

## **HIGHLIGHTS OF THIS ISSUE**

These synopses are intended only as aids to the reader in identifying the subject matter covered. They may not be relied upon as authoritative interpretations.

### **INCOME TAX**

#### **Rev. Rul. 2013–10, page 1257.**

Interest rates: underpayment and overpayments. The rates for interest determined under section 6621 of the Code for the calendar quarter beginning July 1, 2013, will be 3 percent for overpayments (2 percent in the case of a corporation), 3 percent for the underpayments, and 5 percent for large corporation underpayments. The rate of interest paid on the portion of a corporation overpayment exceeding \$10,000 will be 0.5 percent.

#### **Rev. Rul. 2013–14, page 1267.**

This revenue ruling provides that the *fideicomiso* or Mexican Land Trust arrangements described in this ruling are not trusts within the meaning of § 301.7701–4(a).

### **EMPLOYEE PLANS**

#### **Notice 2013–37, page 1269.**

This notice contains updates for the corporate bond weighted average interest rate for plan years beginning in June 2013; the 24-month average segment rates; the funding segment rates applicable for June 2013; and the minimum present value rates for May 2013. The rates in this notice reflect certain changes implemented by the Moving Ahead for Progress in the 21st Century Act, Public Law 112–141 (MAP–21).

Finding Lists begin on page ii.  
Index for January through June begins on page v.



# The IRS Mission

Provide America's taxpayers top-quality service by helping them understand and meet their tax responsibilities and en-

force the law with integrity and fairness to all.

## Introduction

The Internal Revenue Bulletin is the authoritative instrument of the Commissioner of Internal Revenue for announcing official rulings and procedures of the Internal Revenue Service and for publishing Treasury Decisions, Executive Orders, Tax Conventions, legislation, court decisions, and other items of general interest. It is published weekly.

It is the policy of the Service to publish in the Bulletin all substantive rulings necessary to promote a uniform application of the tax laws, including all rulings that supersede, revoke, modify, or amend any of those previously published in the Bulletin. All published rulings apply retroactively unless otherwise indicated. Procedures relating solely to matters of internal management are not published; however, statements of internal practices and procedures that affect the rights and duties of taxpayers are published.

Revenue rulings represent the conclusions of the Service on the application of the law to the pivotal facts stated in the revenue ruling. In those based on positions taken in rulings to taxpayers or technical advice to Service field offices, identifying details and information of a confidential nature are deleted to prevent unwarranted invasions of privacy and to comply with statutory requirements.

Rulings and procedures reported in the Bulletin do not have the force and effect of Treasury Department Regulations, but they may be used as precedents. Unpublished rulings will not be relied on, used, or cited as precedents by Service personnel in the disposition of other cases. In applying published rulings and procedures, the effect of subsequent legislation, regulations, court decisions, rulings, and procedures must be considered,

and Service personnel and others concerned are cautioned against reaching the same conclusions in other cases unless the facts and circumstances are substantially the same.

The Bulletin is divided into four parts as follows:

### **Part I.—1986 Code.**

This part includes rulings and decisions based on provisions of the Internal Revenue Code of 1986.

### **Part II.—Treaties and Tax Legislation.**

This part is divided into two subparts as follows: Subpart A, Tax Conventions and Other Related Items, and Subpart B, Legislation and Related Committee Reports.

### **Part III.—Administrative, Procedural, and Miscellaneous.**

To the extent practicable, pertinent cross references to these subjects are contained in the other Parts and Subparts. Also included in this part are Bank Secrecy Act Administrative Rulings. Bank Secrecy Act Administrative Rulings are issued by the Department of the Treasury's Office of the Assistant Secretary (Enforcement).

### **Part IV.—Items of General Interest.**

This part includes notices of proposed rulemakings, disbarment and suspension lists, and announcements.

The last Bulletin for each month includes a cumulative index for the matters published during the preceding months. These monthly indexes are cumulated on a semiannual basis, and are published in the last Bulletin of each semiannual period.

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# Part I. Rulings and Decisions Under the Internal Revenue Code of 1986

## Section 6621.—Determination of Rate of Interest

26 CFR 301.6621-1: Interest rate.

Interest rates: underpayment and overpayments. The rates for interest determined under section 6621 of the Code for the calendar quarter beginning July 1, 2013, will be 3 percent for overpayments (2 percent in the case of a corporation), 3 percent for the underpayments, and 5 percent for large corporation underpayments. The rate of interest paid on the portion of a corporation overpayment exceeding \$10,000 will be 0.5 percent.

### Rev. Rul. 2013-10

Section 6621 of the Internal Revenue Code establishes the interest rates on overpayments and underpayments of tax. Under section 6621(a)(1), the overpayment rate is the sum of the federal short-term rate plus 3 percentage points (2 percentage points in the case of a corporation), except the rate for the portion of a corporate overpayment of tax exceeding \$10,000 for a taxable period is the sum of the federal short-term rate plus 0.5 of a percentage point. Under section 6621(a)(2), the underpayment rate is the sum of the federal short-term rate plus 3 percentage points.

Section 6621(c) provides that for purposes of interest payable under section 6601 on any large corporate underpayment, the underpayment rate under section 6621(a)(2) is determined by substituting “5 percentage points” for “3 percentage points.” See section 6621(c) and section 301.6621-3 of the Regulations on Proce-

dures and Administration for the definition of a large corporate underpayment and for the rules for determining the applicable date. Section 6621(c) and section 301.6621-3 are generally effective for periods after December 31, 1990.

Section 6621(b)(1) provides that the Secretary will determine the federal short-term rate for the first month in each calendar quarter. Section 6621(b)(2)(A) provides that the federal short-term rate determined under section 6621(b)(1) for any month applies during the first calendar quarter beginning after that month. Section 6621(b)(3) provides that the federal short-term rate for any month is the federal short-term rate determined during that month by the Secretary in accordance with section 1274(d), rounded to the nearest full percent (or, if a multiple of 1/2 of 1 percent, the rate is increased to the next highest full percent).

Notice 88-59, 1988-1 C.B. 546, announced that in determining the quarterly interest rates to be used for overpayments and underpayments of tax under section 6621, the Internal Revenue Service will use the federal short-term rate based on daily compounding because that rate is most consistent with section 6621 which, pursuant to section 6622, is subject to daily compounding.

The federal short-term rate determined in accordance with section 1274(d) during April 2013 is the rate published in Revenue Ruling 2013-11, 2013-20 IRB 1059, to take effect beginning May 1, 2013. The federal short-term rate, rounded to the nearest full percent, based on daily compounding determined during the month of

January 2013 is 0 percent. Accordingly, an overpayment rate of 3 percent (2 percent in the case of a corporation) and an underpayment rate of 3 percent are established for the calendar quarter beginning July 1, 2013. The overpayment rate for the portion of a corporate overpayment exceeding \$10,000 for the calendar quarter beginning July 1, 2013, is 0.5 percent. The underpayment rate for large corporate underpayments for the calendar quarter beginning July 1, 2013, is 5 percent. These rates apply to amounts bearing interest during that calendar quarter.

The 3 percent rate also applies to estimated tax underpayments for the third calendar quarter in 2013.

Interest factors for daily compound interest for annual rates of 0.5 percent are published in Appendix A of this Revenue Ruling. Interest factors for daily compound interest for annual rates of 2 percent, 3 percent, and 5 percent are published in Tables 9, 11, and 15 of Rev. Proc. 95-17, 1995-1 C.B. 563, 565, and 569.

Annual interest rates to be compounded daily pursuant to section 6622 that apply for prior periods are set forth in the tables accompanying this revenue ruling.

### DRAFTING INFORMATION

The principal author of this revenue ruling is Deborah Colbert-James of the Office of Associate Chief Counsel (Procedure & Administration). For further information regarding this revenue ruling, contact Ms. Colbert-James at (202) 622-3400 (not a toll-free call).

365 Day Year					
0.5% Compound Rate 184 Days					
Days	Factor	Days	Factor	Days	Factor
1	0.000013699	63	0.000863380	125	0.001713784
2	0.000027397	64	0.000877091	126	0.001727506
3	0.000041096	65	0.000890801	127	0.001741228
4	0.000054796	66	0.000904512	128	0.001754951
5	0.000068495	67	0.000918223	129	0.001768673
6	0.000082195	68	0.000931934	130	0.001782396
7	0.000095894	69	0.000945646	131	0.001796119
8	0.000109594	70	0.000959357	132	0.001809843
9	0.000123294	71	0.000973069	133	0.001823566
10	0.000136995	72	0.000986781	134	0.001837290
11	0.000150695	73	0.001000493	135	0.001851013
12	0.000164396	74	0.001014206	136	0.001864737
13	0.000178097	75	0.001027918	137	0.001878462
14	0.000191798	76	0.001041631	138	0.001892186
15	0.000205499	77	0.001055344	139	0.001905910
16	0.000219201	78	0.001069057	140	0.001919635
17	0.000232902	79	0.001082770	141	0.001933360
18	0.000246604	80	0.001096484	142	0.001947085
19	0.000260306	81	0.001110197	143	0.001960811
20	0.000274008	82	0.001123911	144	0.001974536
21	0.000287711	83	0.001137625	145	0.001988262
22	0.000301413	84	0.001151339	146	0.002001988
23	0.000315116	85	0.001165054	147	0.002015714
24	0.000328819	86	0.001178768	148	0.002029440
25	0.000342522	87	0.001192483	149	0.002043166
26	0.000356225	88	0.001206198	150	0.002056893
27	0.000369929	89	0.001219913	151	0.002070620
28	0.000383633	90	0.001233629	152	0.002084347
29	0.000397336	91	0.001247344	153	0.002098074
30	0.000411041	92	0.001261060	154	0.002111801
31	0.000424745	93	0.001274776	155	0.002125529
32	0.000438449	94	0.001288492	156	0.002139257
33	0.000452154	95	0.001302208	157	0.002152985
34	0.000465859	96	0.001315925	158	0.002166713
35	0.000479564	97	0.001329641	159	0.002180441
36	0.000493269	98	0.001343358	160	0.002194169
37	0.000506974	99	0.001357075	161	0.002207898
38	0.000520680	100	0.001370792	162	0.002221627
39	0.000534386	101	0.001384510	163	0.002235356
40	0.000548092	102	0.001398227	164	0.002249085
41	0.000561798	103	0.001411945	165	0.002262815
42	0.000575504	104	0.001425663	166	0.002276544
43	0.000589211	105	0.001439381	167	0.002290274
44	0.000602917	106	0.001453100	168	0.002304004
45	0.000616624	107	0.001466818	169	0.002317734
46	0.000630331	108	0.001480537	170	0.002331465
47	0.000644039	109	0.001494256	171	0.002345195
48	0.000657746	110	0.001507975	172	0.002358926
49	0.000671454	111	0.001521694	173	0.002372657
50	0.000685161	112	0.001535414	174	0.002386388
51	0.000698869	113	0.001549133	175	0.002400120
52	0.000712578	114	0.001562853	176	0.002413851
53	0.000726286	115	0.001576573	177	0.002427583
54	0.000739995	116	0.001590293	178	0.002441315
55	0.000753703	117	0.001604014	179	0.002455047
56	0.000767412	118	0.001617734	180	0.002468779

365 Day Year

0.5% Compound Rate 184 Days

Days	Factor	Days	Factor	Days	Factor
57	0.000781121	119	0.001631455	181	0.002482511
58	0.000794831	120	0.001645176	182	0.002496244
59	0.000808540	121	0.001658897	183	0.002509977
60	0.000822250	122	0.001672619	184	0.002523710
61	0.000835960	123	0.001686340		
62	0.000849670	124	0.001700062		

366 Day Year

0.5% Compound Rate 184 Days

Days	Factor	Days	Factor	Days	Factor
1	0.000013661	63	0.000861020	125	0.001709097
2	0.000027323	64	0.000874693	126	0.001722782
3	0.000040984	65	0.000888366	127	0.001736467
4	0.000054646	66	0.000902040	128	0.001750152
5	0.000068308	67	0.000915713	129	0.001763837
6	0.000081970	68	0.000929387	130	0.001777522
7	0.000095632	69	0.000943061	131	0.001791208
8	0.000109295	70	0.000956735	132	0.001804893
9	0.000122958	71	0.000970409	133	0.001818579
10	0.000136620	72	0.000984084	134	0.001832265
11	0.000150283	73	0.000997758	135	0.001845951
12	0.000163947	74	0.001011433	136	0.001859638
13	0.000177610	75	0.001025108	137	0.001873324
14	0.000191274	76	0.001038783	138	0.001887011
15	0.000204938	77	0.001052459	139	0.001900698
16	0.000218602	78	0.001066134	140	0.001914385
17	0.000232266	79	0.001079810	141	0.001928073
18	0.000245930	80	0.001093486	142	0.001941760
19	0.000259595	81	0.001107162	143	0.001955448
20	0.000273260	82	0.001120839	144	0.001969136
21	0.000286924	83	0.001134515	145	0.001982824
22	0.000300590	84	0.001148192	146	0.001996512
23	0.000314255	85	0.001161869	147	0.002010201
24	0.000327920	86	0.001175546	148	0.002023889
25	0.000341586	87	0.001189223	149	0.002037578
26	0.000355252	88	0.001202900	150	0.002051267
27	0.000368918	89	0.001216578	151	0.002064957
28	0.000382584	90	0.001230256	152	0.002078646
29	0.000396251	91	0.001243934	153	0.002092336
30	0.000409917	92	0.001257612	154	0.002106025
31	0.000423584	93	0.001271291	155	0.002119715
32	0.000437251	94	0.001284969	156	0.002133405
33	0.000450918	95	0.001298648	157	0.002147096
34	0.000464586	96	0.001312327	158	0.002160786
35	0.000478253	97	0.001326006	159	0.002174477
36	0.000491921	98	0.001339685	160	0.002188168
37	0.000505589	99	0.001353365	161	0.002201859
38	0.000519257	100	0.001367044	162	0.002215550
39	0.000532925	101	0.001380724	163	0.002229242
40	0.000546594	102	0.001394404	164	0.002242933
41	0.000560262	103	0.001408085	165	0.002256625
42	0.000573931	104	0.001421765	166	0.002270317
43	0.000587600	105	0.001435446	167	0.002284010
44	0.000601269	106	0.001449127	168	0.002297702
45	0.000614939	107	0.001462808	169	0.002311395

366 Day Year

0.5% Compound Rate 184 Days

Days	Factor	Days	Factor	Days	Factor
46	0.000628608	108	0.001476489	170	0.002325087
47	0.000642278	109	0.001490170	171	0.002338780
48	0.000655948	110	0.001503852	172	0.002352473
49	0.000669618	111	0.001517533	173	0.002366167
50	0.000683289	112	0.001531215	174	0.002379860
51	0.000696959	113	0.001544897	175	0.002393554
52	0.000710630	114	0.001558580	176	0.002407248
53	0.000724301	115	0.001572262	177	0.002420942
54	0.000737972	116	0.001585945	178	0.002434636
55	0.000751643	117	0.001599628	179	0.002448331
56	0.000765315	118	0.001613311	180	0.002462025
57	0.000778986	119	0.001626994	181	0.002475720
58	0.000792658	120	0.001640678	182	0.002489415
59	0.000806330	121	0.001654361	183	0.002503110
60	0.000820003	122	0.001668045	184	0.002516806
61	0.000833675	123	0.001681729		
62	0.000847348	124	0.001695413		

TABLE OF INTEREST RATES

PERIODS BEFORE JUL. 1, 1975 — PERIODS ENDING DEC. 31, 1986

OVERPAYMENTS AND UNDERPAYMENTS

PERIOD	RATE	In 1995-1 C.B.	
		DAILY RATE TABLE	
Before Jul. 1, 1975	6%	Table 2,	pg. 557
Jul. 1, 1975—Jan. 31, 1976	9%	Table 4,	pg. 559
Feb. 1, 1976—Jan. 31, 1978	7%	Table 3,	pg. 558
Feb. 1, 1978—Jan. 31, 1980	6%	Table 2,	pg. 557
Feb. 1, 1980—Jan. 31, 1982	12%	Table 5,	pg. 560
Feb. 1, 1982—Dec. 31, 1982	20%	Table 6,	pg. 560
Jan. 1, 1983—Jun. 30, 1983	16%	Table 37,	pg. 591
Jul. 1, 1983—Dec. 31, 1983	11%	Table 27,	pg. 581
Jan. 1, 1984—Jun. 30, 1984	11%	Table 75,	pg. 629
Jul. 1, 1984—Dec. 31, 1984	11%	Table 75,	pg. 629
Jan. 1, 1985—Jun. 30, 1985	13%	Table 31,	pg. 585
Jul. 1, 1985—Dec. 31, 1985	11%	Table 27,	pg. 581
Jan. 1, 1986—Jun. 30, 1986	10%	Table 25,	pg. 579
Jul. 1, 1986—Dec. 31, 1986	9%	Table 23,	pg. 577

TABLE OF INTEREST RATES

FROM JAN. 1, 1987 — DEC. 31, 1998

	OVERPAYMENTS			UNDERPAYMENTS		
	1995-1 C.B.			1995-1 C.B.		
	RATE	TABLE	PG	RATE	TABLE	PG
Jan. 1, 1987—Mar. 31, 1987	8%	21	575	9%	23	577
Apr. 1, 1987—Jun. 30, 1987	8%	21	575	9%	23	577
Jul. 1, 1987—Sep. 30, 1987	8%	21	575	9%	23	577
Oct. 1, 1987—Dec. 31, 1987	9%	23	577	10%	25	579
Jan. 1, 1988—Mar. 31, 1988	10%	73	627	11%	75	629
Apr. 1, 1988—Jun. 30, 1988	9%	71	625	10%	73	627
Jul. 1, 1988—Sep. 30, 1988	9%	71	625	10%	73	627
Oct. 1, 1988—Dec. 31, 1988	10%	73	627	11%	75	629

TABLE OF INTEREST RATES  
FROM JAN. 1, 1987 — DEC. 31, 1998

	OVERPAYMENTS			UNDERPAYMENTS		
	1995-1 C.B.			1995-1 C.B.		
	RATE	TABLE	PG	RATE	TABLE	PG
Jan. 1, 1989—Mar. 31, 1989	10%	25	579	11%	27	581
Apr. 1, 1989—Jun. 30, 1989	11%	27	581	12%	29	583
Jul. 1, 1989—Sep. 30, 1989	11%	27	581	12%	29	583
Oct. 1, 1989—Dec. 31, 1989	10%	25	579	11%	27	581
Jan. 1, 1990—Mar. 31, 1990	10%	25	579	11%	27	581
Apr. 1, 1990—Jun. 30, 1990	10%	25	579	11%	27	581
Jul. 1, 1990—Sep. 30, 1990	10%	25	579	11%	27	581
Oct. 1, 1990—Dec. 31, 1990	10%	25	579	11%	27	581
Jan. 1, 1991—Mar. 31, 1991	10%	25	579	11%	27	581
Apr. 1, 1991—Jun. 30, 1991	9%	23	577	10%	25	579
Jul. 1, 1991—Sep. 30, 1991	9%	23	577	10%	25	579
Oct. 1, 1991—Dec. 31, 1991	9%	23	577	10%	25	579
Jan. 1, 1992—Mar. 31, 1992	8%	69	623	9%	71	625
Apr. 1, 1992—Jun. 30, 1992	7%	67	621	8%	69	623
Jul. 1, 1992—Sep. 30, 1992	7%	67	621	8%	69	623
Oct. 1, 1992—Dec. 31, 1992	6%	65	619	7%	67	621
Jan. 1, 1993—Mar. 31, 1993	6%	17	571	7%	19	573
Apr. 1, 1993—Jun. 30, 1993	6%	17	571	7%	19	573
Jul. 1, 1993—Sep. 30, 1993	6%	17	571	7%	19	573
Oct. 1, 1993—Dec. 31, 1993	6%	17	571	7%	19	573
Jan. 1, 1994—Mar. 31, 1994	6%	17	571	7%	19	573
Apr. 1, 1994—Jun. 30, 1994	6%	17	571	7%	19	573
Jul. 1, 1994—Sep. 30, 1994	7%	19	573	8%	21	575
Oct. 1, 1994—Dec. 31, 1994	8%	21	575	9%	23	577
Jan. 1, 1995—Mar. 31, 1995	8%	21	575	9%	23	577
Apr. 1, 1995—Jun. 30, 1995	9%	23	577	10%	25	579
Jul. 1, 1995—Sep. 30, 1995	8%	21	575	9%	23	577
Oct. 1, 1995—Dec. 31, 1995	8%	21	575	9%	23	577
Jan. 1, 1996—Mar. 31, 1996	8%	69	623	9%	71	625
Apr. 1, 1996—Jun. 30, 1996	7%	67	621	8%	69	623
Jul. 1, 1996—Sep. 30, 1996	8%	69	623	9%	71	625
Oct. 1, 1996—Dec. 31, 1996	8%	69	623	9%	71	625
Jan. 1, 1997—Mar. 31, 1997	8%	21	575	9%	23	577
Apr. 1, 1997—Jun. 30, 1997	8%	21	575	9%	23	577
Jul. 1, 1997—Sep. 30, 1997	8%	21	575	9%	23	577
Oct. 1, 1997—Dec. 31, 1997	8%	21	575	9%	23	577
Jan. 1, 1998—Mar. 31, 1998	8%	21	575	9%	23	577
Apr. 1, 1998—Jun. 30, 1998	7%	19	573	8%	21	575
Jul. 1, 1998—Sep. 30, 1998	7%	19	573	8%	21	575
Oct. 1, 1998—Dec. 31, 1998	7%	19	573	8%	21	575

TABLE OF INTEREST RATES  
FROM JANUARY 1, 1999 — PRESENT  
NONCORPORATE OVERPAYMENTS AND UNDERPAYMENTS

	1995-1 C.B.		
	RATE	TABLE	PAGE
Jan. 1, 1999—Mar. 31, 1999	7%	19	573
Apr. 1, 1999—Jun. 30, 1999	8%	21	575
Jul. 1, 1999—Sep. 30, 1999	8%	21	575
Oct. 1, 1999—Dec. 31, 1999	8%	21	575
Jan. 1, 2000—Mar. 31, 2000	8%	69	623
Apr. 1, 2000—Jun. 30, 2000	9%	71	625

TABLE OF INTEREST RATES  
 FROM JANUARY 1, 1999 — PRESENT  
 NONCORPORATE OVERPAYMENTS AND UNDERPAYMENTS

	RATE	1995-1 C.B. TABLE	PAGE
Jul. 1, 2000—Sep. 30, 2000	9%	71	625
Oct. 1, 2000—Dec. 31, 2000	9%	71	625
Jan. 1, 2001—Mar. 31, 2001	9%	23	577
Apr. 1, 2001—Jun. 30, 2001	8%	21	575
Jul. 1, 2001—Sep. 30, 2001	7%	19	573
Oct. 1, 2001—Dec. 31, 2001	7%	19	573
Jan. 1, 2002—Mar. 31, 2002	6%	17	571
Apr. 1, 2002—Jun. 30, 2002	6%	17	571
Jul. 1, 2002—Sep. 30, 2002	6%	17	571
Oct. 1, 2002—Dec. 31, 2002	6%	17	571
Jan. 1, 2003—Mar. 31, 2003	5%	15	569
Apr. 1, 2003—Jun. 30, 2003	5%	15	569
Jul. 1, 2003—Sep. 30, 2003	5%	15	569
Oct. 1, 2003—Dec. 31, 2003	4%	13	567
Jan. 1, 2004—Mar. 31, 2004	4%	61	615
Apr. 1, 2004—Jun. 30, 2004	5%	63	617
Jul. 1, 2004—Sep. 30, 2004	4%	61	615
Oct. 1, 2004—Dec. 31, 2004	5%	63	617
Jan. 1, 2005—Mar. 31, 2005	5%	15	569
Apr. 1, 2005—Jun. 30, 2005	6%	17	571
Jul. 1, 2005—Sep. 30, 2005	6%	17	571
Oct. 1, 2005—Dec. 31, 2005	7%	19	573
Jan. 1, 2006—Mar. 31, 2006	7%	19	573
Apr. 1, 2006—Jun. 30, 2006	7%	19	573
Jul. 1, 2006—Sep. 30, 2006	8%	21	575
Oct. 1, 2006—Dec. 31, 2006	8%	21	575
Jan. 1, 2007—Mar. 31, 2007	8%	21	575
Apr. 1, 2007—Jun. 30, 2007	8%	21	575
Jul. 1, 2007—Sep. 30, 2007	8%	21	575
Oct. 1, 2007—Dec. 31, 2007	8%	21	575
Jan. 1, 2008—Mar. 31, 2008	7%	67	621
Apr. 1, 2008—Jun. 30, 2008	6%	65	619
Jul. 1, 2008—Sep. 30, 2008	5%	63	617
Oct. 1, 2008—Dec. 31, 2008	6%	65	619
Jan. 1, 2009—Mar. 31, 2009	5%	15	569
Apr. 1, 2009—Jun. 30, 2009	4%	13	567
Jul. 1, 2009—Sep. 30, 2009	4%	13	567
Oct. 1, 2009—Dec. 31, 2009	4%	13	567
Jan. 1, 2010—Mar. 31, 2010	4%	13	567
Apr. 1, 2010—Jun. 30, 2010	4%	13	567
Jul. 1, 2010—Sep. 30, 2010	4%	13	567
Oct. 1, 2010—Dec. 31, 2010	4%	13	567
Jan. 1, 2011—Mar. 31, 2011	3%	11	565
Apr. 1, 2011—Jun. 30, 2011	4%	13	567
Jul. 1, 2011—Sep. 30, 2011	4%	13	567
Oct. 1, 2011—Dec. 31, 2011	3%	11	565
Jan. 1, 2012—Mar. 31, 2012	3%	59	613
Apr. 1, 2012—Jun. 30, 2012	3%	59	613
Jul. 1, 2012—Sep. 30, 2012	3%	59	613
Oct. 1, 2012—Dec. 31, 2012	3%	59	613
Jan. 1, 2013—Mar. 31, 2013	3%	11	565
Apr. 1, 2013—Jun. 30, 2013	3%	11	565
Jul. 1, 2013—Sep. 30, 2013	3%	11	565



TABLE OF INTEREST RATES  
FROM JANUARY 1, 1999 — PRESENT  
CORPORATE OVERPAYMENTS AND UNDERPAYMENTS

	OVERPAYMENTS			UNDERPAYMENTS		
	1995-1 C.B.			1995-1 C.B.		
	RATE	TABLE	PG	RATE	TABLE	PG
Jan. 1, 1999—Mar. 31, 1999	6%	17	571	7%	19	573
Apr. 1, 1999—Jun. 30, 1999	7%	19	573	8%	21	575
Jul. 1, 1999—Sep. 30, 1999	7%	19	573	8%	21	575
Oct. 1, 1999—Dec. 31, 1999	7%	19	573	8%	21	575
Jan. 1, 2000—Mar. 31, 2000	7%	67	621	8%	69	623
Apr. 1, 2000—Jun. 30, 2000	8%	69	623	9%	71	625
Jul. 1, 2000—Sep. 30, 2000	8%	69	623	9%	71	625
Oct. 1, 2000—Dec. 31, 2000	8%	69	623	9%	71	625
Jan. 1, 2001—Mar. 31, 2001	8%	21	575	9%	23	577
Apr. 1, 2001—Jun. 30, 2001	7%	19	573	8%	21	575
Jul. 1, 2001—Sep. 30, 2001	6%	17	571	7%	19	573
Oct. 1, 2001—Dec. 31, 2001	6%	17	571	7%	19	573
Jan. 1, 2002—Mar. 31, 2002	5%	15	569	6%	17	571
Apr. 1, 2002—Jun. 30, 2002	5%	15	569	6%	17	571
Jul. 1, 2002—Sep. 30, 2002	5%	15	569	6%	17	571
Oct. 1, 2002—Dec. 31, 2002	5%	15	569	6%	17	571
Jan. 1, 2003—Mar. 31, 2003	4%	13	567	5%	15	569
Apr. 1, 2003—Jun. 30, 2003	4%	13	567	5%	15	569
Jul. 1, 2003—Sep. 30, 2003	4%	13	567	5%	15	569
Oct. 1, 2003—Dec. 31, 2003	3%	11	565	4%	13	567
Jan. 1, 2004—Mar. 31, 2004	3%	59	613	4%	61	615
Apr. 1, 2004—Jun. 30, 2004	4%	61	615	5%	63	617
Jul. 1, 2004—Sep. 30, 2004	3%	59	613	4%	61	615
Oct. 1, 2004—Dec. 31, 2004	4%	61	615	5%	63	617
Jan. 1, 2005—Mar. 31, 2005	4%	13	567	5%	15	569
Apr. 1, 2005—Jun. 30, 2005	5%	15	569	6%	17	571
Jul. 1, 2005—Sep. 30, 2005	5%	15	569	6%	17	571
Oct. 1, 2005—Dec. 31, 2005	6%	17	571	7%	19	573
Jan. 1, 2006—Mar. 31, 2006	6%	17	571	7%	19	573
Apr. 1, 2006—Jun. 30, 2006	6%	17	571	7%	19	573
Jul. 1, 2006—Sep. 30, 2006	7%	19	573	8%	21	575
Oct. 1, 2006—Dec. 31, 2006	7%	19	573	8%	21	575
Jan. 1, 2007—Mar. 31, 2007	7%	19	573	8%	21	575
Apr. 1, 2007—Jun. 30, 2007	7%	19	573	8%	21	575
Jul. 1, 2007—Sep. 30, 2007	7%	19	573	8%	21	575
Oct. 1, 2007—Dec. 31, 2007	7%	19	573	8%	21	575
Jan. 1, 2008—Mar. 31, 2008	6%	65	619	7%	67	621
Apr. 1, 2008—Jun. 30, 2008	5%	63	617	6%	65	619
Jul. 1, 2008—Sep. 30, 2008	4%	61	615	5%	63	617
Oct. 1, 2008—Dec. 31, 2008	5%	63	617	6%	65	619
Jan. 1, 2009—Mar. 31, 2009	4%	13	567	5%	15	569
Apr. 1, 2009—Jun. 30, 2009	3%	11	565	4%	13	567
Jul. 1, 2009—Sep. 30, 2009	3%	11	565	4%	13	567
Oct. 1, 2009—Dec. 31, 2009	3%	11	565	4%	13	567
Jan. 1, 2010—Mar. 31, 2010	3%	11	565	4%	13	567
Apr. 1, 2010—Jun. 30, 2010	3%	11	565	4%	13	567
Jul. 1, 2010—Sep. 30, 2010	3%	11	565	4%	13	567
Oct. 1, 2010—Dec. 31, 2010	3%	11	565	4%	13	567
Jan. 1, 2011—Mar. 31, 2011	2%	9	563	3%	11	565
Apr. 1, 2011—Jun. 30, 2011	3%	11	565	4%	13	567
Jul. 1, 2011—Sep. 30, 2011	3%	11	565	4%	13	567
Oct. 1, 2011—Dec. 31, 2011	2%	9	563	3%	11	565
Jan. 1, 2012—Mar. 31, 2012	2%	57	611	3%	59	613

TABLE OF INTEREST RATES  
FROM JANUARY 1, 1999 — PRESENT  
CORPORATE OVERPAYMENTS AND UNDERPAYMENTS

	OVERPAYMENTS			UNDERPAYMENTS		
	1995-1 C.B.			1995-1 C.B.		
	RATE	TABLE	PG	RATE	TABLE	PG
Apr. 1, 2012—Jun. 30, 2012	2%	57	611	3%	59	613
Jul. 1, 2012—Sep. 30, 2012	2%	57	611	3%	59	613
Oct. 1, 2012—Dec. 31, 2012	2%	57	611	3%	59	613
Jan. 1, 2013—Mar. 31, 2013	2%	9	563	3%	11	565
Apr. 1, 2013—Jun. 30, 2013	2%	9	563	3%	11	565
Jul. 1, 2013—Sep. 30, 2013	2%	9	563	3%	11	565

TABLE OF INTEREST RATES FOR  
LARGE CORPORATE UNDERPAYMENTS  
FROM JANUARY 1, 1991 — PRESENT

	RATE	1995-1 C.B.	PG
		TABLE	
Jan. 1, 1991—Mar. 31, 1991	13%	31	585
Apr. 1, 1991—Jun. 30, 1991	12%	29	583
Jul. 1, 1991—Sep. 30, 1991	12%	29	583
Oct. 1, 1991—Dec. 31, 1991	12%	29	583
Jan. 1, 1992—Mar. 31, 1992	11%	75	629
Apr. 1, 1992—Jun. 30, 1992	10%	73	627
Jul. 1, 1992—Sep. 30, 1992	10%	73	627
Oct. 1, 1992—Dec. 31, 1992	9%	71	625
Jan. 1, 1993—Mar. 31, 1993	9%	23	577
Apr. 1, 1993—Jun. 30, 1993	9%	23	577
Jul. 1, 1993—Sep. 30, 1993	9%	23	577
Oct. 1, 1993—Dec. 31, 1993	9%	23	577
Jan. 1, 1994—Mar. 31, 1994	9%	23	577
Apr. 1, 1994—Jun. 30, 1994	9%	23	577
Jul. 1, 1994—Sep. 30, 1994	10%	25	579
Oct. 1, 1994—Dec. 31, 1994	11%	27	581
Jan. 1, 1995—Mar. 31, 1995	11%	27	581
Apr. 1, 1995—Jun. 30, 1995	12%	29	583
Jul. 1, 1995—Sep. 30, 1995	11%	27	581
Oct. 1, 1995—Dec. 31, 1995	11%	27	581
Jan. 1, 1996—Mar. 31, 1996	11%	75	629
Apr. 1, 1996—Jun. 30, 1996	10%	73	627
Jul. 1, 1996—Sep. 30, 1996	11%	75	629
Oct. 1, 1996—Dec. 31, 1996	11%	75	629
Jan. 1, 1997—Mar. 31, 1997	11%	27	581
Apr. 1, 1997—Jun. 30, 1997	11%	27	581
Jul. 1, 1997—Sep. 30, 1997	11%	27	581
Oct. 1, 1997—Dec. 31, 1997	11%	27	581
Jan. 1, 1998—Mar. 31, 1998	11%	27	581
Apr. 1, 1998—Jun. 30, 1998	10%	25	579
Jul. 1, 1998—Sep. 30, 1998	10%	25	579
Oct. 1, 1998—Dec. 31, 1998	10%	25	579
Jan. 1, 1999—Mar. 31, 1999	9%	23	577
Apr. 1, 1999—Jun. 30, 1999	10%	25	579
Jul. 1, 1999—Sep. 30, 1999	10%	25	579
Oct. 1, 1999—Dec. 31, 1999	10%	25	579
Jan. 1, 2000—Mar. 31, 2000	10%	73	627
Apr. 1, 2000—Jun. 30, 2000	11%	75	629
Jul. 1, 2000—Sep. 30, 2000	11%	75	629

TABLE OF INTEREST RATES FOR  
LARGE CORPORATE UNDERPAYMENTS  
FROM JANUARY 1, 1991 — PRESENT

	RATE	1995-1 C.B. TABLE	PG
Oct. 1, 2000—Dec. 31, 2000	11%	75	629
Jan. 1, 2001—Mar. 31, 2001	11%	27	581
Apr. 1, 2001—Jun. 30, 2001	10%	25	579
Jul. 1, 2001—Sep. 30, 2001	9%	23	577
Oct. 1, 2001—Dec. 31, 2001	9%	23	577
Jan. 1, 2002—Mar. 31, 2002	8%	21	575
Apr. 1, 2002—Jun. 30, 2002	8%	21	575
Jul. 1, 2002—Sep. 30, 2002	8%	21	575
Oct. 1, 2002—Dec. 30, 2002	8%	21	575
Jan. 1, 2003—Mar. 31, 2003	7%	19	573
Apr. 1, 2003—Jun. 30, 2003	7%	19	573
Jul. 1, 2003—Sep. 30, 2003	7%	19	573
Oct. 1, 2003—Dec. 31, 2003	6%	17	571
Jan. 1, 2004—Mar. 31, 2004	6%	65	619
Apr. 1, 2004—Jun. 30, 2004	7%	67	621
Jul. 1, 2004—Sep. 30, 2004	6%	65	619
Oct. 1, 2004—Dec. 31, 2004	7%	67	621
Jan. 1, 2005—Mar. 31, 2005	7%	19	573
Apr. 1, 2005—Jun. 30, 2005	8%	21	575
Jul. 1, 2005—Sep. 30, 2005	8%	21	575
Oct. 1, 2005—Dec. 31, 2005	9%	23	577
Jan. 1, 2006—Mar. 31, 2006	9%	23	577
Apr. 1, 2006—Jun. 30, 2006	9%	23	577
Jul. 1, 2006—Sep. 30, 2006	10%	25	579
Oct. 1, 2006—Dec. 31, 2006	10%	25	579
Jan. 1, 2007—Mar. 31, 2007	10%	25	579
Apr. 1, 2007—Jun. 30, 2007	10%	25	579
Jul. 1, 2007—Sep. 30, 2007	10%	25	579
Oct. 1, 2007—Dec. 31, 2007	10%	25	579
Jan. 1, 2008—Mar. 31, 2008	9%	71	625
Apr. 1, 2008—Jun. 30, 2008	8%	69	623
Jul. 1, 2008—Sep. 30, 2008	7%	67	621
Oct. 1, 2008—Dec. 31, 2008	8%	69	623
Jan. 1, 2009—Mar. 31, 2009	7%	19	573
Apr. 1, 2009—Jun. 30, 2009	6%	17	571
Jul. 1, 2009—Sep. 30, 2009	6%	17	571
Oct. 1, 2009—Dec. 31, 2009	6%	17	571
Jan. 1, 2010—Mar. 31, 2010	6%	17	571
Apr. 1, 2010—Jun. 30, 2010	6%	17	571
Jul. 1, 2010—Sep. 30, 2010	6%	17	571
Oct. 1, 2010—Dec. 31, 2010	6%	17	571
Jan. 1, 2011—Mar. 31, 2011	5%	15	569
Apr. 1, 2011—Jun. 30, 2011	6%	17	571
Jul. 1, 2011—Sep. 30, 2011	6%	17	571
Oct. 1, 2011—Dec. 31, 2011	5%	15	569
Jan. 1, 2012—Mar. 31, 2012	5%	63	617
Apr. 1, 2012—Jun. 30, 2012	5%	63	617
Jul. 1, 2012—Sep. 30, 2012	5%	63	617
Oct. 1, 2012—Dec. 31, 2012	5%	63	617
Jan. 1, 2013—Mar. 31, 2013	5%	15	569
Apr. 1, 2013—Jun. 30, 2013	5%	15	569
Jul. 1, 2013—Sep. 30, 2013	5%	15	569

TABLE OF INTEREST RATES FOR CORPORATE  
OVERPAYMENTS EXCEEDING \$10,000  
FROM JANUARY 1, 1995 — PRESENT

	RATE	1995-1 C.B. TABLE	PG
Jan. 1, 1995—Mar. 31, 1995	6.5%	18	572
Apr. 1, 1995—Jun. 30, 1995	7.5%	20	574
Jul. 1, 1995—Sep. 30, 1995	6.5%	18	572
Oct. 1, 1995—Dec. 31, 1995	6.5%	18	572
Jan. 1, 1996—Mar. 31, 1996	6.5%	66	620
Apr. 1, 1996—Jun. 30, 1996	5.5%	64	618
Jul. 1, 1996—Sep. 30, 1996	6.5%	66	620
Oct. 1, 1996—Dec. 31, 1996	6.5%	66	620
Jan. 1, 1997—Mar. 31, 1997	6.5%	18	572
Apr. 1, 1997—Jun. 30, 1997	6.5%	18	572
Jul. 1, 1997—Sep. 30, 1997	6.5%	18	572
Oct. 1, 1997—Dec. 31, 1997	6.5%	18	572
Jan. 1, 1998—Mar. 31, 1998	6.5%	18	572
Apr. 1, 1998—Jun. 30, 1998	5.5%	16	570
Jul. 1, 1998—Sep. 30, 1998	5.5%	16	570
Oct. 1, 1998—Dec. 31, 1998	5.5%	16	570
Jan. 1, 1999—Mar. 31, 1999	4.5%	14	568
Apr. 1, 1999—Jun. 30, 1999	5.5%	16	570
Jul. 1, 1999—Sep. 30, 1999	5.5%	16	570
Oct. 1, 1999—Dec. 31, 1999	5.5%	16	570
Jan. 1, 2000—Mar. 31, 2000	5.5%	64	618
Apr. 1, 2000—Jun. 30, 2000	6.5%	66	620
Jul. 1, 2000—Sep. 30, 2000	6.5%	66	620
Oct. 1, 2000—Dec. 31, 2000	6.5%	66	620
Jan. 1, 2001—Mar. 31, 2001	6.5%	18	572
Apr. 1, 2001—Jun. 30, 2001	5.5%	16	570
Jul. 1, 2001—Sep. 30, 2001	4.5%	14	568
Oct. 1, 2001—Dec. 31, 2001	4.5%	14	568
Jan. 1, 2002—Mar. 31, 2002	3.5%	12	566
Apr. 1, 2002—Jun. 30, 2002	3.5%	12	566
Jul. 1, 2002—Sep. 30, 2002	3.5%	12	566
Oct. 1, 2002—Dec. 31, 2002	3.5%	12	566
Jan. 1, 2003—Mar. 31, 2003	2.5%	10	564
Apr. 1, 2003—Jun. 30, 2003	2.5%	10	564
Jul. 1, 2003—Sep. 30, 2003	2.5%	10	564
Oct. 1, 2003—Dec. 31, 2003	1.5%	8	562
Jan. 1, 2004—Mar. 31, 2004	1.5%	56	610
Apr. 1, 2004—Jun. 30, 2004	2.5%	58	612
Jul. 1, 2004—Sep. 30, 2004	1.5%	56	610
Oct. 1, 2004—Dec. 31, 2004	2.5%	58	612
Jan. 1, 2005—Mar. 31, 2005	2.5%	10	564
Apr. 1, 2005—Jun. 30, 2005	3.5%	12	566
Jul. 1, 2005—Sep. 30, 2005	3.5%	12	566
Oct. 1, 2005—Dec. 31, 2005	4.5%	14	568
Jan. 1, 2006—Mar. 31, 2006	4.5%	14	568
Apr. 1, 2006—Jun. 30, 2006	4.5%	14	568
Jul. 1, 2006—Sep. 30, 2006	5.5%	16	570
Oct. 1, 2006—Dec. 31, 2006	5.5%	16	570
Jan. 1, 2007—Mar. 31, 2007	5.5%	16	570
Apr. 1, 2007—Jun. 30, 2007	5.5%	16	570
Jul. 1, 2007—Sep. 30, 2007	5.5%	16	570
Oct. 1, 2007—Dec. 31, 2007	5.5%	16	570
Jan. 1, 2008—Mar. 31, 2008	4.5%	62	616
Apr. 1, 2008—Jun. 30, 2008	3.5%	60	614
Jul. 1, 2008—Sep. 30, 2008	2.5%	58	612

TABLE OF INTEREST RATES FOR CORPORATE  
OVERPAYMENTS EXCEEDING \$10,000  
FROM JANUARY 1, 1995 — PRESENT

	RATE	1995-1 C.B. TABLE	PG
Oct. 1, 2008—Dec. 31, 2008	3.5%	60	614
Jan. 1, 2009—Mar. 31, 2009	2.5%	10	564
Apr. 1, 2009—Jun. 30, 2009	1.5%	8	562
Jul. 1, 2009—Sep. 30, 2009	1.5%	8	562
Oct. 1, 2009—Dec. 31, 2009	1.5%	8	562
Jan. 1, 2010—Mar. 31, 2010	1.5%	8	562
Apr. 1, 2010—Jun. 30, 2010	1.5%	8	562
Jul. 1, 2010—Sep. 30, 2010	1.5%	8	562
Oct. 1, 2010—Dec. 31, 2010	1.5%	8	562
Jan. 1, 2011—Mar. 31, 2011	0.5%*		
Apr. 1, 2011—Jun. 30, 2011	1.5%	8	562
Jul. 1, 2011—Sep. 30, 2011	1.5%	8	562
Oct. 1, 2011—Dec. 31, 2011	0.5%*		
Jan. 1, 2012—Mar. 31, 2012	0.5%*		
Apr. 1, 2012—Jun. 30, 2012	0.5%*		
Jul. 1, 2012—Sep. 30, 2012	0.5%*		
Oct. 1, 2012—Dec. 31, 2012	0.5%*		
Jan. 1, 2013—Mar. 31, 2013	0.5%*		
Apr. 1, 2013—Jun. 30, 2013	0.5%*		
Jul. 1, 2013—Sep. 30, 2013	0.5%*		

## Section 7701.—Definitions

26 CFR 301.7701-4: Trusts

This revenue ruling provides that the *fideicomiso* or Mexican Land Trust arrangements described in this ruling are not trusts within the meaning of § 301.7701-4(a).

## Rev. Rul. 2013-14

### ISSUE

Is the *fideicomiso* or Mexican Land Trust arrangement (“MLT”), described below, a trust under Treasury Regulation § 301.7701-4(a)?

### FACTS

The Mexican Federal Constitution prohibits non-Mexican persons from directly holding title to residential real property in certain areas of Mexico (“restricted zones”). Non-Mexican persons, however, may hold residential real property located in the restricted zones through an MLT with a Mexican bank after obtaining a permit from the Mexican Ministry of Foreign Affairs.

### Situation 1

A, a U.S. citizen, is the sole owner of X, a limited liability company organized under the laws of state Z in the United States. X is disregarded as an entity separate from its owner under § 301.7701-2(a) (a disregarded entity). A, through X, wanted to purchase Greenacre. Greenacre is Mexican residential real property located in a restricted zone. Neither A nor X may hold title directly to Greenacre under Mexican law.

X obtained a permit from the Mexican Ministry of Foreign Affairs and signed an MLT agreement with B, a Mexican bank. X negotiated the purchase of Greenacre directly with the seller of the property and paid the seller directly. The seller had no interactions with B with respect to the sale. At settlement, legal title to Greenacre was transferred from the seller to B, subject to the MLT agreement, as of the date of sale. No property other than Greenacre is subject to the MLT agreement.

Under the terms of the MLT agreement, X has the right to sell Greenacre without permission from B. Further, B must grant a security interest in Greenacre to a third party, such as a mortgage lender, if X so requests. X is directly responsible for the payment of all liabilities relating to

Greenacre. X must pay any taxes due in Mexico with respect to Greenacre directly to the Mexican taxing authority. X has the exclusive right to possess Greenacre and to make any desired modifications, limited only by the need to obtain the proper licenses and permits in Mexico. If Greenacre is occasionally leased, X directly receives the rental income and A, as the owner of X, reports the income on A’s U.S. federal income tax return.

Although B is identified as a fiduciary in the MLT agreement, it disclaims all responsibility for Greenacre, including obtaining clear title. B has no duty to defend or maintain Greenacre. B collects a nominal annual fee from X. There is no other agreement or arrangement between or among A, X, B, or a third party that would cause the overall relationship to be classified as a partnership (or any other type of entity) for U.S. federal income tax purposes.

### Situation 2

The facts are the same as in *Situation 1* except that X is a corporation organized under the laws of State Z in the United States. X is treated as a corporation under § 301.7701-2(a). If Greenacre is occasionally leased, X directly receives the rental

income and reports the income on its U.S. federal income tax return.

### *Situation 3*

The facts are the same as in *Situation 1* except that *A* deals directly with *B* without interposing *X* or any other entity. *A* obtained the permit from the Mexican Ministry of Foreign Affairs, signed the MLT agreement with *B*, and negotiated the purchase of Greenacre. Additionally, the provisions of the MLT agreement that apply to *X* in *Situation 1* instead apply to *A*. If Greenacre is occasionally leased, *A* directly receives the rental income and reports the income on *A*'s U.S. federal income tax return. *B* collects a nominal annual fee from *A*. There is no other agreement or arrangement between or among *A*, *B*, or a third party that would cause the overall relationship to be classified as a partnership (or any other type of entity) for U.S. federal income tax purposes.

### LAW AND ANALYSIS

Section 301.7701-1(a)(1) provides that whether an organization is an entity separate from its owners for federal tax purposes is a matter of federal tax law and does not depend on whether the organization is recognized as an entity under local law.

Section 301.7701-2(a) defines a "business entity" as any entity recognized for federal tax purposes (including an entity with a single owner that may be disregarded as an entity separate from its owner under § 301.7701-3) that is not properly classified as a trust under § 301.7701-4 or otherwise subject to special treatment under the Code. If a business entity with only one owner is disregarded as separate from its owner, its activities generally are treated in the same manner as a sole proprietorship, branch, or division of the owner.

Section 301.7701-4(a) provides that the term "trust" refers to an arrangement created by a will or by an *inter vivos* declaration whereby trustees take title to property for the purpose of protecting or conserving it for the beneficiaries. Usually the beneficiaries of such a trust do no more

than accept the benefits thereof and are not the voluntary planners or creators of the trust arrangement. However, the beneficiaries of a trust may be the persons who create it, and it will be recognized as a trust if it was created for the purpose of protecting and conserving the trust property for beneficiaries who stand in the same relation to the trust as they would if the trust had been created by others for them. Generally, an arrangement is treated as a trust if it can be shown that the purpose of the arrangement is to vest in trustees the responsibility for the protection and conservation of property for beneficiaries who cannot share in the discharge of this responsibility.

Rev. Rul. 92-105, 1992-2 C.B. 204, addresses the transfer of a taxpayer's interest in an Illinois land trust under § 1031. Under the facts of the ruling, an individual taxpayer created an Illinois land trust and named a domestic corporation as trustee. Under the deed of trust, the taxpayer transferred legal and equitable title to the real property to the trust, subject to the provisions of an accompanying land trust agreement. The land trust agreement provided that the taxpayer retained exclusive control of the management, operation, renting, and selling of the real property, together with an exclusive right to the earnings and proceeds from the real property. Under the agreement, the taxpayer was required to file all tax returns, pay all taxes, and satisfy any other liabilities with respect to the real property. Rev. Rul. 92-105 concludes that, because the trustee's only responsibility was to hold and transfer title at the direction of the taxpayer, a trust, as defined in § 301.7701-4(a), was not established. The ruling holds that, on the facts described in the ruling, the trustee was a mere agent for the holding and transfer of title to the real property, and the taxpayer retained direct ownership of the real property for federal income tax purposes.

### *Situation 1*

Because *B*'s only duties under the MLT agreement are to hold the legal title to Greenacre and transfer title at the direction

of *X*, the MLT is not a trust. *X* retains the right to manage and control Greenacre. *X* has the right to collect any rent on Greenacre. In addition, *X* has the obligation to pay directly any taxes and other liabilities due with respect to Greenacre. Accordingly, because *X* is treated as a disregarded entity under § 301.7701-2, *A* is treated as the owner of Greenacre.

### *Situation 2*

The MLT is not a trust, and the analysis is the same as in *Situation 1* except that, because *X* is treated as a corporation under § 301.7701-2(a), *X* is treated as the owner of Greenacre.

### *Situation 3*

Because *B*'s only duties under the MLT agreement are to hold the legal title to Greenacre and transfer title at the direction of *A*, the MLT is not a trust. *A* retains the right to manage and control Greenacre. *A* has the right to collect any rent on Greenacre. In addition, *A* has the obligation to pay directly any taxes and other liabilities due with respect to Greenacre. Accordingly, *A* is treated as the owner of Greenacre.

### HOLDING(S)

In all three situations described above, the MLT is not a trust within the meaning of § 301.7701-4(a). If, under the MLT agreement, *B* holds legal title to any assets other than Greenacre or is permitted or required to engage in any activity beyond holding legal title to Greenacre, the holding of this revenue ruling does not apply and the rules of §§ 301.7701-1 through 301.7701-4 will determine the federal tax classification of the MLT.

### DRAFTING INFORMATION

The principal author of this revenue ruling is Wendy L. Kribell of the Office of Associate Chief Counsel (Passthroughs & Special Industries). For further information regarding this revenue ruling, contact Ms. Kribell at (202) 622-3050 (not a toll-free call).

# Part III. Administrative, Procedural, and Miscellaneous

## Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates

### Notice 2013-37

This notice provides guidance on the corporate bond monthly yield curve (and the corresponding spot segment rates), and the 24-month average segment rates under § 430(h)(2) of the Internal Revenue Code. In addition, this notice provides guidance as to the interest rate on 30-year Treasury securities under § 417(e)(3)(A)(ii)(II) as in effect for plan years beginning before 2008, the 30-year Treasury weighted average rate under § 431(c)(6)(E)(ii)(I), and the minimum present value segment rates under § 417(e)(3)(D) as in effect for plan years beginning after 2007. These rates reflect certain changes implemented by the Moving Ahead for Progress in the 21st Century Act, Public Law 112-141 (MAP-21). MAP-21 provides that for purposes of § 430(h)(2), the segment rates are limited by the applicable maximum percentage or the applicable minimum percentage based on the average of segment rates over a 25 year period.

### YIELD CURVE AND SEGMENT RATES

Generally, except for certain plans under sections 104 and 105 of the Pension Protection Act of 2006, § 430 of the Code specifies the minimum funding requirements that apply to single employer plans pursuant to § 412. Section 430(h)(2) specifies the interest rates that must be used to determine a plan's target normal cost and funding target. Under this provision, present value is generally determined using three 24-month average interest rates ("segment rates"), each of which applies to cash flows during specified periods. To the extent provided under § 430(h)(2)(C)(iv), these segment rates are adjusted by the applicable percentage of the 25-year average segment rates for the period ending September 30 of the year preceding the calendar year in which the plan year begins. However, an election may be made under § 430(h)(2)(D)(ii) to use the monthly yield curve in place of the segment rates.

Notice 2007-81, 2007-44 I.R.B. 899, provides guidelines for determining the monthly corporate bond yield curve, and

the 24-month average corporate bond segment rates used to compute the target normal cost and the funding target. Pursuant to Notice 2007-81, the monthly corporate bond yield curve derived from May 2013 data is in Table I at the end of this notice. The spot first, second, and third segment rates for the month of May 2013 are, respectively, 0.97, 3.76, and 5.01. For plan years beginning on or after January 1, 2012, the 24-month average segment rates determined under § 430(h)(2)(C)(iv) must be adjusted by the applicable percentage of the corresponding 25-year average segment rates. The 25-year average segment rates for plan years beginning in 2012 and for plan years beginning in 2013 were published in Notices 2012-55 and 2013-11, respectively. The three 24-month average corporate bond segment rates applicable for June 2013 without adjustment, and the adjusted 24-month average segment rates taking into account the applicable percentages of the corresponding 25-year average segment rates, are as follows:

For Plan Years Beginning In	Applicable Month		24-Month Average Segment Rates Not Adjusted			Adjusted 24-Month Average Segment Rates, Based on Applicable Percentage of 25-Year Average Rates		
			First Segment	Second Segment	Third Segment	First Segment	Second Segment	Third Segment
2012	June	2013	1.43	4.10	5.15	5.54	6.85	7.52
2013	June	2013	1.43	4.10	5.15	4.94	6.15	6.76

### 30-YEAR TREASURY SECURITIES INTEREST RATES

Generally for plan years beginning after 2007, § 431 specifies the minimum funding requirements that apply to multiemployer plans pursuant to § 412. Section 431(c)(6)(B) specifies a minimum amount for the full-funding limitation described in section 431(c)(6)(A), based on the plan's current liability. Section 431(c)(6)(E)(ii)(I) provides that the inter-

est rate used to calculate current liability for this purpose must be no more than 5 percent above and no more than 10 percent below the weighted average of the rates of interest on 30-year Treasury securities during the four-year period ending on the last day before the beginning of the plan year. Notice 88-73, 1988-2 C.B. 383, provides guidelines for determining the weighted average interest rate. The rate of interest on 30-year Treasury securities for May 2013 is 3.11 percent. The

Service has determined this rate as the average of the daily determinations of yield on the 30-year Treasury bond maturing in February 2043 determined each day through May 8, 2013, and the yield on the 30-year Treasury bond maturing in May 2043 determined each day for the balance of the month. The following rates were determined for plan years beginning in the month shown below.

For Plan Years Beginning in		30-Year Treasury Weighted Average	Permissible Range	
<i>Month</i>	<i>Year</i>		90%	to 105%
June	2013	3.45	3.11	3.63

**MINIMUM PRESENT VALUE  
SEGMENT RATES**

In general, the applicable interest rates under § 417(e)(3)(D) are segment rates

computed without regard to a 24-month average. Notice 2007-81 provides guidelines for determining the minimum present value segment rates. Pursuant to that notice, the minimum present value segment

rates determined for May 2013 are as follows:

First Segment	Second Segment	Third Segment
0.97	3.76	5.01

**DRAFTING INFORMATION**

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**Table I**

Monthly Yield Curve for May 2013

Derived from May 2013 Data

<i>Maturity</i>	<i>Yield</i>	<i>Maturity</i>	<i>Yield</i>	<i>Maturity</i>	<i>Yield</i>	<i>Maturity</i>	<i>Yield</i>	<i>Maturity</i>	<i>Yield</i>
0.5	0.26	20.5	4.70	40.5	5.05	60.5	5.18	80.5	5.25
1.0	0.45	21.0	4.71	41.0	5.06	61.0	5.18	81.0	5.25
1.5	0.62	21.5	4.73	41.5	5.06	61.5	5.19	81.5	5.25
2.0	0.77	22.0	4.74	42.0	5.06	62.0	5.19	82.0	5.25
2.5	0.91	22.5	4.75	42.5	5.07	62.5	5.19	82.5	5.25
3.0	1.04	23.0	4.77	43.0	5.07	63.0	5.19	83.0	5.25
3.5	1.17	23.5	4.78	43.5	5.08	63.5	5.19	83.5	5.25
4.0	1.32	24.0	4.79	44.0	5.08	64.0	5.20	84.0	5.26
4.5	1.47	24.5	4.80	44.5	5.09	64.5	5.20	84.5	5.26
5.0	1.64	25.0	4.81	45.0	5.09	65.0	5.20	85.0	5.26
5.5	1.83	25.5	4.82	45.5	5.09	65.5	5.20	85.5	5.26
6.0	2.02	26.0	4.83	46.0	5.10	66.0	5.20	86.0	5.26
6.5	2.21	26.5	4.84	46.5	5.10	66.5	5.20	86.5	5.26
7.0	2.41	27.0	4.86	47.0	5.11	67.0	5.21	87.0	5.26
7.5	2.60	27.5	4.87	47.5	5.11	67.5	5.21	87.5	5.26
8.0	2.79	28.0	4.88	48.0	5.11	68.0	5.21	88.0	5.26
8.5	2.98	28.5	4.89	48.5	5.12	68.5	5.21	88.5	5.26
9.0	3.15	29.0	4.89	49.0	5.12	69.0	5.21	89.0	5.27
9.5	3.31	29.5	4.90	49.5	5.12	69.5	5.22	89.5	5.27
10.0	3.46	30.0	4.91	50.0	5.13	70.0	5.22	90.0	5.27
10.5	3.60	30.5	4.92	50.5	5.13	70.5	5.22	90.5	5.27
11.0	3.73	31.0	4.93	51.0	5.13	71.0	5.22	91.0	5.27
11.5	3.84	31.5	4.94	51.5	5.13	71.5	5.22	91.5	5.27
12.0	3.95	32.0	4.95	52.0	5.14	72.0	5.22	92.0	5.27
12.5	4.04	32.5	4.95	52.5	5.14	72.5	5.22	92.5	5.27
13.0	4.13	33.0	4.96	53.0	5.14	73.0	5.23	93.0	5.27
13.5	4.20	33.5	4.97	53.5	5.15	73.5	5.23	93.5	5.27
14.0	4.27	34.0	4.98	54.0	5.15	74.0	5.23	94.0	5.28
14.5	4.33	34.5	4.98	54.5	5.15	74.5	5.23	94.5	5.28
15.0	4.38	35.0	4.99	55.0	5.15	75.0	5.23	95.0	5.28
15.5	4.43	35.5	5.00	55.5	5.16	75.5	5.23	95.5	5.28
16.0	4.47	36.0	5.00	56.0	5.16	76.0	5.23	96.0	5.28
16.5	4.51	36.5	5.01	56.5	5.16	76.5	5.24	96.5	5.28
17.0	4.54	37.0	5.01	57.0	5.16	77.0	5.24	97.0	5.28
17.5	4.57	37.5	5.02	57.5	5.17	77.5	5.24	97.5	5.28
18.0	4.59	38.0	5.02	58.0	5.17	78.0	5.24	98.0	5.28
18.5	4.62	38.5	5.03	58.5	5.17	78.5	5.24	98.5	5.28
19.0	4.64	39.0	5.04	59.0	5.17	79.0	5.24	99.0	5.28
19.5	4.66	39.5	5.04	59.5	5.18	79.5	5.24	99.5	5.28
20.0	4.68	40.0	5.05	60.0	5.18	80.0	5.25	100.0	5.29

# Definition of Terms

*Revenue rulings and revenue procedures (hereinafter referred to as “rulings”) that have an effect on previous rulings use the following defined terms to describe the effect:*

*Amplified* describes a situation where no change is being made in a prior published position, but the prior position is being extended to apply to a variation of the fact situation set forth therein. Thus, if an earlier ruling held that a principle applied to A, and the new ruling holds that the same principle also applies to B, the earlier ruling is amplified. (Compare with *modified*, below).

*Clarified* is used in those instances where the language in a prior ruling is being made clear because the language has caused, or may cause, some confusion. It is not used where a position in a prior ruling is being changed.

*Distinguished* describes a situation where a ruling mentions a previously published ruling and points out an essential difference between them.

*Modified* is used where the substance of a previously published position is being changed. Thus, if a prior ruling held that a principle applied to A but not to B, and the new ruling holds that it applies to both A

and B, the prior ruling is modified because it corrects a published position. (Compare with *amplified* and *clarified*, above).

*Obsoleted* describes a previously published ruling that is not considered determinative with respect to future transactions. This term is most commonly used in a ruling that lists previously published rulings that are obsoleted because of changes in laws or regulations. A ruling may also be obsoleted because the substance has been included in regulations subsequently adopted.

*Revoked* describes situations where the position in the previously published ruling is not correct and the correct position is being stated in a new ruling.

*Superseded* describes a situation where the new ruling does nothing more than restate the substance and situation of a previously published ruling (or rulings). Thus, the term is used to republish under the 1986 Code and regulations the same position published under the 1939 Code and regulations. The term is also used when it is desired to republish in a single ruling a series of situations, names, etc., that were previously published over a period of time in separate rulings. If the new ruling does more than restate the substance

of a prior ruling, a combination of terms is used. For example, *modified* and *superseded* describes a situation where the substance of a previously published ruling is being changed in part and is continued without change in part and it is desired to restate the valid portion of the previously published ruling in a new ruling that is self contained. In this case, the previously published ruling is first modified and then, as modified, is superseded.

*Supplemented* is used in situations in which a list, such as a list of the names of countries, is published in a ruling and that list is expanded by adding further names in subsequent rulings. After the original ruling has been supplemented several times, a new ruling may be published that includes the list in the original ruling and the additions, and supersedes all prior rulings in the series.

*Suspended* is used in rare situations to show that the previous published rulings will not be applied pending some future action such as the issuance of new or amended regulations, the outcome of cases in litigation, or the outcome of a Service study.

# Abbreviations

*The following abbreviations in current use and formerly used will appear in material published in the Bulletin.*

A—Individual.  
Acq.—Acquiescence.  
B—Individual.  
BE—Beneficiary.  
BK—Bank.  
B.T.A.—Board of Tax Appeals.  
C—Individual.  
C.B.—Cumulative Bulletin.  
CFR—Code of Federal Regulations.  
CI—City.  
COOP—Cooperative.  
Ct.D.—Court Decision.  
CY—County.  
D—Decedent.  
DC—Dummy Corporation.  
DE—Donee.  
Del. Order—Delegation Order.  
DISC—Domestic International Sales Corporation.  
DR—Donor.  
E—Estate.  
EE—Employee.  
E.O.—Executive Order.

ER—Employer.  
ERISA—Employee Retirement Income Security Act.  
EX—Executor.  
F—Fiduciary.  
FC—Foreign Country.  
FICA—Federal Insurance Contributions Act.  
FISC—Foreign International Sales Company.  
FPH—Foreign Personal Holding Company.  
F.R.—Federal Register.  
FUTA—Federal Unemployment Tax Act.  
FX—Foreign corporation.  
G.C.M.—Chief Counsel’s Memorandum.  
GE—Grantee.  
GP—General Partner.  
GR—Grantor.  
IC—Insurance Company.  
I.R.B.—Internal Revenue Bulletin.  
LE—Lessee.  
LP—Limited Partner.  
LR—Lessor.  
M—Minor.  
Nonacq.—Nonacquiescence.  
O—Organization.  
P—Parent Corporation.  
PHC—Personal Holding Company.  
PO—Possession of the U.S.  
PR—Partner.

PRS—Partnership.  
PTE—Prohibited Transaction Exemption.  
Pub. L.—Public Law.  
REIT—Real Estate Investment Trust.  
Rev. Proc.—Revenue Procedure.  
Rev. Rul.—Revenue Ruling.  
S—Subsidiary.  
S.P.R.—Statement of Procedural Rules.  
Stat.—Statutes at Large.  
T—Target Corporation.  
T.C.—Tax Court.  
T.D.—Treasury Decision.  
TFE—Transferee.  
TFR—Transferor.  
T.I.R.—Technical Information Release.  
TP—Taxpayer.  
TR—Trust.  
TT—Trustee.  
U.S.C.—United States Code.  
X—Corporation.  
Y—Corporation.  
Z—Corporation.

## Numerical Finding List<sup>1</sup>

Bulletins 2013–1 through 2013–26

### Announcements:

2013-1, 2013-1 I.R.B. 251  
2013-2, 2013-2 I.R.B. 271  
2013-3, 2013-2 I.R.B. 271  
2013-4, 2013-4 I.R.B. 440  
2013-5, 2013-3 I.R.B. 306  
2013-6, 2013-3 I.R.B. 307  
2013-7, 2013-3 I.R.B. 308  
2013-8, 2013-4 I.R.B. 440  
2013-9, 2013-4 I.R.B. 441  
2013-10, 2013-3 I.R.B. 311  
2013-11, 2013-6 I.R.B. 483  
2013-12, 2013-11 I.R.B. 651  
2013-13, 2013-9 I.R.B. 532  
2013-14, 2013-11 I.R.B. 651  
2013-15, 2013-11 I.R.B. 652  
2013-16, 2013-14 I.R.B. 738  
2013-17, 2013-16 I.R.B. 911  
2013-18, 2013-25 I.R.B. 1256  
2013-19, 2013-14 I.R.B. 760  
2013-20, 2013-14 I.R.B. 761  
2013-21, 2013-17 I.R.B. 980  
2013-22, 2013-17 I.R.B. 981  
2013-23, 2013-16 I.R.B. 940  
2013-24, 2013-24 I.R.B. 1249  
2013-25, 2013-24 I.R.B. 1249  
2013-26, 2013-16 I.R.B. 940  
2013-27, 2013-17 I.R.B. 981  
2013-28, 2013-17 I.R.B. 982  
2013-29, 2013-18 I.R.B. 1024  
2013-30, 2013-21 I.R.B. 1134  
2013-31, 2013-21 I.R.B. 1135  
2013-32, 2013-22 I.R.B. 1192  
2013-33, 2013-20 I.R.B. 1098  
2013-34, 2013-23 I.R.B. 1207

### Notices:

2013-1, 2013-3 I.R.B. 281  
2013-2, 2013-6 I.R.B. 473  
2013-3, 2013-7 I.R.B. 484  
2013-4, 2013-9 I.R.B. 527  
2013-5, 2013-9 I.R.B. 529  
2013-6, 2013-10 I.R.B. 540  
2013-7, 2013-6 I.R.B. 477  
2013-8, 2013-7 I.R.B. 486  
2013-9, 2013-9 I.R.B. 529  
2013-10, 2013-8 I.R.B. 503  
2013-11, 2013-11 I.R.B. 610  
2013-12, 2013-10 I.R.B. 543  
2013-13, 2013-12 I.R.B. 659  
2013-14, 2013-13 I.R.B. 712  
2013-15, 2013-14 I.R.B. 739  
2013-16, 2013-14 I.R.B. 740

### Notices— Continued:

2013-17, 2013-20 I.R.B. 1082  
2013-18, 2013-14 I.R.B. 742  
2013-19, 2013-14 I.R.B. 743  
2013-20, 2013-15 I.R.B. 902  
2013-21, 2013-15 I.R.B. 903  
2013-22, 2013-15 I.R.B. 904  
2013-23, 2013-16 I.R.B. 906  
2013-24, 2013-16 I.R.B. 909  
2013-25, 2013-17 I.R.B. 978  
2013-26, 2013-18 I.R.B. 984  
2013-27, 2013-18 I.R.B. 985  
2013-28, 2013-19 I.R.B. 1039  
2013-29, 2013-20 I.R.B. 1085  
2013-30, 2013-21 I.R.B. 1099  
2013-31, 2013-21 I.R.B. 1099  
2013-32, 2013-22 I.R.B. 1137  
2013-33, 2013-22 I.R.B. 1140  
2013-34, 2013-23 I.R.B. 1198  
2013-35, 2013-24 I.R.B. 1240  
2013-36, 2013-24 I.R.B. 1242  
2013-37, 2013-26 I.R.B. 1269  
2013-38, 2013-25 I.R.B. 1251  
2013-39, 2013-25 I.R.B. 1252  
2013-40, 2013-25 I.R.B. 1254

### Proposed Regulations:

REG-160873-04, 2013-20 I.R.B. 1089  
REG-155929-06, 2013-11 I.R.B. 650  
REG-106918-08, 2013-13 I.R.B. 714  
REG-141066-09, 2013-3 I.R.B. 289  
REG-148873-09, 2013-7 I.R.B. 494  
REG-102966-10, 2013-10 I.R.B. 579  
REG-120391-10, 2013-18 I.R.B. 1005  
REG-132702-10, 2013-19 I.R.B. 1042  
REG-140649-11, 2013-12 I.R.B. 666  
REG-106499-12, 2013-21 I.R.B. 1111  
REG-106796-12, 2013-22 I.R.B. 1164  
REG-118315-12, 2013-14 I.R.B. 746  
REG-122706-12, 2013-19 I.R.B. 1043  
REG-122707-12, 2013-5 I.R.B. 450  
REG-125398-12, 2013-23 I.R.B. 1199  
REG-126633-12, 2013-24 I.R.B. 1245  
REG-148500-12, 2013-13 I.R.B. 716  
REG-154563-12, 2013-20 I.R.B. 1097

### Revenue Procedures:

2013-1, 2013-1 I.R.B. 1  
2013-2, 2013-1 I.R.B. 92  
2013-3, 2013-1 I.R.B. 113  
2013-4, 2013-1 I.R.B. 126  
2013-5, 2013-1 I.R.B. 170  
2013-6, 2013-1 I.R.B. 198  
2013-7, 2013-1 I.R.B. 233  
2013-8, 2013-1 I.R.B. 237  
2013-9, 2013-2 I.R.B. 255

### Revenue Procedures— Continued:

2013-10, 2013-2 I.R.B. 267  
2013-11, 2013-2 I.R.B. 269  
2013-12, 2013-4 I.R.B. 313  
2013-13, 2013-6 I.R.B. 478  
2013-14, 2013-3 I.R.B. 283  
2013-15, 2013-5 I.R.B. 444  
2013-16, 2013-7 I.R.B. 488  
2013-17, 2013-11 I.R.B. 612  
2013-18, 2013-8 I.R.B. 503  
2013-19, 2013-11 I.R.B. 648  
2013-20, 2013-14 I.R.B. 744  
2013-21, 2013-12 I.R.B. 660  
2013-22, 2013-18 I.R.B. 985  
2013-23, 2013-17 I.R.B. 978  
2013-24, 2013-22 I.R.B. 1142  
2013-25, 2013-21 I.R.B. 1110  
2013-26, 2013-22 I.R.B. 1160  
2013-27, 2013-24 I.R.B. 1243

### Revenue Rulings:

2013-1, 2013-2 I.R.B. 252  
2013-2, 2013-10 I.R.B. 533  
2013-3, 2013-8 I.R.B. 500  
2013-4, 2013-9 I.R.B. 520  
2013-5, 2013-9 I.R.B. 525  
2013-6, 2013-13 I.R.B. 701  
2013-7, 2013-11 I.R.B. 608  
2013-8, 2013-15 I.R.B. 763  
2013-9, 2013-15 I.R.B. 764  
2013-10, 2013-26 I.R.B. 1257  
2013-11, 2013-20 I.R.B. 1059  
2013-12, 2013-24 I.R.B. 1237  
2013-14, 2013-26 I.R.B. 1267

### Tax Conventions:

2013-16, 2013-14 I.R.B. 738

### Treasury Decisions:

9601, 2013-10 I.R.B. 535  
9603, 2013-3 I.R.B. 273  
9605, 2013-11 I.R.B. 587  
9606, 2013-11 I.R.B. 586  
9607, 2013-6 I.R.B. 469  
9608, 2013-3 I.R.B. 274  
9609, 2013-12 I.R.B. 655  
9610, 2013-15 I.R.B. 765  
9611, 2013-13 I.R.B. 699  
9612, 2013-13 I.R.B. 678  
9613, 2013-15 I.R.B. 900  
9614, 2013-17 I.R.B. 947  
9615, 2013-19 I.R.B. 1026  
9616, 2013-20 I.R.B. 1061  
9617, 2013-23 I.R.B. 1195  
9618, 2013-23 I.R.B. 1194  
9619, 2013-24 I.R.B. 1212

<sup>1</sup> A cumulative list of all revenue rulings, revenue procedures, Treasury decisions, etc., published in Internal Revenue Bulletins 2012–27 through 2012–52 is in Internal Revenue Bulletin 2012–52, dated December 27, 2012.

## Finding List of Current Actions on Previously Published Items<sup>1</sup>

Bulletins 2013–1 through 2013–26

### Announcements:

#### 2012-42

Obsoleted by  
T.D. 9610, 2013-15 I.R.B. 765

#### 2013-12

Supplemented by  
Ann. 2013-22, 2013-17 I.R.B. 981

### Notices:

#### 87-64

Obsoleted by  
T.D. 9614, 2013-17 I.R.B. 947

#### 2000-45

Modified and superseded by  
Notice 2013-18, 2013-14 I.R.B. 742

#### 2006-87

Superseded by  
Notice 2013-31, 2013-21 I.R.B. 1099

#### 2007-25

Superseded by  
Notice 2013-31, 2013-21 I.R.B. 1099

#### 2007-77

Superseded by  
Notice 2013-31, 2013-21 I.R.B. 1099

#### 2008-10

Obsoleted by  
T.D. 9615, 2013-19 I.R.B. 1026

#### 2008-107

Superseded by  
Notice 2013-31, 2013-21 I.R.B. 1099

#### 2010-8

Obsoleted by  
T.D. 9618, 2013-23 I.R.B. 1194

#### 2010-27

Superseded by  
Notice 2013-31, 2013-21 I.R.B. 1099

#### 2010-60

Obsoleted by  
T.D. 9610, 2013-15 I.R.B. 765

#### 2011-8

Superseded by  
Notice 2013-31, 2013-21 I.R.B. 1099

#### 2011-14

Amplified and supplemented by  
Notice 2013-7, 2013-6 I.R.B. 477

### Notices— Continued:

#### 2011-34

Obsoleted by  
T.D. 9610, 2013-15 I.R.B. 765

#### 2011-38

Obsoleted by  
REG-148873-09, 2013-7 I.R.B. 494

#### 2011-53

Obsoleted by  
T.D. 9610, 2013-15 I.R.B. 765

#### 2012-19

Superseded by  
Notice 2013-31, 2013-21 I.R.B. 1099

#### 2012-60

Superseded by  
Notice 2013-1, 2013-3 I.R.B. 281

#### 2013-1

Superseded by  
Notice 2013-36, 2013-24 I.R.B. 1242  
Modified and superseded by  
Notice 2013-16, 2013-14 I.R.B. 740

#### 2013-16

Modified and superseded by  
Notice 2013-36, 2013-24 I.R.B. 1242

### Proposed Regulations:

#### REG-140668-07

Corrected by  
Ann. 2013-6, 2013-3 I.R.B. 307

### Revenue Procedures:

#### 87-57

Modified by  
Rev. Proc. 2013-13, 2013-6 I.R.B. 478

#### 2004-66

Modified and superseded by  
Rev. Proc. 2013-11, 2013-2 I.R.B. 269

#### 2008-35

Modified and superseded by  
Rev. Proc. 2013-14, 2013-3 I.R.B. 283

#### 2008-50

Modified and superseded by  
Rev. Proc. 2013-12, 2013-4 I.R.B. 313

#### 2011-14

Modified by  
Rev. Proc. 2013-26, 2013-22 I.R.B. 1160  
Rev. Proc. 2013-24, 2013-22 I.R.B. 1142  
Rev. Proc. 2013-20, 2013-14 I.R.B. 744

#### 2011-49

Modified by  
Rev. Proc. 2013-6, 2013-1 I.R.B. 198

### Revenue Procedures— Continued:

#### 2011-52

Modified and partly superseded by  
Rev. Proc. 2013-15, 2013-5 I.R.B. 444

#### 2011-55

Amplified and supplemented by  
Notice 2013-7, 2013-6 I.R.B. 477

#### 2011-61

Superseded by  
Rev. Proc. 2013-17, 2013-11 I.R.B. 612

#### 2011-62

Superseded by  
Rev. Proc. 2013-18, 2013-8 I.R.B. 503

#### 2012-1

Superseded by  
Rev. Proc. 2013-1, 2013-1 I.R.B. 1

#### 2012-2

Superseded by  
Rev. Proc. 2013-2, 2013-1 I.R.B. 92

#### 2012-3

Superseded by  
Rev. Proc. 2013-3, 2013-1 I.R.B. 113

#### 2012-4

Superseded by  
Rev. Proc. 2013-4, 2013-1 I.R.B. 126

#### 2012-5

Superseded by  
Rev. Proc. 2013-5, 2013-1 I.R.B. 170

#### 2012-6

Superseded by  
Rev. Proc. 2013-6, 2013-1 I.R.B. 198

#### 2012-7

Superseded by  
Rev. Proc. 2013-7, 2013-1 I.R.B. 233

#### 2012-8

Superseded by  
Rev. Proc. 2013-8, 2013-1 I.R.B. 237

#### 2012-9

Superseded by  
Rev. Proc. 2013-9, 2013-2 I.R.B. 255

#### 2012-10

Superseded by  
Rev. Proc. 2013-10, 2013-2 I.R.B. 267

#### 2012-16

Obsoleted by  
Rev. Proc. 2013-27, 2013-24 I.R.B. 1243

#### 2012-30

Corrected and clarified by  
Ann. 2013-3, 2013-2 I.R.B. 271  
Updated by  
Ann. 2013-10, 2013-3 I.R.B. 311

<sup>1</sup> A cumulative list of current actions on previously published items in Internal Revenue Bulletins 2012–27 through 2012–52 is in Internal Revenue Bulletin 2012–52, dated December 27, 2012.

**Revenue Procedures— Continued:**

**2012-46**

Corrected by

Ann. 2013-11, 2013-6 I.R.B. 483

**2013-1**

Corrected by

Ann. 2013-9, 2013-4 I.R.B. 441

**2013-4**

Modified by

Rev. Proc. 2013-22, 2013-18 I.R.B. 985

**2013-6**

Revised by

Ann. 2013-15, 2013-11 I.R.B. 652

Corrected by

Ann. 2013-13, 2013-9 I.R.B. 532

**2013-8**

Modified by

Rev. Proc. 2013-22, 2013-18 I.R.B. 985

**2013-14**

Modified by

Rev. Proc. 2013-19, 2013-11 I.R.B. 648

**Revenue Rulings:**

**92-19**

Supplemented in part by

Rev. Rul. 2013-4, 2013-9 I.R.B. 520

**Treasury Decisions:**

**9564**

Corrected by

Ann. 2013-4, 2013-4 I.R.B. 440

Amended by

Ann. 2013-7, 2013-3 I.R.B. 308

**9604**

Corrected by

Ann. 2013-19, 2013-14 I.R.B. 760

# INDEX

## Internal Revenue Bulletins 2013–1 to 2013–26

The abbreviation and number in parenthesis following the index entry refer to the specific item; numbers in roman and italic type following the parentheses refer to the Internal Revenue Bulletin in which the item may be found and the page number on which it appears.

### Key to Abbreviations:

Ann	Announcement
CD	Court Decision
DO	Delegation Order
EO	Executive Order
PL	Public Law
PTE	Prohibited Transaction Exemption
RP	Revenue Procedure
RR	Revenue Ruling
SPR	Statement of Procedural Rules
TC	Tax Convention
TD	Treasury Decision
TDO	Treasury Department Order

## EMPLOYEE PLANS

- Closing agreements (RP 12) 4, *313*; (Ann 21) 17, *980*
- Defined benefit plans, funding (Notice 11) 11, *610*
- Determination letters, issuing procedure (RP 6) 1, *198*; correction (Ann 13) 9, *532*
- Elimination of single-sum distribution option (or other accelerated benefits) under defined benefit plan of plan sponsor in bankruptcy (TD 9601) 10, *535*
- Employee stock ownership plans, diversification requirements (Notice 17) 20, *1082*
- \$500,000 deduction limitation for remuneration provided by certain health insurance providers (REG-106796–12) 22, *1164*
- Full funding limitations, weighted average interest rates, segment rates for:
  - January 2013 (Notice 2) 6, *473*
  - February 2013 (Notice 6) 10, *540*
  - March 2013 (Notice 23) 16, *906*
  - April 2013 (Notice 28) 19, *1039*
  - May 2013 (Notice 32) 22, *1137*
  - June 2013 (Notice 37) 26, *1269*
- Letter rulings:
  - And determination letters, areas which will not be issued from:
    - Associates Chief Counsel and Division Counsel (TE/GE) (RP 3) 1, *113*
    - Associate Chief Counsel (International) (RP 7) 1, *233*
  - And general information letters, procedures (RP 4) 1, *126*
  - User fees, request for letter rulings (RP 8) 1, *237*
- Pre-Approved Plans
  - Opinion and advisory letters (RP 22) 18, *985*
- Proposed regulation:
  - 26 CFR 54.9815–2705, added; 54.9802–1, revised; rules relating to incentives for nondiscriminatory wellness programs (REG–122707–12) 5, *450*

## EMPLOYEE PLANS—Cont.

- Public comment invited on recommendations for 2013-2014 Guidance Priority List (Notice 22) 15, *904*
- Qualified plans, determination letters (Ann 15) 11, *652*
- Qualified retirement plans, covered compensation, permitted disparity (RR 2) 10, *533*
- Regulation:
  - 26 CFR 1.1411(d)–4, amended; elimination of single-sum distribution option (or other accelerated benefits) under defined benefit plan of plan sponsor in bankruptcy (TD 9601) 10, *535*
- Rules relating to incentives for nondiscriminatory wellness programs (REG–122707–12) 5, *450*
- Rules relating to 90-day waiting period limitation (REG–122706–12) 19, *1043*
- Technical advice to IRS employees (RP 5) 1, *170*
- Weighted average interest rates:
  - Segments rates for:
    - January 2013 (Notice 2) 6, *473*
    - February 2013 (Notice 6) 10, *540*
    - March 2013 (Notice 23) 16, *906*
    - April 2013 (Notice 28) 19, *1039*
    - May 2013 (Notice 32) 22, *1137*
    - June 2013 (Notice 37) 26, *1269*

## EMPLOYMENT TAX

- Employment tax obligations of a third party that enters into a service agreement with an employer to take on the employer's employment tax responsibilities (REG–102966–10) 10, *579*
- IRS request for comments on voluntary tip compliance agreements (Ann 29) 18, *1024*
- Letter rulings and information letters issued by Associate Offices, determination letters issued by Operating Divisions (RP 1) 1, *1*; correction (Ann 9) 4, *441*
- Proposed regulation:
  - 26 CFR 31.3504–2, added; employment tax obligations of a third party that enters into a service agreement with an employer to take on the employer's employment tax responsibilities (REG–102966–10) 10, *579*
- Public comment invited on recommendations for 2013-2014 Guidance Priority List (Notice 22) 15, *904*
- Technical Advice Memoranda (TAMs) (RP 2) 1, *92*
- Transit benefit adjustment for 2012 (Notice 8) 7, *486*
- Updating of employer identification numbers (TD 9617) 23, *1195*

## ESTATE TAX

- Cost-of-living adjustments for inflation for 2013 (RP 15) 5, *444*
- Letter rulings and information letters issued by Associate Offices, determination letters issued by Operating Divisions (RP 1) 1, *1*; correction (Ann 9) 4, *441*
- Public comment invited on recommendations for 2013-2014 Guidance Priority List (Notice 22) 15, *904*
- Technical Advice Memoranda (TAMs) (RP 2) 1, *92*

## EXCISE TAX

Biodiesel claims, alternative fuel claims, section 34 claims, section 6426, section 6427 (Notice 26) 18, 984  
Health insurance providers fee (REG-118315-12) 14, 746  
Letter rulings and information letters issued by Associate Offices, determination letters issued by Operating Divisions (RP 1) 1, *I*; correction (Ann 9) 4, 441  
Payout requirements for Type III supporting organizations that are not functionally integrated (TD 9605) 11, 587; (REG-155929-06) 11, 650  
Proposed regulations:  
26 CFR 1.509(a)-4, amended; payout requirements for Type III supporting organizations that are not functionally integrated (REG-155929-06) 11, 650  
Public comment invited on recommendations for 2013-2014 Guidance Priority List (Notice 22) 15, 904  
Regulations:  
26 CFR 1.509(a)-4, amended; 1.509(a)-4T, added; 53.4943-11, amended; payout requirements for Type III supporting organizations that are not functionally integrated (REG-155929-06) 11, 650  
Taxable medical devices (Ann 19) 14, 760  
Technical Advice Memoranda (TAMs) (RP 2) 1, 92

## EXEMPT ORGANIZATIONS

Community health needs assessments for charitable hospitals (REG-106499-12) 21, 1111  
Foundation status of certain organizations (Ann 18) 25, 1256  
Letter rulings:  
And determination letters:  
And general information letters, procedures (RP 4) 1, 126  
Areas which will not be issued from Associates Chief Counsel and Division Counsel (TE/GE) (RP 3) 1, 113  
Exemption application determination letter rulings under sections 501, 509, 4940, 4942, and 4947 (RP 10) 2, 267  
Exemption application determination letter rulings under sections 501 and 521 (RP 9) 2, 255  
User fees, request for letter rulings (RP 8) 1, 237  
Payout requirements for Type III supporting organizations that are not functionally integrated (TD 9605) 11, 587; (REG-155929-06) 11, 650  
Proposed regulations:  
26 CFR 1.509(a)-4, amended; payout requirements for Type III supporting organizations that are not functionally integrated (REG-155929-06) 11, 650  
Public comment invited on recommendations for 2013-2014 Guidance Priority List (Notice 22) 15, 904  
Revocations, exempt organizations (Ann 31) 21, 1135; (Ann 32) 22, 1192; (Ann 24) 24, 1249; (Ann 25) 24, 1249  
Technical Advice Memoranda (TAMs) (RP 2) 1, 92

## GIFT TAX

Letter rulings and information letters issued by Associate Offices, determination letters issued by Operating Divisions (RP 1) 1, *I*; correction (Ann 9) 4, 441  
Public comment invited on recommendations for 2013-2014 Guidance Priority List (Notice 22) 15, 904  
Technical Advice Memoranda (TAMs) (RP 2) 1, 92

## INCOME TAX

Action on decision: *Wilson v. Commissioner*, 705 F.3d 980 (9th Cir. 2013), aff'g T.C. Memo. 2010-134, (AOD) 25  
Adjusted applicable Federal rates under section 1288, changes in method of determination (Notice 4) 9, 527  
Advance pricing and mutual agreement program (Ann 17) 16, 911  
Allocation of research credit to members of controlled groups (Notice 20) 15, 902  
American Jobs Creation Act modifications to section 6708, failure to maintain lists of advisees with respect to reportable transactions (REG-160873-04) 20, 1089  
Applicability of de minimis partner rule (TD 9607) 6, 469  
Application of section 172(h) including consolidated groups, correction (Ann 6) 3, 307  
Awards for information relating to detecting underpayments of tax or violations of the Internal Revenue laws (REG-141066-09) 3, 289; hearing (Ann 20) 14, 761  
Beginning of construction for purposes of the renewable electricity production tax credit and energy investment tax credit (Notice 29) 20, 1085  
Biodiesel claims, alternative fuel claims, section 34 claims, section 6426, section 6427 (Notice 26) 18, 984  
Bonds:  
Premium carryforwards (REG-140437-12) 12, 676  
Qualified exempt facility bonds and qualified residential rental projects (Notice 9) 9, 529  
Qualified Zone Academy Bonds limitation for year 2012 and 2013 (Notice 3) 7, 484  
Broker basis reporting for debt instruments and options; reporting from premium (TD 9616) 20, 1061  
Business use of home, optional safe harbor method for expenses (RP 13) 6, 478  
Capitalization of electric utility generation property, unit of property definitions (RP 24) 22, 1142  
Capitalization of plants with a preproductive period in excess of 2 years (Notice 18) 14, 742; (RP 20) 14, 744  
Conclusive presumption of worthlessness under section 166 (Notice 35) 24, 1240  
Corporations:  
Certain outbound property transfers by domestic corporations; certain stock distributions by domestic corporations (TD 9614) 17, 947  
Indirect stock transfers and the coordination rule exceptions; transfers of stock or securities in outbound asset reorganizations (TD 9615) 19, 1026; (REG-132702-10) 19, 1042  
Cost-of-living adjustments for inflation for 2013 (RP 15) 5, 444

## INCOME TAX—Cont.

Coverage of certain preventive services under the ACA (REG-120391-10) 18, *1005*

### Credits:

Carbon dioxide sequestration (Notice 34) 23, *1198*

Health insurance premium (REG-125398-12) 23, *1199*

Low-income housing (Notice 15) 14, *739*; (Notice 40) 25, *1254*

Qualifying advanced energy project credit program – Phase II program (Notice 12) 10, *543*

Declaratory judgment suits (Ann 24) 24, *1249*

Deductions for qualified film and television production costs (TD 9603) 3, *273*

Depreciation deduction, 2013 automobile inflation adjustments (RP 21) 12, *660*

Determination of trust under section 301.7701-4(a) (RR 14) 26, *1267*

Disciplinary actions involving attorneys, certified public accountants, enrolled agents, and enrolled actuaries (Ann 26) 16, *940*; (Ann 34) 23, *1207*

Disclosure of returns and return information to designee of taxpayer (TD 9618) 23, *1194*

Dual-use property request for comments (Notice 13) 12, *659*

Election to treat certain sales, exchanges, and distributions of the stock of a domestic corporation as a sale of its assets (TD 9619) 24, *1212*

Elimination of the Cumulative Bulletin after volume 2008-2 (Ann 12) 11, *651*

Empowerment zones, extension, designation (Notice 38) 25, *1251*

E-signature standards (Ann 8) 4, *440*

Estimated tax penalty relief for farmers and fishermen (Notice 5) 9, *529*

Examination of returns and claims for return, credit, or abate-ments, determination of correct tax liability (RP 16) 7, *488*

Exceptions to loss transaction filter (RP 11) 2, *269*

Extension of the effective date of Rev. Proc. 2013-14 (RP 19) 11, *648*

Failure to file gain agreement and other required filings (REG-140649-11) 12, *666*

Filing and payment extension for individuals affected by the Boston Marathon explosions (Notice 30) 21, *1099*

\$500,000 deduction limitation for remuneration provided by certain health insurance providers (REG-106796-12) 22, *1164*

Foreign housing cost amount eligible for exclusion or deduction (Notice 31) 21, *1099*

### Forms:

W-2 and W-3 (RP 18) 8, *503*

1097, 1098, 1099, 3921, 3922, 5498, 8935, and W-2G, re-quirements for filing electronically, correction (Ann 3) 2, *271*

Gross income, per capita payments from proceeds of settlements of Indian tribal trust cases (Notice 1) 3, *281*; (Notice 16) 14, *740*; (Notice 36) 24, *1242*

Guidance to tax return preparers consents to disclose and con-sents to use tax return information in the Form 1040 series,

## INCOME TAX—Cont.

update to Rev. Proc. 2008-35 (TD 9608) 3, *274*; (RP 14) 3, *283*

HSA deduction, limitations on (RP 25) 21, *1110*

Inflation adjustment factor and phase-out amount for the noncon-ventional source fuel credit (Notice 25) 17, *978*

Inflation adjustment factors (Notice 33) 22, *1140*

### Information reporting:

By domestic entities under section 6083D (Notice 10) 8, *503*

By foreign financial institutions and withholding on payments to foreign financial institutions and other foreign entities (TD 9610) 15, *765*

Mortgage assistance program (Notice 7) 6, *477*

### Insurance companies:

Interest rate tables (RR 4) 9, *520*

### Interest:

#### Investment:

Federal short-term, mid-term, and long-term rates for:

January 2013 (RR 1) 2, *252*

February 2013 (RR 3) 8, *500*

March 2013 (RR 7) 11, *608*

April 2013 (RR 9) 15, *764*

May 2013 (RR 11) 20, *1059*

June 2013 (RR 12) 24, *1237*

#### Rates:

Underpayments and overpayments, quarter beginning:

April 1, 2013 (RR 6) 13, *701*

July 1, 2013 (RR 10) 26, *1257*

Internal Revenue Bulletin: proposal to eliminate the Index Sys-tem (Ann 22) 17, *981*

### Letter rulings:

And determination letters, areas which will not be issued from:

Associates Chief Counsel and Division Counsel (TE/GE) (RP 3) 1, *113*

Associate Chief Counsel (International ) (RP 7) 1, *233*

And information letters issued by Associate Offices, determi-nation letters issued by Operating Divisions (RP 1) 1, *1*; correction (Ann 9) 4, *441*

Low-income housing credit (Notice 40) 25, *1254*

Maximum vehicle values for which the special valuation rules of Reg. 1.61-21(d) and (e) may be used in 2013 (Notice 27) 18, *985*

Medical loss ratio for section 833 organizations (REG-126633-12) 24, *1245*

Mortgage assistance programs, income exclusion, safe harbor deduction method (Notice 7) 6, *477*

National and area median gross income figures guidance for 2013 (RP 27) 24, *1243*

Noncompensatory partnership options (TD 9612) 13, *678*; cor-rection (Ann 28) 17, *982*

Paper copies of the Internal Revenue Bulletin, elimination of the Cumulative Bulletin (Ann 12) 11, *651*

Penalty relief for delayed 2012 forms (Notice 24) 16, *909*

Per capita payments from proceeds or settlements of Indian tribal trust cases (Notice 1) 3, *281*; (Notice 16) 14, *740*; (Notice 36) 24, *1160*



## INCOME TAX—Cont.

Postponement of deadline for section 165(i) election for Hurricane Sandy losses (Notice 21) 15, 903

Premium tax credit (REG-125398-12) 23, 1199

Proportional method for accruing original issue discount on pools of credit card receivables (RP 26) 22, 1160

Proposal to eliminate the Index System (Ann 22) 17, 981

Proposed regulations:

26 CFR 1.162-31, added (REG-106796-12) 22, 1164

26 CFR 1.171-2, amended; bond premiums carryforwards (REG-140437-12) 12, 676

26 CFR 1.367(a)-3T revised; 1.367(a)-6T revised; 1.1248(f)-3T added; 1.6038B-1T revised (REG-132702-10) 19, 1042

26 CFR 1.501(r)-0, amended; 1.501(r)-1 amended; 1.501(r)-2 added; 1.501(r)-3 added; 1.501(r)-7 amended; 1.6012-2, amended; 1.6012-3, amended; 1.6033-2, amended; 53.4959-1, added; community health needs assessments for charitable hospitals (REG-106499-12) 21, 1111

26 CFR 1.761-3, amended; 1.1234-3, amended; treatment of grantor of an option on a partnership interest (REG-106918-08) 13, 714

26 CFR 1.833-1, added; medical loss ratio for section 833 organizations (REG-126633-12) 24, 1245

26 CFR 1.5000A-0 thru -5, added; shared responsibility payment for not maintaining minimum essential coverage (REG-148500-12) 13, 716

26 CFR 1.6042-4, amended; 1.6043-4, amended; 1.6044-5, amended; 1.6045-2 thru 5, amended; 1.6049-6, amended; 1.6050A-1, amended; 1.6050E-1, amended; 1.6050N-1, amended; 1.6050P-1, amended; 1.6050S-1, -3, amended; 301.6109-4, added; truncated taxpayer identification numbers (REG-148873-09) 7, 494

26 CFR 301.7623-1, revised; 301.7623-2 thru -4, added; 301.6103(h)(4)-1, added; awards for information relating to detecting underpayments of tax or violations of the Internal Revenue laws (REG-141066-09) 3, 289

26 CFR 54.9815-2713 amended; 54.9801-2 amended; 16 CFR 54.9815-2713A added; coverage of certain preventive services under the ACA (REG-120391-10) 18, 1005

26 CFR 54.9815-2705, added; 26 CFR 54.9801-1 as amended; 26 CFR 54.9802-1 as amended; 26 CFR 54.9801-3 as amended; 26 CFR 54.9801-4 as amended; 26 CFR 54.9801-5 as amended; 26 CFR 54.9801-6 as amended; 26 CFR 54.9802-1 as amended; 26 CFR 54.9815-2719T as amended; 26 CFR 54.9831-1 as amended (REG-122706-12) 19, 1043

Public comment invited on recommendations for 2013-2014 Guidance Priority List (Notice 22) 15, 904

Publications:

1141, General Rules and Specifications for Form W-2 and W-3 (RP 18) 8, 503

1167, General Rules and Specifications for Forms and Schedules (RP 17) 11, 612

1220, Specifications for Filing Forms 1097, 1098, 1099, 3921, 3922, 5498, 8935, and W-2G Electronically, correction (Ann 3) 2, 271

## INCOME TAX—Cont.

4436, General Rules and Specifications for Substitute Form 941 and Schedule B (Form 941), and Schedule R (Form 941), correction (Ann 11) 6, 483

Qualified board or exchange (RR 5) 9, 525

Qualified exempt facility bonds (Notice 39) 25, 1252

Qualified residential rental projects (Notice 39) 25, 1252

Qualifying advanced coal project program (Ann 2) 2, 271

Reduced 2009 estimated income tax payments for individuals with small business income (TD 9613) 15, 900

Regulations:

26 CFR 1.36B-2, amended; shared responsibility payment for not maintaining minimum essential coverage (TD 9611) 13, 699

26 CFR 1.171-1, amended; 1.704-1, -3, amended; 1.1721-2, added; 1.761-3, added; 1.1272-1, amended; 1.1273-2, amended; 1.1275-4, amended; noncompensatory partnership options (TD 9612) 13, 678

26 CFR 1.181-0, amended; 1.181-0T, removed; 1.181-1, amended; 1.181-1T, amended; 1.181-6, amended; 1.181-6T, removed; deductions for qualified film and television production costs (TD 9603) 3, 273

26 CFR 1.304-4, revised; 1.304-4T, removed; use of controlled corporations to avoid the application of section 304 (TD 9606) 11, 586

26 CFR 1.336-0 through 1.336-5 added; 1.338-0, 1.338-1, and 1.338-5 amended; 1.901-2 amended; 1.1502-13 amended; election to treat certain sales, exchanges, and distributions of the stock of a domestic corporation as a sale of its assets (TD 9619) 24, 1212

26 CFR 1.367(a)-1, -3, amended; 1.367(a)-7, added; 1.367-8, amended; 1.367(b)-0, amended; 1.367-4, amended; 1.367(e)-1, amended; 1.1248-1 revised; 1.1248-6, amended; 1.1248(f)-1, added; 1.1248(f)-2, added; 1.1248(f)-3, added; 1.6038B-1, revised; 1.1602-101, added; corporations, certain outbound property transfers by domestic corporations; certain stock distributions by domestic corporations (TD 9614) 17, 947

26 CFR 1.367(a)-3T revised; 1.367(a)-6T revised; 1.1248(f)-3T added; 1.6038B-1T revised; corporations, indirect stock transfers and the coordination rule exceptions; transfers of stock or securities in outbound asset reorganizations (TD 9615) 19, 1026

26 CFR 1.1471-1, removed; 1.1471-0, added; 1.1471-1, added; 1.1471-2, added; 1.1471-3, added; 1.1471-4, added; 1.1471-5, added; 1.1474-6, added; 1.1472-1, added; 1.1473-1, added; 1.1474-1, added; 1.1474-2, added; 1.1474-3, added; 1.1474-5, added; 1.1474-5, added; 1.1474-6, added; 1.1471-7, added; 301-1474-1, added; by foreign financial institutions and withholding on payments to foreign financial institutions and other foreign entities (TD 9610) 15, 765

26 CFR 1.6045-1 amended; 26 CFR 1.6045A-1 amended; 26 CFR 1.6045B-1 amended; 26 CFR 1.1275-3 amended; broker basis reporting for debt instruments and options (TD 9616) 20, 1061; (REG-154563-12) 20, 1097

## INCOME TAX—Cont.

- 26 CFR 1.6654–2, revised; 1.6654–2T, removed; reduced 2009 estimated income tax payments for individuals with small business income (TD 9613) 15, 900
- 26 CFR 301.7216–0, amended; 301.7216–0T, removed; 301.7216–2, amended; 301.7216–2T, removed; guidance to tax return preparers, consents to disclose and consents to use tax return information in the Form 1040 series, update to Rev. Proc. 2008–35 (TD 9608) 3, 274
- Revocations, exempt organizations (Ann 31) 21, 1135; (Ann 32) 22, 1192; (Ann 25) 24, 1249
- Rules for certain reserves (Notice 19) 14, 743
- Section 1446 tax for fiscal year partnerships in 2013 (Ann 30) 21, 1134
- Shared responsibility payment for not maintaining minimum essential coverage (TD 9611) 13, 699; (REG–148500–12) 13, 716; correction (Ann 27) 17, 981
- Standard Industry Fare Level (SIFL) (RR 8) 15, 763
- Substitute forms, W-2 (Copy A) and W-3 (RP 18) 8, 503
- Tangible property, guidance regarding deduction and capitalization of expenditures related to, corrections (Ann 7) 3, 308; (Ann 4) 4, 440
- Taxable medical devices; correction (Ann 23) 16, 940
- Tax conventions:
  - U.S.-Norway agreements:
    - Regarding fiscally transparent entities (Ann 14) 11, 651
    - Regarding offshore activities (Ann 16) 14, 738
    - Regarding the sourcing of remuneration for government services and social security payments (Ann 5) 3, 306
- Technical Advice Memoranda (TAMs) (RP 2) 1, 92
- Transition relief for submitting Form 8850 as a result of the American Taxpayer Relief Act (Notice 14) 13, 712
- Treasury inflation-protected securities issued at a premium, bond premium carryforward (TD 9609) 12, 655; (REG–140437–12) 12, 676
- Treatment of grantor of an option on a partnership interest (REG–106918–08) 13, 714
- Truncated taxpayer identification numbers (REG–148873–09) 7, 494
- Underpayments and overpayments, quarter beginning: April 1, 2013 (RR 6) 13, 701; July 1, 2013 (RR 10) 26, 1257
- Updating of employer identification numbers (TD 9617) 23, 1195
- Use of controlled corporations to avoid the application of section 304 (TD 9606) 11, 586

## SELF-EMPLOYMENT TAX

- Letter rulings and information letters issued by Associate Offices, determination letters issued by Operating Divisions (RP 1) 1, 1; correction (Ann 9) 4, 441
- Public comment invited on recommendations for 2013-2014 Guidance Priority List (Notice 22) 15, 904
- Technical Advice Memoranda (TAMs) (RP 2) 1, 92

# **Internal Revenue Service**

## **Washington, DC 20224**

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## **INTERNAL REVENUE BULLETIN**

The Introduction at the beginning of this issue describes the purpose and content of this publication. The weekly Internal Revenue Bulletins are available at [www.irs.gov/irb/](http://www.irs.gov/irb/).

## **CUMULATIVE BULLETINS**

The contents of the weekly Bulletins were consolidated semiannually into permanent, indexed, Cumulative Bulletins through the 2008-2 edition.

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## **WE WELCOME COMMENTS ABOUT THE INTERNAL REVENUE BULLETIN**

If you have comments concerning the format or production of the Internal Revenue Bulletin or suggestions for improving it, we would be pleased to hear from you. You can email us your suggestions or comments through the IRS Internet Home Page ([www.irs.gov](http://www.irs.gov)) or write to the IRS Bulletin Unit, SE:W:CAR:MP:P:SPA, Washington, DC 20224.

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