northern Mariana Islands (NMI). Section 7654 of the 1954 Code remains applicable to Guam and the NMI because neither of these two possessions has an effective implementing agreement with the United States, in accordance with the Tax Reform Act of 1986, Public Law 99-514. The regulations will provide rules under both the 1954 Code and the 1986 Code versions of section 7654.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1; 26 CFR 602 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 468B

Legal Deadline: None

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Regulatory Flexibility Analysis
Required: Undetermined
Small Entities Affected: No
Energy Affected: No
Related RINs: Related to 1545-BD32
Agency Contact: Cleve Lisecki
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

RIN: 1545-BC78

Title: Below-Market Loans
Abstract: The proposed regulations relate to the Federal income tax consequences of certain below-market loans.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule
Major: Undetermined
Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 7805; 26 USC 7872(h)
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Energy Affected: No
Agency Contact: Shawn R. Tetelman
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

RIN: 1545-BC82

Title: Regulations Governing the Performance of Actuarial Services Under the Employee Retirement Income Security Act of 1974
Abstract: Regulations would govern the performance of actuarial service under the Employee Retirement Income Security Act of 1974 (ERISA). The regulations will cover the qualifications required for enrollment, continuing education requirements for enrolled actuaries, professional standards for the performance of actuarial services under ERISA, the grounds for disciplinary action against an enrolled actuary, and the procedures to be followed in taking disciplinary actions.

Priority: Substantive, Nonsignificant
Major: No
CFR Citation: 20 CFR 901 (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 29 USC 1241; 26 USC 7805
Legal Deadline: None

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Additional Information: REG-159704-03 Drafting attorney: Vernon S. Carter (202) 622-6060 Reviewing attorney: Michael J. Roach (202) 622-6090 CC: TEGE

Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Small Entities Affected: No
Federalism: No

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Title: Definition of Loss for Purposes of the Straddle Rules
Abstract: The regulation will govern the definition of the term "loss" for purposes of sections 1092 and 263(g).

Priority: Substantive, Nonsignificant
Major: Undetermined
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 7805; 26 USC 1092
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Small Entities Affected: No
Federalism: No

Agency Contact: Mary J. Brewer
Attorney
Title: Accumulated Adjustment Account and Other Corporate Separations Under Section 355

Abstract: These proposed regulations will amend the current regulations under section 1.1368-2 in order to address the proper treatment of an S corporation's accumulated adjustment account in a section 355 transaction not preceded by a section 368(a)(1)(D) reorganization.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 7805

Legal Deadline: None

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Additional Information: REG-168722-03 Drafting attorney: Deane M. Burke (202) 622-3070 Reviewing attorney: James Quinn (202) 622-3070 CC: PSI

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Energy Affected: No

Agency Contact: Deane M. Burke

Attorney-Advisor

Department of the Treasury

Internal Revenue Service

1111 Constitution Avenue NW

Washington, DC 20224

Phone: 202 622-3070

Title: Definition of Qualified Foreign Corporation

Abstract: Notice 2003-79, section 5, published on December 15, 2003, states that the IRS intends to issue regulations, for years after 2003, that provide procedures for a foreign corporation to certify that it is a qualified foreign corporation for purposes of IRC section 1(h)(11)(C). (Temporary rules provided in Notice 2003-79 were subsequently extended by Notice 2004-71, published on November 8, 2004, and by Notice 2006-3, published January 17, 2006.) The regulations will also provide procedures for certifying that a security is not a common or ordinary share is equity rather than debt; that a foreign company is entitled to benefits under a comprehensive income tax treaty where a security is not readily tradable on a recognized U.S. stock exchange; and that the foreign corporation is not a PFIC in the taxable year in which a dividend is paid, or in the preceding taxable year. The regulations are also expected to address the meaning of the requirement in the legislative history that to qualify under a treaty for purposes of 1(h)(11) "substantially all of ...[the foreign corporation's] income in the
taxable year in which the dividend is paid” must qualify for treaty benefits.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Proposed Rule
**Major:** No  
**Unfunded Mandates:** Undetermined

**CFR Citation:** Not Yet Determined  
(To search for a specific CFR, visit the [Code of Federal Regulations](https://www.govinfo.gov/app/cfr).)

**Legal Authority:** 26 USC 7805(a); 26 USC 1

**Legal Deadline:** None

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**Additional Information:** REG-107420-04 Drafting attorney: Ana C. Guzman (202) 622-3880 Reviewing attorney: Edward R. Barret (202) 622-3880 CC: INTL

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No

**Small Entities Affected:** No  
**Federalism:** No

**Energy Affected:** No

**Agency Contact:**
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- Edward R. Barret  
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---

**Department of the Treasury (TREAS)**
**Internal Revenue Service (IRS)**

**RIN:** 1545-BD28

**Title:** Definition of Disqualified Person

**Abstract:** These proposed regulations provide certain changes to the definition of a disqualified person under section 1.1031-1(k) of the income tax regulations to facilitate the ability of banks and bank affiliates to act as qualified intermediaries in section 1031 exchanges.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Proposed Rule
**Major:** Undetermined  
**Unfunded Mandates:** Undetermined

**CFR Citation:** 26 CFR 1  
(To search for a specific CFR, visit the [Code of Federal Regulations](https://www.govinfo.gov/app/cfr).)

**Legal Authority:** 26 USC 7805

**Legal Deadline:** None

**Timetable:**

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**Additional Information:** REG-160005-03 Drafting attorney: Brendan P. O'Hara (202) 622-4920 Reviewing attorney: Steven Toomey (202) 622-4920 CC: ITA
Regulatory Flexibility Analysis Required: No  Government Levels Affected: No
Small Entities Affected: No  Federalism: No
Energy Affected: No
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Department of the Treasury (TREAS)
Internal Revenue Service ( IRS )  RIN:  1545-BD44

Title: Transfers of Restricted Stock
Abstract: The proposed regulations address the application of section 83 to the transfer of substantially nonvested stock to a related person.

Priority: Substantive, Nonsignificant  Agenda Stage of Rulemaking: Proposed Rule
Major: No  Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 1  (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 83; 26 USC 7805
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No  Government Levels Affected: No
Small Entities Affected: No  Federalism: No
Energy Affected: No
Agency Contact: Stephen B. Tackney
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Department of the Treasury (TREAS)
Internal Revenue Service ( IRS )  RIN:  1545-BD71

Title: Regulations Under Section 706 Regarding Determination of Distributive Shares When a Partner's Interest Changes
Abstract: This regulation will provide rules regarding the determination of a partner's distributive share when the partner's
Amendments to 26 CFR Section 1.263(a)-5 Regarding Treatment of Capitalized Costs

Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Amendments to 26 CFR Section 1.263(a)-5 Regarding Treatment of Capitalized Costs

Abstract: The IRS and Treasury Department intend to propose regulations to address the treatment of amounts that facilitate certain tax-free and taxable transactions and other restructurings and that are required to be capitalized under section 263(a) and section 1.263(a)-5.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined
Unfunded Mandates: Undetermined

Department of the Treasury (TREAS)
Internal Revenue Service (IRS)
RIN: 1545-BD82

Title: Amendments to 26 CFR Section 1.263(a)-5 Regarding Treatment of Capitalized Costs

Abstract: The IRS and Treasury Department intend to propose regulations to address the treatment of amounts that facilitate certain tax-free and taxable transactions and other restructurings and that are required to be capitalized under section 263(a) and section 1.263(a)-5.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined
Unfunded Mandates: Undetermined
**CFR Citation:** 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

**Legal Authority:** 26 USC 263(a); 26 USC 7805

**Legal Deadline:** None

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No  **Government Levels Affected:** No

**Small Entities Affected:** No  **Federalism:** No

**Energy Affected:** No

**Agency Contact:** Angella L. Warren
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**Department of the Treasury (TREAS)**
**Internal Revenue Service (IRS)**  
**RIN:** 1545-BE03

**Title:** Reduction of Fuel Excise Tax Evasion

**Abstract:** These regulations propose changes to tax on aviation grade kerosene and other excise taxes related to taxable fuels.

**Priority:** Substantive, Nonsignificant  **Agenda Stage of Rulemaking:** Proposed Rule

**Major:** Undetermined  **Unfunded Mandates:** Undetermined

**CFR Citation:** 26 CFR 48 (To search for a specific CFR, visit the Code of Federal Regulations.)

**Legal Authority:** 26 USC 7805

**Legal Deadline:** None

**Timetable:**

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**Regulatory Flexibility Analysis Required:** Undetermined  **Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** Charles J. Langley
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Intra-Group Gross Receipts Under Section 41
Abstract: The proposed regulations will address the treatment of intra-group transactions in the determination of a controlled group's gross receipts for purposes of the section 41 research credit.

Priority: Substantive, Nonsignificant
Major: No
Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 41; 26 USC 7805
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No
Government Levels Affected: Undetermined
Small Entities Affected: No
Federalism: No

Agency Contact: Susan H. Levy
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Tractors, Trailers, Trucks, and Tires
Abstract: This project will provide guidance on trucks, tractors, trailers, and tires in light of legislative changes and litigation.

Priority: Substantive, Nonsignificant
Major: Undetermined
Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 48 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805
Legal Deadline: None

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Additional Information: REG-103380-05 Drafting attorney: Celia A. Gabrysh (202) 622-3130 Reviewing attorneys: Frank
Title: Research Expenditures Resulting in Inventory Property
Abstract: The regulations will address the treatment, under section 174, of amounts paid or incurred for the direct labor and materials used to construct property to be sold to third parties.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule
Major: No
Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 174; 26 USC 7805
Legal Deadline: None

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American Jobs Creation Act of 2004 regarding the disallowance of certain partnership loss transfers, and no reduction of basis in stock held by a partnership in a corporate partner.

Priority: Substantive, Nonsignificant  
Major: No  
Unfunded Mandates: Undetermined  

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)  
Legal Authority: 26 USC 704; 26 USC 734; 26 USC 743; 26 USC 755; 26 USC 7805  
Legal Deadline: None

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Additional Information: REG-144468-05 Drafting attorneys: Sean I. Kahng (202) 622-3050 Steven A. Schmoll (202) 622-3050 CC: PSI

Regulatory Flexibility Analysis Required: No  
Government Levels Affected: Undetermined  
Federalism: Undetermined  
Energy Affected: No

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Agency Contact: Steven A. Schmoll  
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E-Mail: steven.a.schmoll@irsounsel.treas.gov

Title: Credit Card Claims  
Abstract: These regulations relate to refunds of excise taxes on exempt sales of fuel by credit card.

Priority: Substantive, Nonsignificant  
Major: No  
Unfunded Mandates: Undetermined  

CFR Citation: 26 CFR 48 (To search for a specific CFR, visit the Code of Federal Regulations.)  
Legal Authority: 26 USC 7805; 26 USC 6416  
Legal Deadline: None

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Title: Charitable Contributions of Certain Motor Vehicles

Abstract: The regulations will clarify the rules for determining the fair market value of a vehicle contributed to charity. The regulations will provide rules for implementing the new laws, which govern the requirements for claiming a charitable contribution deduction for a donated vehicle, and impose penalties under certain circumstances on donee organizations (26 U.S.C. 170(f)(12) and 6720).

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 170 (f)(12); 26 USC 6720

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: No

Energy Affected: No

Agency Contact: Taylor Cortright

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Department of the Treasury (TREAS)

Internal Revenue Service (IRS)

RIN: 1545-BF10

View Related Documents
**Title:** Clean Renewable Energy Bonds

**Abstract:** Section 54 of the Code allows certain specified entities to issue Clean Renewable Energy Bonds. Taxpayers who purchase these bonds are entitled to a credit against income tax in lieu of receiving interest payments from the Clean Renewable Energy Bond issuers. These regulations explain the requirements for issuing the bonds and for claiming the tax credit.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Proposed Rule  
**Major:** No  
**Unfunded Mandates:** Undetermined  
**CFR Citation:** 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)  
**Legal Authority:** PL 109-58, sec 1303(d); 26 USC 54; 26 USC 7805  
**Legal Deadline:** None

**Timetable:**

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**Additional Information:** REG-148071-05 Drafting attorney: Zoran Stojanovic (202) 622-3721 Reviewing attorney: Timothy L. Jones (202) 622-3701 Treasury attorney: John Cross (202) 622-1322 CC: FIP

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** Local; State; Tribal  
**Small Entities Affected:** Business  
**Energy Affected:** No  
**Related RINs:** Related to 1545-BF12  
**Agency Contact:** Zoran Stojanovic  
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**Title:** Federal Income Tax Consequences of Transfers Between an Individual Debtor and the Bankruptcy Estate in Cases Under Chapters 7 and 11 of Title 11 of the United States Code

**Abstract:** The notice of proposed rulemaking designates as non-taxable certain asset transfers between individual debtors and their bankruptcy estates that occur at the commencement of the bankruptcy case, after commencement and before termination of the bankruptcy estate, and upon the termination of the estate. The regulations provide specific rules governing the succession of tax attributes by the estate and the debtor in connection with these non-taxable transfers. The regulations also define the section 1398 phrase “termination of the estate.”

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Proposed Rule  
**Major:** No  
**Unfunded Mandates:** Undetermined  
**CFR Citation:** 26 CFR 1.1398 (To search for a specific CFR, visit the Code of Federal Regulations.)  
**Legal Authority:** 26 USC 7805; 26 USC 1398  
**Legal Deadline:** None

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Title: Taxpayer Assistance Orders
Abstract: Proposed amendments would address Treasury Regulation section 301.7811-1 to ensure that the regulation reflects amendments to section 7811 of the Internal Revenue Code regarding taxpayer assistance orders.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule
Major: No
Unfunded Mandates: No

CFR Citation: 42 CFR 301 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7811(a); 26 USC 7805
Legal Deadline: None

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Title: Failure To Maintain List of Advisees With Respect to Reportable Transactions
Abstract: The proposed regulation regards the penalty imposed under section 6708 for a person required to maintain a list under section 6112 who fails to make the list available upon the request of the Secretary.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Proposed Rule

Major: No  
Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 301.6708-1  
(To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis

Required: Undetermined

Federalism: No

Energy Affected: No

Agency Contact: Lawrence E. Mack
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

RIN: 1545-BF40

Title: Accuracy-Related Penalties


Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Proposed Rule

Major: No  
Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1.6662A; 26 CFR 1.6662; 26 CFR 1.6664  
(To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 6662A; 26 USC 6662; 26 USC 6664; 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No  
Government Levels Affected: No

Federalism: No
**Energy Affected:** No  
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**Department of the Treasury (TREAS)**  
**Internal Revenue Service (IRS)**  
**RIN:** 1545-BF42

**Title:** Taxation of Fringe Benefits and Exclusions From Gross Income of Certain Fringe Benefits  
**Abstract:** This proposed regulation contains proposed amendments to the fringe benefit regulations. Income Tax Regulation section 1.61-21(k)(6)(B) is amended by removing a reference to section 414(q)(1)(C) of the Internal Revenue Code (Code) that no longer exists and replacing it with a reference to regulation section 1.61-21(f)(3)(i).

**Priority:** Routine and Frequent  
**Agenda Stage of Rulemaking:** Proposed Rule  
**Unfunded Mandates:** Undetermined

**CFR Citation:** 26 CFR 1.61-21-(k)(6)(B)  
(To search for a specific CFR, visit the [Code of Federal Regulations](https://www.ecfr.gov))

**Legal Authority:** 26 USC 7805

**Legal Deadline:** None

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**Additional Information:** REG-162699-05 Drafting attorney: Don M. Parkinson (202) 622-7578 Reviewing attorney: Lynne A. Camillo (202) 622-6040 CC: TEGE

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No  
**Federalism:** No

**Small Entities Affected:** No  
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**Department of the Treasury (TREAS)**  
**Internal Revenue Service (IRS)**  
**RIN:** 1545-BF43

**Title:** Limitation on Importation of Built-In Losses  
**Abstract:** These proposed regulations will provide guidance in adjusting basis to avoid the importation of built-in losses.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Proposed Rule
Title: Requirements for Reorganizations Qualifying Under Section 368(a)(1)(E) or (F)

Abstract: This regulation is intended to provide guidance regarding the requirements of a reorganization under section 368(a)(1)(F), the tax consequences of such a reorganization, and give examples of transactions so qualifying.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Split From 1545-BD31

Agency Contact: Douglas C. Bates

Attorney-Advisor

Department of the Treasury

Internal Revenue Service

1111 Constitution Avenue NW Room 5032

Washington, DC 20224
Title: Security Held for Investment
Abstract: This is a notice of proposed rulemaking relating to whether a security is held for investment and excluded from the application of section 475(a) of the Internal Revenue Code.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule

CFR Citation: 26 CFR 1
Legal Authority: 26 USC 475(b); 26 USC 7805

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Title: Activities Customarily Performed By States and Local Governments
Abstract: The advanced notice of proposed rulemaking prepares guidance providing that the Internal Revenue Service and the Department of Treasury expect to issue for purposes of tax exempt bonds issued by Indian tribal governments under sections 103(a) and 7871(a)(4) of the Internal Revenue Code. Plan activity will be considered an activity customarily performed by State and local governments with general taxing power within the meaning of section 7871(e) only if: (1) The activity is one conducted by a requisite number of State or local governments, (2) the activity has been conducted by States or local governments for a requisite period of time and (3) the activity is not a commercial or industrial activity.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule

CFR Citation: 26 CFR 1.7871(e)
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No Government Levels Affected: Tribal
Small Entities Affected: No Federalism: No
Energy Affected: No
Agency Contact: Aviva M. Roth
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS) RIN: 1545-BF74

Title: Multiple Annuity Starting Date Limitations on Benefits Under Qualified Plans
Abstract: The proposed regulation would provide guidance with respect to determining the annual benefit under a defined benefit plan for the purpose of applying the limitations of section 415 in cases where there has been more than one annuity starting date.

Priority: Substantive, Nonsignificant
Major: No Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805(e)
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No Government Levels Affected: Federal; Local; State; Tribal
Small Entities Affected: No Federalism: Yes
Energy Affected: No
Agency Contact: Vernon S. Carter
Attorney
Department of the Treasury
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1111 Constitution Avenue NW
Washington, DC 20224
Phone: 202 622-6060

143
Title: Guidance on Determination of Interest Expense Allocable in a Global Dealing Operation

Abstract: This regulation will address guidance on determination of interest expense allocable in a global dealing operation; coordination of interest expense allocable to global dealing operation with interest allocation rules of section 861, and determination of interest deduction of foreign corporations under section 882.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 7805; 26 USC 0882; 26 USC 0861; 26 USC 0864

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: D. Peter Merkel
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E-Mail:  david.p.merkel@irscounsel.treas.gov

Title: U.S. Source Income Effectively Connected With U.S. Business

Abstract: This regulation provides rules determining when income from stock or securities in the active conduct of a banking financing or similar business will be treated as effectively connected with a United States business.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 7805; 26 USC 0864

Legal Deadline: None

Timetable:

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Additional Information: REG-125594-06 Drafting attorney: Mazen A. Antoun (202) 622-3870 Reviewing attorney: Mark E. Erwin (202) 622-3870 Reviewing attorney: Jesse Eggert (202) 622-1540 CC: INTL

Regulatory Flexibility Analysis Required: No Government Levels Affected: Undetermined
Federalism: Undetermined
Energy Affected: No
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

RIN: 1545-BF78

Title: Source of Income; Source of Guarantee Fee Income
Abstract: This regulation provides rules relating to the source of income from financial guarantee fees, letters of credit, and other interest equivalents with respect to similar financial instruments.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule
Major: Undetermined
Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805; 26 USC 0863
Legal Deadline: None

Timetable:

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Additional Information: REG-125599-06 Drafting attorney: Mazen A. Antoun (202) 622-3870 Reviewing attorney: Mark E. Erwin (202) 622-3870 CC: INTL

Regulatory Flexibility Analysis Required: No Government Levels Affected: Undetermined
Federalism: Undetermined
Energy Affected: No
Agency Contact: Mazen A. Antoun
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

RIN: 1545-BF81
Regulation To Delete the Tort Type Rights Test From the Section 104(a)(2) Regulations

Abstract: These proposed regulations will amend section 1.104(c) of the Income Tax Regulations to reflect the amendments made to section 1.104(a)(2) by sections 1605(a) and (b) of the Small Business Job Protection Act of 1996. The regulations are also amended to delete the requirement that damages qualify for exclusion from gross income under 104(a)(2) of the Code only if the legal suit, action, or settlement agreement in which the damages are received is based upon tort or tort type rights.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1.104-1(c)  (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 1; 26 USC 7805

Legal Deadline: 06/30/2006

Timetable:

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Additional Information: REG-127270-06 Drafting attorney: Sheldon A. Iskow (202) 622-4920 Reviewing attorney: Michael J. Montemurro (202) 622-4920 CC: ITA

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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E-Mail: sheldon.a.iskow@irsounsel.treas.gov

Circular 230--Review of Section 10.35 et seq

Proposed regulations modify the standards for covered opinions and other written advice.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Unfunded Mandates: Undetermined

CFR Citation: 31 CFR 10.35 to 10.38  (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 31 USC 330; 5 USC 301; 5 USC 500; 5 USC 551 to 559; 26 USC 7805; ...

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No  
Government Levels Affected: No  
Federalism: No  
Energy Affected: No  
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Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  
RIN: 1545-BF99  

Title: Ownership Change  
Abstract: This regulation provides rules for determining when an ownership change has occurred under section 382 of the Internal Revenue Code.  
Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Proposed Rule  
Major: No  
Unfunded Mandates: Undetermined  
CFR Citation: 26 CFR 1.382-2T (To search for a specific CFR, visit the Code of Federal Regulations)  
Legal Authority: 26 USC 382(m); 26 USC 7805  
Legal Deadline: None  

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Additional Information: REG-209159-86 Drafting attorney: Keith E. Stanley (202) 622-7750 Reviewing attorney: Mark S. Jennings (202) 622-7750 CC: CORP

Regulatory Flexibility Analysis Required: No  
Government Levels Affected: No  
Small Entities Affected: No  
Federalism: No  
Energy Affected: No  
Agency Contact: Keith E. Stanley  
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Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  
RIN: 1545-BG01  

Title: Extensions of Time To File Entity Classification Elections  
Abstract: These proposed regulations provide rules for entities seeking extensions of time to file entity classification elections.  

Additional Information: REG-209159-86 Drafting attorney: Keith E. Stanley (202) 622-7750 Reviewing attorney: Mark S. Jennings (202) 622-7750 CC: CORP
Revision to Regulations Relating to Withholding of Tax on Certain U.S. Source Income Paid to Foreign Persons and Revision of Information Reporting Regulations

The proposed regulations provide guidance regarding the documentation requirements under section 1441 and the treatment of certain obligations issued in bearer form.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule
Major: No
Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 1441 (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 7805
Legal Deadline: None

### Timetable:

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Additional Information: REG-144021-06 Drafting attorney: Kathryn T. Holman (202) 622-3840 Reviewing attorney: Carl M. Cooper (202) 622-3840 Treasury attorney: Jesse Eggert (202) 622-1540 CC: INTL

Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Federalism: No
Energy Affected: No
Agency Contact: Kathryn T. Holman
Attorney-Advisor

---

Revision to Regulations Relating to Withholding of Tax on Certain U.S. Source Income Paid to Foreign Persons and Revision of Information Reporting Regulations

The proposed regulations provide guidance regarding the documentation requirements under section 1441 and the treatment of certain obligations issued in bearer form.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule
Major: No
Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 301 (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 7701; 26 USC 7805
Legal Deadline: None

### Timetable:

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Regulatory Flexibility Analysis Required: Undetermined
Government Levels Affected: No
Small Entities Affected: Business
Federalism: No
Energy Affected: No
Agency Contact: Richard T. Probst
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

RIN: 1545-BG04

Title: Revision to Regulations Relating to Withholding of Tax on Certain U.S. Source Income Paid to Foreign Persons and Revision of Information Reporting Regulations

Abstract: The proposed regulations provide guidance regarding the documentation requirements under section 1441 and the treatment of certain obligations issued in bearer form.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule
Major: No
Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 7701; 26 CFR 7805
Legal Authority: 26 USC 7805
Legal Deadline: None

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Additional Information: REG-144021-06 Drafting attorney: Kathryn T. Holman (202) 622-3840 Reviewing attorney: Carl M. Cooper (202) 622-3840 Treasury attorney: Jesse Eggert (202) 622-1540 CC: INTL

Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Federalism: No
Energy Affected: No
Agency Contact: Kathryn T. Holman
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Phone: 202 622-3840

Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Allocation of Costs Under the Simplified Methods
Abstract: These proposed regulations deal with the simplified options available to taxpayers for allocating additional section 263A costs.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule
Major: No
Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 1.263A-1 to 1.263a-3 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805
Legal Deadline: None

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Regulatory Flexibility Analysis
Required: Undetermined
Federalism: No
Energy Affected: No
Agency Contact: W. Thomas McElroy Jr.
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Income of Foreign Governments and International Organizations
Abstract: These regulations will provide rules regarding the taxation of income of foreign governments and international organizations.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule
Major: Undetermined
Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805; 26 USC 0892

Federalism: No
Title: Section 751(b) Update for Certain Distributions Treated as Sales or Exchanges

Abstract: These are revised regulations under section 751(b) for certain distributions treated as sales or exchanges.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1.751-1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 751(b); 26 USC 7605; 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Agency Contact: Allison R. Carmody

Attorney

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Internal Revenue Service

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Title: Payout Requirements for Type III Supporting Organizations That Are Not Functionally Integrated

Abstract: This regulation will provide the criteria for functionally integrated type III supporting organizations and provide the payout requirement for type III supporting organizations that are not functionally integrated.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Unfunded Mandates: No

CFR Citation: 26 CFR 509(a)-4 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: PL 109-208, 120 Stat 780 (2006) sec 1241(d); 26 USC 509(a)(3); 26 USC 4943(f)(5); 26 USC 7805; ...

Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Small Entities Affected: Organizations

Energy Affected: No

Agency Contact: Philip T. Hackney
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Title: Partial Payments on Offers in Compromise

Abstract: These proposed regulations would amend existing regulations regarding the submission of offers in compromise to reflect changes to the law made by section 509 of the Tax Increase Prevention and Reconciliation Act of 2005. The regulations would require persons proposing to settle their tax liabilities for payments of less than the total amount determined and assessed to make partial payments when submitting their offer to compromise and while the offer is under consideration. The regulations would waive the partial payment requirement under specific conditions. The proposed regulations would also clarify when an offer in compromise is deemed accepted if the IRS has not taken action with respect to the offer within 2 years of the...
offer being submitted.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Proposed Rule  
**Major:** Undetermined  
**Unfunded Mandates:** Undetermined  
**CFR Citation:** 26 CFR 7122 (Revision) (To search for a specific CFR, visit the Code of Federal Regulations.)  
**Legal Authority:** 26 USC 7805  
**Legal Deadline:** None

### Timetable:

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**Additional Information:** REG-142004-06 Drafting attorney: Kevin G. Gillin (202) 622-3620 Reviewing attorney: Joseph Conley (202) 622-3620 Treasury attorney: Anita Soucy (202) 622-1766 CC: PA: Branch 5

### Regulatory Flexibility Analysis

**Required:** Undetermined  
**Federalism:** Undetermined  
**Energy Affected:** No  
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### Department of the Treasury (TREAS)  
**Internal Revenue Service (IRS)**  
**RIN:** 1545-BG42

**Title:** Interest on Overpayments  
**Abstract:** The amendments to Treasury Regulation 301.6611-1 Interest on Overpayments will explain the dates interest starts to accrue on refunds of overpayments claimed by certain tax exempt persons who do not have an obligation to file tax returns. The amendments address tax exempt persons, corporations exempt from filing income tax returns pursuant to the section 6012 regulations, and persons whose income is excludible from gross income. The amendments will clarify the Service's position on the decisions in Overseas Thread Industries, Ltd v. United States, 48 Cl. Ct. 221 (2000) and MNOFF Trustees, Ltd v. United States, 123 F. 3d 1460 (Fed. Cir. 1997), and State of Michigan v. United States, 141 F. 3d 662 (6th Cir. 1998).

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Proposed Rule  
**Major:** No  
**Unfunded Mandates:** No  
**CFR Citation:** 26 CFR 301.6611-1 (To search for a specific CFR, visit the Code of Federal Regulations.)  
**Legal Authority:** 26 USC 6611; 26 USC 6513; 26 USC 7805; Overseas Thread Industries, Ltd v. United States, 48 Cl. Ct. 221 (2000) and MNOFF Trustees, Ltd v. United States, 123 F. 3d 1460 (Fed. Cir. 1997); State of Michigan v. United States, 141 F. 3d 662 (6th Cir. 1998)  
**Legal Deadline:** None

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**Additional Information:** REG-143889-06 Drafting attorney: Ronald J. Goldstein (202) 622-3620 Reviewing attorney: G. William Beard (202) 622-3620 CC: PA: Branch 5

152
Title: Recharacterization of Certain Qualifying Income of Publicly Traded Partnerships

Abstract: The proposed regulations under section 7704 of the Internal Revenue Code will apply to publicly traded partnerships (PTPs) that own controlling interests in corporations that earn non-qualifying income. The regulations will provide a characterization rule for certain gross income received by a PTP from a controlled corporation that would otherwise be qualifying income under section 7704(d) and that is deductible by the corporation. The income would be characterized as non-qualifying income if the effect of the arrangement is to permit the PTP to receive income that is not subject to a corporate-level tax and that would be non-qualifying income if earned directly by the PTP.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7704; 26 USC 7805

Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Energy Affected: No

Agency Contact: Joy C. Spies

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Title: Stripped Interests in Bond and Preferred Stock Funds

Abstract: The proposed regulations provide guidance to taxpayers about the proper treatment of stripped interests in accounts or entities in which substantially all the assets consist of bonds, preferred stock, or a combination thereof. Under the proposed regulations, basis will be allocated among the stripped interests based upon relative fair market value. The proposed regulations also provide rules requiring current recognition of income and basis adjustments by all holders of stripped interests.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Unfunded Mandates: No

CFR Citation: 26 CFR 1286(f)-1 to 6(new) (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 1286(f); 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: No

Federalism: No

Related RINs: Related to 1545-BG62

Agency Contact: Pamela Lew
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---

Title: Highway Use Tax

Abstract: This regulation addresses consequences of failing to file electronically, if required by section 4481(e).

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Unfunded Mandates: No

CFR Citation: 26 CFR 41.4481(e) (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

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154
Small Entities Affected: Business  
Federalism: Undetermined  

Energy Affected: No

Agency Contact: Taylor Cortright
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Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  

Title: Guidance Under Section 4051

Abstract: These proposed regulations will move the operative provisions of sections 48.4061 and 145.4051T into section 48.4051; remove sections 48.4061 and 145.4051T; and incorporate applicable rules from revenue rulings issued under section 4061 into section 48.4051.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 48 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Energy Affected: Undetermined

Agency Contact: Celia A. Gabrysh
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Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  

Title: Solid Waste Transformation

Abstract: Sections 103 and 142(a)(6) allow a deduction for interest on state or local bonds issued to finance solid waste disposal facilities. Proposed regulations under section 1.142(a)(6)-1 [REG-140492-02, RIN 1545-BD04] provide that a facility is...
a solid waste disposal facility to the extent it performs as a solid waste disposal function that includes a transformation process. These proposed regulations define what constitutes a transformation process for purposes of section 1.142(a)(6)-1.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Proposed Rule
Major: No  
Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 1.142(a)(6)-1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 142; 26 USC 7805
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No  
Government Levels Affected: Local; State
Federalism: No
Related RINs: Related to 1545-BD04
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Certain Payments Made Pursuant to a Securities Lending Transaction or a Sale-Repurchase Transaction
Abstract: The proposed regulations will provide guidance with respect to substitute payments. Credits under sections 33 and 1462 are coordinated in the withholding and reporting applications to provide integrated rules for administering the imposition of substantive liabilities under sections 971 and 872 with the procedural imposition and satisfaction of tax liabilities under sections 1441 and 1442.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Proposed Rule
Major: No  
Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 1441; 26 CFR 871; 26 CFR 881 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805; 26 USC 7701(l)
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No  
Government Levels Affected: No
Federalism: No
Energy Affected: No
Agency Contact: Kathryn T. Holman
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS) RIN: 1545-BG81

Title: S Corporation Back-to-Back Loans
Abstract: The proposed regulations will provide guidance to taxpayers regarding S corporations and back-to-back loan transactions under section 1367 of the Internal Revenue Code.

Priority: Substantive, Nonsignificant Agenda Stage of Rulemaking: Proposed Rule
Major: No Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805; 26 USC 1367
Legal Deadline: None

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Regulatory Flexibility Analysis
Required: Undetermined

Government Levels Affected: No

Federalism: No

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Department of the Treasury (TREAS)
Internal Revenue Service (IRS) RIN: 1545-BG85

Title: Treatment of Certain Distributions From Qualified Investment Entities Under Internal Revenue Code Sections 892 and 897(H)
Abstract: This regulation contains proposed changes to existing final regulations regarding taxation of foreign governments and distributions from real estate investment trusts (REITs) and other qualified investment entities. The proposed changes are needed to clarify that distributions received by a foreign government from such qualified investment entities are not exempt from taxation under section 892 but are treated under section 897(h)(1) as gain recognized by a foreign government shareholder from the sale or exchange of a United States real property interest described in section 897(c)(1)(A)(l).
Title: Application of At-Risk Rules to Deficit Restoration Obligations of Limited Liability Company Members

Abstract: These regulations under section 465 regarding the extent to which a limited partner will be considered at risk with respect to liabilities of a partnership including situations in which a limited partner may be obligated to contribute additional capital to the partnership in the future.

Priority: Substantive, Nonsignificant
Major: Undetermined
Agenda Stage of Rulemaking: Proposed Rule
Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 465 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 465; 26 USC 7805
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: Business

Energy Affected: No

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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

RIN: 1545-BG89

Title: GST Section 6011 Regulations

Abstract: The proposed regulations create the rules relating to the disclosure of reportable transactions and listed transactions under section 6011.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 26 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 7805; 26 USC 6011

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1545-BI06

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Title: Unitary Basis Rule

Abstract: These proposed regulations under section 1502 will provide guidance regarding the determination and adjustment

Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

RIN: 1545-BG93

View Related Documents
of subsidiary stock owned by another member.

Priority: Substantive, Nonsignificant    Agenda Stage of Rulemaking: Proposed Rule
Major: No    Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 1   (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 1502; 26 USC 7805
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No    Government Levels Affected: No
Small Entities Affected: No    Federalism: No
Energy Affected: No
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)    RIN: 1545-BG94

Title: Clarification of Controlled Group Rules of Section 1.1563-1
Abstract: This regulation will clarify that all corporations that satisfy the definition of one of the types of controlled groups described in section 1563(a) are members of that controlled group, whether they are classified as component members, additional members, or excluded members of such group (within the meaning of section 1563(b)).

Priority: Substantive, Nonsignificant    Agenda Stage of Rulemaking: Proposed Rule
Major: No    Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 301.7805   (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No    Government Levels Affected: No
Small Entities Affected: No    Federalism: No
Energy Affected: No
Agency Contact: Grid R. Glyer
Attorney
Title: Non-Accrual Experience Method of Accounting
Abstract: These regulations deal with the type of methodology that taxpayers should be allowed to use as a self-test for purposes of the non-accrual experience method of accounting. The current regulations contain a reserve section dealing with this self-test requirement. In addition, the regulations deals with the definition and rules surrounding “undue burden” in reference to tracing recoveries under a non-accrual experience method.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule
Major: No
Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1.448-2 (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 7805; 26 USC 448
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Federalism: No
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Title: Interest on Deferred Tax Liability for Contingent Payment Sales Under Section 453A
Abstract: These proposed regulations will provide rules under section 453A(c) to compute the interest on the deferred tax liability for contingent payment sales.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule
Major: No
Unfunded Mandates: Undetermined
Title: Guidance Regarding Marketing of Refund Anticipation Loans (RALS) and Certain Other Products in Connection With the Preparation of a Tax Return

Abstract: This advance notice of proposed rulemaking describes rules that the Treasury Department and the IRS are considering proposing, in a notice of proposed rulemaking, regarding the disclosure and use of tax return information by tax return preparers. The proposed rules would apply to the marketing of refund anticipation loans (RALs) and certain other products in connection with the preparation of a tax return. As an exception to the general principle that taxpayers should have control over their tax return information that is reflected in final regulations under section 7216 that are being issued concurrently with the advance proposed regulations, the proposed rules would provide that a tax return preparer may not obtain a taxpayer's consent to disclose or use tax return information for the purpose of soliciting taxpayers to purchase such products.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 301.7216 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No
Title: Penalties for Incorrect Appraisals Under IRC 6695A
Abstract: These proposed regulations will provide instructions and the procedures by which the IRS will determine and assess the appraiser penalties under IRC 6695A.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule
Major: No
Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 6695A; 26 USC 7805
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Federalism: No
Energy Affected: No
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Title: Regulations Regarding the Application of Section 172(h) (Corporate Equity Reduction Interest Losses) to a Consolidated Group
Abstract: These regulations regard the application of section 172(h) (corporate equity reduction interest losses) to a consolidated group.
Title: Security for Payment of Estate Tax in Installments

Abstract: Prior to the decision in Estate of Roski v. Commissioner, 128 T.C. 113 (2007), the IRS required an estate to post a bond or provide a lien as a prerequisite for granting an election to pay estate tax in installments over a period of up to 14 years under section 6166 of the Code. In Estate of Roski, the Tax Court determined, in part, that the IRS's bright-line rule to require security in all cases was an abuse of discretion. The court held that the IRS must make a case-by-case determination of whether the government’s interest in collecting the estate tax in full is at risk before requiring a bond. The IRS is revising procedures to comply with this ruling. The proposed regulations will state that the IRS will make case-by-case determinations as to whether the government's interest is at risk and will also list what factors the IRS will consider in making this determination.

| Priority: | Substantive, Nonsignificant | Agenda Stage of Rulemaking: | Proposed Rule |
| Major: | No | Unfunded Mandates: | Undetermined |
| CFR Citation: | 26 CFR 1.1502 (To search for a specific CFR, visit the Code of Federal Regulations.) |
| Legal Authority: | 26 USC 172; 26 USC 1502; 26 USC 7805 |
| Legal Deadline: | None |

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Regulatory Flexibility Analysis Required: No | Government Levels Affected: No
Small Entities Affected: No | Federalism: No
Energy Affected: No
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Energy Affected: No
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

RIN: 1545-BH20

Title: Amending Section 1.1502-13(C)(6)(ii)(C)
Abstract: These regulations allow taxpayers to redetermine an intercompany gain under the intercompany transaction regulations in such a manner that the gain is excluded from gross income in certain circumstances to prevent the duplication of gain.
Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule
Major: No
Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 1.1502-13(C)(6)(ii)(C)(Revision) (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 1502; 26 USC 7805
Legal Deadline: None

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Additional Information: REG-137573-07 Drafting attorney: John F. Tarrant (202) 622-7790 CC: CORP

Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Federalism: No
Energy Affected: No
Related RINs: Related to 1545-BH21
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

RIN: 1545-BH25

Title: Penalty for Erroneous Claim for Refund or Credit
Abstract: Section 8247 of the U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Act, which
became law on May 25, 2007, enacted section 6676 of the Internal Revenue Code. Section 6676 imposes a penalty of 20 percent of the excessive amount of an erroneous claim for refund or credit. These proposed regulations establish the Service's regulatory guidance regarding the penalty.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1.6676 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 6676; 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1545-BH26

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Department of the Treasury (TREAS)

Internal Revenue Service (IRS) RIN: 1545-BH31

Title: Regulations Revising Section 1.1502-77 Regarding Agency for a Consolidated Group

Abstract: This notice of proposed rulemaking will clarify and update current final regulations under section 1.1502-77. Section 1.1502-77 provides rules for determining which entity is the agent for a consolidated tax group.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1.1502-77 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 1502

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No
Title: The Allocation of Consideration and Allocation and Recovery of Basis in Transactions Involving Corporate Stock or Securities

Abstract: These proposed regulations provide guidance regarding the recovery of stock basis in distributions under section 301 and transactions that are treated as dividends to which section 301 applies, as well as guidance regarding the determination of gain and the basis of stock or securities received in exchange for, or with respect to, stock or securities in certain transactions.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

UNFUNDED MANDATES: No


Legal Authority: 26 USC 7805; 26 USC 301 and 302; 26 USC 358(b)

Legal Deadline: None

Regulatory Flexibility Analysis Required: No

Federalism: No

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**Department of the Treasury (TREAS)\nInternal Revenue Service (IRS)\n**

**RIN:** 1545-BH37

**Title:** Extended Periods of Limitations on Assessment for Fraud of Someone Other Than The Taxpayer and for Undisclosed Listed Transactions

**Abstract:** Proposed regulations are needed to (1) Clarify current regulations under section 6501(c)(1) with respect to fraud of someone other than the taxpayer and (2) provide guidance on section 6501(c)(10), which was enacted October 22, 2004.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** Undetermined

**CFR Citation:** 26 CFR 301.6501(c)-1 (To search for a specific CFR, visit the Code of Federal Regulations)

**Legal Authority:** 26 USC 6501; 26 USC 7805

**Legal Deadline:** None

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**Additional Information:** REG-160871-04 Drafting attorney: Audra M. Dineen (202) 622-4910 Reviewing attorney: Charles A. Hall (202) 622-4910 CC: PA: Branch 1

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Federalism:** No

**Energy Affected:** No

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**Department of the Treasury (TREAS)\nInternal Revenue Service (IRS)\n**

**RIN:** 1545-BH38

**Title:** Guidance on Arbitrage II

**Abstract:** These regulations will provide additional guidance on arbitrage under section 148 of the Internal Revenue Code.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** Undetermined

**Unfunded Mandates:** Undetermined

**CFR Citation:** 26 CFR 1.148-0 to 1.148-6; 26 CFR 1.148-9; 26 CFR 1.148-11; 26 CFR 1.150-1; ... (To search for a specific CFR, visit the Code of Federal Regulations)

**Legal Authority:** 26 USC 148; 26 USC 7805

**Legal Deadline:** None
**Title:** Disciplinary Actions Under Section 822 of the American Jobs Creation Act of 2004

**Abstract:** This action proposes amendments relating to monetary penalties imposed on individuals who practice before the Internal Revenue Service as well as employers, firms and other entities. In particular, the proposed rulemaking provides guidance for those practitioners, employers, firms and other entities that may be subject to monetary penalties under 31 U.S.C. section 330 with respect to the amount of the penalty and when such penalties may be imposed.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** Undetermined

**CFR Citation:** 26 CFR 31.10; 26 CFR 31.330 (To search for a specific CFR, visit the Code of Federal Regulations.)

**Legal Authority:** 26 USC 10; 26 USC 330; 26 USC 7805

**Legal Deadline:** None

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**Department of the Treasury (TREAS) Internal Revenue Service ( IRS )**

**RIN:** 1545-BH42

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**Additional Information:** REG-135982-07 Drafting attorney: Steven L. Karon (202) 622-4940 Reviewing attorney: Carol P. Nachman (202) 622-4940 CC: PA: Branch 2

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Energy Affected:** No

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**Department of the Treasury (TREAS) Internal Revenue Service ( IRS )**

**RIN:** 1545-BH42

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**Title:** Disciplinary Actions Under Section 822 of the American Jobs Creation Act of 2004

**Abstract:** This action proposes amendments relating to monetary penalties imposed on individuals who practice before the Internal Revenue Service as well as employers, firms and other entities. In particular, the proposed rulemaking provides guidance for those practitioners, employers, firms and other entities that may be subject to monetary penalties under 31 U.S.C. section 330 with respect to the amount of the penalty and when such penalties may be imposed.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** Undetermined

**CFR Citation:** 26 CFR 31.10; 26 CFR 31.330 (To search for a specific CFR, visit the Code of Federal Regulations.)

**Legal Authority:** 26 USC 10; 26 USC 330; 26 USC 7805

**Legal Deadline:** None

---

**Additional Information:** REG-135982-07 Drafting attorney: Steven L. Karon (202) 622-4940 Reviewing attorney: Carol P. Nachman (202) 622-4940 CC: PA: Branch 2

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Energy Affected:** No

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**Department of the Treasury (TREAS)**
**Internal Revenue Service (IRS )**

**Title:** Special Estate Tax Lien  
**Abstract:** The notice of proposed rulemaking (NPRM) is required to update the lien provisions under section 6342A to reflect changes to section 6166. Guidance is needed concerning the parameters of what is required as part of the 6342A agreement and how the agreement is accepted.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Proposed Rule  
**Major:** No  
**Unfunded Mandates:** Undetermined  
**CFR Citation:** 26 CFR 20.6324A; 26 CFR 301.6324A  
**Legal Authority:** 26 USC 6165 and 6166; 26 USC 6324A; 26 USC 7805  
**Legal Deadline:** None

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**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Energy Affected:** No

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---

**Department of the Treasury (TREAS)**
**Internal Revenue Service (IRS )**

**Title:** Rules for Disclosure of Chief Counsel Advice  
**Abstract:** These proposed regulations under subsections 6110(i)(1) and (i)(2) of the Internal Revenue Code provide for Chief Counsel advice within the definitions of written determinations.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Proposed Rule  
**Major:** No  
**Unfunded Mandates:** Undetermined  
**CFR Citation:** 26 CFR 301.6110-8  
**Legal Authority:** 26 USC 6110(i); 26 USC 7805  
**Legal Deadline:** None

**Timetable:**

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Regulatory Flexibility Analysis Required: No Government Levels Affected: No
Federalism: No
Energy Affected: No
Related RINs: Related to 1545-BH46
Agency Contact: Deborah C. Lambert-Dean
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Exchange of Property for an Annuity
Abstract: This regulation proposes application of the installment sale rules to the exchange of property for a private annuity contract.

Priority: Substantive, Nonsignificant
Major: No
Unfunded Mandates: Undetermined
CFR Citation: Not Yet Determined (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 7805
Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis Required: No Government Levels Affected: No
Federalism: No
Agency Contact: Richard F. Ennis
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

RIN: 1545-BH47

RIN: 1545-BH51
Title: 704(b) Related Party Substantiality Regulations

Abstract: The project removes certain related party partnership allocations from the substantial economic effect safe harbor under section 704(b) and requires reallocation in accordance with the partner's interest in the partnership.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: Not Yet Determined

Legal Deadline: None

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Energy Affected: Undetermined

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Department of the Treasury (TREAS)

Internal Revenue Service (IRS)

RIN: 1545-BH57

Title: Guidance Under Section 382(h)(6) Regarding Built-In

Abstract: These regulations will provide guidance concerning the treatment of built-in gains and losses under section 382(h) of the Internal Revenue Code.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1.382-7 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 382(m)

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No
Federalism: No
Agency Contact: Keith E. Stanley
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Guidance for Regulated Investment Company (RIC) and Real Estate Investment Trust (REIT) Concerning the Application of Section 1(h) to Capital Gain Dividends

Abstract: These proposed regulations allow a RIC or REIT to make additional designations of capital gain dividends to reflect the various tax-rate groups under section 1(h) and provide limitations on the amount that can be designated in each tax-rate group. In calculating those limitations, the regulations provide for deferral adjustment or bifurcation adjustment in certain situations.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule
Major: No
Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 1.852-11 (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 7805; 26 USC 1(h)(9); 26 USC 852(b)(10); 26 USC 852(c)(2)
Legal Deadline: None

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Additional Information: REG-103681-08 Drafting attorney: Sonja Kotlica (202) 622-3950 Reviewing attorney: Alice M. Bennett (202) 622-3950 CC: FIP

Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Federalism: No
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Local Lodging Expenses
Abstract: These proposed regulations relate to the deductibility of lodging expenses paid or incurred when not traveling away from home (local lodging). The regulations affect taxpayers and employees of taxpayers who pay or incur expenses for local lodging.
lodging that are otherwise deductible under section 162 of the Internal Revenue Code.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Proposed Rule  
Major: No  
Unfunded Mandates: No  
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)  
Legal Authority: 26 USC 7805  
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No  
Government Levels Affected: No  
Small Entities Affected: No  
Federalism: No  
Energy Affected: No  
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Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  

RIN: 1545-BH64

Title: Section 2032 Project  
Abstract: These proposed regulations consider, for section 20.2032-1(c) purposes, the effect of restrictions placed on an asset between the date of death and the alternate valuation date.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Proposed Rule  
Major: No  
Unfunded Mandates: Undetermined  
CFR Citation: 26 CFR 20 (To search for a specific CFR, visit the Code of Federal Regulations.)  
Legal Authority: 26 USC 7805; 26 USC 2032  
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No  
Government Levels Affected: Undetermined  
Small Entities Affected: No  
Federalism: No  
Energy Affected: No  
Agency Contact: Theresa M. Melchiorre
Title: Use of Actuarial Tables in Valuing Annuities, Interests for Life, or Terms of Years, and Remainder of Reversionary Interest

Abstract: These regulations will relate to the use of actuarial tables in valuing annuities, interests for life or terms of years, and remainder or reversionary interests. These regulations are necessary because section 7520(c)(3) directs the Secretary to update the actuarial tables to reflect the most recent mortality experience available. These regulations will affect the valuation of inter vivos and testamentary transfers of interest dependent on one or more measuring lives.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Unfunded Mandates: Undetermined


Legal Authority: 26 USC 7805; 26 USC 7520(c)(2); 26 USC 642(c)(5); 26 USC 664(a); 26 USC 2031; 26 USC 2512; 26 USC 2055; 26 USC 170

Legal Deadline: Section 7520(c)(3) required initial actuarial tables by December 31, 1989. These tables are required to be updated every 10 years to take into account the most recent mortality experience available as of the time of the revision.

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Additional Information: REG-107845-08 Drafting attorney: Mayer R. Samuels (202) 622-3090 Reviewing attorney: Lorraine E. Gardner (202) 622-3090 Treasury attorney: Catherine Hughes (202) 622-9407 CC: PSI

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Federalism: No

Energy Affected: No

Related RINs: Related to 1545-BH96

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Title: Compensation Deferred Under Eligible Deferred Compensation Plans

Abstract: The proposed regulations would provide guidance relating to the definitions of a bona fide severance pay plan under section 457(e)(11) of the Internal Revenue Code and substantial risk of forfeiture under section 457(f)(1)(B). These regulations would affect sponsors, administrators, participants, and beneficiaries of nonqualified deferred compensation plans of State and local governments and tax-exempt entities.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Proposed Rule

Major: No  
Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1.457.1 to 1.457.12  
(To search for a specific CFR, visit the [Code of Federal Regulations](https://www.federalregister.gov).)

Legal Authority: 26 USC 7805; 26 USC 457

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No  
Small Entities Affected: Governmental Jurisdictions; Organizations

Government Levels Affected: Local; State

Federalism: Undetermined

Energy Affected: No

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Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  

RIN: 1545-BH73

Title: Multiemployer Plan Funding Guidance

Abstract: The proposed regulations provide guidance relating to multiemployer plan that are either in endangered or critical status. This action is necessary to implement the new rules set forth in section 432 that are effective for plan years beginning after 2007. These proposed regulations would affect sponsors of, and participants and beneficiaries in, multiemployer defined benefit pension plans.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Proposed Rule

Major: No  
Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1.432(c)-1; 26 CFR 1.432(e)-1; 26 CFR 1.4971(g)-1  
(To search for a specific CFR, visit the [Code of Federal Regulations](https://www.federalregister.gov).)

Legal Authority: 26 USC 432; 26 USC 4971; 26 USC 7805; 26 USC 212 of Pension Protection Act of 2006, PL 109-280, 120 Stat 780

Legal Deadline: None

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</table>
Title: Exchange of Stock or Securities

Abstract: This regulation will revise section 367 regulations pursuant to Notice 2005-6 and Treasury Decision 9243.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1.367(a)-3 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Small Entities Affected: No

Federalism: Undetermined

Energy Affected: Undetermined

Agency Contact: Stephen J. Hawes

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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)
Title: Application of Section 382(l)(1) to Regulated Investment Companies

Abstract: These regulations provide guidance regarding the application of section 382(l)(1) of the Internal Revenue Code to certain regulated investment companies.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Proposed Rule  
Major: No  
Unfunded Mandates: Undetermined  
CFR Citation: 26 CFR 1.382-5 (To search for a specific CFR, visit the Code of Federal Regulations.)  
Legal Authority: 26 USC 7805; 26 USC 382(m)  
Legal Deadline: None

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Additional Information: REG-110188-08 Drafting attorney: Rubin B. Ranat (202) 622-7530 Reviewing attorney: Marie C. Milnes-Vasquez (202) 622-7554 Treasury attorney: Marc C. Countryman (202) 622-9858 CC: CORP

Regulatory Flexibility Analysis Required: No  
Government Levels Affected: No  
Federalism: No

Related RINs: Related to 1545-BH79

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Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  
RIN: 1545-BH81

Title: Circular 230--Contingent Fees

Abstract: Proposed regulations clarify when a practitioner may charge a contingent fee under section 10.27(b)(2) of Circular 230 for services rendered in connection with any matter before the Internal Revenue Service.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Proposed Rule  
Major: No  
Unfunded Mandates: Undetermined  
CFR Citation: 31 CFR 10.35 to 10.38 (To search for a specific CFR, visit the Code of Federal Regulations.)  
Legal Authority: 26 USC 7805; 31 USC 330; 5 USC 301; 5 USC 500; 5 USC 551 to 559  
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No  
Government Levels Affected: No  
Federalism: No
Title: Guidance on the Residential Mortgage Insurance Deduction

Abstract: These proposed regulations with cross-reference to temporary regulations provide guidance concerning how to allocate prepaid mortgage insurance premiums to determine the proper deduction in a particular taxable year for individual taxpayer. These proposed regulations also provide guidance to report entities receiving prepaid mortgage insurance premiums in issuing the Form 1098.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1.163-11 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 163 (h); 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Energy Affected: No

Related RINs: Related to 1545-BD82; Related to 1545-BH84

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Title: Attribute Reduction Following Reorganizations
Abstract: The proposed regulations contain guidance concerning the treatment of attributes in reorganizations under section 368(a)(1), where the acquiring corporation is a shareholder in the target corporation, the target corporation terminates its existence, is able to make a distribution on only one class of its stock, and the acquiring corporation succeeds to the target corporation’s attributes under section 381 while the shareholder whose stock is eliminated for no consideration claims a loss. The proposed regulations provide that, to the extent such loss is duplicated in the attributes of the target corporation following its termination, the target corporation’s attributes are reduced by the target corporations attribute reduction amount.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule
Major: No
Unfunded Mandates: Undetermined
CFR Citation: Not Yet Determined (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Federalism: No
Energy Affected: No
Agency Contact: Bruce A. Decker
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)
RIN: 1545-BH87

Title: Guidance Under Section 355(e) Regarding Stock Redemptions
Abstract: The regulations will provide guidance regarding the application of section 355(e) to stock redemptions.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule
Major: No
Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 355 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805
Legal Deadline: None

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Additional Information: REG-115559-08 Drafting attorney: Joanne M. Fay (202) 622-7770 Reviewing attorney: Stephen P. Fattman (202) 622-3065 CC: CORP

Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Federalism: No
Title: Treatment of Grantor of an Option on a Partnership Interest

Abstract: The proposed regulations include partnership interests in the definition of “securities” for purposes of section 1234(b).

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1.1234-3 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Energy Affected: No

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Title: Disregarded Entities and Excise Taxes

Abstract: These proposed regulations amend section 301.7701-2(c)(2)(v) to provide that an otherwise disregarded entity which is regarded for excise tax purposes, is treated as a corporation for certain purposes.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule
Title: Look-Back Interest and Tax-Exempt Entities

Abstract: Amends regulations under 26 CFR 1.460-6, relating to the application of the look-back method for long-term contracts. The amendment will provide guidance on how to compute interest under the look-back method when the method applies to pass-through entities that are partly owned by tax-exempt entities.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

Federalism: No

Related RINs: Related to 1545-BH91

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No
Title: Section 2036--Graduated Retained Interests
Abstract: These proposed regulations provide guidance on the inclusion of property in the transferor's gross estate under section 2036 of the Internal Revenue Code if the transferor retain a graduated interest in the transferred property for life, for any period, not ascertainable without reference to the transferor's death, or for a period that does not, in fact, end before the transferor's death.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule
Major: No
Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 20.2036-1(c)(2)(ii); 26 CFR 20.2036-1(c)(2)(iii) (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 7805; 26 USC 2036
Legal Deadline: None

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Additional Information: REG-119532-08 Drafting attorney: Theresa M. Melchiorre (202) 622-3090 Reviewing attorney: George L. Masnik (202) 622-3090 Treasury attorney: Catherine Hughes (202) 622-9407 CC: PSI

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Energy Affected: No
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Title: Elimination of Filing Requirement for Nonresident Aliens With United States Source Effectively Connected Wages Below the Personal Exemption Amount
Abstract: This regulation will add a new exception, under section 6012 of the Internal Revenue Code, from the filing requirement for nonresident alien individuals.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule
Major: Undetermined
Unfunded Mandates: Undetermined
Title: Information Reporting on Transactions With Foreign Trusts and on Large Foreign Gifts

Abstract: These regulations propose guidance under sections 6048, 6677 and 6039F of the Internal Revenue Code relating to information reporting on transactions with foreign trusts and on large foreign gifts. This document also contains proposed regulations under section 643(i) relating to loans from foreign trusts.

Priority: Substantive, Nonsignificant

Agency Contact: Paul J. Carlino
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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 643; 26 CFR 6039F; 26 CFR 6048; 26 CFR 6677 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805

Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Agency Contact: Quyen P. Huynh
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Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  

RIN: 1545-BI05

**Title:** Regulations Under Section 1441(a) Relating to Withholding of Tax on Certain U.S. Source Income Paid to U.S. Agents of Foreign Persons  
**Abstract:** This regulation will provide guidance regarding the application of section 1441 relating to the deduction and withholding of income tax on certain U.S. source payments to foreign persons.  
**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Proposed Rule  
**Major:** No  
**Unfunded Mandates:** No  
**CFR Citation:** 26 CFR 1; 26 CFR 1441 (To search for a specific CFR, visit the Code of Federal Regulations.)  
**Legal Authority:** 26 USC 7805  
**Legal Deadline:** None  

**Timetable:**

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**Additional Information:** REG-124853-08 Drafting Attorney: Quyen P. Huynh (202) 622-3880 Reviewing Attorney: Carl Cooper (202) 622-3840 Drafting Attorney: Undetermined CC:INTL  
**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No  
**Federalism:** No  
**Agency Contact:** Quyen P Huynh  
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Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  

RIN: 1545-BI08

**Title:** Section 2053 Deduction of Attorney Fees  
**Abstract:** These proposed regulations amend section 20.2053-3(c) to clarify application of section 6501(a) to claim for attorney fees.  
**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Proposed Rule  
**Major:** No  
**Unfunded Mandates:** Undetermined  
**CFR Citation:** 26 CFR 20 (To search for a specific CFR, visit the Code of Federal Regulations.)  
**Legal Authority:** 26 USC 7805; 26 USC 2053; 26 USC 6501  
**Legal Deadline:** None  

**Timetable:**

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Title: Election of Reduced Credit Under Section 280C(c)(3)

Abstract: These proposed regulations revise the reduced section 41 credit election in section 1.280C-4(a). Under section 1.280C-4(a), the election under section 280C(c)(3) is made by claiming the reduced credit under section 41(a) on an original return for the taxable year, filed at any time on or before the due date (including extensions) for filing the income tax return for such year. The guidance would amend section 1.280C-4(a) in light of the generic legal advice memo (AM-2008-02, Feb. 8, 2008) on section 280(c)(3) which provides that a taxpayer should be treated as having made a valid reduced section 41 credit election if the taxpayer clearly indicates the intent to claim the reduced credit on a timely filed original return for the taxable year.

Priority: Substantive, Nonsignificant

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CFR Citation: 26 CFR 1.280C-4(a) (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 280C(c)(3)(c)

Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  

RIN: 1545-BI11

Title: Guidance Under Section 2053 on the Application of Present Value Concepts to the Amount Deductible

Abstract: These regulations will provide guidance under section 2053 on the application of present value concepts in determining the deductible amount of administration expenses and claims against the estate and will provide guidance on the deductibility of amounts paid under a decedent's personal guarantee.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Proposed Rule  

Major: No  
Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 20 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805

Additional Information: REG-130975-08 Drafting attorney: Karlene M. Lesho (202) 622-3090 Reviewing attorney: Melissa C. Liquerman (202) 622-3060 Treasury attorney: Catherine Hughes (202) 622-9407 CC: PSI

Regulatory Flexibility Analysis Required: No  
Government Levels Affected: Undetermined  
Small Entities Affected: No  
Federalism: No  
Energy Affected: No

Related RINs: Related to 1545-BC56

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Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  

RIN: 1545-BI13

Title: Related Corporations and Section 304

Abstract: This regulation will address related corporations and section 304 of the Internal Revenue Code.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Proposed Rule  

Major: No  
Unfunded Mandates: No

CFR Citation: 26 CFR 1.304-4; 26 CFR 1.304-4T (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 304(b)

Additional Information: REG-132232-08 Drafting attorney: Sean W. Mullaney (202) 622-3860 Reviewing attorney: John
Title: Guidance on Definition of Qualified Timber Property Under IRC Section 194

Abstract: Guidance on Definition of Qualified Timber Property under IRC section 194. The American Jobs Creation Act made significant changes to existing section 194 by adding an annual deduction for reforestation expenditures in the amount of $10,000 per qualified timber property to the existing amortization of reforestation expenditures. Issues involving basis reduction have led to a request for guidance on the definition of qualified timber property under section 194, as amended by the American Jobs Creation Act.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Focused Mandates: No

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 194; 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: No

Energy Affected: No

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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Additional Rules Regarding Hybrid Retirement Plans
Abstract: The regulations will provide additional guidance regarding the rules for hybrid retirement plans that were added by the Pension Protection Act of 2006.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1.411(a)(13)-1; 26 CFR 1.411(b)(5)-1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 411(b)(5); 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Small Entities Affected: Business; Governmental Jurisdictions; Organizations

Federalism: No

Energy Affected: No

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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Guidance Regarding the Treatment of a Distributing Corporation's Distribution of Property to Member-Creditors
Abstract: The proposed rule will provide guidance on the treatment of a distributing corporation's distribution of property received from controlled to creditors that are members of the distributing consolidated group.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 1502; 26 USC 7805

Legal Deadline: None

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Additional Information: REG-129025-08 Drafting attorney: Marcie P. Barese (202) 622-7790 Reviewing attorney: Debra L.
Title: Transactions Involving the Transfer of No Net Value

Abstract: The proposed regulations will be a reproposal of part of NPRM REG-163314-03 that was issued on March 10, 2005 at 70 FR 11903. The new proposed regulations will provide guidance on corporate formations, reorganizations, and liquidations of insolvent corporations. The new proposed regulations will provide rules requiring the exchange (or, in the case of section 332, a distribution) of net value for the nonrecognition rules of subchapter C to apply in a manner that is more feasible to comply with and to enforce than the original proposal.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 351; 26 USC 7805

Legal Deadline: None

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Title: Indian Tribe Governmental Plans

Abstract: The proposed regulations would set forth special rules relating to retirement plans of Indian tribal governments and other entities related to Indian tribal governments. These regulations reflect the provisions of the Pension Protection Act of 2006. These proposed regulations would affect sponsors of, and participants and beneficiaries in, plans of Indian tribal governments.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1.414(d)-1 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 414; 26 USC 7805

Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: Tribal

Small Entities Affected: Governmental Jurisdictions

Federalism: Undetermined

Energy Affected: No

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Title: Qualified Joint Venture Election

Abstract: The proposed regulations will provide guidance to taxpayers regarding qualified joint venture elections under section 761(f).

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 761

Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Michael H. Beker
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Title: Agent Employment Tax Liability


Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 31.3504-1(b) (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 3504

Legal Deadline: None

Timetable:

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Additional Information: REG-137036-08 Drafting attorney: Selvan V. Boominathan (202) 622-0047 Reviewing attorney: Dan E. Boeskin (202) 622-0047 CC: TEGE

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Selvan V. Boominathan
Title: Reissuance Standards for Tax-Exempt Bonds

Abstract: These regulations provide standards that clarify when tax-exempt bonds are treated as reissued or retired for purposes of sections 103 and 141 through 150 or the Internal Revenue Code. Generally, the regulations will address federal tax issues with respect to reissuance that have arisen as a result of problems in the auction rate sector of the tax-exempt bond market. The regulations will also address several arbitrage issues that have also arisen in the same market.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

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Additional Information: REG-141739-08 Drafting attorney: Aviva M. Roth (202) 622-3353 Reviewing attorney: Timothy L. Jones (202) 622-3701 CC: FIP

Regulatory Flexibility Analysis

Required: Undetermined

Federalism: Undetermined

Energy Affected: Undetermined

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Title: Guidance Regarding Substantial Assistance and Foreign Base Company Services Income

Abstract: These regulations will provide guidance under section 954 relating to substantial assistance under the foreign base company services regulations.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule
Title: Guidance Regarding the PFIC Income Test and Certain PFIC Subsidiaries

Abstract: This document contains proposed regulations under sections 1297(b), 1297(c) and 1298(b)(3) of the Internal Revenue Code (Code) regarding the treatment of certain income or gain received or accrued by a foreign corporation in a taxable year for purposes of determining whether such foreign corporation is a passive foreign investment company (PFIC) in such taxable year. The regulations under section 1297(b) provide rules for classifying certain rent and royalty income earned by a foreign corporation for purposes of the passive income test of section 1297(a)(1). The regulations under section 1297(c) provide rules for classifying gains recognized by a foreign corporation from the sale or exchange of stock of a 25-percent owned (by value) foreign subsidiary corporation for purposes of the passive income test of section 1297(a)(1). The regulations under section 1298(b)(3) apply the change-of-business exception provided by section 1298(b)(3) to a foreign corporation's sale or exchange of all or a portion of the stock of a 25-percent owned (by value) corporation described in section 1297(c). The regulations affect certain foreign corporations and United States persons who own (directly or indirectly) stock interests in such foreign corporations.
Title: Severing and Completion Rules for Home Construction Contracts

Abstract: Proposed regulations provide rules for severing long-term construction contracts qualifying as home construction contracts under section 460(e)(6) of the Internal Revenue Code and for determining when these contracts are completed.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 460 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 7805

Legal Deadline: None

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Additional Information: REG-141683-08 Drafting attorney: Brendan P. O'Hara (202) 622-4920 Reviewing attorney: George F. Wright (202) 622-4960 CC: ITA

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)
RIN: 1545-BI27

Title: Revisions to Treasury Regulations Section 1.6109-2

Abstract: Revisions will require tax return preparers to use a Preparer Tax Identification Number (PTIN) as the preparer's identifying number on tax returns filed with the IRS.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

Department of the Treasury (TREAS)
Internal Revenue Service (IRS)
RIN: 1545-BI28
Disclosure of Information to State Officials Regarding Tax-Exempt Organizations

Amendments to section 301.6104(c)-1 reflect changes to section 6104(c) enacted by Public Law 109-280.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule
Major: No
Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 301.6104(c)-1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 6104; 26 USC 7805
Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis Required: No
Government Levels Affected: State
Federalism: No
Energy Affected: No
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Title: Federal Insurance Contributions Act (FICA) Requirements for Domestically Controlled Foreign Entities

Abstract: Proposed regulations implement new section 3121(z), as added by the Heroes Earnings Assistance and Relief Tax Act of 2008, which imposes FICA withholding obligations on domestically controlled foreign entities in connection with U.S. government contracts.

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 7805; 26 USC 3121

Report Text:

This change to the regulations under Treasury Regulations section 1.1502-13(f)(5) is a modification that has been made necessary in light of the regulations under Treasury Regulations section 1.368-2(k) that were issued in October 2007. The existing section 1.1502-13(f)(5) election envisions that, when the election under that section is made, there is a cross-chain reorganization resulting in stock in a new corporation being a successor asset to the stock of a corporation that was previously liquidated. Under the section 1.368-2(k) regulations now in effect, the liquidation of a corporation followed by the transfer of the liquidated corporation’s assets to a new controlled corporation by the parent of the liquidated corporation would be an upstream reorganization followed by a drop of assets to a controlled corporation (the stock of the new corporation would not be a successor asset in this case). The modification will clarify that, when the election is made, the reorganization will be viewed as a cross-chain reorganization, rather than an upstream reorganization followed by a drop of assets, as it would be viewed under section 1.368-2(k).
Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1.1502-13 (To search for a specific CFR, visit the [Code of Federal Regulations](https://www.gpo.gov/fdsys/search.html).

Legal Authority: 26 USC 7805; 26 USC 1502

Legal Deadline: None

**Timetable:**

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**Additional Information:** REG-139068-08 Drafting attorney: Mary W. Lyons (202) 622-7056 Reviewing attorney: Kenneth E. Cohen (202) 622-3494 Treasury attorney: Donald Bakke (202) 622-0865 CC: CORP

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Energy Affected:** No

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**Department of the Treasury (TREAS)**

**Internal Revenue Service (IRS)**

**RIN:** 1545-BI32

**Title:** Corrections to Unified Rule for Loss on Subsidiary Stock

**Abstract:** These regulations provide corrections to rules that were issued under section 1.1502-36 (TD 9424).

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** Undetermined

**CFR Citation:** 26 CFR Part 1 (To search for a specific CFR, visit the [Code of Federal Regulations](https://www.gpo.gov/fdsys/search.html).

**Legal Authority:** 26 USC 7805; 26 USC 1502

**Legal Deadline:** None

**Timetable:**

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**Additional Information:** REG-144260-08 Drafting attorney: Marcie P. Barese (202) 622-7790 Reviewing attorney: Theresa A. Abell (202) 622-7700 CC: CORP

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Energy Affected:** No

**Related RINs:** Related to 1545-BB61

**Agency Contact:** Marcie P. Barese
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Internal Revenue Service
1111 Constitution Avenue NW Room 5428
Title: Excise Taxes Relating to Donor Advised Funds

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule

CFR Citation: 26 CFR 53.4966; 26 CFR 53.4967; 26 CFR 53.4958; 26 CFR 53.4943; 26 CFR 53.4945; ... (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 7805
Legal Deadline: None


Regulatory Flexibility Analysis Required: No
Government Levels Affected: No

Federalism: No

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E-Mail: amber.l.mackenzie@irscounsel.treas.gov

Title: Requirement of Return and Time for Filing; Updated Abatement Rules for Section 4966 and 4967 Transactions Taxes.
Abstract: These regulations provide that every person liable for Internal Revenue Code section 4966 or 4967 excise taxes is required to file Form 4720, and specify the filing dates for those returns. The proposed regulations update section 4963 regarding abatement of section 4966 and 4967 taxes.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule

CFR Citation: 26 CFR 53.6011-1; 26 CFR 53.6071-1; 26 CFR 53.4963-1 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 7805
Title: Definition of Dependent Under Section 152

Abstract: Amendments to sections 1.151, 1.152, and 301.6109 reflect changes to the law made by the Working Families Tax Relief Act of 2004 (Public Law 108-311) and the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Pub. L. 110-351).

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1.151-1 (Revised); 26 CFR 1.151-2 (Revised); 26 CFR 1.151-3 (Revised); 26 CFR 1.151-4 (Revised); 26 CFR 1.152-0 (New); 26 CFR 1.152-1 (Revised); 26 CFR 1.152-2 (Revised); 26 CFR 1.152-3 (Revised); 26 CFR 1.152-5 (New); 26 CFR 1.152-6 (New); 26 CFR 301.6109-3 (Revised) (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 151; 26 USC 152; 26 USC 6109; 26 USC 7805

Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Energy Affected: No

Agency Contact: Christina M. Glendening

Attorney
Department of the Treasury
Internal Revenue Service
Room 4241 1111 Constitution Avenue NW
Washington, DC 20224
Phone: 202 622-4920
Department of the Treasury (TREAS)
Internal Revenue Service (IRS)  

**Title:** Claims for Refund  
**Abstract:** The proposed regulations update section 301.6402-2(a) to reflect proper place for filing claims for refund or credit and to make other technical corrections in sections 6402-2(c); 6402-3(b); and 6402-4.

**Priority:** Info./Admin./Other  
**Agenda Stage of Rulemaking:** Proposed Rule  
**Unfunded Mandates:** Undetermined  
**CFR Citation:** 26 CFR 301.6402-2; 26 CFR 301.6402-3; 26 CFR 301.6402-4 (To search for a specific CFR, visit the Code of Federal Regulations.)  
**Legal Authority:** 26 USC 6402; 26 USC 6405; 26 USC 7805  
**Legal Deadline:** None  

**Timetable:**

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**Additional Information:** REG-137128-08 Drafting attorney: Micah A. Levy (202) 622-4137 Reviewing attorney: Joseph W. Clark (202) 622-3724 CC: PA: Branch 4

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No  
**Small Entities Affected:** No  
**Energy Affected:** No  
**Agency Contact:** Micah A. Levy  
Attorney  
Department of the Treasury  
Internal Revenue Service  
1111 Constitution Avenue NW Room 5568W  
Washington, DC 20224  
Phone: 202 622-4137  
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)  

**Title:** Reporting Deferred Vested Benefits Under Section 6057  
**Abstract:** Since Employee Retirement Income Security Act of 1974 (ERISA), pension plans have used Schedule SSA of the Form 5500 to report participants who separate from service with deferred vested benefits. For plan years which begin after December 31, 2008, the Department of Labor will require that the Form 5500 and its schedules be filed electronically. The Department of Labor's mandated electronic filing requirement can only be for information which is within the Department of Labor's annual reporting jurisdiction. The information required under section 6057 of the Code is not in Title I of ERISA and therefore not covered by the Department of Labor's annual reporting requirements. Currently, the information collected under 6057 is not subject to an electronic filing mandate. Consequently, the Schedule SSA can no longer be filed as part of the Form 5500. Therefore, it is necessary for the Service to develop a new means of satisfying the requirement of section 6057. The Service has chosen to develop a new Form SSA which will require much of the same information as the Schedule SSA that was filed with the Form 5500 for plan years beginning before January 1, 2009. The regulations under section 6057 are being amended to provide guidance on the requirement that the Form SSA be filed in place of the Schedule SSA.

**Regulations.gov** Monday, May 11, 2009 Unified Agenda
Title: Application of Section 367 to a Section 351 Exchange Resulting From a Transaction Described in Section 304(a)(1); Treatment of Gain Recognized Under Section 301(c)(3) for Purposes of Section 1248
Abstract: This regulation will address updates to regulations under sections 367 and 1248.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule
Major: Undetermined
Unfunded Mandates: No
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 7805
Legal Deadline: None

Timetable:

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Additional Information: REG-147636-08 Drafting Attorney: Sean W. Mullaney (202) 622-3860 Reviewing Attorney: John Merrick (202) 622-3810 CC:INTL

Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Small Entities Affected: No
Federalism: No
Energy Affected: No
Related RINs: Related to 1545-BI42
Agency Contact: Sean W. Mullaney
Withdrawal of EE-12-92

Withdrawal of proposed regulations under section 6205 published in 1992 (57 FR 58423), but never finalized. The relevant provisions of the proposed regulations were finalized in TD 9405 in 2008.

Title: Withdrawal of EE-12-92

Abstract: Withdrawal of proposed regulations under section 6205 published in 1992 (57 FR 58423), but never finalized. The relevant provisions of the proposed regulations were finalized in TD 9405 in 2008.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: None (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 6205; 26 USC 7805

Legal Deadline: None

Timetable:

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Additional Information: REG-148401-08 Drafting attorney: Ligeia M. Donis (202) 622-0047 Reviewing attorney: Janine Cook (202) 622-0047 CC: TEGE

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1545-BG50

Agency Contact: Ligeia M. Donis
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E-Mail: ligeia.m.donis@irs.counsel.treas.gov

Definition of Omission From Gross Income

Amendments to sections 301.6501(e)-1 and 301.6229(c)(2)-1 define the meaning of omission from gross income triggering a six year statute of limitations.

Title: Definition of Omission From Gross Income

Abstract: Amendments to sections 301.6501(e)-1 and 301.6229(c)(2)-1 define the meaning of omission from gross income triggering a six year statute of limitations.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule
**Title**: Methods To Determine Taxable Income in Connection with a Cost Sharing Arrangement  

**Abstract**: These proposed regulations will provide additional guidance on cost sharing arrangements under section 482.

**Priority**: Substantive, Nonsignificant  
**Agenda Stage of Rulemaking**: Proposed Rule

---

**Title**: Methods To Determine Taxable Income in Connection with a Cost Sharing Arrangement  

**Abstract**: These proposed regulations will provide additional guidance on cost sharing arrangements under section 482.

**Priority**: Substantive, Nonsignificant  
**Agenda Stage of Rulemaking**: Proposed Rule

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**Abstract**: These proposed regulations will provide additional guidance on cost sharing arrangements under section 482.

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**Agenda Stage of Rulemaking**: Proposed Rule

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**Agenda Stage of Rulemaking**: Proposed Rule

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**Agenda Stage of Rulemaking**: Proposed Rule

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**Abstract**: These proposed regulations will provide additional guidance on cost sharing arrangements under section 482.

**Priority**: Substantive, Nonsignificant  
**Agenda Stage of Rulemaking**: Proposed Rule

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### Certain Changes in Percentage Ownership Attributable to Fluctuations in Value

**Abstract:** Section 382(l)(3)(C) provides that, except as provided in regulations, any change in proportionate ownership which is attributable solely to fluctuations in the relative fair market values of different classes of stock shall not be taken into account. This project sets forth regulations dealing with the treatment of changes in proportionate ownership attributable to fluctuations in the relative fair market values of different classes of stock.

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<td>CFR Citation:</td>
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<td>Legal Authority:</td>
<td>26 USC 382(l)(3)(C); 26 USC 382(m); 26 USC 7805</td>
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<td>Legal Deadline:</td>
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#### Timetable:

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### Accounting for Redemptions of Trading Stamps and Coupons

**Abstract:** These proposed regulations provide guidance regarding the application of section 1.451-4 to customer loyalty programs involving trading stamps and premium coupons.

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<td>Proposed Rule</td>
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</table>
**Title:** Information Reporting for Payments Made in Settlement of Payment Card and Third Party Network Transactions

**Abstract:** Publication of proposed rulemaking relates to information returns of payments made in settlement of payment card and third party network transactions.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**法制影响:** No

**Agency Contact:**

Barbara M. Pettoni
Attorney
Department of the Treasury
Internal Revenue Service
1111 Constitution Avenue NW Room 5541
Washington, DC 20224

**FR Cite:** 26 CFR 1

**Effective Date:** None

**Legal Authority:** 26 USC 6050W; 26 USC 7805

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Federalism:** No

**Energy Affected:** No

**Small Entities Affected:** No

**Regulations.gov**

Monday, May 11, 2009

Unified Agenda

206
Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  

Title: Setting the Due Date for Filing the Return for Tax Under Section 2801  
Abstract: The purpose of this proposed regulatory action is to provide regulations to establish the due date for filing the tax return for the tax due under section 2801 of the Internal Revenue Code.  

Priority: Substantive, Nonsignificant  
Major: No  
Unfunded Mandates: Undetermined  
CFR Citation: Not Yet Determined  
Legal Authority: 26 USC 6011; 26 USC 6075; 26 USC 7805  
Legal Deadline: None  

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Additional Information: REG-139405-08 Drafting attorney: Timothy S. Sheppard (202) 622-4910 Reviewing attorney: James C. Gibbons (202) 622-4910 CC: PA: Branch 1

Regulatory Flexibility Analysis Required: No  
Small Entities Affected: No  
Energy Affected: No  
Agency Contact: Timothy S. Sheppard, Attorney  
Department of the Treasury  
Internal Revenue Service  
1111 Constitution Avenue NW Room 5043  
Washington, DC 20224  
Phone: 202 622-4910  
FAX: 202 927-9248  
E-Mail: timothy.s.sheppard@irscounsel.treas.gov

Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  

Title: Employer Contributions to Health Savings Accounts  
Abstract: Proposed regulations provide guidance on the interaction between the section 4980G comparability rules and section 125 nondiscrimination rules in instances where not all of the employer's employees contribute to a Health Saving Account (HSA) through a cafeteria plan.  

Priority: Substantive, Nonsignificant  
Major: No  
Unfunded Mandates: Undetermined  
CFR Citation: 26 CFR 54  
Legal Authority: 26 USC 125; 26 USC 4980G; 26 USC 7805  
Legal Deadline: None
Title: Research Credit IIIA (IUS)
Abstract: These regulations relate to the treatment of software that is developed by (or for the benefit of) a taxpayer primarily for the taxpayer's internal use under section 41(d)(4)(E) of the Internal Revenue Code.
Priority: Substantive, Nonsignificant
Agency Contact: Mireille Khoury
Department of the Treasury
Internal Revenue Service
1111 Constitution Avenue NW Room 4409
Washington, DC 20224
Phone: 202 622-6080
E-Mail: mireille.khoury@irs.counsel.treas.gov

Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Small Entities Affected: No
Federalism: No
Energy Affected: No

Department of the Treasury (TREAS)
Internal Revenue Service (IRS)
RIN: 1545-BI54

View Related Documents
Internal Revenue Service (IRS)

**Title:** Additional Rules Regarding Pension Plan Funding and Benefit Restrictions

**Abstract:** Additional guidance regards the determination of plan assets and benefit liabilities for purposes of the funding requirements that apply to single employer defined benefit plans, the use of certain funding balances maintained for those plans, and the benefit restrictions for certain underfunded defined benefit pension plans.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** Undetermined

**Unfunded Mandates:** Undetermined

**CFR Citation:** 26 CFR 1.430(d)-1; 26 CFR 1.430(f)-1; 26 CFR 1.430(g)-1; 26 CFR 1.430(i)-1; 26 CFR 1.436-1 (To search for a specific CFR, visit the Code of Federal Regulations.)

**Legal Authority:** 26 USC 7805

**Legal Deadline:** None

**Timetable:**

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**Additional Information:** REG-105927-09 Drafting attorney: Michael P. Brewer (202) 622-9645 Reviewing attorney: Lauson C. Green (202) 622-6090 CC: TEGE

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Federalism:** No

**Agency Contact:** Michael P. Brewer
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1111 Constitution Avenue NW Room 4109
Washington, DC 20224
Phone: 202 622-9645
FAX: 202 927-1851
E-Mail: michael.p.brewer@irscounsel.treas.gov

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Department of the Treasury (TREAS)

Internal Revenue Service (IRS)

**Title:** Capitalization of Sales-Based Royalties Under Section 263A

**Abstract:** This proposed rulemaking will request information and invite comments from the public on issues relating to the regulations under section 263A as they apply to sales-based royalty costs incurred by producers and resellers.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** Undetermined

**CFR Citation:** 26 CFR 1.263A-1; 26 CFR 1.263A-2 (To search for a specific CFR, visit the Code of Federal Regulations.)

**Legal Authority:** 26 USC 263A; 26 USC 7805

**Legal Deadline:** None

**Timetable:**

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**Additional Information:** REG-149335-08 Drafting attorney: John R. Faron (202) 622-4930 Reviewing attorney: Martin Scully, Jr. (202) 622-4970 Treasury attorney: Brandon Carlton (202) 622-6865 CC: ITA
Regulatory Flexibility Analysis Required: No  Government Levels Affected: No
Federalism: No
Energy Affected: No
Agency Contact: John Roman Faron
General Attorney (Tax)
Department of the Treasury
Internal Revenue Service
1111 Constitution Avenue NW Room 4409
Washington, DC 20224
Phone: 202 622-4930
FAX: 202 622-0735
E-Mail: john.r.faron@irscounsel.treas.gov

Department of the Treasury (TREAS)
Internal Revenue Service (IRS)  RIN: 1545-BI58

Title: Regulations Governing Joint Returns After Death by a Surviving Spouse
Abstract: As proposed regulations clarifying that, if the conditions in section 1.6013-1(d)(3) are satisfied, a surviving spouse can file joint returns on behalf of the surviving spouse and the decedent only for the year of death and for the year immediately preceding the year of death if the death occurs before the due date of the decedent's return for the preceding year.

Priority: Substantive, Nonsignificant  Agenda Stage of Rulemaking: Proposed Rule
Major: No  Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 1  (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No  Government Levels Affected: No
Federalism: No
Energy Affected: No
Agency Contact: Grace H. Kim
Attorney
Department of the Treasury
Internal Revenue Service
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)  RIN: 1545-BI67

Title: Proposed Regulation Prescribing The Form in Which Individuals Must Certify That They Qualify for Reduced Estimated
Tax Payments for 2009 Under Amended Section 6654(d)

Abstract: The American Recovery and Reinvestment Act of 2009 amended 26 USC 6654(d) by decreasing the required annual payment for “qualified individuals” in the 2009 tax year. In order to qualify for the decreased payments in 2009, an individual must: (1) report gross income for preceding taxable year of less than $500,000; and (2) certify that more than 50% of the gross income shown on the return was income from a small business. The proposed regulation will prescribe the form, manner, and filing date of the certification.

Priority: Substantive, Nonsignificant
Major: No
Agenda Stage of Rulemaking: Proposed Rule
Unfunded Mandates: Undetermined
CFR Citation: 26 CFR 301 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 6654; 26 USC 7805; PL 111-5, sec 1212, American Recovery and Reinvestment Act of 2009
Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis
Required: Undetermined
Federalism: No
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Income Tax--Definition of Qualified Possession Source Investment Income for Purposes of Puerto Rico and Possession Tax Credit
Abstract: This regulation will provide rules with respect to what constitutes qualified possession source investment income for purposes of the Puerto Rico and possession tax credit.

Priority: Substantive, Nonsignificant
Major: No
Agenda Stage of Rulemaking: Final Rule
Unfunded Mandates: No
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805; 26 USC 936
Legal Deadline: None

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Title: FSC Transfer Pricing Rules, Distributions, Dividends Received, Deduction, and Other Special Rules for FSC
Abstract: The regulations provide rules for application of the FSC (Foreign Sales Corporation) transfer pricing rules, distributions, dividends received, deductions, and other special FSC provisions.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Final Rule
Major: No
Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 7805; 26 USC 925; 26 USC 927
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Energy Affected: No
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)
RIN: 1545-AJ93

Title: Information From Passport and Immigration Applicants
Abstract: The regulation will prescribe under section 6039E the information to be gathered by the State Department and
Immigration and Naturalization Service on passport and green card applicants and the penalties to be imposed on such applicants if they do not supply the information.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Final Rule  
**Major:** No  
**Unfunded Mandates:** No  
**CFR Citation:** 26 CFR 301 (To search for a specific CFR, visit the [Code of Federal Regulations](https://www.govinfo.gov/afr/code))  
**Legal Authority:** 26 USC 7805; 26 USC 6039E  
**Legal Deadline:** None  

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**Additional Information:** REG-208274-86 (INTL-978-86) Drafting attorney: Quyen Huynh (202) 622-3880 Reviewing attorney: Elizabeth U. Karzon (202) 622-3880 CC: INTL  

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No  
**Small Entities Affected:** No  
**Federalism:** No  

**Title:** Foreign Corporations  
**Abstract:** The income tax regulations under section 367 will be amended to reflect the changes made to that section by the Tax Reform Act of 1984. Section 367 now provides generally that a foreign corporation will not be considered to be a corporation, for purposes of certain nonrecognition provisions of the Internal Revenue Code (Code), upon the transfer of property to such corporation by a U.S. person. The statute provides certain exceptions to that rule, exemptions to those exceptions, and special rules applicable to certain specified transfers. The regulations will provide guidance concerning the applicability of the general rule and its exceptions and special rules, including guidance concerning transfers of assets for use in the active conduct of a trade or business, stock transfers, transfers of intangible assets, and transfers of branch operations that have operated at a loss.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Final Rule  
**Major:** No  
**Unfunded Mandates:** No  
**CFR Citation:** 26 CFR 1 (To search for a specific CFR, visit the [Code of Federal Regulations](https://www.govinfo.gov/afr/code))  
**Legal Authority:** 26 USC 7805; 26 USC 367  
**Legal Deadline:** None  

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**Additional Information:** REG-209042-86 (INTL-610-86) Drafting attorney: Sean W. Mullaney (202) 622-3860 Reviewing
Title: Nonrecognition of Corporate Distributions and Reorganizations Under the Foreign Investment in Real Property Tax Act

Abstract: These regulations will provide rules concerning the effect of certain distributions including dividends, redemptions, distributions pursuant to reorganizations, and liquidations on corporations and their shareholders under the Foreign Investment in Real Property Tax Act. The regulations will also provide rules for determining the extent to which nonrecognition would apply to certain transfers of real property interests and the extent to which certain reorganizations will be treated as sales of property at fair market value.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 897

Legal Deadline: None

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Title: Computation of a Branch’s Taxable Income; Taxation of Exchange Gain or Loss on Branch Remittances
Abstract: This regulation relates to branch rules and how to translate branch income, and the taxation of exchange gain or loss on branch remittances.
Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Final Rule
Major: No
Unfunded Mandates: No
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805
Legal Deadline: None

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Additional Information: REG-208270-86 (INTL-965-86) Drafting attorney: Sheila Ramaswamy (202) 622-3870 Reviewing attorney: Jeffrey Dorfman (202) 622-3870 CC: INTL

Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Small Entities Affected: No
Federalism: No
Energy Affected: No
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Title: Earnings and Profits of Controlled Foreign Corporations
Abstract: This regulation will develop procedures for foreign corporations, or U.S. shareholders, to make tax elections in computing functional currency earnings and profits under the 1986 Internal Revenue Code.
Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Final Rule
Major: No
Unfunded Mandates: No
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805; 26 USC 964
Legal Deadline: None

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Title: Outbound Transfers of Property to Foreign Corporations

Abstract: The income tax regulations under section 367(a) will be amended to reflect the changes made to that section by the Technical and Miscellaneous Corrections Act of 1988. Section 367(a)(5) now provides that a transfer of assets to a foreign corporation in an exchange described in section 361 is subject to section 367(a)(1), unless certain ownership requirements and other conditions are met. The regulations will provide guidance regarding the application of this section. The change in the statute was necessitated by the repeal of "General Utilities."

Priority: Substantive, Nonsignificant

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Energy Affected: No

Department of the Treasury (TREAS)
Internal Revenue Service (IRS)  
RIN: 1545-AM97

CFR Citation: 26 CFR 1  
Legal Authority: 26 USC 7805; 26 USC 367
Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Energy Affected: No

Agency Contact: Sean W. Mullaney
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Title: Earnings Stripping Payments
Abstract: This regulation addresses the deductibility of interest under section 163 being limited when paid by a corporation to related persons not subject to U.S. tax.

Priority: Substantive, Nonsignificant
Major: No
Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Small Entities Affected: No
Federalism: No

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Title: Registration Required Obligations
Abstract: This regulation will finalize all outstanding proposed regulations under section 1.163-1(b)(2) relating to interest deduction in general.

Priority: Substantive, Nonsignificant
Major: No
Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805; 26 USC 165
Legal Deadline: None

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Mark-to-Market Upon Disposition

The regulations address the relationship between mark-to-market accounting and accrual of stated interest, discount and premium, and between mark-to-market accounting and the tax treatment of bad debts. The regulations also provide that securities are to be marked to market upon disposition by a dealer and the exemption from marking to market in certain securitization transactions.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

**Legal Authority:** 26 USC 7805; 26 USC 475

**Legal Deadline:** None

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Title:  Straddles--Miscellaneous Issues

Abstract:  This regulation clarifies the circumstances in which common stock may be personal property for purposes of section 1092.

Priority:  Substantive, Nonsignificant  
Agenda Stage of Rulemaking:  Final Rule  

Major:  No  
Unfunded Mandates:  No  

CFR Citation:  26 CFR 1  (To search for a specific CFR, visit the Code of Federal Regulations.)  
Legal Authority:  26 USC 7805; 26 USC 1092  
Legal Deadline:  None  

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Additional Information:  REG-209768-95 (FI-21-95) Drafting attorney: Mary J. Brewer (202) 622-3960 Reviewing attorney: Christina A. Morrison (202) 622-3950 Treasury attorney: Michael Novey (202) 622-1339 CC: FIP  

Regulatory Flexibility Analysis Required:  No  
Government Levels Affected:  No  

Small Entities Affected:  No  
Federalism:  No  

Energy Affected:  No  

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Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  
RIN:  1545-AT82  

Title:  Allocation of Accrued Benefits Between Employer and Employee Contributions  

Abstract:  This regulation modifies section 1.411(c)-1 providing guidance on calculation of an employee's accrued benefit derived from the employee's contributions to a qualified defined benefit pension plan.

Priority:  Substantive, Nonsignificant  
Agenda Stage of Rulemaking:  Final Rule  

Major:  No  
Unfunded Mandates:  No  

CFR Citation:  26 CFR 1  (To search for a specific CFR, visit the Code of Federal Regulations.)  
Legal Authority:  26 USC 7805  
Legal Deadline:  None  

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Additional Information:  REG-209784-95 (EE-35-95) Drafting attorney: Cathy V. Pastor (202) 622-6090 Reviewing attorney: Janet A. Laufer (202) 622-6090 CC: TEGE
Regulatory Flexibility Analysis Required: No  
Government Levels Affected: No  
Small Entities Affected: No  
Federalism: No  
Energy Affected: No  

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Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  
RIN: 1545-AU49  

Title: Recomputation of Life Insurance Reserves  
Abstract: These regulations will permit recomputation of life insurance reserves that were not originally computed according to the requirements of section 816(b)(1)(A).  
Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Final Rule  
Major: No  
Unfunded Mandates: No  
CFR Citation: 26 CFR 1  
Legal Authority: 26 USC 7805; 26 USC 816  
Legal Deadline: None  

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Regulatory Flexibility Analysis Required: No  
Government Levels Affected: No  
Small Entities Affected: No  
Federalism: No  
Energy Affected: No  

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Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  
RIN: 1545-AU97  

Title: Agreements for Payment of Tax Liabilities in Installments
Abstract: Section 6159 of the Internal Revenue Code allows the IRS to enter into agreements with taxpayers for the payment of tax liabilities in installments. The principal purpose of this project is to update the regulations under section 6159 to reflect various amendments to that section and related statutes. The proposed regulations govern the acceptance and rejection of installment agreements, the terms of those agreements and when they may be modified or terminated by the IRS, and appeal procedures when the IRS makes a rejection or termination decision.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Final Rule
Major: No
Unfunded Mandates: No

CFR Citation: 26 CFR 301 (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 6159; 26 USC 7805
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Small Entities Affected: No
Federalism: No
Energy Affected: No

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Title: Electronic Transmission of Withholding Certificates
Abstract: This regulation provides guidance for the electronic transmission of withholding certificates.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Final Rule
Major: No
Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 7805; 26 USC 6061; 26 USC 1441
Legal Deadline: None

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Title: Mark-to-Market Accounting for Dealers in Commodities and Traders in Securities and Commodities

Abstract: This regulation provides guidance concerning mark-to-market accounting for securities traders and commodities dealers and traders.

Priority: Substantive, Nonsignificant

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Title: Stocks and Securities Safe Harbor Exception

Abstract: This regulation clarifies and updates the safe harbor that one is not engaged in a trade or business as a result of trading in stocks and securities. The amendment will provide additional guidance regarding the definitions of stocks and securities.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Final Rule

Major: No  
Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805

Legal Deadline: None

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Additional Information: REG-106031-98 Drafting attorney: Paul S. Epstein (202) 622-3870 CC: INTL

Regulatory Flexibility Analysis Required: No  
Government Levels Affected: No

Small Entities Affected: No  
Federalism: No

Energy Affected: No

Agency Contact: Paul S. Epstein
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Washington, DC 20224
Phone: 202 622-3870

Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Allocation and Apportionment of Interest Expense and Certain Other Expenses

Abstract: These regulations provide rules for the allocation and apportionment of interest expenses and certain other expenses for purposes of the foreign tax credit and certain other international tax provisions.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Final Rule

Major: No  
Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 864

Legal Deadline: None

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Additional Information: REG-117608-99 Drafting attorney: Jeffrey L. Parry (202) 622-3850 Reviewing attorney: Anne O. Devereaux (202) 622-3850 CC: INTL

Regulatory Flexibility Analysis Required: No  
Government Levels Affected: No
Department of the Treasury (TREAS)
Internal Revenue Service (IRS)  

**Title:** Capitalization of Interest and Carrying Charges Properly Allocable to Straddles  
**Abstract:** These regulations will clarify the types of payments that may be "interest" or "carrying charges" subject to 26 U.S.C. 263(g), clarify the operation of the capitalization rules of 26 U.S.C. 263(g), and also clarify what constitutes "positions" and "losses" subject to 26 U.S.C. 1092.  
**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Final Rule  
**Major:** No  
**Unfunded Mandates:** No  
**CFR Citation:** 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)  
**Legal Authority:** 26 USC 7805; 26 USC 263; 26 USC 1092  
**Legal Deadline:** None  

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**Additional Information:** REG-105801-00 Drafting attorney: Mary J. Brewer (202) 622-3960 Reviewing attorney: Christina A. Morrison (202) 622-3960 Treasury attorney: Michael Novey (202) 622-1399 CC: FIP  

Department of the Treasury (TREAS)
Internal Revenue Service (IRS)  

**Title:** Previously Taxed Earnings and Profits Under Subpart F  
**Abstract:** This regulation will address the determination of previously taxed earnings and profits under subpart F.
Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Final Rule  
Major: No  
Unfunded Mandates: No  
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)  
Legal Authority: 26 USC 7805; 26 USC 959  
Legal Deadline: None  

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Additional Information: REG-121509-00 Drafting attorney: Phyllis E. Marcus (202) 622-3840 Reviewing attorney: Ethan A. Atticks (202) 622-3840 CC: INTL  
Regulatory Flexibility Analysis Required: No  
Government Levels Affected: No  
Small Entities Affected: No  
Federalism: No  
Energy Affected: No  
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Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  
RIN: 1545-BA09  

Title: Consolidated Returns; Nonapplicability of Section 357(c)  
Abstract: The regulations make amendments to section 1.1502-80(d) of the consolidated return regulations dealing with the scope of the nonapplicability of section 357(c) in a consolidated group.  

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Final Rule  
Major: No  
Unfunded Mandates: No  
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)  
Legal Authority: 26 USC 7805; 26 USC 1502  
Legal Deadline: None  

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Regulatory Flexibility Analysis Required: No  
Government Levels Affected: No  
Small Entities Affected: No  
Federalism: No  
Energy Affected: No  
Agency Contact: Thomas I. Russell
Title: Amendment to the Definition of Refunding
Abstract: This regulation will amend the definition of a refunding issue applicable to tax-exempt bonds issued by State and local governments.

Priority: Substantive, Nonsignificant
Major: No
Unfunded Mandates: No

Agenda Stage of Rulemaking: Final Rule

Department of the Treasury (TREAS)
Internal Revenue Service (IRS)
RIN: 1545-BA46

CFR Citation: 26 CFR 1.150-1 (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 7805
Legal Deadline: None

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Additional Information: REG-165706-01 Drafting attorney: Johanna Som de Cerff (202) 622-4438 CC: FIP

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Energy Affected: No
Agency Contact: Johanna Som de Cerff
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Title: Noncompensatory Partnership Options
Abstract: These regulations will describe the tax treatment of noncompensatory partnership options.

Priority: Substantive, Nonsignificant
Major: No
Unfunded Mandates: No

Department of the Treasury (TREAS)
Internal Revenue Service (IRS)
RIN: 1545-BA53

Regulations.gov  Monday, May 11, 2009  Unified Agenda

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**Title:** Guidance on Reporting of Deposit Interest Paid to Nonresident Aliens

**Abstract:** This regulation will provide guidance on the reporting requirements for interest on deposits maintained at U.S. offices of certain financial institutions and paid to nonresident aliens that are residents of certain specified countries.

**Priority:** Substantial, Nonsignificant  
**Agenda Stage of Rulemaking:** Final Rule  
**Unfunded Mandates:** No

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**CFR Citation:** 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

**Legal Authority:** 26 USC 704; 26 USC 721; 26 USC 761; 26 USC 7805; 26 USC 171; 26 USC 1272 and 1273; 26 USC 1275

**Legal Deadline:** None

---

**Additional Information:** REG-103580-02 Drafting attorney: Joy C. Spies (202) 622-3998 Reviewing attorney: Dianna K. Miosi (202) 622-3050 Treasury attorney: Steven Frost (202) 622-1788 CC: PSI

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No  
**Energy Affected:** No  
**Small Entities Affected:** No  
**Federalism:** No

---

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FAX: 202 622-3308  
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---

**Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  
RIN: 1545-BA86  
View Related Documents

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**Title:** Timely Mailing Treatment  
**Abstract:** This regulation will expressly provide that a registered or certified mail receipt is the sole means to prove delivery of a document to the Internal Revenue Service.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Final Rule  
**Major:** No  
**Unfunded Mandates:** No

**CFR Citation:** 26 CFR 301  
(To search for a specific CFR, visit the Code of Federal Regulations)

**Legal Authority:** 26 USC 7502; 26 USC 7805

**Legal Deadline:** None

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**Additional Information:** REG-138176-02 Drafting attorney: Jason A. Bremer (202) 622-4570 Reviewing attorney: Charles A. Hall (202) 622-4910 Treasury attorney: Eric San Juan (202) 622-0224 CC: PA: Branch 7

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No  
**Federalism:** No

**Small Entities Affected:** No

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---

**Title:** Toll Telephone Service--Definition  
**Abstract:** This regulation provides amendments to regulations relating to the definition of toll telephone service.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Final Rule  
**Major:** No  
**Unfunded Mandates:** No

**CFR Citation:** 26 CFR 49  
(To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 7805
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No Government Levels Affected: No Small Entities Affected: No Federalism: No

Agency Contact: Taylor Cortright Attorney Department of the Treasury Internal Revenue Service 1111 Constitution Avenue NW Room 5314 Washington, DC 20224 Phone: 202 622-3130 FAX: 202 622-4537 E-Mail: taylor.cortright@irscounsel.treas.gov

Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Mixed-Use Output Facilities
Abstract: This regulation describes rules relating to mixed-use output facilities.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Final Rule
Major: No
Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No Government Levels Affected: Local; State Small Entities Affected: No Federalism: No

Related RINs: Merge with 1545-BC07
Title: Application of Separate Limitations to Dividends From Noncontrolled Section 902 Corporation

Abstract: The American Jobs Creation Act of 2004 amended the foreign tax credit limitation rules under section 904(d) and extended lookthrough treatment to dividends paid by a 10/50 lookthrough corporation, generally effective retroactively for tax years beginning after December 31, 2002. These regulations would provide guidance needed to comply with these changes, including transition rules for dividends paid by a 10/50 lookthrough corporation.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 904(d)(6)

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1545-BF46

Agency Contact: Richard L. Chewning
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Phone: 202 622-3850

Title: Treatment of Services Under Section 482

Abstract: These final regulations amend the rules for allocation of income and deductions with respect to services between members of a group of controlled entities, pursuant to section 482.
**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Final Rule  
**Major:** No  
**Unfunded Mandates:** No  
**CFR Citation:** 26 CFR 1 (To search for a specific CFR, visit the [Code of Federal Regulations](https://www.govinfo.gov/))  
**Legal Authority:** 26 USC 7805; 26 USC 482  
**Legal Deadline:** None  

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**Additional Information:** REG-146893-02 Drafting attorney: Carol Tan (202) 435-5265 Reviewing attorney: Christopher J. Bello (202) 435-5257 Treasury attorney: David Ernick (202) 622-1754 CC: INTL  

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No  
**Small Entities Affected:** No  
**Federalism:** No  
**Energy Affected:** No  

**Agency Contact:** Carol Tan  
Attorney-Advisor  
Department of the Treasury  
Internal Revenue Service  
1111 Constitution Avenue NW  
Washington, DC 20224  
Phone: 202 435-5265

---

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Final Rule  
**Major:** No  
**Unfunded Mandates:** No  
**CFR Citation:** 26 CFR 1; 26 CFR 602 (To search for a specific CFR, visit the [Code of Federal Regulations](https://www.govinfo.gov/))  
**Legal Authority:** 26 USC 7805  
**Legal Deadline:** None  

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**Additional Information:** REG-166012-02 Drafting attorney: Anna H. Kim (202) 622-3735 Reviewing attorney: Rebecca L. Harrigal (202) 622-3449 Treasury attorney: David Shapiro (202) 622-1779 CC: FIP  

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No  
**Federalism:** No  
**Energy Affected:** No
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Predecessors or Successors Under Section 355(e)
Abstract: These regulations under section 355(e) set forth whether a transferor or a transferee of distributing or controlled assets is a predecessor or successor and related rules.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Final Rule
Major: No
Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 355; 26 USC 7805
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Small Entities Affected: No
Federalism: No
Energy Affected: No

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Title: Partnership Equity for Services
Abstract: These regulations will describe the tax treatment of partnership equity issued in connection with the performance of services.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Final Rule
Major: No
Unfunded Mandates: No
ACCURAL FOR CERTAIN REAL ESTATE MORTGAGE INVESTMENT CONDUIT (REMIC) REGULAR INTERESTS

The regulations provide guidance on the accrual of original issue discount on certain REMIC regular interests.

Title: Accrual for Certain Real Estate Mortgage Investment Conduit (REMIC) Regular Interests
Abstract: The regulations provide guidance on the accrual of original issue discount on certain REMIC regular interests.
Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Final Rule
Major: No
Unfunded Mandates: No
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 721; 26 USC 83; 26 USC 7805
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Small Entities Affected: Business
Federalism: No
Energy Affected: No

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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

RIN: 1545-BB94

View Related Documents
Title: General Allocation and Accounting Regulations

Abstract: This regulation provides rules for the allocation of and accounting for bond proceeds for purposes of determining whether bonds are private activity bonds under section 141 of the Internal Revenue Code.

Priority: Substantive, Nonsignificant

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Department of the Treasury (TREAS)
Internal Revenue Service (IRS) RIN: 1545-BC07

Title: General Allocation and Accounting Regulations

Abstract: This regulation provides rules for the allocation of and accounting for bond proceeds for purposes of determining whether bonds are private activity bonds under section 141 of the Internal Revenue Code.

Priority: Substantive, Nonsignificant

Agency Contact: Patrick E. White
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Timetable:

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Energy Affected: No

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Department of the Treasury (TREAS)
Internal Revenue Service (IRS) RIN: 1545-BC11
Title: Notarization Requirement for Statements of Purchase

Abstract: The regulations would modify the requirement that statements of purchase of qualified replacement property be notarized within 30 days of purchase.

Priority: Substantive, Nonsignificant
Major: No
Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 1042(a)(1); 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Small Entities Affected: No
Federalism: No
Energy Affected: No

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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Special Consolidated Return Rules for Interest Expense Disallowed Under Section 265(a)(2)

Abstract: The regulation will address the treatment of interest income with respect to an intercompany loan when the source of funds is borrowing from a nonmember and there is a disallowance of interest expense under section 265(a)(2).

Priority: Substantive, Nonsignificant
Major: No
Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 1502; 26 USC 7701; 26 USC 7805

Legal Deadline: None

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Additional Information: REG-128590-03 Drafting attorney: Frances L. Kelly (202) 622-7072 Reviewing attorney: Michael Wilder (202) 622-3393 CC: CORP
Title: Stewardship Expenses

Abstract: The current regulations under section 1.861-8(e)(4), titled “Stewardship Expenses Attributable to Dividends Received,” are confusing and subject to misuse by taxpayers. In conjunction with the proposed services regulations under section 482, it is proposed to revise these regulations to clarify the parameters of stewardship expenses, thereby demarcating them from shareholder activities under section 482 and supportive expenses under section 1.861T(b)(3).

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Related RINs: Related to 1545-BB31; Related to 1545-AY38

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**Department of the Treasury (TREAS)**
**Internal Revenue Service (IRS)**

RIN: 1545-BC52

View Related Documents

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Energy Affected: No

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**Department of the Treasury (TREAS)**
**Internal Revenue Service (IRS)**

RIN: 1545-BC55

View Related Documents
Title: Suspension of Running of Period of Limitation During a Proceeding To Enforce or Quash a Designated or Related Summons

Abstract: These regulations relate to the use of designated and related summonses and the effect on the period of limitations on assessment when a case is brought with respect to a designated or related summonses.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 1; 26 CFR 301 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 25 USC 6503; 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Energy Affected: No

Agency Contact: Elizabeth D. Rawlins
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---

Title: Guidance Under Section 2053 Regarding Post-Death Events

Abstract: These regulations relate to the amount deductible under section 2053(a)(3) of the Internal Revenue Code. The regulations will affect estates of decedents where claims exist against the decedent's estate.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 20 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805

Legal Deadline: None

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Additional Information: REG-143316-03 Drafting attorney: Karlene M. Lesho (202) 622-3090 Reviewing attorney: Melissa

---
Title: Qualified Zone Academy Bonds; Obligations of States and Political Subdivisions
Abstract: The regulations provide the use of proceeds to coordinate for permissible expenditure and make consistent provisions regarding determination of credit rate and maturity date. These proposed regulations provide for remedial action in case of change in use of bond proceeds. The regulations also implement the arbitrage and reporting requirements.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Final Rule
Major: No
Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: Governmental Jurisdictions
Energy Affected: No

Public Comment URL: www.regulations.gov (See IRS REG-121475-03)
Related RINs: Related to 1545-BG44
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**Department of the Treasury (TREAS)\nInternal Revenue Service (IRS)\n**

**RIN:** 1545-BC94

**Title:** Guidance Regarding the Active Trade or Business Requirement Under Section 355(b)  
**Abstract:** The proposed rulemaking will provide guidance regarding the active trade or business requirement under section 355(b).

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Final Rule  
**Major:** No  
**Unfunded Mandates:** No  
**CFR Citation:** 26 CFR 1.355-3 (To search for a specific CFR, visit the [Code of Federal Regulations](https://www.usa.gov/code-of-federal-regulations))  
**Legal Authority:** 26 USC 7805  
**Legal Deadline:** None  

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**Additional Information:** REG-123365-03 Drafting attorney: Russell P. Subin (202) 622-7790 Reviewing attorney: Stephen P. Fattman (202) 622-7700 Treasury attorney: Donald Bakke (202) 622-0865 CC: CORP

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No  
**Small Entities Affected:** No  
**Energy Affected:** No  

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**Department of the Treasury (TREAS)\nInternal Revenue Service (IRS)\n**

**RIN:** 1545-BD04

**Title:** Solid Waste Disposal Facilities  
**Abstract:** This regulation will modify the definition of "solid waste disposal facility" for purposes of section 142(a)(6) of the Internal Revenue Code.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Final Rule  
**Major:** No  
**Unfunded Mandates:** No  
**CFR Citation:** 26 CFR 1 (To search for a specific CFR, visit the [Code of Federal Regulations](https://www.usa.gov/code-of-federal-regulations))  
**Legal Authority:** 26 USC 142; 26 USC 7805  
**Legal Deadline:** None  

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Title: Public Inspection of Written Determinations Under Section 6110 of the Internal Revenue Code (Temporary)

Abstract: These temporary regulations will replace and update the existing regulation to include procedures for the public availability of Chief Counsel advice. The regulations also reflect changes to the organizational structure of the Internal Revenue Service and Office of Chief Counsel, changes to the Code, and technological advances related to the electronic availability of Internal Revenue Service documents to the public.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 301 (To search for a specific CFR, visit the [Code of Federal Regulations](https://www.cfr.gov/))

Legal Authority: 26 USC 7805

Legal Deadline: None

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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

RIN: 1545-BD20

Title: Section 42 Qualified Contract Provisions
Abstract: This proposed regulation under sections 42(h)(6)(F) and 42(h)(6)(K) will provide guidance for provisions relating to qualified contracts.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Final Rule
Major: No
Unfunded Mandates: No
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 42; 26 USC 7805
Legal Deadline: None

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Small Entities Affected: No
Government Levels Affected: State
Energy Affected: No

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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

RIN: 1545-BD32

Title: Coordination of United States and Certain Possessions Income Taxes (Temporary)
Abstract: Internal Revenue Code section 7654 contains provisions for coordination of U.S. and certain possessions income taxes. Specifically, section 7654 provides for "cover over" of the net collection of taxes imposed under chapter 1 or deducted and withheld under chapter 24. Section 7654 of the Internal Revenue Code of 1986 provides specific rules for cover over with regard to the possessions American Samoa and the U.S. Virgin Islands. Section 7654 of the 1954 Code, as amended in 1972 by Public Law 92-606, provides specific rules for cover over with regard to the possessions Guam and the Northern Mariana Islands (NMI). Section 7654 of the 1954 Code remains applicable to Guam and the NMI because neither of these two possessions has an effective implementing agreement with the United States, in accordance with the Tax Reform Act of 1986, Public Law 99-514. The regulations will provide rules under both the 1954 Code and the 1986 Code versions of section 7654.
Title: HIPAA Portability: Special Enrollment Procedures, Tolling, and Interaction With FMLA

Abstract: These regulations enhance the existing HIPAA portability regulations by tolling the running of certain time periods in certain circumstances, clarifying the procedures for requesting special enrollment, addressing how the HIPAA portability requirements apply to individuals taking leave under the Family and Medical Leave Act of 1993, and prescribing how to count the number of employees an employer has.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Final Rule

Major: No  
Unfunded Mandates: No

CFR Citation: 26 CFR 54 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 9833

Legal Deadline: None

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Additional Information: REG-130370-04 Drafting attorney: Russell E. Weinheimer (202) 622-6080 Reviewing attorney: Kevin Knopf (202) 622-2329 CC: TEGE

Regulatory Flexibility Analysis Required: No  
Government Levels Affected: No

Small Entities Affected: No  
Federalism: No

Energy Affected: No

Related RINs: Related to 1545-AW02; Related to 1545-
Ax84

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**Title:** Declaratory Judgment--Gift Tax Value  
**Abstract:** Proposed regulations relating to the redetermination of value of certain gifts in a declaratory judgment action.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Final Rule  
**Major:** No  
**Unfunded Mandates:** No  
**CFR Citation:** 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)  
**Legal Authority:** 26 USC 7477; 26 USC 7805  
**Legal Deadline:** None

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**Additional Information:** REG-143716-04 Drafting attorney: Juli Ro Kim (202) 622-3090  
Reviewing attorney: George L. Masnik (202) 622-3090  
Treasury attorney: Catherine Hughes (202) 622-9407  
CC: PSI

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** Undetermined  
**Small Entities Affected:** No  
**Federalism:** Undetermined

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**Title:** Update and Revision of Treasury Regulation Sections 1.381(c)(4) and (5)-1  
**Abstract:** The final regulations will continue to focus on how to determine the principal accounting method; how taxpayers will procedurally change their accounting methods when they're not permitted to use or prefer not to use the principal accounting method; how taxpayers will reflect the difference in computing taxable income when they change their accounting methods;
reconciling Treasury Regulation section 1.381(c)(4) language, terms, and conditions with Treasury Regulation section 1.381(c)(5); and reordering, simplifying, and indexing Treasury Regulation sections 1.381 (c)(4) and (5).

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 26 CFR 1 (To search for a specific CFR, visit the [Code of Federal Regulations](https://www.codeoffederalregulations.gov/))

**Legal Authority:** 26 USC 381(c)(4) and 381(c)(5); 26 USC 7805

**Legal Deadline:** None

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**Additional Information:** REG-151884-03 Drafting attorney: Cheryl L. Oseekey (202) 622-4970 Reviewing attorney: Roy A. Hirschhorn (202) 622-4970 Treasury attorney: Eric Lucas (202) 622-0869 CC: ITA

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Agency Contact:** Cheryl L. Oseekey
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Phone: 202 622-4970

---

**Title:** Employer's Annual Federal Employment Tax Return--Form 944

**Abstract:** This regulation will amend sections 31.6011(a)-4 of the Withholding Taxes Regulations to allow the filing of Form 944, "Employer's Annual Federal Employment Tax Return," for employers selected by the IRS to participate in the Employer's 941 Annual Employment Tax Return Program.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 26 CFR 31 (To search for a specific CFR, visit the [Code of Federal Regulations](https://www.codeoffederalregulations.gov/))

**Legal Authority:** 26 USC 6011; 26 USC 7805

**Legal Deadline:** None

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**Additional Information:** REG-148568-04 Drafting attorney: Audra M. Dineen (202) 622-4910 Reviewing attorney: James C. Gibbons (202) 622-4910 CC: PA: Branch 1
Title: Dye Injection of Diesel Fuel and Kerosene

Abstract: The regulations relate to the diesel fuel and kerosene excise tax and reflect changes made by the American Jobs Creation Act of 2004 (Act) regarding mechanical dye injection systems. Under the Act, diesel fuel and kerosene that are to be used in a nontaxable use must be indelibly dyed by use of a mechanical dye injection system that satisfies the requirements set forth in the regulations. The purpose of the regulations is to establish standards for tamper-resistant mechanical injector dyeing that are reasonable, cost-effective, and set levels of security commensurate with the applicable facility.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Final Rule
Major: No
Unfunded Mandates: No
CFR Citation: 26 CFR 48 (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 7805
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Federalism: No

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Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  

RIN: 1545-BE07

Title: Application of Section 6404(g) Suspension Provisions

Abstract: This proposed regulation is meant to clarify the types of cases in which interest and penalties are suspended for the IRS's failure to issue a notice alerting taxpayers of their liability and the basis therefore within the statutory period.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Final Rule

Major: No  
Unfunded Mandates: No

CFR Citation: 26 CFR 301 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 7805

Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis Required: No  
Government Levels Affected: No

Small Entities Affected: No  
Federalism: No

Energy Affected: No

Related RINs: Related to 1545-BG64; Related to 1545-BG75

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---

Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  

RIN: 1545-BE13

Title: Circular 230--Covered Opinion Amendments

Abstract: These regulations propose amendments to the standards for tax opinions related to municipal bonds.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Final Rule

Major: No  
Unfunded Mandates: No

CFR Citation: 31 CFR 10 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 31 USC 330; 26 USC 7805

Legal Deadline: None

Timetable:
Title: Capitalization of Amounts Paid To Repair or Improve Tangible Property

Abstract: This regulation will clarify the extent to which taxpayers must capitalize expenditures to repair, improve, or rehabilitate tangible property.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805

Legal Deadline: None

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Additional Information: REG-168745-03 Drafting attorney: Merrill D. Feldstein (202) 622-4950 Treasury attorney: Brandon Carlton (202) 622-6865 CC: ITA

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Merrill D. Feldstein
Senior Counsel
Department of the Treasury
Internal Revenue Service
### Department of the Treasury (TREAS)  
**Internal Revenue Service (IRS)**  
**RIN:** 1545-BE23

**Title:** Farmer and Fisherman Income Averaging Under the American Jobs Creation Act of 2004 (AJCA)

**Abstract:** The project will amend the farm income averaging regulations under section 1.1301-1 to include the concept of fishing business.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Final Rule

**Major:** No  
**Unfunded Mandates:** No

**CFR Citation:** 26 CFR 1 (To search for a specific CFR, visit the [Code of Federal Regulations](https://www.regulations.gov))

**Legal Authority:** 26 USC 1301; 26 USC 7805  
**Legal Deadline:** None

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**Additional Information:** REG-161695-04 Drafting attorney: Erika C. Reigle (202) 622-4950 Reviewing attorney: Christopher F. Kane (202) 622-4950 Treasury attorney: John Parcell (202) 622-2578 CC: ITA

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No

**Federalism:** No

**Related RINs:** Related to 1545-BE39

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---

### Department of the Treasury (TREAS)  
**Internal Revenue Service (IRS)**  
**RIN:** 1545-BE58

**Title:** Limitation on Transfer of Built-In Losses

**Abstract:** This regulation will provide guidance for applying 26 U.S.C. 362(e)(2), relating to the limitation on transfer of built-in losses.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Final Rule

**Major:** No  
**Unfunded Mandates:** No

**CFR Citation:** 26 CFR 1.362-1 (To search for a specific CFR, visit the [Code of Federal Regulations](https://www.regulations.gov))
**Legal Authority:** 26 USC 362(e); 26 USC 7805  
**Legal Deadline:** None

**Timetable:**

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**Additional Information:** REG-110405-05 Drafting attorney: Jean R. Brenner (202) 622-4732 Reviewing attorney: Theresa A. Abell (202) 622-4117 Treasury attorney: Donald Bakke (202) 622-0865 CC: CORP

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No  
**Small Entities Affected:** No  
**Federalism:** No  
**Energy Affected:** No

**Agency Contact:** Jean R. Brenner  
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---

**Department of the Treasury (TREAS)**  
**Internal Revenue Service (IRS)**  
**RIN:** 1545-BE73  

**Title:** Information Reporting on Real Estate Transactions  
**Abstract:** This regulation amends 26 CFR section 1.6045-4 of the Income Tax Regulations by providing that a sale or exchange of an interest in timber for an outright or a lump sum amount is subject to information reporting under 26 U.S.C. section 6045(e).

**Priority:** Info./Admin./Other  
**Agenda Stage of Rulemaking:** Final Rule  
**Major:** No  
**Unfunded Mandates:** No

**CFR Citation:** 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

**Legal Authority:** 26 USC 6011; 26 USC 6045; 26 USC 7805  
**Legal Deadline:** None

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**Additional Information:** REG-155669-04 Drafting attorney: Timothy S. Sheppard (202) 622-4910 Reviewing attorney: James C. Gibbons (202) 622-4910 Treasury attorney: John Parcell (202) 622-2578 CC: PA: Branch 1

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No  
**Federalism:** No  
**Energy Affected:** No  
**Agency Contact:** Timothy S. Sheppard  
Attorney  
Department of the Treasury
Title: Start-Up and Organizational Expenditures

Abstract: The proposed regulations implement the changes to sections 195, 248, and 709 of the Internal Revenue Code, made by section 902 of the American Jobs Creation Act of 2004 (Pub. L. No. 108-357). Under the Act, a corporate taxpayer may elect to deduct up to $5,000 of start-up expenditures and $5,000 of organizational expenditures in the taxable year in which the trade or business begins. The remainder of the start-up or organizational expenditures are allowed as deductions ratably over the 180-month period beginning with the month the corporation begins business. Similar rules are provided for organizational and syndication fees for partnerships.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 195; 26 USC 248; 26 USC 709; 26 USC 7805

Legal Deadline: None

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Additional Information: REG-164965-04 Drafting attorney: Grace K. Matuszeski (202) 622-7900 Treasury attorney: Dennis Tingey (202) 622-1335 CC: ITA

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Energy Affected: No

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Title: Capital Costs Incurred To Comply With EPA Sulfur Regulations

Abstract: This regulation provides guidance under section 179B of the Internal Revenue Code relating to EPA sulfur regulations.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 450; 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No
Title: Regulations Update Regarding Partnership Mergers

Abstract: This proposed rule will modify regulations under sections 704 and 737 consistent with Notice 2005-15 to address the income tax consequences of property following partnership mergers.

Priority: Substantive, Nonsignificant

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Federalism: No

Small Entities Affected: No

Energy Affected: No

Related RINs: 1545-BE97

Agency Contact: Jason T. Smyczek
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E-Mail: jason.t.smyczek@irs.counsel.treasury.gov

RIN: 1545-BE97

Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

CFR Citation: 26 CFR 1

Legal Authority: 26 USC 7805; 26 USC 704; 26 USC 737

Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Small Entities Affected: No

Federalism: No

Energy Affected: No

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**Department of the Treasury (TREAS)**  
**Internal Revenue Service (IRS)**  
RIN: 1545-BF00

**Title:** Cafeteria Plans  
**Abstract:** This action proposes regulations on cafeteria plans (employee welfare benefit plans allowing employees to choose between taxable benefits and nontaxable benefits (for example, employer-provided accident and health plans, group term life insurance, or dependent care assistance programs)).

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Final Rule  
**Major:** No  
**Unfunded Mandates:** No

**CFR Citation:** 26 CFR 1 (To search for a specific CFR, visit the [Code of Federal Regulations](https://www.regulations.gov))

**Legal Authority:** 26 USC 125; 26 USC 7805

**Legal Deadline:** None

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**Additional Information:** REG-142695-05 Drafting attorney: Mireille Khoury (202) 622-6080 Reviewing attorney: Harry Beker (202) 622-6080 Treasury attorney: Kevin Knopf (202) 622-2329 CC: TEGE

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No  
**Small Entities Affected:** No  
**Federalism:** No

**Related RINs:** Related to 1545-BF01

**Agency Contact:** Mireille Khoury  
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**Department of the Treasury (TREAS)**  
**Internal Revenue Service (IRS)**  
RIN: 1545-BF05

**Title:** Election To Expense Certain Refineries  
**Abstract:** These regulations provide guidance under section 179C of the Internal Revenue Code relating to the election to expense certain refineries.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Final Rule  
**Major:** No  
**Unfunded Mandates:** No

**CFR Citation:** 26 CFR 1 (To search for a specific CFR, visit the [Code of Federal Regulations](https://www.regulations.gov))

**Legal Authority:** 26 USC 7805; 26 USC 179C

**Legal Deadline:** None
**Title:** Nuclear Decommissioning Cost  
**Abstract:** This action proposes regulations under the Energy Tax Incentives Act of 2005 concerning nuclear decommissioning costs.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Final Rule  
**Major:** No  
**Unfunded Mandates:** No  
**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](https://www.federalregister.gov/public-inspection)).  
**Legal Authority:** Not Yet Determined  
**Legal Deadline:** None

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### Additional Information:
REG-147290-05 Drafting attorney: Patrick S. Kirwan (202) 622-3110 Reviewing attorney: Peter C. Friedman (202) 622-3110 Treasury attorney: John Parcell (202) 622-2578 CC: PSI  
**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No  
**Small Entities Affected:** No  
**Federalism:** No  
**Related RINs:** Related to 1545-BF09  
**Agency Contact:** Patrick S. Kirwan  
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Clean Renewable Energy Bonds (Temporary)

Section 54 of the Code allows certain specified entities to issue Clean Renewable Energy Bonds. Taxpayers who purchase these bonds are entitled to a credit against income tax in lieu of receiving interest payments from the Clean Renewable Energy Bond issuers. These regulations explain the requirements for issuing the bonds and for claiming the tax credit.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Final Rule
Major: No
Unfunded Mandates: No
CFR Citation: 26 CFR 1
Legal Authority: PL 109-58, sec 1303(d); 26 USC 54; 26 USC 7805

Title: Alcohol Fuel and Biodiesel

Sections 40A, 6426, and 6427(e) were added to the Internal Revenue Code (Code) by the American Jobs Creation Act of 2004 (Pub. L. 108-357)(ACT). The Act also amended section 40 of the Code. These Code provisions relate to credits for alcohol and biodiesel used as a fuel and credits and payments for alcohol fuel and biodiesel mixtures. The regulations will provide guidance on these Code sections.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Final Rule
Major: No
Unfunded Mandates: No
CFR Citation: 26 CFR 6426 and 6427
Legal Authority: 26 USC 6426; 26 USC 6427(e); 26 USC 40A; 26 USC 40; 26 USC 34; 26 USC 7805
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No  
Small Entities Affected: Business  
Energy Affected: No  
Agency Contact: Taylor Cortright  
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E-Mail: taylor.cortright@irscounsel.treas.gov

---

Title: Subchapter S Banks  
Abstract: This regulation addresses the application of special bank rules under section 1363 to S corporation and QSub banks.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Final Rule  
Major: No  
Unfunded Mandates: No  
CFR Citation: None (To search for a specific CFR, visit the Code of Federal Regulations)  
Legal Authority: 26 USC 1363; 26 USC 7805  
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No  
Small Entities Affected: No  
Energy Affected: No  
Agency Contact: Laura C. Fields  
Attorney-Advisor  
Department of the Treasury  
Internal Revenue Service  
1111 Constitution Avenue NW
Title: Debt Satisfied by a Partnership Interest
Abstract: These proposed regulations address the application of section 108(e)(8) to partnerships and their partners in determining the discharge of indebtedness income of a partnership that transfers a partnership interest to a creditor in satisfaction of the partnership's indebtedness.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule
Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 108; 26 USC 7805
Legal Deadline: None

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Additional Information: REG-164370-05 Drafting attorney: Megan A. Stoner (202) 622-3070 Reviewing attorney: Mary Beth Carchia (202) 622-3070 CC: PSI

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Megan A. Stoner
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Washington, DC 20224
Phone: 202 622-3070
E-Mail: megan.a.stoner@irscounsel.treas.gov
Title: Entertainment Expense Disallowance

Abstract: These regulations implement the JOBS Act 2004 amendments to section 274(e)(2) and (e)(9), regarding limitations on deductions for expenses for entertainment of specified individuals.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805

Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Michael A. Nixon
General Attorney
Department of the Treasury
Internal Revenue Service
1111 Constitution Avenue NW
Washington, DC 20224
Phone: 202 622-4930

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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

RIN: 1545-BF38

Title: Failure To Maintain List of Advisees With Respect to Reportable Transactions

Abstract: The temporary regulation regards the penalty imposed under section 6708 for a person required to maintain a list under section 6112 who fails to make the list available upon the request of the Secretary.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 301.6708-1T (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805

Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis

Government Levels Affected: No
Title: Accuracy-Related Penalties

Abstract: These are temporary regulations regarding the new provisions and amendments made to code sections 6662, 6662A, and 6664 by the American Jobs Creation Act of 2004 and the Gulf Opportunity Zone Act of 2005.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 1.6662A; 26 CFR 1.6662; 26 CFR 1.6664 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 6662A; 26 USC 6662; 26 USC 6664; 26 USC 7805

Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1545-BF40

Agency Contact: Laura U. Daly

Attorney Advisor
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1111 Constitution Avenue NW
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FAX: 202-622-1585
E-Mail: laura.u.daly@irscounsel.treas.gov
Title: Application of Separate Limitations to Dividends From Noncontrolled Section 902 Corporation (Temporary)

Abstract: The American Jobs Creation Act of 2004 amended the foreign tax credit limitation rules under section 904(d) and extended lookthrough treatment to dividends paid by a 10/50 lookthrough corporation, generally effective retroactively for tax years beginning after December 31, 2002. The Gulf Opportunity Zone Act of 2005 permits taxpayers to elect to defer the effective date of the AJCA amendments to tax years beginning after December 31, 2004. These regulations would provide guidance needed to comply with these changes, including transition rules for dividends paid by a 10/50 lookthrough corporation.

Priority: Substantive, Nonsignificant

Major: Undetermined

Agenda Stage of Rulemaking: Final Rule

Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 904(d)(6)

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1545-BB28

Agency Contact: Richard L. Chewning
Senior Counsel
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1111 Constitution Avenue NW
Washington, DC 20224
Phone: 202 622-3850

Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

RIN: 1545-BF47

Title: Special Rules Under Section 7874

Abstract: This regulation will provide special rules amplifying the provisions of section 7874 relating to expatriated entities and their foreign parents.

Priority: Substantive, Nonsignificant

Major: Undetermined

Agenda Stage of Rulemaking: Final Rule

Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 7874

Legal Deadline: None

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260
Title: Further Guidance Regarding Application of Section 409A and Income Inclusion

Abstract: Regulations regarding the measurement of income inclusion and calculation of applicable taxes under section 409A of the Internal Revenue Code.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 409A; 26 USC 7805

Legal Deadline: None

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Title: Section 6707 and The Failure To Furnish Information Regarding Reportable Transactions
Abstract: These are proposed regulations regarding the imposition of penalties under section 6707 of the Internal Revenue Code on material advisors who fail to file a return under section 6111(a) or file false or incomplete information with respect to a reportable transaction.
Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Final Rule
Major: No
Unfunded Mandates: No
CFR Citation: 26 CFR 301.6707-1; 26 CFR 1.6091-1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Federalism: No
Energy Affected: No
Related RINs: Related to 1545-BF60
Agency Contact: Matthew S. Cooper
ATTORNEY
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Phone: 202 622-4940
FAX: 202 622-1585
E-Mail: matthew.s.cooper@irscounsel.treas.gov

Title: Section 6707 and the Failure To Furnish Information Regarding Reportable Transactions
Abstract: These are temporary regulations regarding the imposition of penalties under section 6707 of the Internal Revenue Code on material advisors who fail to file a return under section 6111(a) or file false or incomplete information with respect to a reportable transaction.
Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Final Rule
Major: No
Unfunded Mandates: No
CFR Citation: 26 CFR 301.6707-1; 26 CFR 1.6091-1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805
Legal Deadline: None

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**Title:** Section 6707A and The Failure To Include on Any Return or Statement Any Information Required To Be Disclosed Under Section 6011 With Respect to a Reportable Transaction

**Abstract:** These proposed regulations regard the imposition of penalties under section 6707A of the Internal Revenue Code for the failure to include on any return or statement any information required to be disclosed under section 6011 with respect to a reportable transaction.

**Priority:** Substantive, Nonsignificant

**Agency Contact:** Matthew S. Cooper

**Department of the Treasury (TREAS) Internal Revenue Service (IRS)**

**RIN:** 1545-BF61

**Regulations.gov**

View Related Documents

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**Additional Information:** REG-160872-04 Drafting attorney: Matthew S. Cooper (202) 622-4940 Reviewing attorney: Ashton Trice (202) 622-4940 CC: PA: Branch 2

**Regulatory Flexibility Analysis Required:** No

**Federalism:** No

**Energy Affected:** No

**Related RINs:** Related to 1545-BF59

**Agency Contact:** Matthew S. Cooper

**Attorney**

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E-Mail: matthew.s.cooper@irs.counsel.treas.gov

**Department of the Treasury (TREAS) Internal Revenue Service (IRS) RIN:** 1545-BF61

**Title:** Section 6707A and The Failure To Include on Any Return or Statement Any Information Required To Be Disclosed Under Section 6011 With Respect to a Reportable Transaction

**Abstract:** These proposed regulations regard the imposition of penalties under section 6707A of the Internal Revenue Code for the failure to include on any return or statement any information required to be disclosed under section 6011 with respect to a reportable transaction.

**Priority:** Substantive, Nonsignificant

**Agency Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 26 CFR 301.6707A-1 (To search for a specific CFR, visit the Code of Federal Regulations.)

**Legal Authority:** 26 USC 7805

**Legal Deadline:** None

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No

**Federalism:** No

**Energy Affected:** No

**Related RINs:** Related to 1545-BF62

**Agency Contact:** Matthew S. Cooper

**Attorney**

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Internal Revenue Service
1111 Constitution Avenue NW Room 5135
Washington, DC 20224
Phone: 202 622-4940
FAX: 202 622-1585
E-Mail: matthew.s.cooper@irs.counsel.treas.gov
Title: Clarification of Section 6411 Regulations Relating to Tentative Carryback Allowance

Abstract: These proposed amendments to the regulations clarify that, after being computed under the terms of the section 1.6411-2 regulations, a tentative carryback allowance may be reduced under section 1.6411-3 by unassessed amounts. In order to account for the IRS's current organizational structure, the proposed regulations remove the title.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Unfunded Mandates: No

CFR Citation: 26 CFR 1.6411-2 (Revision); 26 CFR 1.6411-3 (Revision) (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 6411; 26 USC 7805

Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Energy Affected: No

Related RINs: Related to 1545-BF66

Agency Contact: Cynthia A. McGreevy

Attorney-Advisor

Department of the Treasury

Internal Revenue Service

1111 Constitution Avenue NW

Washington, DC 20224

Phone: 202 622-4910

FAX: 202 927-9248

E-Mail: cynthia.a.mcgreevy@irsconsul.treas.gov

---

Title: Determination of Interest Expense Deduction of Foreign Corporations

Abstract: These rules provide the allocation of interest expense of foreign corporations to income effectively connected with a trade or business within the United States, and coordination with the branch profits tax and income tax treaties.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805; 26 USC 882
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No Government Levels Affected: No
Federalism: No
Related RINs: Related to 1545-BF70
Agency Contact: D. Peter Merkel
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)
RIN: 1545-BF73

Title: Definition of Taxpayer for Purposes of Section 901 and Related Matters
Abstract: The application of existing Treasury Regulation section 1.901-2(f) is unclear in certain circumstances, including circumstances in which foreign law permits foreign corporations to determine their taxable income and tax liability on a combined basis. Amendments are needed to clarify the application of Treasury Regulation section 1.901-2 in such circumstances. In some cases, such as cases involving reverse hybrid entities, the application of existing Treasury Regulation section 1.901-2(f) reaches inappropriate results. Amendments are needed to change the results in such cases.
Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Final Rule
Major: No
Unfunded Mandates: No
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805
Legal Deadline: None

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Additional Information: REG-124152-06 Drafting attorney: Jeffrey L. Parry (202) 622-3850 Reviewing attorney: Barbara A. Felker (202) 622-3850 CC: INTL

Regulatory Flexibility Analysis Required: No Government Levels Affected: No
Federalism: No
Agency Contact: Jeffrey L. Parry
Attorney
Department of the Treasury
Internal Revenue Service
Title: Guidance Under Section 67 Regarding Miscellaneous Itemized Deductions of a Trust or Estate

Abstract: These regulations provide guidance that will address the application of IRC section 67 to the permissible itemized deductions of a trust or estate.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 67; 26 USC 7805

Legal Deadline: None

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Additional Information: REG-128224-06 Drafting attorney: Jennifer Keeney (202) 622-3060 Reviewing attorney: Bradford R. Poston (202) 622-3060 Treasury attorney: Catherine Hughes (202) 622-9407 CC: PSI

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Organizations

Federalism: No

Energy Affected: No

Agency Contact: Jennifer Keeney
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Title: Guidance Regarding Scope of Section 368(a)(1)(D) Relating to Certain Reorganizations

Abstract: The IRS is issuing temporary regulations relating to the distribution requirement under sections 368(a)(1)(D) and 354(b)(1)(B) relating to certain reorganizations.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No
Title: Exclusion of Income From the International Operation of Ships or Aircraft

cFR Citation: 26 CFR 1.883-0 to 1.883-5; ... (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805; 26 USC 883

Priority: Substantive, Nonsignificant
Agency Contact: Patricia A. Bray
Attorney-Advisor
Department of the Treasury (TREAS)
Internal Revenue Service (IRS) RIN: 1545-BF90

Additional Information: REG-138707-06 Drafting attorney: Patricia A. Bray (202) 622-3880 Reviewing attorney: Elizabeth U. Karzon (202) 622-3880 CC: INTL

Regulatory Flexibility Analysis Required: No Government Levels Affected: No
Federalism: No
Energy Affected: Undetermined

Agenda Stage of Rulemaking: Final Rule
Unfunded Mandates: No

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Department of the Treasury
Internal Revenue Service
1111 Constitution Avenue NW
Washington, DC 20224
Phone: 202-622-3880
FAX: 202-622-4478
E-Mail: patricia.a.bray@irs.gov

Department of the Treasury (TREAS)
Internal Revenue Service (IRS)  RIN: 1545-BF93

Title: Withholding and Reporting Obligations Under Section 1441 Regarding Tender Offers
Abstract: The proposed regulations provide guidance for U.S. financial institutions to satisfy their withholding, reporting, and deposit obligations under chapter 3 of the Code with respect to payments made to foreign account holders pursuant to a self-tender offer made by a publicly traded corporation.

Priority: Substantive, Nonsignificant  Agenda Stage of Rulemaking: Final Rule
Major: Undetermined  Unfunded Mandates: No
CFR Citation: 26 CFR 1; 26 CFR 1441  (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 7805
Legal Deadline: None

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Additional Information: REG-140206-06 Drafting attorney: Kathryn T. Holman (202) 622-3840 Reviewing attorney: Carl M. Cooper (202) 622-3840 Treasury attorney: Jose Murillo (202) 622-5166 CC: INTL

Regulatory Flexibility Analysis Required: No  Government Levels Affected: No
Small Entities Affected: Business  Federalism: No
Agency Contact: Kathryn T. Holman
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Department of the Treasury
Internal Revenue Service
1111 Constitution Avenue NW
Washington, DC 20224
Phone: 202-622-3840

Department of the Treasury (TREAS)
Internal Revenue Service (IRS)  RIN: 1545-BF94

Title: Deduction for Qualified Film and Television Production Costs
Abstract: This regulation proposes further guidance under section 181 and the treatment of certain qualified film and television productions.

Priority: Substantive, Nonsignificant  Agenda Stage of Rulemaking: Final Rule
Major: No  Unfunded Mandates: No

268
CFR Citation: None (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805
Legal Deadline: None

Title: Built-In Gains and Losses Under Section 382(h)
Abstract: The IRS is issuing final regulations relating to the treatment of prepaid income under the built-in gain provisions of section 382(h).

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Final Rule
Major: No
Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805; 26 USC 382(m)
Legal Deadline: None

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Additional Information: REG-115403-05 Drafting attorney: Bernard P. Harvey (202) 622-4930 Reviewing attorney: Kathleen Reed (202) 622-4930 CC: ITA

Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Federalism: No
Related RINs: Related to 1545-BF95
Agency Contact: Bernard P. Harvey III
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Title: Medical and Accident Insurance Benefits Under Qualified Plans

Abstract: These are proposed regulations under section 402(a) of the Internal Revenue Code regarding the tax treatment of payments by qualified plans for medical or accident insurance. The regulations also contain proposed conforming amendments to the regulations. These regulations would affect administrators of, and participants and beneficiaries in, qualified plans.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 402; 26 USC 7805; PL 109-280, sec 845

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: Business; Governmental Jurisdictions

Federalism: No

Energy Affected: No

Agency Contact: Natalie A. Payne

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Title: Withdrawal of Regulations Under Old Section 6323(B)(10)

Abstract: The proposed regulations provide guidance on the deletion of dollar limits and other references to make regulation conform to the current version of 26 U.S.C. 6323.
Title: Corporate Reorganizations: Guidance on the Measurement of Continuity of Interest
Abstract: The regulations will provide guidance regarding when continuity of interest is measured in certain transactions.

Priority: Substantive, Nonsignificant  
Major: No  
Unfunded Mandates: No

CFR Citation: 26 CFR 1.368-1 (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 7805
Legal Deadline: None

Regulatory Flexibility Analysis Required: No  
Small Entities Affected: No  
Energy Affected: No

Related RINs: Related to 1545-BG14

Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  
RIN: 1545-BG15

View Related Documents
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Department of the Treasury (TREAS)
Internal Revenue Service ( IRS )

Title: Taxes on Prohibited Tax Shelter Transactions and Related Disclosure Requirements

Abstract: These regulations will provide guidance under section 4965 of the Internal Revenue Code relating to excise taxes on prohibited tax shelter transactions to which tax-exempt entities are parties, as well as guidance under sections 6033(a)(2) and 6011(g) of the Internal Revenue Code relating to disclosure obligations with respect to such transactions.

Priority: Substantive, Nonsignificant
Major: No
Unfunded Mandates: No

CFR Citation: 26 CFR 53.4965; 26 CFR 53.6071-1; 26 CFR 54.6011-1; 26 CFR 301.6011(g)-1; 26 CFR 301.6033-5; ... (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: Business; Governmental Jurisdictions; Organizations

Government Levels Affected: Undetermined

Federalism: Undetermined

Related RINs: Related to 1545-BG19; Related to 1545-BG20

Agency Contact: Tatiana L. Belenkaya
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E-Mail: tatiana.l.belenkaya@irscounsel.treas.gov

Title: Corporate Reorganizations; Additional Guidance on Distributions Under Sections 368(a)(1)(D) and 354(b)(1)(B)
Abstract: The IRS is issuing temporary regulations amending TD 9303, which provides guidance regarding the qualification of certain transactions as reorganizations described in section 368(a)(1)(D) where no stock and/or securities of the acquiring corporation are issued and distributed in the transaction. These regulations clarify that the rules in section 1.368-2(l) are not intended to affect the qualification of related party triangular asset acquisitions as reorganizations described in section 368 relating to the distribution requirement under sections 368(a)(1)(D) and 354(b)(1)(B).

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1545-BG29

Agency Contact: Bruce A. Decker

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Title: Time and Manner for Electing Capital Gain Treatment for Certain Self-Created Musical Works

Abstract: The proposed regulations will provide the time and manner for making the election specified in section 1221(b)(3).

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 1.1221-3 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 7805

Legal Deadline: None

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Additional Information: REG-153589-06 Drafting attorney: Jamie J. Kim (202) 622-4950 Reviewing attorneys: Christopher
Title: Hybrid Retirement Plans

Abstract: The proposed regulations provide guidance with respect to sections 411(a)(13) and 411(b)(5) of the Code. Section 411(a)(13) provides rules relating to vesting and payment of benefits under tax-qualified hybrid defined benefit plans. Section 411(b)(5) provides age discrimination rules for tax-qualified defined benefit plans, including hybrid defined benefit plans.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR sec 1.411(a)(13)-1; 26 CFR sec 1.411(b)(5)-1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 411(a)(13); 26 USC 411(b)(5); 26 USC 702 of Pension Protection Act of 2006; PL 109-280, 120 Stat 780; 26 USC 7805

Legal Deadline:

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: Business; Organizations

Agency Contact: Lauson C. Green
Attorney
Department of the Treasury
Internal Revenue Service
1111 Constitution Avenue NW Room 4422
Title: Guidance on Arbitrage

Abstract: These regulations will provide guidance on arbitrage under section 148 of the Internal Revenue Code.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No


Legal Authority: 26 USC 148; 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Federalism: No

Energy Affected: No

Agency Contact: Aviva M. Roth
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Title: Imposition of Withholding on Certain Payments Made by Government Entities

Abstract: Section 3402(t) was enacted by the Tax Increase Prevention & Reconciliation Act of 2005 to require governmental entities to withhold on certain payments for property or services.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 31.3402(t) (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805
Legal Deadline: None

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Additional Information: REG-158747-06 Drafting attorney: Jean M. Casey (202) 622-6040 Reviewing attorney: Marie Cashman (202) 622-6010 CC: TEGE

Regulatory Flexibility Analysis Required: No  Government Levels Affected: Federal; Local; State
Small Entities Affected: No  Federalism: No
Energy Affected: No
Agency Contact: Jean M. Casey
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E-Mail: jeann.m.casey@irsounsel.treas.gov

Department of the Treasury (TREAS)
Internal Revenue Service ( IRS )  RIN:  1545-BG48

Title: Notice Requirements for Certain Pension Plan Amendments Significantly Reducing the Rate of Future Benefit Accrual

Abstract: The proposed regulations would provide guidance relating to the interaction of the requirements under section 4980F of the Internal Revenue Code with a plan amendment that is permitted to reduce benefits accrued before the plan amendment's applicable amendment date. The proposed regulations would also reflect changes made to section 4980F of the Code by the Pension Protection Act of 2006, Public Law 109-280 (120 Stat. 780).

Priority: Substantive, Nonsignificant  Agenda Stage of Rulemaking: Final Rule
Major: No  Unfunded Mandates: No
CFR Citation: 26 CFR 1.4111(d)(3)(a)(1); 26 CFR 54.49808F-1 (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No  Government Levels Affected: No
Small Entities Affected: No  Federalism: No
Energy Affected: No
Agency Contact: Natalie A. Payne
Title: Information Reporting and Backup Withholding for Payment

Abstract: The proposed regulations allow a merchant/payee to opt out of the QPCA program by giving notice to a QPCA, however, the QPCA would be required to inform the cardholder that the payee is not a participant in the QPCA program and is not a qualified payee. In addition, the QPCA must advise the cardholder/payor of the cardholder/payor's obligation to solicit the TIN of a nonparticipating merchant/payee to which it makes a reportable payment. The proposed regulations also provide that QPCA may furnish the required notifications electronically including by posting a secure Web site.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Final Rule

Unfunded Mandates: No

CFR Citation: 26 CFR 3406 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 6041; 26 USC 3406; 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No  
Government Levels Affected: Federal; Local; State; Tribal

Federalism: No

Energy Affected: No

Agency Contact: Michael E. Hara
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Title: Reduction of Separate Foreign Tax Credit Limitation Categories

Abstract: The American Jobs Creation Act of 2004 amended the foreign tax credit limitation rules under section 904(d) by reducing the number of separate limitation categories to two categories, effective for taxable years beginning after December 31, 2006. These regulations would provide guidance needed to comply with these changes, including transition rules.

Priority: Substantive, Nonsignificant

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805

Legal Deadline: None

---

Title: Compensation for Labor or Personal Services--Compensation From Performance of Personal Services at Specific Events

Abstract: This regulation will address proposed changes to existing final regulations regarding the source of compensation for labor or personal services. The proposed changes are needed to clarify the determination of source of compensation of an individual, including an artist or athlete, who is compensated for labor or personal services performed at specific events. These proposed regulations affect such an individual.

Priority: Other Significant

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805

Legal Deadline: None

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Additional Information: REG-114126-07 Drafting attorney: Jeffrey L. Parry (202) 622-3850 CC: INTL

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Related RINs: Related to 1545-BG55

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Department of the Treasury (TREAS)

Internal Revenue Service (IRS)

RIN: 1545-BG57

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Title: Compensation for Labor or Personal Services--Compensation From Performance of Personal Services at Specific Events

Abstract: This regulation will address proposed changes to existing final regulations regarding the source of compensation for labor or personal services. The proposed changes are needed to clarify the determination of source of compensation of an individual, including an artist or athlete, who is compensated for labor or personal services performed at specific events. These proposed regulations affect such an individual.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805

Legal Deadline: None

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Title: Stripped Interests in Bond and Preferred Stock Funds

Abstract: The temporary regulations provide guidance to taxpayers about the proper treatment of stripped interests in accounts or entities in which substantially all the assets consist of bonds, preferred stock, or a combination thereof. Under the temporary regulations, basis will be allocated among the stripped interests based upon relative fair market value. The temporary regulations also provide rules requiring current recognition of income and basis adjustments by all holders of stripped interests.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Unfunded Mandates: No

CFR Citation: 26 CFR 1286(f)-1T to 6T (new) (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 1286(f); 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: No

Federalism: No

Related RINs: Related to 1545-BG61

Agency Contact: Pamela Lew

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Internal Revenue Service

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FAX: 202 622-5361

E-Mail: pamela.llew@irs.counsel.treas.gov
Title: Rules for Home Construction Contracts

Abstract: Proposed amendments to the rules regard accounting for long-term construction contracts that qualify as home construction contracts under 26 USC 460(e)(6).

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 1.460-3 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Brendan P. O'Hara

Attorney-Advisor
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Title: Employer Comparable Contributions to Health Savings Accounts Under Section 4980G

Abstract: These proposed regulations provide guidance on employer comparable contributions to Health Savings Accounts (HSAs) under section 4980G of the Internal Revenue Code as amended by sections 302, 305, and 306 of the Tax Relief and Health Care Act of 2006.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 54 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 4980G

Legal Deadline: None

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Title: Benefit Restrictions for Underfunded Pension Plans

Abstract: These proposed regulations provide guidance regarding the use of certain funding balances maintained for defined benefit pension plans and regarding benefit restrictions for certain underfunded defined benefit pension plans.

Priority: Substantive, Nonsignificant

Agency Contact: Mireille Khoury
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E-Mail: mireille.khoury@irscounsel.treas.gov

Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

RIN: 1545-BG72

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Lauson C. Green
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FAX: 202 927-1851
E-Mail: lauson.c.green@irscounsel.treas.gov

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business; Organizations

Federalism: No

Energy Affected: No

Agency Contact: Lauson C. Green
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Title: Benefit Restrictions for Underfunded Pension Plans

Abstract: These proposed regulations provide guidance regarding the use of certain funding balances maintained for defined benefit pension plans and regarding benefit restrictions for certain underfunded defined benefit pension plans.

Priority: Substantive, Nonsignificant

Agency Contact: Mireille Khoury
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

RIN: 1545-BG72

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Lauson C. Green
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**Timetable:**

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business; Organizations

Federalism: No

Energy Affected: No

Agency Contact: Lauson C. Green
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Phone: 202 622-6090
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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business; Organizations

Federalism: No

Energy Affected: No

Agency Contact: Lauson C. Green
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</table>
Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Disclosure of Return Information in Connection With Contractual Arrangements Between the IRS and Whistleblowers

Abstract: The proposed regulations rule on disclosure of return information in connection with contractual arrangements between the IRS and whistleblowers.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 301.6103(n)-2 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7623; 26 USC 6103(n); 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1545-BG74

Agency Contact: Helene R. Newsome

Senior Attorney

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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Application of Section 6404(g) Suspension Provisions

Abstract: The proposed regulations are meant to clarify the types of cases in which interest and penalties are suspended for the IRS's failure to issue a notice alerting taxpayers of their liability and the basis therefore within the statutory period.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 301 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805

Legal Deadline: None

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<td>72 FR 34199</td>
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Title: Patented Tax Strategy Transactions

Abstract: These proposed regulations provide rules relating to the disclosure of reportable transactions under 26 U.S.C. 6011. These proposed regulations add the patented transactions category of reportable transaction. The regulations affect taxpayers participating in the patented transactions category of reportable transactions under 26 U.S.C. 6011, material advisors responsible for disclosing reportable transactions under section 26 U.S.C. 6111, and material advisors responsible for keeping lists under 26 U.S.C. 6112.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 26 CFR 1; 26 CFR 301 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 6011; 26 USC 6111; 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Related RINs: Related to 1545-BG07; Related to 1545-BG64

Agency Contact: Nathan B. Rosen

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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)  

RIN: 1545-BG76
Title: Modifications of Commercial Mortgage Loans Held by a Real Estate Mortgage Investment Conduit

Abstract: The proposed regulations would permit additional types of modifications to commercial mortgage loans held by a real estate mortgage investment conduit.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Unfunded Mandates: No

CFR Citation: 26 CFR 1.860G-2

Legal Authority: 26 USC 7805; 26 USC 860G(e)

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Diana A. Imholtz

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Title: Treatment of Certain Distributions From Qualified Investment Entities Under Internal Revenue Code Sections 892 and 897(H) (Temporary)

Abstract: This regulation contains proposed changes to existing final regulations regarding taxation of foreign governments and distributions from real estate investment trusts (REITs) and other qualified investment entities. The proposed changes are
needed to clarify that distributions received by a foreign government from such qualified investment entities are not exempt from taxation under section 892 but are treated under section 897(h)(1) as gain recognized by a foreign government shareholder from the sale or exchange of a United States real property interest described in section 897(c)(1)(A)(i).

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Final Rule  
**Major:** No  
**Unfunded Mandates:** No  
**CFR Citation:** 26 CFR 1.892-3T; 26 CFR 1.897-1 (To search for a specific CFR, visit the Code of Federal Regulations.)  
**Legal Authority:** 26 USC 7805; 26 USC 0892; 26 USC 0897  
**Legal Deadline:** None

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No  
**Small Entities Affected:** No  
**Energy Affected:** No  
**Related RINs:** Related to 1545-BG85

**Agency Contact:** David A. Juster  
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**Agency Contact:** Margaret A. Hogan  
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E-Mail: margaret.a.hogan@irscounsel.treas.gov

---

**Title:** Public Approval Requirements for Private Activity Bonds  
**Abstract:** These regulations will create a new section 1.147(f)-1 under section 1.147(f) of the Code relating to the public approval requirement applicable to private activity bonds. Since the Temporary regulations under section 103(k) of the 1954 Code relating to the public approval requirement applicable to industrial development bonds (not to qualified mortgage bonds, qualified student loan bonds, and qualified 501(c)(3) bonds) were published, several questions have arisen regarding the proper application of the public approval requirement under certain types of tax-exempt bond financings.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Final Rule  
**Major:** No  
**Unfunded Mandates:** No  
**CFR Citation:** 26 CFR 1.147(f)-1 (To search for a specific CFR, visit the Code of Federal Regulations.)  
**Legal Authority:** 26 USC 1301; 26 USC 7805  
**Legal Deadline:** None
Title: Travel Expenses of State Legislators

Abstract: The final regulations provide rules relating to travel expenses of state legislators. The regulations affect state legislators who make the election under section 162(h) of the Internal Revenue Code to treat their residences in their legislative districts as their tax homes.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 1; 26 CFR 301 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 162(h)

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No  Government Levels Affected: No  Federalism: No

Energy Affected: No

Agency Contact: R. Matthew Kelley
Attorney
Department of the Treasury
Internal Revenue Service
1111 Constitution Avenue NW
Washington, DC 20224

Title: Travel Expenses of State Legislators

Abstract: The final regulations provide rules relating to travel expenses of state legislators. The regulations affect state legislators who make the election under section 162(h) of the Internal Revenue Code to treat their residences in their legislative districts as their tax homes.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 1; 26 CFR 301 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 162(h)

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No  Government Levels Affected: No  Federalism: No

Energy Affected: No

Agency Contact: R. Matthew Kelley
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1111 Constitution Avenue NW
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**Title:** Regulations Implementing Notices 2006-85 and 2007-48  
**Abstract:** These regulations implement the rules announced in Notices 2006-85 (issued September 22, 2006) and 2007-48 (issued May 31, 2007). These notices announced that Treasury and the IRS would issue regulations under section 367(b) to address transactions where foreign or domestic corporations seek to avoid treating as a dividend the amount of property that a subsidiary transfers to its parent or its parent's shareholders in exchange for parent stock, which the subsidiary then uses to acquire the stock or assets of another corporation in a triangular reorganization.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Final Rule  
**Major:** No  
**Unfunded Mandates:** Undetermined  
**CFR Citation:** 26 CFR 1; 26 CFR 1.367(b)-14T (To search for a specific CFR, visit the Code of Federal Regulations)  
**Legal Authority:** 26 USC 7805; 26 USC 0367  
**Legal Deadline:** None  

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**Additional Information:** REG-136020-07 Drafting attorney: Margaret A. Hogan (202) 622-3860 Reviewing attorney: Charles P. Besecky (202) 622-3860 CC: INTL

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No  
**Federalism:** No  
**Energy Affected:** No  
**Related RINs:** Related to 1545-BG97  
**Agency Contact:** Margaret A. Hogan  
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---

**Title:** Modifications to Subpart F Treatment of Aircraft and Vessel Leasing Income  
**Abstract:** This regulation will amend regulations relating to the subpart F treatment of aircraft and vessel leasing income under sections 954 and 956 of the Internal Revenue Code and the transfer of tangible property incorporated in aircraft and vessels that are used predominantly outside the United States under section 367 of the Code.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Final Rule  
**Major:** No  
**Unfunded Mandates:** No
CFR Citation: 26 CFR 1  (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805; 26 USC 0954; PL 109-357 sec 415
Legal Deadline: None

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### Additional Information:
REG-138355-07 Drafting attorneys: Ronald M. Gootzeit (202) 622-3860 and Barbara Rasch (202) 622-3840 Reviewing attorney: Phyllis E. Marcus (202) 622-3840 CC: INTL

### Regulatory Flexibility Analysis Required: No  Government Levels Affected: No
Small Entities Affected: No  Federalism: No
Energy Affected: No
Related RINs: Related to 1545-BH03
Agency Contact:
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Phone: 202 622-3860

---

Department of the Treasury (TREAS)
Internal Revenue Service (IRS)
RIN: 1545-BH01

Title: Circular 230--Revision of Section 10.34
Abstract: The proposed regulations modify the standards with respect to tax returns under section 10.34 of Circular 230.

Priority: Substantive, Nonsignificant  Agenda Stage of Rulemaking: Final Rule
Major: No  Unfunded Mandates: No
CFR Citation: 31 CFR 10.34  (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 31 USC 330; 26 USC 7805
Legal Deadline: None

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### Additional Information:

### Regulatory Flexibility Analysis Required: No  Government Levels Affected: No
Federalism: No
Energy Affected: No
Agency Contact:
Matthew S. Cooper
Attorney
Department of the Treasury
Internal Revenue Service
1111 Constitution Avenue NW Room 5135

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288
Title: Diversification Requirements for Certain Defined Contribution Plans

Abstract: The proposed regulations will provide guidance on the implementation of the new diversification requirements for certain defined contribution plans.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Final Rule

Major: No  
Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 401(a)(35)-1; 26 USC 901 of Pension Protection Act of 2006, PL 109-280, 120 Stat 780; 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No  
Small Entities Affected: No  
Energy Affected: No

Agency Contact: Dana A. Barry  
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Title: Measurement of Liabilities and Assets for Pension Funding Purposes

Abstract: These regulations will provide guidance on the determination of benefit liabilities and assets for purposes of the funding requirements that apply to single employer defined benefit pension plans.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Final Rule

Major: No  
Unfunded Mandates: No

CFR Citation: 26 CFR 1.430(d)-1; 26 CFR 1.430(g)-1; 26 CFR 1.430(h)(2)-1; 26 CFR 1.430(i)-1 (To search for a specific
Title: Treatment of Overall Foreign and Domestic Losses

Abstract: Section 402 of the American Jobs Creation Act of 2004 enacted a new section 904(g) providing for the recharacterization of U.S. source income as foreign source income where a taxpayer’s foreign tax credit limitation has been reduced as a result of an overall domestic loss. The regulation will provide rules for maintaining and recapturing overall domestic loss accounts relating to such recharacterization. The regulation will also include some revisions of the existing regulations regarding overall foreign loss recapture under section 904(f).

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 25 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No
Small Entities Affected: No  
Federalism: No  

Energy Affected: No  

Related RINs: Related to 1545-BH14  

Agency Contact: Jeffrey L. Parry  
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Title: Penalty for Erroneous Claim for Refund or Credit  

Abstract: Section 8247 of the U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Act, which became law on May 25, 2007, enacted section 6676 of the Internal Revenue Code. Section 6676 imposes a penalty of 20 percent of the excessive amount of an erroneous claim for refund or credit. These temporary regulations establish the Service’s regulatory guidance regarding the penalty.

Priority: Substantive, Nonsignificant  

Agenda Stage of Rulemaking: Final Rule  

Major: No  

Unfunded Mandates: No  

CFR Citation: 26 CFR 1.6676  
(To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 6676; 26 USC 7805

Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis Required: No  

Government Levels Affected: No  

Small Entities Affected: No  

Federalism: No  

Energy Affected: No  

Related RINs: Related to 1545-BH25  

Agency Contact: Charles W. Gorham  
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E-Mail: charles.w.gorham@irscounsel.treas.gov
Title: Form 990 Implementation Regarding Exempt Organization

Abstract: Amendments conform regulations to Form 990, Return of Organizations Exempt from Income Tax.

Priority: Substantive, Nonsignificant
Major: No

Agenda Stage of Rulemaking: Final Rule
Unfunded Mandates: No

CFR Citation: 26 CFR 1.6033 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 6033

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1545-BH85

Agency Contact: Terri L. Harris
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Title: Alternative Simplified Credit Under Section 41(c)(5)

Abstract: These proposed regulations provide guidance on computation of the alternative simplified credit under section 41(c)(5).

Priority: Substantive, Nonsignificant
Major: No

Agenda Stage of Rulemaking: Final Rule
Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 41(f)

Legal Deadline: None

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Additional Information: REG-149405-07 Drafting attorney: David A. Selig (202) 622-3040 Reviewing attorney: Christopher
J. Wilson (202) 622-3040 Treasury attorney: Brandon Carlton (202) 622-6865 CC: PSI

Regulatory Flexibility Analysis Required: No       Government Levels Affected: Undetermined
Federalism: No
Related RINs: Related to 1545-BH33
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)       RIN: 1545-BH34

Title: Amendments to New Markets Tax Credit Regulations
Abstract: Amendments are proposed to the final New Markets Tax Credit Regulations under section 45D.
Priority: Substantive, Nonsignificant       Agenda Stage of Rulemaking: Final Rule
Major: No       Unfunded Mandates: No
CFR Citation: 26 CFR 1       (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 7805; 26 USC 45D(i)
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No       Government Levels Affected: Undetermined
Federalism: No
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)       RIN: 1545-BH39
Title: Multi-Employer Plan Funding Guidance

Abstract: The proposed regulations provide guidance relating to a multi-employer plan that is either in endangered or critical status. This action is necessary to implement the new rules set forth in section 432 that are effective for plan years beginning after 2007. These proposed regulations would affect sponsors of, and participants and beneficiaries in, multi-employer defined benefit pension plans.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Final Rule  
Major: No  
Unfunded Mandates: No  
CFR Citation: 26 CFR 1.432(a) - 1; 26 CFR 1.432(b) - 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 432; 26 USC 7805; sec 212 of Pension Protection Act of 2006, PL 109-280, 120 Stat 780

Legal Deadline: None

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Additional Information: REG-151135-07 Drafting attorney: Bruce L. Perlin (202) 622-7059 Reviewing attorney: Patricia M. McDermott (202) 622-6000 CC: TEGE

Regulatory Flexibility Analysis Required: No  
Government Levels Affected: No  
Federalism: No

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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Rules for Disclosure of Chief Counsel Advice

Abstract: These temporary regulations under subsections 6110(i)(1) and (i)(2) of the Internal Revenue Code provide for Chief Counsel advice within the definitions of written determinations.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Final Rule  
Major: No  
Unfunded Mandates: No  
CFR Citation: 26 CFR 301.6110-8 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 6110(i); 26 USC 7805

Legal Deadline: None

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Additional Information: REG-153491-07 Drafting attorney: Deborah C. Lambert-Dean (202) 622-7950 Reviewing attorney:
Regulatory Flexibility Analysis Required: No  Government Levels Affected: No  
Federalism: No  
Energy Affected: No  
Related RINs: Related to 1545-BH45  
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Title: Remedial Actions Applicable to Tax-Exempt Bonds Issued By State and Local Governments  
Abstract: These regulations provide certain remedial actions for tax-exempt bonds issued by state and local governments.  
Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Final Rule  
Major: No  
Unfunded Mandates: No  
CFR Citation: 26 CFR 1.141-12; 26 CFR 1.141-15 (To search for a specific CFR, visit the Code of Federal Regulations)  
Legal Authority: 26 USC 7805  
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No  
Small Entities Affected: Governmental Jurisdictions  
Related RINs: Related to 1545-BB23; Related to 1545-BC07; Related to 1545-BC40  
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Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  
RIN: 1545-BH48

View Related Documents

Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  
RIN: 1545-BH49

View Related Documents
Title: Guidance Regarding the Treatment of Stock of a Controlled Corporation

Abstract: The proposed rulemaking will provide guidance regarding the hot stock rule under section 355(a)(3)(B).

Priority: Substantive, Nonsignificant

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 1.355-2(g) (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 355(b)(3)(D)

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Energy Affected: No

Related RINs: Related to 1545-BH61

Agency Contact: Russell P. Subin
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E-Mail: russell.p.subin@irs counsel.treas.gov

Title: Accrual Rules for Defined Benefit Plans

Abstract: These regulations will provide guidance on the application of the accrual rules for defined benefit plans in cases where plan benefits are determined on the basis of the greater of two or more separate formulas.

Priority: Substantive, Nonsignificant

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 1.411(b)-1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7701; 26 USC 411; 26 USC 7805

Legal Deadline: None

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Additional Information: REG-100464-08 Drafting attorney: Lauson C. Green (202) 622-6090 Reviewing attorney: Linda S.
Title: Governmental Plans Reasonable Good Faith Interpretation of Required Minimum Distribution Rules

Abstract: A governmental plan is treated as having complied with the required minimum distribution rules if the plan applies a reasonable good faith interpretation of section 401(a)(9).

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 1.401(a)(9)-1; 26 CFR 1.401(a)(9)-6; 26 CFR 1.403(b)-6 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 401; 26 USC 403

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Agency Contact: Michael P. Brewer

Attorney

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**Title:** Section 108 Reduction of Tax Attributes for S Corporations

**Abstract:** The proposed regulations will provide guidance on the manner in which an S corporation reduces its tax attributes under section 108(b) for taxable years in which the S corporation has discharge of indebtedness that is excluded from gross income under section 108(a).

**Priority:** Substantive, Nonsignificant  
**Major:** No  
**Unfunded Mandates:** No  
**Agenda Stage of Rulemaking:** Final Rule  
**CFR Citation:** 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)  
**Legal Authority:** 26 USC 108; 26 USC 7805  
**Legal Deadline:** None

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**Additional Information:** REG-102822-08 Drafting attorney: Jennifer Keeney (202) 622-3060 Reviewing attorney: Mary B. Carchia (202) 622-3070 Treasury attorney: Emily Lam (202) 622-5293 CC: PSI

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No

**Federalism:** No  
**Energy Affected:** No  
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---

**Title:** Basis of Property Acquired in Certain Nonrecognition Transactions

**Abstract:** This regulation will provide temporary and proposed regulations clarifying the basis rules under section 956 relating to certain nonrecognition transactions.

**Priority:** Substantive, Nonsignificant  
**Major:** No  
**Unfunded Mandates:** No  
**Agenda Stage of Rulemaking:** Final Rule  
**CFR Citation:** 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)  
**Legal Authority:** 26 USC 856(e); 26 USC 367(b); 26 USC 7805  
**Legal Deadline:** None

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Additional Information: REG-102122-08 Drafting attorney: Phyllis E. Marcus (202) 622-3840 Reviewing attorney: Phyllis E. Marcus (202) 622-3840 Treasury attorney: Jose Murillo (202) 622-5166 CC: INTL

Regulatory Flexibility Analysis Required: No  Government Levels Affected: No
Small Entities Affected: No  Federalism: No
Energy Affected: No
Related RINs: Related to 1545-BH58
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)  RIN: 1545-BH62

Title: Substantiation, Recordkeeping, and Reporting Requirements for Cash and Noncash Charitable Contributions
Abstract: Revisions to substantiation, recordkeeping, and reporting requirements under section 170 are provided to implement statutory changes.
Priority: Substantive, Nonsignificant  Agenda Stage of Rulemaking: Final Rule
Major: No  Unfunded Mandates: No
CFR Citation: Not Yet Determined  (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805; 26 USC 170(f)(11)
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No  Government Levels Affected: No
Federalism: No
Agency Contact: Nancy J. Lee
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Section 2642(g) Project Regarding Generation-Skipping Transfers
Abstract: These proposed regulations under section 2642(g)(1) set forth the standards under which relief under section 2642(g)(1) will be granted to allocate generation-skipping transfer exemption (as defined in section 2631(a)) to a transfer.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Unfunded Mandates: No

CFR Citation: 26 CFR 26 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 2642

Legal Deadline: None

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Additional Information: REG-147775-06 Drafting attorney: Theresa M. Melchiorre (202) 622-3090 Reviewing attorney: James F. Hogan (202) 622-3090 Treasury attorney: Catherine Hughes (202) 622-9407 CC: PSI

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Qualified Nonpersonal Use Vehicle
Abstract: Proposed amendment of section 1.274-5 of the Income Tax Regulations is to add clearly marked public safety officer vehicles as a new category of qualified nonpersonal use vehicle.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Unfunded Mandates: No

CFR Citation: 26 CFR 1.274-5; 26 CFR 1.274-5T; 26 CFR 132-5; 26 CFR 280F-6 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 274

Legal Deadline: None

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Additional Information: REG-106897-08 Drafting attorney: Don M. Parkinson (202) 622-7578 Reviewing attorney: Lynne A. Camillo (202) 622-6040 CC: TEGE

Regulatory Flexibility Analysis Required: No  Government Levels Affected: Federal; Local; State
Small Entities Affected: Governmental Jurisdictions  Federalism: No
Energy Affected: No
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)  RIN: 1545-BH66

Title: Charitable Lead Trust Ordering Rules
Abstract: Amendment confirms the economic effect principle applicable to section 1.642(c)-3(b) to charitable lead trust ordering rules.

Priority: Substantive, Nonsignificant  Agenda Stage of Rulemaking: Final Rule
Major: No  Unfunded Mandates: No
CFR Citation: 26 CFR 1.642(c)-3(b)  (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805
Legal Deadline: None

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Additional Information: REG-101258-08 Drafting attorney: Vishal R. Amin (202) 622-3060 Reviewing attorney: Melissa Liquerman (202) 622-3060 Treasury attorney: Catherine Hughes (202) 622-9407 CC: PSI

Regulatory Flexibility Analysis Required: No  Government Levels Affected: No
Federalism: No
Energy Affected: No
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Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  

**Title:** Employee Stock Purchase Plans Under Section 423  
**Abstract:** These regulations under section 423 of the Internal Revenue Code are being updated in response to the update of the regulations under sections 421, 422 and 424.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Final Rule  
**Major:** No  
**Unfunded Mandates:** No  
**CFR Citation:** 26 CFR 1  
**Legal Authority:** 26 USC 7805; 26 USC 423

**Legal Deadline:** None

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**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No  
**Federalism:** No  
**Agency Contact:** Ilya E. Enkishev  
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---

Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  

**Title:** Information Reporting Under Section 6039  
**Abstract:** These regulations reflect the changes to section 6039 of the Internal Revenue Code made by section 403 of the Tax Relief and Health Care Act of 2006.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Final Rule  
**Major:** No  
**Unfunded Mandates:** No  
**CFR Citation:** 26 CFR 14a  
**Legal Authority:** 26 USC 7805; 26 USC 6039

**Legal Deadline:** None

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Determination of Minimum Required Contributions for Single Employer Pension Plans

These regulations will provide guidance on the determination of minimum required contributions for purposes of the funding requirements that apply to single employer defined benefit pension plans.

Title: Determination of Minimum Required Contributions for Single Employer Pension Plans

Abstract: These regulations will provide guidance on the determination of minimum required contributions for purposes of the funding requirements that apply to single employer defined benefit pension plans.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 1.430(a)-1; 26 CFR 1.430(j)-2; 26 CFR 54.4971(c)-1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 430; 26 USC 4971; 26 USC 7701; 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business; Organizations

Federalism: No

Energy Affected: No

Agency Contact: Lauson C. Green
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These proposed regulations provide guidance to a participant of his or her right, if any, to defer receipt of an immediately distributable benefit and must also describe the consequences of failing to defer receipt of the distribution.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Unfunded Mandates: No

CFR Citation: 26 CFR 1.411(a)-11 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Title: Conduit Financing Arrangements

Abstract: This project will provide regulations under section 1.881-3 to apply to persons engaging in multiple-party financing arrangements and necessary in order to determine which of those arrangements should be recharacterized under Code section 7701(i).
Title: Application of Section 382(l)(1) to Regulated Investment Companies

Abstract: These regulations provide guidance regarding the application of section 382(l)(1) of the Internal Revenue Code to certain regulated investment companies.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 1.382-5 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 382(m)

Legal Deadline: None

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Additional Information: REG-110188-08 Drafting attorney: Rubin B. Ranat (202) 622-7530 Reviewing attorney: Marie C. Milnes-Vasquez (202) 622-7554 Treasury attorney: Marc C. Countryman (202) 622-9858 CC: CORP

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Related RINs: Related to 1545-BH78

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### Department of the Treasury (TREAS) Internal Revenue Service (IRS)

**RIN:** 1545-BH82

**Title:** Amendments to 26 CFR Section 1.263(a)-5 Regarding Treatment of Capitalized Costs

**Abstract:** To reduce the prospect of future controversy, these temporary regulations address the treatment of amounts that facilitate certain tax-free, taxable transactions, and other restructurings and that are required to be capitalized under sections 1.263(a) and 1.263(a)-5.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 26 CFR 1.263(a)-5  (To search for a specific CFR, visit the Code of Federal Regulations)

**Legal Authority:** 26 USC 263(a); 26 USC 7805

**Legal Deadline:** None

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** No

**Energy Affected:** No

**Related RINs:** Related to 1545-BD82

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### Department of the Treasury (TREAS) Internal Revenue Service (IRS)

**RIN:** 1545-BH84

**Title:** Guidance on the Residential Mortgage Insurance Deduction

**Abstract:** These temporary regulations provide guidance concerning how to allocate prepaid mortgage insurance premiums to determine the proper deduction in a particular taxable year for individual taxpayer. These temporary regulations also provide guidance to report entities receiving prepaid mortgage insurance premiums in issuing the Form 1098.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 26 CFR 1.163-11  (To search for a specific CFR, visit the Code of Federal Regulations)

**Legal Authority:** 26 USC 163 (h); 26 USC 7805

**Legal Deadline:** None

**Timetable:**

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Title: Automatic Four-Month Extensions for Certain Pass-Through Entities

Abstract: Proposed regulations under section 6081 allow certain pass-through entities to obtain an automatic 4-month extension of time to file certain returns. This action is aimed at reducing overall taxpayer burden.

Priority: Info./Admin./Other

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 1.6081-2T; 26 CFR 1.6081-6T; 26 CFR 54.6081-1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 6081

Legal Deadline: None

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<td>06/09/2009</td>
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Title: Disregarded Entities and Excise Taxes
Abstract: These temporary regulations amend section 301.7701-2(c)(2)(v) to provide that an otherwise disregarded entity which is regarded for excise tax purposes, is treated as a corporation for certain purposes.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Final Rule

Major: No
Unfunded Mandates: No

CFR Citation: 26 CFR 301 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 7805; 26 USC 7701

Legal Deadline: None

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Additional Information: REG-116614-08 Drafting attorney: Michael H. Beker (202) 622-7755 Reviewing attorney: Mary Beth Carchia (202) 622-3397 Treasury attorney: John Parcells (202) 622-2578 CC: PSI

Regulatory Flexibility Analysis
Required: Undetermined

Federalism: No

Related RINs: Related to 1545-BH90

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Regulations.gov

Legal Authority: 26 USC 7805; 26 USC 7520(c)(2); 26 USC 642(c)(5); 26 USC 664(a); 26 USC 2031; 26 USC 2512; 26 USC 2055; 26 USC 170

Legal Deadline: Section 7520(c)(3) required initial actuarial tables by December 31, 1989. These tables are required to be updated every 10 years to take into account the most recent mortality experience available as of the time of the revision.

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Additional Information: REG-107845-08 Drafting attorney: Mayer R. Samuels (202) 622-3090 Reviewing attorney: Lorrain use E. Gardner (202) 622-3090 Treasury attorney: Catherine Hughes (202) 622-9407 CC: PSI

Regulatory Flexibility Analysis Required: No Government Levels Affected: Undetermined
Small Entities Affected: No Federalism: No
Energy Affected: No

Related RINs: Related to 1545-BH67

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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Information Reporting for Discharges of Indebtedness
Abstract: These proposed regulations amend section 1.6050P-1 by adding a definition of creditor for purposes of section 1.6050P-1(b)(2)(iv). The definition will limit application of the 36-month nonpayment testing period (one of the identifiable events, triggering the information reporting requirements under section 6050P) to banks and other financial entities as defined in the original 1993 definition of applicable financial entities.

Priority: Substantive, Nonsignificant Agenda Stage of Rulemaking: Final Rule
Major: No Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 6050P

Legal Deadline: None

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Additional Information: REG-118327-08 Drafting attorney: Barbara M. Pettoni (202) 622-4910 Reviewing attorney: James C. Gibbons (202) 622-4910 CC: PA: Branch 1
Title: Genetic Information Nondiscrimination Act

Abstract: The proposed regulations provide guidance on prohibitions against group health plans using genetic tests, genetic services, and genetic information in the administration of the plan, with limited exceptions for payment of benefits and research.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Unfunded Mandates: No

CFR Citation: 26 CFR 54.9801 and 54.9802 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 7805; 26 USC 9833

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1545-BI03

Agency Contact: Russell E. Weinheimer

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Department of the Treasury (TREAS)

Internal Revenue Service (IRS)

RIN: 1545-BI02

View Related Documents
Title: Genetic Information Nondiscrimination Act

Abstract: The temporary regulations provide guidance on prohibitions against group health plans using genetic tests, genetic services, and genetic information in the administration of the plan, with limited exceptions for payment of benefits and research.

Priority: Substantive, Nonsignificant
Major: No
Unfunded Mandates: No
CFR Citation: 26 CFR 54.9801 to 54.9802
Legal Authority: 26 USC 7805; 26 USC 9833

Legal Deadline:

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Title: Generation Skipping Transfers (GST) Section 6011 Regulations and Amendments to the Section 6012 Regulations

Abstract: This document contains temporary regulations that provide rules relating to preparation and maintenance of lists with respect to reportable transactions by material advisors under section 6112. These temporary regulations provide the length of time a material advisor has from the date the list maintenance requirement first arises with respect to a reportable transaction to prepare the list that must be maintained under section 301.6112-1T.

Priority: Substantive, Nonsignificant
Major: No
Unfunded Mandates: No
CFR Citation: 26 CFR 301
Legal Authority: 26 USC 7805; 26 USC 6112

Legal Deadline: None

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Additional Information: REG-136563-07 Drafting attorney: Charles D. Wien (202) 622-7911 Reviewing attorney: Tara P.
Volungis (202) 622-3684 Treasury attorney: Anita Soucy (202) 622-1766 CC: PSI

Regulatory Flexibility Analysis Required: No  Government Levels Affected: No
Small Entities Affected: No  Federalism: No
Energy Affected: No
Related RINs: Related to 1545-BG89
Agency Contact: Charles D. Wien
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Departments of the Treasury (TREAS) Internal Revenue Service (IRS)

Title: Extensions of Time to File Entity Classification Elections
Abstract: The regulations permit certain eligible entities to file a late entity classification election on Form 8832 that includes affirmative statements that the eligible entities meet the requirements of the regulations. An eligible entity that does not meet the requirements to file a late entity classification election by filing Form 8832 with the appropriate service center may apply for a letter ruling.

Priority: Substantive, Nonsignificant
Major: No
Unfunded Mandates: No

CFR Citation: 26 CFR 301 (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 7805

Department of the Treasury (TREAS)

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Regulatory Flexibility Analysis Required: No  Government Levels Affected: No
Small Entities Affected: Business  Federalism: No
Energy Affected: No
Related RINs: Related to 1545-BG01
Agency Contact: Richard T. Probst
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Internal Revenue Service (IRS) RIN: 1545-BI14

Title: Related Corporations and Section 304 (Temporary)
Abstract: This regulation will address related corporations and section 904 of the Internal Revenue Code.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Final Rule
Major: No
Unfunded Mandates: No
CFR Citation: 26 CFR 1.304-4; 26 CFR 1.304-4T (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805; 26 USC 304(b)
Legal Deadline: None

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Additional Information: REG-132232-08 Drafting attorney: Sean W. Mullaney (202) 622-3860 Reviewing attorney: John Merrick (202) 622-3800 CC:INTL

Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Federalism: No
Related RINs: Related to 1545-BI13
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS) RIN: 1545-BI24

Title: Guidance Regarding Substantial Assistance and Foreign Base Company Services Income (Temporary)
Abstract: These regulations will provide guidance under section 954 relating to substantial assistance under the foreign base company services regulations.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Final Rule
Major: Undetermined
Unfunded Mandates: No
CFR Citation: 26 CFR 1; 26 CFR 0954 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805; 26 USC 0954
Legal Deadline: None

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Additional Information: REG-138719-08 Drafting Attorney: Jeffrey P. Cowan (202) 622-3860 Reviewing Attorney: John J. Merrick (202) 622-3800 CC:INTL

Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Guidance Related to Section 954(d)(2) Branch Rules

Abstract: These proposed regulations contain rules for determining the location of manufacturing when multiple branches contribute to the manufacture of the same item of personal property.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Final Rule
Major: No
Unfunded Mandates: No

CFR Citation: 26 CFR 1
Legal Authority: 26 USC 7805
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Small Entities Affected: No
Federalism: No
Energy Affected: No

Related RINs: Related to 1545-BG11; Related to 1545-BI50

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Title: Use of Actuarial Tables in Valuing Annuities, Interests for Life, or Terms of Years, and Remainder or Reversionary Interests

Abstract: These regulations will relate to the use of actuarial tables in valuing annuities, interests for life or terms of years, and remainder or reversionary interests. These regulations are necessary because section 7502(c)(3) directs the Secretary to update the actuarial tables to reflect the most recent mortality experience available. These regulations will affect the valuation of inter vivos and testamentary transfers of interest dependent on one or more measuring lives.

Priority: Substantive, Nonsignificant
Major: No
Unfunded Mandates: No
Legal Authority: 26 USC 170; 26 USC 642(c)(5); 26 USC 664(a); 26 USC 2031; 26 USC 2055; 26 USC 2512; 26 USC 7520(c)(2); 26 USC 7805
Legal Deadline: Section 7530(c)(3) requires initial actuarial tables by 12/31/1989. These tables are required to be updated every 10 years to take into account the most recent mortality experience available as of the time of the revision.

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Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Small Entities Affected: No
Federalism: No
Energy Affected: No
Related RINs: Related to 1545-BH67; Related to 1545-BH96
Agency Contact: Mayer R. Samuels
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)
RIN: 1545-AC09

Title: Income Tax--Foreign Tax Credit: Notification of Foreign Tax Redeterminations

Abstract: The regulations will establish procedures for taxpayers by which they must notify the IRS of a change in foreign tax liability for a taxable year for which they claimed the foreign tax credit. In addition, the regulations set forth deadlines for compliance with the notification requirements; failure to meet those deadlines may result in the imposition of penalties.

Priority: Substantive, Nonsignificant
Major: No
Unfunded Mandates: No
CFR Citation: 26 CFR 1; 26 CFR 301; 26 CFR 602 (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 7805; 26 USC 905; 26 USC 6689
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No Government Levels Affected: No
Small Entities Affected: No Federalism: No
Energy Affected: No
Agency Contact: Teresa B. Hughes
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)
RIN: 1545-AL93

Title: Income of Foreign Governments and International Organizations
Abstract: These regulations will provide rules regarding the taxation of income of foreign governments and international organizations.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Long-term Action
Major: No
Unfunded Mandates: No
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805; 26 USC 892
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No Government Levels Affected: No
Small Entities Affected: No Federalism: No
Energy Affected: No
Agency Contact: David A. Juster
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)  

Title: Caribbean Basin Investments
Abstract: This regulation defines investments made in qualified Caribbean Basin countries that give rise to interests or dividends available for the section 936 credit.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Long-term Action  
Major: No  
Unfunded Mandates: No  
CFR Citation: 26 CFR 1  
Legal Authority: 26 USC 7805; 26 USC 936  

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Regulatory Flexibility Analysis
Required: Undetermined  
Small Entities Affected: No  
Energy Affected: No  
Agency Contact: Joseph P. Dewald  
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)  

Title: Consolidated Alternative Minimum Tax
Abstract: This regulation will provide corporate taxpayers joining in the filing of a consolidated Federal income tax return with guidance necessary to calculate their alternative minimum tax liability.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Long-term Action  
Major: No  
Unfunded Mandates: No  
CFR Citation: 26 CFR 1  
Legal Authority: 26 USC 1502; 26 USC 53; 26 USC 55 to 59; 26 USC 59A; 26 USC 7805; ...

Additional Information: None
Title: Use of General Accepted Accounting Principle (GAAP) Earnings as Earnings and Profits (E&P) of Foreign Corporations

Abstract: The regulations are part of Treasury's ongoing simplification efforts. The regulations would modify the computation of earnings and profits (E&P) of foreign corporations by allowing taxpayers to account for inventory costs, using capitalization methods used for financial accounting purposes rather than the uniform capitalization rules required by section 263A. The regulations would also permit reliance on financial accounting conventions in computing depreciation for foreign corporations deriving less than 20 percent of gross income from U.S. sources and maintaining assets with tax bases not materially different from financial book bases. Use of these simplified rules may result in an accounting method change, which would ordinarily require the filing of Form 3115 (Application for Change in Accounting Method). However, the regulations waive this filing requirement if its conditions are met.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805; 26 USC 964; 26 USC 952

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Jeffrey L. Parry
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Department of the Treasury
Internal Revenue Service
Title: Foreign Corporations Regulations

Abstract: This regulation will provide guidance relating to the treatment of financial instruments and loans between partners and partnerships for purposes of sections 882 and 884.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 1

Legal Authority: 26 USC 7805; 26 USC 882; 26 USC 884

Legal Deadline: None

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Additional Information: REG-209805-95 (INTL-054-95) Drafting attorney: Mark E. Erwin (202) 622-3870 Reviewing attorney: Jeffrey L. Dorfman (202) 622-3870 CC: INTL

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of the Treasury
Internal Revenue Service
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Phone: 202 622-3870
E-Mail: mark.e.erwin@irs.gov
### Title:
Special Rules for S Corporations

#### Abstract:
This regulation will provide rules that will permit a dual resident S Corporation shareholder, who has claimed a treaty benefit, to be treated as a U.S. resident for purposes of section 1361(a)(1) of the Internal Revenue Code.

#### Priority:
Substantive, Nonsignificant

#### Agenda Stage of Rulemaking:
Long-term Action

#### Major:
No

#### CFR Citation:
26 CFR 301; 26 CFR 601 (To search for a specific CFR, visit the [Code of Federal Regulations](https://cfr.federalregister.gov/))

#### Legal Authority:
26 USC 7805; 26 USC 7701

#### Legal Deadline:
None

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**Title:** Payments for Interest in Partnership  
**Abstract:** The proposed regulations relate to section 736(b)(3)(B), regarding payments for interest in a partnership if the retiring or deceased partner was a general partner in the partnership.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Long-term Action  
**Major:** No  
**Unfunded Mandates:** Undetermined  
**CFR Citation:** 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

**Legal Authority:** 26 USC 736; 26 USC 7805  
**Legal Deadline:** None

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**Additional Information:** REG-209720-94 (INTL-40-94) Drafting attorney: David A. Juster (202) 622-3850 Reviewing attorney: Barbara A. Felker (202) 622-3850 CC: INTL

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No  
**Small Entities Affected:** No  
**Federalism:** No  
**Energy Affected:** No  
**Related RINs:** Split From 1545-AP35; Related to 1545-AS88

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---

**Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  
RIN:** 1545-AY90

**View Related Documents**
**Title:** Guidance Regarding Selected Issues Under Section 336(e) Regarding Corporate Stock  
**Abstract:** The proposed regulations will address the circumstances in which a corporation that owns stock in another corporation, meeting the requirements of section 1504(a)(2), and sells, exchanges, or distributes such an interest, may elect to treat the transaction as a disposition of the assets of such other corporation.  
**Priority:** Substantive, Nonsignificant  
**Major:** No  
**Agenda Stage of Rulemaking:** Long-term Action  
**Unfunded Mandates:** No  
**CFR Citation:** 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)  
**Legal Authority:** 26 USC 336; 26 USC 7805  
**Legal Deadline:** None  

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**Additional Information:** REG-143544-04 Drafting attorney: Mark Weiss (202) 622-7750 Reviewing attorney: Ken Cohen (202) 622-7790 CC: CORP  
**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No  
**Small Entities Affected:** No  
**Federalism:** No  
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Washington, DC 20224  
Phone: 202 622-7750  
E-Mail: mark.weiss@irs.counsel.treas.gov  

---  

**Title:** Credit for Production From Advanced Nuclear Power Facilities  
**Abstract:** These regulations will provide guidance for implementation of new section 45J; in particular, the regulations will provide a certification process for approval and allocation of the National Megawatt Limitation.  
**Priority:** Substantive, Nonsignificant  
**Major:** No  
**Agenda Stage of Rulemaking:** Long-term Action  
**Unfunded Mandates:** Undetermined  
**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the Code of Federal Regulations.)  
**Legal Authority:** 26 USC 7805; 26 USC 45J  
**Legal Deadline:** None  

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**Additional Information:** REG-157616-05 Drafting attorney: Patrick S. Kirwan (202) 622-3110 Reviewing attorney: Peter Friedman (202) 622-3110 Treasury attorney: John Parcell (202) 622-2578 CC: PSI  
**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** Undetermined  
**Small Entities Affected:** No  
**Federalism:** No
Related RINs: Related to 1545-BF20
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)
RIN: 1545-BF20

Title: Credit for Production From Advanced Nuclear Power Facilities (Temporary)
Abstract: These temporary regulations will provide guidance for implementation of new section 45J; in particular, the regulations will provide a certification process for approval and allocation of the National Megawatt Limitation.
Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Long-term Action
Major: No
Unfunded Mandates: No
CFR Citation: Not Yet Determined (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 7805; 26 USC 45J
Legal Deadline: None

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Related RINs: Related to 1545-BF19
Agency Contact: Patrick S. Kirwan
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)
RIN: 1545-BF25

Title: Guidance Necessary To Facilitate Business Electronic Filing Under Section 1561
Abstract: These proposed regulations provide guidance necessary to facilitate business electronic filing under section 1561. The regulations will affect component members of controlled groups.
Priority: Info./Admin./Other
Agenda Stage of Rulemaking: Long-term Action
Major: No
Unfunded Mandates: No
**CFR Citation:** 26 CFR 301  (To search for a specific CFR, visit the Code of Federal Regulations)

**Legal Authority:** 26 USC 7805

**Legal Deadline:** None

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**Additional Information:** REG-161919-05 Drafting attorney: Grid R. Glyer (202) 622-7930 Reviewing attorney: Steve Hankin (202) 622-7930 CC: CORP

**Regulatory Flexibility Analysis Required:** No  **Government Levels Affected:** No

**Small Entities Affected:** No  **Federalism:** No

**Energy Affected:** No  **Related RINs:** Related to 1545-BF26

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E-Mail: grid.r.glyer@irscounsel.treas.gov

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**Department of the Treasury (TREAS)**
**Internal Revenue Service (IRS)**  **RIN:** 1545-BG27

**Title:** Determining the Amount of Taxes Paid for Purposes of Section 901

**Abstract:** Section 901 of the Internal Revenue Code permits taxpayers to claim a credit for income, war profits, and excess profits taxes paid or accrued (or deemed paid) during the taxable year to a foreign country or a possession of the United States. The proposed regulations would provide guidance in determining the amount of foreign taxes paid for purposes of section 901.

**Priority:** Substantive, Nonsignificant  **Agenda Stage of Rulemaking:** Long-term Action

**Major:** No  **Unfunded Mandates:** No

**CFR Citation:** 26 CFR 1  (To search for a specific CFR, visit the Code of Federal Regulations)

**Legal Authority:** 26 USC 7805

**Legal Deadline:** None

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**Additional Information:** REG-156779-06 Drafting attorney: Michael I. Gilman (202) 622-3850 Reviewing attorney: Barbara Felker (202) 622-3850 CC: INTL

**Regulatory Flexibility Analysis Required:** No  **Government Levels Affected:** No

**Federalism:** No  **Energy Affected:** No
**Related RINs:** Related to 1545-BH74

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**Department of the Treasury (TREAS) Internal Revenue Service (IRS)**

**RIN:** 1545-BG37

**Title:** Notification Requirement for Entities Not Currently Required To File

**Abstract:** The proposed regulations will describe the time and manner in which certain tax exempt organizations not currently required to file are to provide an annual electronic notice including information set forth in the statute.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No  
**Unfunded Mandates:** No

**CFR Citation:** 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

**Legal Authority:** PL 109-208, 120 Stat 1090 (2006) sec 1223; 26 USC 6033(i)(1); 26 USC 7805

**Legal Deadline:** None

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**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** Undetermined

**Small Entities Affected:** Organizations  
**Federalism:** No

**Energy Affected:** No

**Related RINs:** Related to 1545-BG38

**Agency Contact:** Monice L. Rosenbaum
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1111 Constitution Avenue NW
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Phone: 202 622-6070
FAX: 202 622-1036
E-Mail: monice.l.rosenbaum@irscounsel.treas.gov

**Department of the Treasury (TREAS) Internal Revenue Service (IRS)**

**RIN:** 1545-BG39

**Title:** Calculating and Apportioning the Section 11(b)(1) Additional Tax Under Section 1561 for Controlled Groups

**Abstract:** The regulation will provide guidance to component members of a controlled group in calculating and apportioning...
the section 11(b)(1) additional tax.

**Priority:** Info./Admin./Other  
**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No  
**Unfunded Mandates:** No

**CFR Citation:** 26 CFR 301.7805  (To search for a specific CFR, visit the Code of Federal Regulations.)

**Legal Authority:** 26 USC 7805

**Legal Deadline:** None

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**Additional Information:** REG-104713-07 Drafting attorney: Grid R. Glyer (202) 622-7930 Reviewing attorney: Steven Hankin (202) 622-7930 Treasury attorney: Donald Bakke (202) 622-0865 CC: CORP

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No

**Small Entities Affected:** No  
**Federalism:** No

**Energy Affected:** No  
**Related RINs:** Related to 1545-BG40

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E-Mail: grid.r.glyer@irs.counsel.treas.gov

### Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)

**RIN:** 1545-BG60

**Title:** Public Inspection of Material Relating to Tax-Exempt Organizations

**Abstract:** The proposed regulations clarify what documents relating to a tax-exempt organization the IRS may make available for public inspection.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No  
**Unfunded Mandates:** No

**CFR Citation:** 26 CFR 301.6104(a)-1  (To search for a specific CFR, visit the Code of Federal Regulations.)

**Legal Authority:** 26 USC 6104; 26 USC 7805

**Legal Deadline:** None

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**Additional Information:** REG-116215-07 Drafting attorney: Martin L. Schaffer (202) 622-6070 Reviewing attorney: Sylvia F. Hunt (202) 622-1124 CC: TEGE

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** Undetermined
**Title:** Infrastructure Improvements Under Section 897  
**Abstract:** This regulation will provide guidance under section 897 relating to assets used in connection with certain infrastructure improvements.

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**Additional Information:** REG-130342-08 Drafting attorney: Jeffrey P. Cowan (202) 622-3860 Reviewing attorney: Charles P. Besecky (202) 622-3860 CC: INTL

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No

**Federalism:** No  
**Energy Affected:** No

**Agency Contact:** Jeffrey P. Cowan  
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E-Mail: jeffrey.p.cowan@irsounsel.treas.gov
Title: Transactions Involving Obligations of Consolidated Group Members

Abstract: The proposed regulations are regarding intercompany obligations.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Completed Action
Major: No
Unfunded Mandates: No
CFR Citation: 26 CFR 301 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 6103; 26 USC 7805
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Small Entities Affected: No
Federalism: No
Energy Affected: No
Agency Contact: Sarah Tate
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

RIN: 1545-BA11

View Related Documents
Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Amendment to Section 6724 Relating to Failure To File Correct Information Returns
Abstract: Amended regulations to provide an electronic alternative procedure to when the filing of a correction is considered prompt for purposes of section 6724.
Priority: Substantive, Nonsignificant
Agency Stage of Rulemaking: Completed Action
Major: No
Unfunded Mandates: No
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 6724; 26 USC 7805
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Energy Affected: No
Agency Contact: Matthew P. Howard
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Loss on Subsidiary Stock
Abstract: The regulations will provide guidance to corporations that are members of an affiliated group filing a consolidated income tax return and that own stock of a subsidiary. The regulations will provide rules relating to the loss allowed on the transfer of subsidiary stock, and to the reduction of the subsidiary's attributes.
Priority: Substantive, Nonsignificant
Agency Stage of Rulemaking: Completed Action
Major: No
Unfunded Mandates: No
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations)
Title: Real Estate Mortgage Investment Conduit (REMIC) Residuals--Timing of Income for Foreign Holders

Abstract: These proposed regulations cross-reference temporary regulations that address transactions in which partnerships with foreign partners were being used in an attempt to avoid tax on some Real Estate Mortgage Investment Conduit (REMIC) excess inclusions. That avoidance would have violated Congress’s clear intention that excess inclusion income should always produce some tax liability. Under the regulations, if a domestic partnership holds REMIC residual interests and allocates excess inclusions from those interests to foreign partners, the foreign partners’ recognition of the excess inclusion income is accelerated for purposes of the withholding rules, and the partnership is required to withhold on the income, even in the absence of distributions of cash or property to the foreign partners.
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)
RIN: 1545-BC63

Title: Guidance Under Section 707 Regarding Disguised Sales
Abstract: This regulation will provide guidance regarding disguised sales of partnership interests.
Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Completed Action
Major: No
Unfunded Mandates: No
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 707; 26 USC 7805
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Small Entities Affected: No
Federalism: No
Energy Affected: No
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)
RIN: 1545-BC88

Title: Transactions Involving the Transfer of No Net Equity Value
Abstract: These regulations will provide guidance regarding the application of sections 332, 351, and 368 in certain transactions involving insolvent corporations.
Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Completed Action
Major: No
Unfunded Mandates: No
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 7805; 26 USC 351
Legal Deadline: None
Title: Revision of Section 301.6103(j)-1 for Disclosure to the Bureau of Economic Analysis, Department of Commerce

Abstract: This final regulations relate to the list of items of return information disclosed to the Bureau of Economic Analysis (Bureau). Specifically, the regulation authorizes the IRS to disclose the additional items of return information that have been requested by the Secretary of Commerce for purposes relating to measuring economic change in U.S. National economic accounts.

Priority: Substantive, Nonsignificant

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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Legal Authority: 26 USC 6103; 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1545-BE01; Related to 1545-BE02; Related to 1545-BE08

Agency Contact: Robin M. Tuczak
Revenue Officer
Department of the Treasury
Title: Shareholder's Basis in S Corporation
Abstract: This regulation will provide rules relating to the determination of a shareholder's basis in S corporation.

Agenda Stage of Rulemaking: Completed Action

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 7805; 26 USC 1367

Regulatory Flexibility Analysis Required: No
Small Entities Affected: Business
Energy Affected: No


Title: Definition of the "Due Date" for Purposes of Calculating Overpayment Interest Under Section 301.6611(h)
Abstract: These regulations will amend 26 CFR section 301.6611-1(h) to clarify the allowance for overpayment interest in
cases in which an overpayment is credited against an underpayment.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Completed Action  
**Major:** No  
**Unfunded Mandates:** No  
**CFR Citation:** 26 CFR 301 (To search for a specific CFR, visit the Code of Federal Regulations.)  
**Legal Authority:** 26 USC 6611; 26 USC 7805  
**Legal Deadline:** None

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**Additional Information:** REG-148576-04 Drafting attorney: Timothy S. Sheppard (202) 622-4910 Reviewing attorney: Nancy L. Rose (202) 622-4940 CC: PA: Branch 1

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No  
**Small Entities Affected:** No  
**Federalism:** No  
**Energy Affected:** No

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E-Mail: timothy.s.sheppard@irs.counsel.treas.gov

---

**Title:** Return for Subchapter T Cooperatives  
**Abstract:** This proposed regulation will amend section 1.6012-2(f) of the Income Tax Regulations to provide that all subchapter T cooperatives as defined under section 1381 are required to a return on Form 1120-C, "U.S. Income Tax Return for Cooperative Associations."

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Completed Action  
**Major:** No  
**Unfunded Mandates:** No  
**CFR Citation:** 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)  
**Legal Authority:** 26 USC 6012; 26 USC 7805  
**Legal Deadline:** None

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**Additional Information:** REG-149436-04 Drafting attorney: Matthew P. Howard (202) 622-4910 Reviewing attorney: James C. Gibbons (202) 622-4910 Treasury attorney: John Parcell (202) 622-2578 CC: PA: Branch 1

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No  
**Federalism:** No  
**Energy Affected:** No
**Title:** Return for Subchapter T Cooperatives (Temporary)

**Abstract:** This proposed regulation will amend section 1.6012-2(f) of the Income Tax Regulations to provide that all subchapter T cooperatives as defined under section 1381 are required to file a return on Form 1120-C, "U.S. Income Tax Return for Cooperative Associations."

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations)

**Legal Authority:** 26 USC 6012; 26 USC 7805

**Legal Deadline:** None

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**Additional Information:** REG-149436-04 Drafting attorney: Matthew P. Howard (202) 622-4910 Reviewing attorney: James C. Gibbons (202) 622-4910 Treasury attorney: John Parcell (202) 622-2578 CC: PA: Branch 1

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

**Related RINs:** Related to 1545-BD92

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E-Mail: matthew.p.howard@irscounsel.treas.gov

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**Title:** Definition of Dependent and Other Related Provisions

**Abstract:** This project will update regulations under sections 2, 151, 152, and other sections of the Internal Revenue Code that refer to the definition of "dependent" in section 152, as amended by the Working Families Tax Relief Act of 2004.
Title: Balanced System for Measuring Organizational and Employee Performance Within the Internal Revenue Service
Abstract: The IRS finalized temporary regulations amending 26 CFR part 801 to remove limitations on use of quantity measures in measuring and evaluating organizational and employee performance, and to add examples of proper use of quantity measures and records of tax enforcement results.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Completed Action

**Major:** No  
**Unfunded Mandates:** No

**CFR Citation:** 26 CFR 801  
(To search for a specific CFR, visit the [Code of Federal Regulations](http://www.cfr.gov/))

**Legal Authority:** 26 USC 9501; 26 USC 7804; PL 105-206, sec 1201; PL 105-206, sec 1204; 26 USC 7805; ...

**Legal Deadline:** None

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**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** Federal

**Small Entities Affected:** No  
**Federalism:** No

**Agency Contact:** Karen F. Keller  
Senior Counsel
Title: Procedures for Administrative Review of a Determination That an Authorized Recipient Has Failed To Safeguard Federal Tax Returns or Return Information

Abstract: Treasury regulation section 301.6103(p)(7)-1 is withdrawn. The NPRM and cross-referenced temporary regulation provide the notice, appeal, and disclosure termination procedures applicable to authorized recipients of Federal tax returns and return information who fail to provide proper safeguarding of the information.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Completed Action

Major: No
Unfunded Mandates: No

CFR Citation: 26 CFR 301 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 7805; 26 USC 6103(l)

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No

Energy Affected: No
Related RINs: Previously Reported as 1545-BF22

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Title: Section 6707A and the Failure To Include on Any Return or Statement Any Information Required To Be Disclosed Under Section 6011 With Respect to a Reportable Transaction

Abstract: These temporary regulations regard the imposition of penalties under section 6707A of the Internal Revenue Code
for the failure to include on any return or statement any information required to be disclosed under section 6011 with respect to
a reportable transaction.

Priority: Substantive, Nonsignificant  Agenda Stage of Rulemaking: Completed Action
Major: No  Unfunded Mandates: No
CFR Citation: 26 CFR 301.6707-1 (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 7805
Legal Deadline: None

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Additional Information: REG-160868-04 Drafting attorney: Matthew S. Cooper (202) 622-4940 Reviewing attorney: Ashton

Regulatory Flexibility Analysis Required: No  Government Levels Affected: No
Small Entities Affected: No  Federalism: No
Energy Affected: No
Related RINs: Related to 1545-BF61
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Title: Treatment of Payments in Lieu of Taxes
Abstract: The notice of proposed rulemaking provides that the Internal Revenue Service and the Department of Treasury propose to modify the standards for treating payments in lieu of taxes as generally applicable taxes for purposes of the private security or payment test under section 141.

Priority: Substantive, Nonsignificant  Agenda Stage of Rulemaking: Completed Action
Major: No  Unfunded Mandates: No
CFR Citation: 26 CFR 1.141-4(e)(5) (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 7805
Legal Deadline: None

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Additional Information: REG-136806-06 Drafting attorney: Carla A. Young (202) 622-3980 Reviewing attorney: James A.
Polfer (202) 622-3980 Treasury attorney: John Cross (202) 622-1322 CC: FIP

Regulatory Flexibility Analysis Required: No  Government Levels Affected: No
Federalism: No
Energy Affected: No
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Gain Recognition Agreements With Respect to Certain Transfers of Stock or Securities by United States Persons to Foreign Corporations
Abstract: These regulations will finalize section 1.367(a)-8T. The regulations will provide rules describing how U.S. taxpayers enter into gain recognition agreements in connection with the transfer of stock or securities to foreign corporations. The regulations will also clarify the effect that certain transactions have on existing gain recognition agreements.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Completed Action
Major: No
Unfunded Mandates: No
CFR Citation: 26 CFR 1.367(a)-3T; 26 CFR 1.367(a)-8T (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 26 USC 7805; 26 USC 0367
Legal Deadline: None

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Additional Information: REG-147144-06 Drafting Attorney: Stephen J. Hawes (202) 622-3860 Charles P. Besecky (202) 622-3860 CC: INTL

Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Small Entities Affected: No
Federalism: No
Energy Affected: No
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

RIN: 1545-BG11
Title: Guidance Regarding Foreign Base Company Sales Income

Abstract: The proposed regulations provide guidance relating to the manufacturing exception from foreign base company sales income (FBCSI), as defined in section 954(d), with respect to arrangements where the property sold by a controlled foreign corporation (CFC) is manufactured, produced, or constructed pursuant to a contract manufacturing arrangement. These regulations also provide two new manufacturing rules that address a CFC’s use of multiple branches that engage in manufacturing, producing, constructing, growing, or extracting activities either with two different items of property or with respect to the same item of property. In addition, these regulations clarify the proper scope and application of the treaty purchasing or selling activities performed by or through a branch or similar establishment as being performed on behalf of the CFC. Finally, the regulations clarify the relationship between the reporting of sales income and “sales activity.” These regulations, in general, will affect United States shareholders of controlled foreign corporations.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Unfunded Mandates: No

CFR Citation: 26 CFR 6038; 26 CFR 0954 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 7805; 26 USC 0954

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Merge with 1545-BI50; Related to 1545-BI45

Agency Contact: Ethan A. Atticks
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

RIN: 1545-BG16

Title: Section 7508A--Regulations Relating to Postponement of Certain Deadlines

Abstract: These final regulations relate to the postponement of certain tax-related deadlines by reason of a federally declared disaster or terrorist or military action.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Unfunded Mandates: No

CFR Citation: 26 CFR 301.7508A-1 (Revision) (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 7508 to 7508A; 26 USC 7805

Legal Deadline: None
**Title:** Anti-Avoidance and Anti-Loss Reimportation Rules Applicable Following a Loss on Disposition of Stock of Consolidated Subsidiaries

**Abstract:** This document will provide proposed regulations that add a new general anti-avoidance rule and revise the anti-loss reimportation rules in 1.1502-35. The purpose of the rules is to prevent the duplication of loss and prevent a consolidated group of corporations from obtaining more than one tax benefit from a single economic loss.

**Priority:** Substantive, Nonsignificant

**Agency Contact:**

Marcie P. Barese  
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1111 Constitution Avenue NW Room 5428  
Washington, DC 20224  
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FAX: 202-622-4117  
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Title: Employer-Owned Life Insurance  
Abstract: These proposed regulations implement the statutory mandate to require reporting concerning employer-owned life insurance.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Completed Action

Major: No  
Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 6039I; 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No  
Government Levels Affected: No

Small Entities Affected: Business  
Federalism: No

Energy Affected: No

Related RINs: Related to 1545-BG59

Agency Contact: Linda K. Boyd  
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Title: Automatic Contribution Arrangements  
Abstract: The proposed regulations provide guidance on how a qualified cash or deferred arrangement can become a qualified automatic contribution arrangement and avoid the ADP test of section 401(k)(3)(A)(ii). The proposed regulations also provide guidance on how an automatic contribution arrangement can permit an employee to make withdrawals from an eligible automatic contribution arrangement that he did not wish to have the employer make.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Completed Action

Major: No  
Unfunded Mandates: No

CFR Citation: 26 CFR 1.401(k)-3; 26 CFR 1.401(m)-3; 26 CFR 1.414 (w)-1; 26 CFR 54.4979-1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  
RIN: 1545-BG80

View Related Documents
Legal Authority: 26 USC 401(k)(13); 26 USC 401(m)(12); 26 USC 414 (w); 26 USC 4979(f); 26 USC 7805;...
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No  Government Levels Affected: No
Small Entities Affected: No  Federalism: No
Energy Affected: No
Agency Contact: William D. Gibbs
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: HIPAA Newborns' and Mothers' Health Protection Act
Abstract: The regulations provide guidance for group health plans that provide benefits for hospital stays in connection with childbirth relating to requirements for minimum lengths of stay.

Priority: Substantive, Nonsignificant  Agenda Stage of Rulemaking: Completed Action
Major: No  Unfunded Mandates: No
CFR Citation: 26 CFR 54.9811-1  (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805; 26 USC 9833
Legal Deadline: None

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Additional Information: REG-109708-97 Drafting attorney: Russell E. Weinheimer (202) 622-6080 Reviewing attorney: Alan Tawshunsky (202) 622-6000 Treasury attorney: Kevin Knopf (202) 622-2329 CC: TEGE

Regulatory Flexibility Analysis Required: No  Government Levels Affected: No
Federalism: No
Related RINs: Related to 1545-AV12
Agency Contact: Russell E. Weinheimer
Senior Counsel
Department of the Treasury
Title: Tax Return Preparer Penalties Under Section 6694

Abstract: The Internal Revenue Service will issue proposed regulations that revise the definition of "tax return preparer" consistent with section 8246 of the Small Business and Work Opportunity Tax Act of 2007, Public Law 110-28. The proposed regulations will also alter the standards of conduct that preparers must meet to avoid imposition of penalties for preparing a return where there is an understatement of tax and the tax preparer knew, or reasonably should have known, of the tax treatment of a return position.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 1; 26 CFR 301 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 6060; 26 USC 6107; 26 USC 6109; 26 USC 6694 to 6696; 26 USC 7701(a)(36); 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: Organizations

Energy Affected: No

Related RINs: Related to 1545-BG84

Agency Contact: Michael E. Hara
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Abstract: The Internal Revenue Service will issue temporary regulations that revise the definition of "tax return preparer" consistent with section 8246 of the Small Business and Work Opportunity Tax Act of 2007, Public Law 110-28. The temporary regulations will also alter the standards of conduct that preparers must meet to avoid imposition of penalties for preparing a return where there is an understatement of tax and the tax preparer knew, or reasonably should have known, of the tax treatment of a return position.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 1; 26 CFR 301 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 6060; 26 USC 6107; 26 USC 6109; 26 USC 6694 to 6696; 26 USC 7701(a)(36); 26 USC 7805

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Organizations

Federalism: No

Energy Affected: No

Related RINs: Related to 1545-BG83

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Department of the Treasury (TREAS)

Internal Revenue Service (IRS)

RIN: 1545-BH05

Title: Limiting Individual Taxpayer Identification Numbers (ITINs) To Tax Reporting Purposes

Abstract: Section 6109(a)(1) authorizes the Secretary to prescribe the use of a taxpayer identification number (TIN). These regulations emphasize that the IRS may use TINs only for tax administration purposes, unless directed by statute to share TINs or use them for other purposes. These regulations also describe the limited scope and use of a specific type of TIN, the ITIN.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 301.6109-1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 7805

Legal Deadline: None

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Title: Application of Section 338 to Insurance Companies

Abstract: These proposed regulations by reference to temporary regulations incorporated within TD 9257 (71 FR 17990) provide guidance in the following areas: Guidance is provided with regard to the determination of the adjusted basis of section 197 amortizable assets resulting from certain reinsurance transactions and the interplay of those rules with regard to the requirement for the capitalization by insurance companies of policy acquisition expenses. These proposed regulations by reference to the temporary regulations provide rules that apply to insurance reserve increases by a new target insurance company after a stock purchase which is treated as a deemed asset sale under section 338. Additionally, these proposed regulations by reference to temporary regulations also allow the new target insurance company in a deemed asset sale to use the historical loss payment pattern elected by the old target under section 846(e) to continue to be used by new target insurance company, unless new target chooses to revoke that existing election.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Unfunded Mandates: No

CFR Citation: 26 CFR 1.197-2; 26 CFR 1.338-1; 26 CFR 1.338-11; 26 CFR 1.846-2; 26 CFR 1.846-4; ... (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 7805; 26 USC 197(f)(5); 26 USC 338; 26 USC 846(e)

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Energy Affected: No

Related RINs: Related to 1545-AY49

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Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  

**RIN:** 1545-BH22

**Title:** The Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) Special Enforcement Regulation--Tax Avoidance Transactions

**Abstract:** These regulations will allow the IRS to convert partnership items to non-partnership items where the application of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) partnership procedures to certain tax avoidance transactions interferes with the effective and efficient enforcement of the Internal Revenue laws.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Completed Action  
**Major:** No  
**Unfunded Mandates:** Undetermined  
**CFR Citation:** 26 CFR 301.6231(c)-9 (To search for a specific CFR, visit the Code of Federal Regulations.)

**Legal Authority:** 26 USC 7805; 26 USC 6231(c)

**Legal Deadline:** None

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**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No  

**Federalism:** No

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Department of the Treasury (TREAS)  
Internal Revenue Service (IRS)  

**RIN:** 1545-BH23

**Title:** Addition of Bulgaria to Section 7701 Per Se List

**Abstract:** This regulation added Bulgaria's aktsionerno druzhestvo to list of per se corporations under section 7701.

**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Completed Action  
**Major:** No  
**Unfunded Mandates:** No  
**CFR Citation:** 26 CFR 301.7701-2 (To search for a specific CFR, visit the Code of Federal Regulations.)

**Legal Authority:** 26 USC 7805

**Legal Deadline:** None

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Title: Regulations Coordinating Section 355(d) and Other Provisions
Abstract: The proposed regulations provide guidance under section 355(d) of the Internal Revenue Code relating to the definition of the term "purchase" as it relates to the tax status of a distribution under section 355 of the Code.

Priority: Substantive, Nonsignificant
Major: No
Unfunded Mandates: Undetermined

CFR Citation: 26 CFR 1.355-6 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805; 26 USC 355(d)(9)
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No
Federalism: No

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**Internal Revenue Service (IRS)**

**RIN:** 1545-BH29

**Title:** Disclosure of Return Information to the Bureau of the Census

**Abstract:** This Notice of Proposed Rulemaking amending the section 6103(j)(1)(A) regulation relates to an addition to the list of items of return information disclosed to the Bureau of the Census (Bureau). The proposed regulations add one item of return information for use in producing the Bureau's annual Survey of Industrial Research and Development.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 26 CFR 1.6103(j)(1)(A) (To search for a specific CFR, visit the Code of Federal Regulations.)

**Legal Authority:** 26 USC 7805; 26 USC 6103

**Legal Deadline:** None

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**Additional Information:** REG-147832-07 Drafting attorney: Wendy L. Kribell (202) 622-4570 Treasury attorney: Eric San Juan (202) 622-0224 CC: PA: Branch 7

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Related RINs:** Related to 1545-BH30

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**Department of the Treasury (TREAS)**

**Internal Revenue Service (IRS)**

**RIN:** 1545-BH36

**Title:** Presidential Primary Matching Payment Account

**Abstract:** Section 702.9037-2 of the Financing of Presidential Election Campaigns Regulations will be amended to require prompt payments from the Presidential Primary Matching Payment Account (the Account). The regulations will be amended to permit payments from the Account to certified primary candidates as soon as funds are available in the Account.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 26 CFR 702.9037-1 and 702.9037-2 (To search for a specific CFR, visit the Code of Federal Regulations.)

**Legal Authority:** 26 USC 7805

**Legal Deadline:** None

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Title: Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) Special Enforcement Regulation--Tax Avoidance Transactions

Abstract: These temporary regulations will allow the IRS to convert partnership items to non-partnership items where the application of the TEFRA partnership procedures to certain tax avoidance transactions interferes with the effective and efficient enforcement of the Internal Revenue laws.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 26 CFR 301.6231(c)-9 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 26 USC 7805; 26 USC 6231(c)

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Related RINs: Related to 1545-BH22

Agency Contact: Robert T. Wearing

Attorney

Department of the Treasury

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E-Mail: robert.t.wearing@irscounsel.treas.gov
Department of the Treasury (TREAS)
Internal Revenue Service (IRS)  
RIN: 1545-BH61

Title: Guidance Regarding the Treatment of Stock of a Controlled Corporation Under Section 355(a)(3)(B)
Abstract: These temporary regulations will provide guidance regarding the hot stock rule under section 355(a)(3)(B).

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Completed Action  
Major: No  
Unfunded Mandates: No  
CFR Citation: 26 CFR 1.355-2(g)  
(To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805; 26 USC 355(b)(3)(D)
Legal Deadline: None

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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)  
RIN: 1545-BH85

Title: Form 990 Implementation Regarding Exempt Organization
Abstract: Amendments to conform regulations to Form 990, Return of Organizations Exempt from Income Tax.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Completed Action  
Major: No  
Unfunded Mandates: No  
CFR Citation: 26 CFR 6033  
(To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805; 26 USC 6033
Legal Deadline: None

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Additional Information: REG-142333-07 Drafting attorney: Terri L. Harris (202) 622-6070 Reviewing attorney: Galina V. Kolomietz (202) 622-6070 CC: TEGE
### Title:
Allocation of Basis and Consideration Received in Certain Exchanges

### Abstract:
The guidance will address the allocation of basis and consideration received in exchanges to characterize the transaction and determine the basis consequences that follow.

### Priority:
Substantive, Nonsignificant

### Agenda Stage of Rulemaking:
Completed Action

### Major:
No

### Unfunded Mandates:
No

### CFR Citation:
26 CFR 351; 26 CFR 356; 26 CFR 358; 26 CFR 368; 26 CFR 1001 (To search for a specific CFR, visit the Code of Federal Regulations)

### Legal Authority:
26 USC 358(b); 26 USC 7805

### Legal Deadline:
None

### Timetable:

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### Additional Information:

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### Related Documents:
View Related Documents
Title: Information Reporting for Discharges of Indebtness

Abstract: The temporary regulations amend section 1.6050P-1 by adding a definition of creditor for purposes of section 1.6050P-1(b)(2)(iv). The definition will limit application of the 36-month nonpayment testing period (one of the identifiable events, triggering the information reporting requirements under section 6050P) to banks and other financial entities as defined in the original 1993 definition of applicable financial entities.

Priority: Substantive, Nonsignificant
Major: No
Agenda Stage of Rulemaking: Completed Action
Unfunded Mandates: No
CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 7805; 26 USC 6050P
Legal Deadline: None

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Additional Information: REG-118327-08 Drafting attorney: Barbara M. Pettoni (202) 622-4910 Reviewing attorney: James C. Gibbons (202) 622-4910 CC: PA: Branch 1

Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Federalism: No
Energy Affected: No
Related RINs: Related to 1545-BH98
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Title: Amendments to the Section 7216 Regulations--Disclosure or Use of Information by Preparers of Returns, Social Security Numbers

Abstract: This action proposes amendments to 26 CFR part 301 under section 7216 to provide modified rules relating to the disclosure of a taxpayer’s social security number constituting tax return information to a tax return preparer located outside of the United States for purposes of tax return preparation. It proposes a limited exception to the general prohibition against disclosure of SSNs to tax return preparers located outside of the United States when the tax return preparer located in the United States has in place an “adequate data protection safeguard.”

Priority: Substantive, Nonsignificant
Major: No
Agenda Stage of Rulemaking: Completed Action
Unfunded Mandates: No
CFR Citation: 26 CFR 301 (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 26 USC 6713; 26 USC 7216; 26 USC 7805
Legal Deadline: None

Timetable:

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### Title:
Withdrawal of Proposed Sections 1.1502-13(e)(4) and 1.1502-32(c)(1)(ii)

### Abstract:
The proposed rule withdraws proposed sections 1.1502-13(e)(4) and 1.1502-32(c)(1)(ii) that were published in the Federal Register on January 23, 2007.

### Priority:
Substantive, Nonsignificant

### Agenda Stage of Rulemaking:
Completed Action

### CFR Citation:
26 CFR 1 (To search for a specific CFR, visit the [Code of Federal Regulations](https://www.codeoffederalregulations.gov/).

### Legal Authority:
26 USC 7805; 26 USC 1502

### Legal Deadline:
None

### Timetable:

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### Additional Information:
REG-129027-08 Drafting attorney: Marcie P. Barese (202) 622-7790 Reviewing attorney: Theresa A. Abell (202) 622-7700 Treasury attorney: Marc Countryman (202) 622-9858 CC: CORP

### Regulatory Flexibility Analysis Required:
No

### Government Levels Affected:
No

### Federalism:
No

### Energy Affected:
No

### Small Entities Affected:
No

### Agency Contact:
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**Title:** Time for Filing Employment Tax Returns and Modifications to the Deposit Rules  
**Abstract:** Temporary regulations regard filing of Form 944, which is an annual form to report employment taxes that replaces quarterly Forms 941, and depositing employment taxes that replaces current temporary regulations regarding Form 944.  
**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Completed Action  
**Major:** No  
**Unfunded Mandates:** No  
**CFR Citation:** 26 CFR 31.6011(a)-1; 26 CFR 31.6011-(a)-4; 26 CFR 31.6302-1 (To search for a specific CFR, visit the Code of Federal Regulations)  
**Legal Authority:** 26 USC 6011; 26 USC 6302; 26 USC 7805  
**Legal Deadline:** None  

**Timetable:**

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**Additional Information:** REG-148568-04 Drafting attorney: Audra M. Dineen (202) 622-4910 Reviewing attorney: Blaise G. Dusenberry (202) 622-4910 CC: PA: Branch 1  
**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No  
**Small Entities Affected:** Business  
**Federalism:** No  
**Related RINs:** Related to 1545-BI38; Related to 1545-BD93  
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**Title:** Application of Section 367 to a Section 351 Exchange Resulting From a Transaction Descibed in Section 304(a)(1); Treatment of Gain Recognized Under Section 301(c)(3) for Purposes of Section 1248 (Temp)  
**Abstract:** These temporary regulations will address updates to regulations under sections 367 and 1248.  
**Priority:** Substantive, Nonsignificant  
**Agenda Stage of Rulemaking:** Completed Action  
**Major:** No  
**Unfunded Mandates:** No  
**CFR Citation:** 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations)  
**Legal Authority:** 26 USC 7805  
**Legal Deadline:** None  

**Timetable:**

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**Additional Information:** REG-147636-08 Drafting Attorney: Sean W. Mullaney (202) 622-3860 Reviewing Attorney: John J.
Regulatory Flexibility Analysis Required: No  Government Levels Affected: No
Small Entities Affected: No  Federalism: No
Energy Affected: No

Related RINs: Related to 1545-BI41
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Additional Information:

Regulatory Flexibility Analysis Required: No  Government Levels Affected: No
Small Entities Affected: No  Federalism: No
Energy Affected: No
Related RINs: Related to 1545-BB26; Related to 1545-BI47
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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

RIN: 1545-B146

Title: Section 482: Methods To Determine Taxable Income in Connection with a Cost Sharing Arrangement (Temporary)
Abstract: These temporary regulations will provide additional guidance on cost sharing arrangements under section 482.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Completed Action
Major: No
Unfunded Mandates: No

CFR Citation: 26 CFR 1 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 26 USC 0482; 26 USC 7805

Legal Deadline: None

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Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

RIN: 1545-B150

View Related Documents

View Related Documents
Title: Guidance Related to Section 954(d)(2) Branch Rules

Abstract: These temporary regulations contain rules for determining the location of manufacturing when multiple branches contribute to the manufacture of the same item of personal property.

Priority: Substantive, Nonsignificant  
Agenda Stage of Rulemaking: Completed Action

Major: No  
Unfunded Mandates: No

CFR Citation: 26 CFR 1  (To search for a specific CFR, visit the Code of Federal Regulations. )

Legal Authority: 26 USC 7805

Legal Deadline: None

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Additional Information: REG-150066-08  
Drafting Attorney: Thomas Andrew Durrett (202) 622-3840  
Reviewing Attorney: Ethan Atticks (202) 622-3840  
Treasury Attorney: Ittai Ginnberg (202) 622-4847  
CC: INTL

Regulatory Flexibility Analysis Required: No  
Government Levels Affected: No

Small Entities Affected: No  
Federalism: No

Energy Affected: No

Related RINs: Related to 1545-BI45; Merge with 1545-BG11

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