

Internal Revenue bulletin

Bulletin No. 2014-25
June 16, 2014

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.

EMPLOYMENT TAX

Announcement 2014-25, page 1103.

This document contains corrections to final regulations (TD 9662) that were published in the **Federal Register** on Monday, March 31, 2014 (79 FR 17860) relating to section 3504 of the Internal Revenue Code (Code) providing circumstances under which a person (payor) is designated to perform the acts required of an employer and is liable for employment taxes with respect to wages or compensation paid by the payor to individuals performing services for the payor's client pursuant to a service agreement between the payor and the client.

Finding Lists begin on page ii.
Index for July through June begins on page iv.



Department of the Treasury
Internal Revenue Service

The IRS Mission

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

The contents of this publication are not copyrighted and may be reprinted freely. A citation of the Internal Revenue Bulletin as the source would be appropriate.

Part IV. Items of General Interest

Designation of Payor to Perform Acts Required of an Employer; Correction

Announcement 2014–25

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains corrections to final regulations (TD 9662) that were published in the **Federal Register** on Monday, March 31, 2014 (79 FR 17860) relating to section 3504 of the Internal Revenue Code (Code) providing circumstances under which a person (payor) is designated to perform the acts required of an employer and is liable for employment taxes with respect to wages or compensation paid by the payor to individuals performing services for the payor's client pursuant to a service agreement between the payor and the client.

DATES: This correction is effective on June 2, 2014 and is applicable March 31, 2014.

FOR FURTHER INFORMATION CONTACT: Jeanne Royal Singley at (202) 317-6798 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are subject of this document are under section 3504 of the Internal Revenue Code.

Need for Correction

As published, final regulations (TD 9662) contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, 26 CFR part 31 is corrected by making the following correcting amendments:

PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT THE SOURCE

Paragraph 1. The authority citation for part 31 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

§ 31.3504–2 [Corrected]

Par. 2. In § 31.3504–2, paragraph (e)(9)*Example 9*, the language “Corporation U” is removed and the language “Corporation V” is added in its place. d

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(Filed by the Office of the Federal Register on May 30, 2014, 8:45 a.m., and published in the issue of the Federal Register for June 2, 2014, 79 F.R. 31219)

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 sub-

stance 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 List¹

Bulletins 2014–1 through 2014–25

Announcements

2014-1, 2014-2 I.R.B. 393
2014-2, 2014-4 I.R.B. 448
2014-4, 2014-7 I.R.B. 523
2014-05, 2014-6 I.R.B. 507
2014-06, 2014-6 I.R.B. 508
2014-07, 2014-6 I.R.B. 508
2014-08, 2014-6 I.R.B. 508
2014-09, 2014-6 I.R.B. 508
2014-10, 2014-6 I.R.B. 508
2014-11, 2014-6 I.R.B. 508
2014-12, 2014-6 I.R.B. 509
2014-13, 2014-10 I.R.B. 620
2014-14, 2014-16 I.R.B. 948
2014-15, 2014-16 I.R.B. 973
2014-16, 2014-17 I.R.B. 983
2014-17, 2014-18 I.R.B. 1007
2014-18, 2014-17 I.R.B. 983
2014-19, 2014-17 I.R.B. 984
2014-20, 2014-20 I.R.B. 1027
2014-21, 2014-20 I.R.B. 1030
2014-22, 2014-22 I.R.B. 1071
2014-23, 2014-22 I.R.B. 1072
2014-24, 2014-23 I.R.B. 1086
2014-25, 2014-25 I.R.B. 1103

Notices

2014-1, 2014-2 I.R.B. 270
2014-2, 2014-3 I.R.B. 407
2014-3, 2014-3 I.R.B. 408
2014-4, 2014-2 I.R.B. 274
2014-5, 2014-2 I.R.B. 276
2014-6, 2014-2 I.R.B. 279
2014-7, 2014-4 I.R.B. 445
2014-8, 2014-5 I.R.B. 452
2014-9, 2014-5 I.R.B. 455
2014-10, 2014-9 I.R.B. 605
2014-11, 2014-13 I.R.B. 880
2014-12, 2014-9 I.R.B. 606
2014-13, 2014-10 I.R.B. 616
2014-14, 2014-13 I.R.B. 881
2014-15, 2014-12 I.R.B. 661
2014-16, 2014-14 I.R.B. 920
2014-17, 2014-13 I.R.B. 881
2014-18, 2014-15 I.R.B. 926
2014-19, 2014-17 I.R.B. 979
2014-20, 2014-16 I.R.B. 937
2014-21, 2014-16 I.R.B. 938
2014-22, 2014-16 I.R.B. 940
2014-23, 2014-16 I.R.B. 942
2014-24, 2014-16 I.R.B. 942
2014-25, 2014-17 I.R.B. 981
2014-27, 2014-18 I.R.B. 987
2014-28, 2014-18 I.R.B. 990

Notices—Continued

2014-29, 2014-18 I.R.B. 991
2014-31, 2014-20 I.R.B. 1006
2014-32, 2014-20 I.R.B. 1006
2014-33, 2014-21 I.R.B. 1033
2014-34, 2014-23 I.R.B. 1069
2014-35, 2014-23 I.R.B. 1072
2014-36, 2014-22 I.R.B. 1058
2014-37, 2014-24 I.R.B. 1100
2014-38, 2014-24 I.R.B. 1100

Proposed Regulations

REG-15489,0-03 2014-6 I.R.B. 504
REG-15942,0-04 2014-2 I.R.B. 374
REG-14446,8-05 2014-6 I.R.B. 474
REG-16319,5-05 2014-15 I.R.B. 930
REG-11930,5-11 2014-8 I.R.B. 524
REG-14097,4-11 2014-3 I.R.B. 438
REG-12153,4-12 2014-6 I.R.B. 473
REG-12270,6-12 2014-11 I.R.B. 647
REG-13436,1-12 2014-13 I.R.B. 895
REG-13698,4-12 2014-2 I.R.B. 378
REG-11335,0-13 2014-3 I.R.B. 440
REG-13096,7-13 2014-13 I.R.B. 884
REG-13123,9-13 2014-22 I.R.B. 1069
REG-14103,6-13 2014-7 I.R.B. 516
REG-14317,2-13 2014-2 I.R.B. 383
REG-15076,0-13 2014-23 I.R.B. 1078
REG-10864,1-14 2014-15 I.R.B. 928

Revenue Procedures

2014-1, 2014-1 I.R.B. 1
2014-2, 2014-1 I.R.B. 90
2014-3, 2014-1 I.R.B. 111
2014-4, 2014-1 I.R.B. 125
2014-5, 2014-1 I.R.B. 169
2014-6, 2014-1 I.R.B. 198
2014-7, 2014-1 I.R.B. 238
2014-8, 2014-1 I.R.B. 242
2014-9, 2014-2 I.R.B. 281
2014-10, 2014-2 I.R.B. 293
2014-11, 2014-3 I.R.B. 411
2014-12, 2014-3 I.R.B. 415
2014-13, 2014-3 I.R.B. 419
2014-14, 2014-2 I.R.B. 295
2014-15, 2014-5 I.R.B. 456
2014-16, 2014-9 I.R.B. 606
2014-17, 2014-12 I.R.B. 661
2014-18, 2014-7 I.R.B. 513
2014-19, 2014-10 I.R.B. 619
2014-20, 2014-9 I.R.B. 614
2014-21, 2014-11 I.R.B. 641
2014-22, 2014-11 I.R.B. 646
2014-23, 2014-12 I.R.B. 685
2014-24, 2014-13 I.R.B. 879
2014-25, 2014-15 I.R.B. 927
2014-28, 2014-16 I.R.B. 944
2014-30, 2014-20 I.R.B. 1009

Revenue Procedures—Continued

2014-31, 2014-20 I.R.B. 1009
2014-32, 2014-23 I.R.B. 1073
2014-33, 2014-22 I.R.B. 1065

Revenue Rulings

2014-1, 2014-2 I.R.B. 263
2014-2, 2014-2 I.R.B. 255
2014-3, 2014-2 I.R.B. 259
2014-4, 2014-5 I.R.B. 449
2014-6, 2014-7 I.R.B. 510
2014-8, 2014-11 I.R.B. 624
2014-9, 2014-17 I.R.B. 975
2014-10, 2014-14 I.R.B. 906
2014-11, 2014-14 I.R.B. 906
2014-12, 2014-15 I.R.B. 923
2014-13, 2014-19 I.R.B. 1003
2014-15, 2014-24 I.R.B. 1095
2014-16, 2014-24 I.R.B. 1097
2014-17, 2014-24 I.R.B. 1093

Treasury Decisions

9649, 2014-2 I.R.B. 265
9650, 2014-3 I.R.B. 394
9651, 2014-4 I.R.B. 441
9652, 2014-12 I.R.B. 655
9653, 2014-6 I.R.B. 460
9654, 2014-6 I.R.B. 461
9655, 2014-9 I.R.B. 541
9656, 2014-11 I.R.B. 626
9657, 2014-13 I.R.B. 687
9658, 2014-13 I.R.B. 748
9659, 2014-12 I.R.B. 653
9660, 2014-13 I.R.B. 842
9661, 2014-13 I.R.B. 855
9662, 2014-16 I.R.B. 933
9663, 2014-22 I.R.B. 1038
9664, 2014-22 I.R.B. 1045
9665, 2014-22 I.R.B. 1050

¹A cumulative list of all revenue rulings, revenue procedures, Treasury decisions, etc., published in Internal Revenue Bulletins 2013–27 through 2013–52 is in Internal Revenue Bulletin 2013–52, dated December 23, 2013.

Finding List of Current Actions on Previously Published Items¹

Bulletins 2014–1 through 2014–25

Announcements:

2007-44

Modified by
Ann. 2014-4, 2014-7 I.R.B. 523

2011-49

Modified by
Ann. 2014-4, 2014-7 I.R.B. 523

Notices:

2002-23

Superseded by
Notice 2014-35, 2014-23 I.R.B. 1072

2003-37

Obsoleted by
REG-163195-05 2014-15 I.R.B. 930

2006-87, 2006-2 C.B. 766

Superseded by
Notice 2014-29, 2014-18 I.R.B. 991

2006-109

Modified by
Notice 2014-4, 2014-2 I.R.B. 274

2007-25, 2007-1 C.B. 760

Superseded by
Notice 2014-29, 2014-18 I.R.B. 991

2007-59

Obsoleted by
REG-163195-05 2014-15 I.R.B. 930

2007-77, 2007-2 C.B. 735

Superseded by
Notice 2014-29, 2014-18 I.R.B. 991

2008-107, 2008-2 C.B. 1266

Superseded by
Notice 2014-29, 2014-18 I.R.B. 991

2009-78

Superseded by
T.D. 9654 2014-6 I.R.B. 461

2010-27, 2010-1 C.B. 531

Superseded by
Notice 2014-29, 2014-18 I.R.B. 991

Notices—Continued:

2010-27, 2010-1 C.B. 531

Superseded by
Notice 2014-29, 2014-18 I.R.B. 991

2011-14

Modified by
Rev. Proc. 2014-33, 2014-22 I.R.B. 1065

2013-1

Modified by
Notice 2014-22, 2014-16 I.R.B. 940

2013-1

Modified by
Notice 2014-38, 2014-24 I.R.B. 1100

2013-13

Obsoleted by
REG-163195-05 2014-15 I.R.B. 930

2013-17

Amplified by
Notice 2014-1, 2014-2 I.R.B. 270

2014-22

Superseded by
Notice 2014-38, 2014-24 I.R.B. 1100

Revenue Procedures:

2003-49

Modified and superseded by
Rev. Proc. 2014-14, 2014-2 I.R.B. 295

2004-42

Obsoleted by
REG-163195-05 2014-15 I.R.B. 930

2004-43

Obsoleted by
REG-163195-05 2014-15 I.R.B. 930

2011-4

Modified by
Rev. Proc. 2014-17, 2014-12 I.R.B. 661

2011-14

Modified by
Rev. Proc. 2014-16, 2014-9 I.R.B. 606

2011-14

Clarified by
Rev. Proc. 2014-16, 2014-9 I.R.B. 606

2011-14

Modified by
Rev. Proc. 2014-17, 2014-12 I.R.B. 661

Revenue Procedures—Continued:

2011-44

Modified and Superseded by
Rev. Proc. 2014-11, 2014-3 I.R.B. 411

2011-49

Modified by
Rev. Proc. 2014-6, 2014-1 I.R.B. 198

2012-14

Modified by
Rev. Proc. 2014-17, 2014-12 I.R.B. 661

2012-19

Modified by
Rev. Proc. 2014-16, 2014-9 I.R.B. 606

2012-19

Superseded by
Rev. Proc. 2014-16, 2014-9 I.R.B. 606

2012-20

Modified by
Rev. Proc. 2014-17, 2014-12 I.R.B. 661

2012-20

Superseded by
Rev. Proc. 2014-17, 2014-12 I.R.B. 661

2013-1

Superseded by
Rev. Proc. 2014-1, 2014-1 I.R.B. 1

2013-2

Superseded by
Rev. Proc. 2014-2, 2014-1 I.R.B. 90

2013-3

Superseded by
Rev. Proc. 2014-3, 2014-1 I.R.B. 111

2013-4

Superseded by
Rev. Proc. 2014-4, 2014-1 I.R.B. 125

2013-5

Superseded by
Rev. Proc. 2014-5, 2014-1 I.R.B. 169

2013-6

Superseded by
Rev. Proc. 2014-6, 2014-1 I.R.B. 198

2013-7

Superseded by
Rev. Proc. 2014-7, 2014-1 I.R.B. 238

2013-8

Superseded by
Rev. Proc. 2014-8, 2014-1 I.R.B. 242

¹A cumulative list of current actions on previously published items in Internal Revenue Bulletins 2013–27 through 2013–52 is in Internal Revenue Bulletin 2013–52, dated December 23, 2013.

Revenue Procedures—Continued:

2013-9

Superseded by
Rev. Proc. 2014-9, 2014-2 I.R.B. 281

2013-10

Superseded by
Rev. Proc. 2014-10, 2014-2 I.R.B. 293

2013-22

Modified by
Rev. Proc. 2014-28, 2014-16 I.R.B. 944

2013-24

Obsolated by
Rev. Proc. 2014-23, 2014-12 I.R.B. 685

2013-27

Obsolated by
Rev. Proc. 2014-23, 2014-12 I.R.B. 685

2013-28

Obsolated by
Rev. Proc. 2014-31, 2014-20 I.R.B. 1009

2013-32

Superseded in part by
Rev. Proc. 2014-1, 2014-1 I.R.B. 1, and
Rev. Proc. 2014-3, 2014-1 I.R.B. 111

2014-1

Amplified by
Rev. Proc. 2014-18, 2014-7 I.R.B. 513

2014-1 I.R.B. 111

Amplified by
Rev. Proc. 2014-24, 2014-13 I.R.B. 879

2014-3

Amplified by
Rev. Proc. 2014-18, 2014-7 I.R.B. 513

2014-3 I.R.B. 111

Amplified by
Rev. Proc. 2014-24, 2014-13 I.R.B. 879

2014-4

Modified by
Rev. Proc. 2014-19, 2014-10 I.R.B. 619

Proposed Regulations:

209054-87

A portion withdrawn by
REG-113350-13 2014-3 I.R.B. 440

Revenue Rulings:

2005-40

Distinguished by
Rev. Rul. 2014-15, 2014-24 I.R.B. 1095

2005-48 (2005-2 CB 259)

Obsolated by
T.D. 9659 2014-12 I.R.B. 653

Revenue Rulings—Continued:

2013-17

Amplified by
Notice 2014-19, 2014-17 I.R.B. 979

2013-17

Amplified by
Notice 2014-25, 2014-17 I.R.B. 981

2002-89

Distinguished by
Rev. Rul. 2014-15, 2014-24 I.R.B. 1095

Treasury Decision:

9644

Correction by
Ann. 2014-18, 2014-17 I.R.B. 983

9644

Correction by
Ann. 2014-19, 2014-17 I.R.B. 984

INDEX

Internal Revenue Bulletins 2014–1 through 2014–25

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

ADMINISTRATIVE

- Average area purchase price safe-harbors guidance for 2014 (RP 31) 20, *1009*
- Consolidated returns; d failure to p[roperly include subsidiary (RP 24) 13, *879*
- Extension of time to file estate tax return to elect portability of a deceased spousal unused exclusion amount under section 2010(c)(5)(A). (RP 18) 7, *513*
- Method change procedures for dispositions of tangible depreciable property (RP 17) 12, *661*
- Maximum Vehicle Values for which the special valuation rules of regulations section 1.61–21(d) and (e) may be used (Notice 11) 13, *880*
- Minimum essential coverage, information reporting (TD 9660) 13, *842*
- Regulations:
 - 26 CFR 1.6055–1 added. 26 CFR 1.6055–2 added. 26 CFR 1.6081–8 amended. 26 CFR 301.6011–2 amended. 26 CFR 301.6721–1 amended. 26 CFR 1.6011–8 amended. 26 CFR 301.6722–1 amended; minimum essential coverage, information reporting (TD 9660) 13, *842*
- Per Capita Payments from Proceeds of Settlements of Indian Tribal Trust Cases (Notice 22) 16, *940*
- Per Capita Payments from Proceeds of Settlements of Indian Tribal Trust Cases (Notice 38) 24, *1100*
- Virtual Currency (Notice 21) 16, *938*

EMPLOYEE PLANS

- Definition of a substantial risk of forfeiture (TD 9659) 12, *653*
- Domestic areas in which the Service will not issue letter rulings or determination letters (RP 3) 1, *111*
- Excepted benefits (REG–143172–13) 2, *383*

EMPLOYEE PLANS—Cont.

- Final rules to implement the 90-day waiting period limitation (TD 9656) 11, *626*
- Letter rulings:
 - And determination letters:
 - Areas which will not be issued from Associate Chief Counsel and Division counsel (TE/GE) (RP 3) 1, *111*
 - Exemption application determination letter rulings under sections 501 and 521 (RP 9) 1, *281*
 - And general information letters; procedures (RP 4) 1, *125*
 - User fees, request for letter rulings (RP 8) 1, *242*
- Letter rulings and general information letters (RP 4) 1, *125*
- Letter rulings or determination letters (RP 1) 1, *1*
- Proposed rules to clarify length of reasonable and bona fide employment-based orientation period, consistent with the 90-day waiting period limitation (REG–122706–12) 11, *647*
- Qualification, determination letters (RP 6) 1, *198*
- Qualified plans:
 - Application of the Windsor Decision and Rev. Rul. 2013–17 (Notice 19) 17, *979*
 - Determination Letters (RP 19) 10, *619*
 - Discrimination (Notice 5) 2, *276*
 - Filing Requirements (Notice 35) 23, *1072*
 - Filing Requirements (RP 32) 23, *1073*
 - Mid-Year Amendments (Notice 37) 24, *1100*
 - Opinion letters (Ann 4) 7, *523*
 - Opinion letters (Ann 16) 17, *523*
- Qualified retirement plans covered compensation, permitted disparity (RR 3) 2, *259*
- Qualified retirement plans
 - Rollovers (RR 9) 17, *975*
- Proposed Regulation:
 - 26 CFR 54.9815–2708, amended; REG–122706–12) 11, *647*
- Removal of the Qualified Payment Card Agent Program (REG–163195–05) 15, *930*
- Request for Information Regarding Provider Non-Discrimination (REG–108641–14) 15, *928*
- Rulings and determination letters, user fees (RP 8) 1, *242*
- Technical advice memorandum or TAM (RP 2) 1, *90*
- Technical advice procedures (RP 5) 1, *169*
- Full funding limitations, weighted average interest rates, segment rates for:
 - January 2014 (Notice 8) 5, *452*
- Weighted average interest rates
 - Segment rates for February 2014 (Notice 13) 10, *616*
 - Segment rates for March 2014 (Notice 16) 14, *920*
 - Segment rates for March 2014 (Notice 27) 18, *987*
 - Segment rates for May 2014 (Notice 34) 23, *1069*

EMPLOYMENT TAX

- Definitions and Reporting Requirements for Shareholders of Passive Foreign Investment Companies; Corrected; Reg–112966–10 (Ann 25) 25, *1103*
- Domestic areas in which the Service will not issue letter rulings or determination letters (RP 3) 1, *111*

EMPLOYMENT TAX—Cont.

Employment tax liability of agents authorized under section 3504 (TD 9649) 2, 265

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 (TD 9662) 16, 933

Letter rulings or determination letters (RP 1) 1, 1

Proposed Regulation:

26 CFR 54.9815-2708, amended; REG-122706-12) 11, 647

Regulations:

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 (TD 9662) 16, 933

26 CFR 1.83-3 is revised; definition of a substantial risk of forfeiture (TD 9659) 12, 653

26 CFR 54.9801-1, thru-6, amended; 26 CFR 54.9802-1, amended; 26 CFR 54.9815-2708, added; 26 CFR 54.9831-1, amended (TD 9656) 12, 626

Technical Advice Memorandum (TAM) (RP 2) 1, 90

Virtual Currency (Notice 21) 16, 90

ESTATE TAX

Domestic areas in which the Service will not issue letter rulings or determination letters (RP 3) 1, 111

Extension of time to file estate tax return to elect portability of a deceased spousal unused exclusion amount under section 2010(c)(5)(A) (RP 18) 7, 513

Letter rulings or determination letters (RP 1) 1, 1

Technical Advice Memorandum (TAM) (RP 2) 1, 90

EXCISE TAX

Domestic areas in which the Service will not issue letter rulings or determination letters (RP 3) 1, 111

Final rules to implement the 90-day waiting period limitation (TD 9656) 11, 626

Information reporting by applicable large employers on health insurance coverage offered under employer-sponsored plans (TD 9661) 13, 855

Interim guidance regarding supporting organizations (Notice 4) 2, 274

Letter rulings or determination letters (RP 1) 1, 1

Notice for ACA Section 9010 Health Insurance Providers Fee and expatriate plans (Notice 14) 16, 942

Proposed rules to clarify length of reasonable and bona fide employment-based orientation period, consistent with the 90-day waiting period limitation (REG-122706-12) 11, 647

Proposed Regulation:

26 CFR 54.9815-2708, amended; REG-122706-12) 11, 647

Regulations:

301.6056-1, -2, added; Information reporting by applicable large employers on health insurance coverage offered under employer-sponsored plans (TD 9661) 13, 855

26 CFR 54.9801-1, thru-6, amended; 26 CFR 54.9802-1, amended; 26 CFR 54.9815-2708, added; 26 CFR 54.9831-1, amended (TD 9656) 12, 626

Technical Advice Memorandum (TAM) (RP 2) 1, 90

EXEMPT ORGANIZATIONS

Domestic areas in which the Service will not issue letter rulings or determination letters (RP 3) 1, 111

Form 990 Revenue Procedure update to revoke Revenue Procedure 79-6 (RP 22) 11, 646

Interim guidance regarding supporting organizations (Notice 4) 2, 274

Letter rulings:

And determination letters:

Areas which will not be issued from Associate Chief Counsel and Division counsel (TE/GE) (RP 3) 1, 111

Exemption application determination letter rulings under sections 501 and 521 (RP 9) 1, 281

And general information letters; procedures (RP 4) 1, 125

User fees, request for letter rulings (RP 8) 1, 242

Letter rulings (RP 10) 2, 293; (RP 9) 2, 281

Letter rulings or determination letters (RP 1) 1, 1

Proposed procedures for charitable hospitals to correct and disclose failures to meet section 501(r) (Notice 3) 3, 408

Reliance on proposed regulations for tax-exempt hospitals (Notice 2) 3, 407

Rulings and determination letters, user fees (RP 8) 1, 242

Technical Advice Memorandum (TAM) (RP 2) 1, 90

Technical advice procedures (RP 5) 1, 169

INCOME TAX

Accounting method change, sales-base royalties and vendor allowances (RP 33) 22, 1065

Acquiring Corporation for Purposes of Section 381 (REG-131239-13) 22, 1069

Adequate disclosure revenue procedure (RP 15) 5, 456

Advance Pricing and Mutual Agreement Program (Ann 14) 16, 948

Allocation of section 47 credits by a partnership to its partners (RP 12) 3, 415

Allocation of section 752 recourse liabilities among related parties (REG-136984-12) 2, 378

Amount of the life insurance reserves taken into account under § 807 of the Internal Revenue Code for variable contracts (RR 7) 9, 539

Areas in which rulings will not be issued; Associate Chief Counsel (International) (RP 7) 1, 238

Average area purchase price safe-harbors guidance for 2014 (RP 31) 20, 1009

Basis in assets of tax exempt trusts (REG-154890-03) 6, 504

Bond premium carryforward (TD 9653) 6, 460

Cafeteria plans, FSA reimbursements, and HSA contribution limits for same-sex spouses (Notice 1) 2, 270

2014 Census Count (Notice 12) 9, 606

Contribution of built-in lost property to a partnership; mandatory basis adjustments in the event of a substantial built-in loss or substantial basis reduction; modification of basis allocation rules (REG-144468-05) 6, 474

INCOME TAX—Cont.

Current refunding of Recovery Zone facility bonds (Notice 9) 5, 455

Declaratory judgment suits (Ann 5) 6, 507; (Ann 6) 6, 507; (Ann 7) 6, 508; (Ann 8) 6, 508; (Ann 9) 6, 508; (Ann 10) 6, 508; (Ann 12) 6, 509

Definition of a substantial risk of forfeiture (TD 9659) 12, 653

Definitions applicable to U.S. persons owning interests in passive foreign investment companies (REG-113350-13) 3, 440

Depreciation, asset class, ethanol plants (RR 17) 24, 641

Depreciation deduction, limitations on certain automobiles (RP 21) 11, 641

Determination of housing cost eligible exclusion or deduction for 2014 (Notice 29) 18, 991

Determination of ownership in a passive foreign investment company; annual filing requirements for shareholders of passive foreign investment companies; filing requirements for constructive owners in certain foreign corporations (REG-140974-11) 3, 438; (TD 9650) 3, 394 correction (Ann 22) 22, 1071

Determining stock ownership for purposes of whether an entity is a surrogate foreign corporation (TD 9654) 6, 461; (REG-121534-12) 6, 473

Discharge of indebtedness secured by real property (RP 20) 9, 614

Disciplinary actions involving attorneys, certified public accountants, enrolled agents, and enrolled actuaries (Ann 13) 10, 620

Disciplinary actions involving attorneys, certified public accountants, enrolled agents, and enrolled actuaries (Ann 20) 20, 1027

Domestic areas in which the Service will not issue letter rulings or determination letters (RP 3) 1, 111

Equity-linked instruments and dividend equivalents (Notice 14) 13, 881

FATCA financial institution registration update (Ann 1) 2, 393

FATCA IGA and registration update (Ann 17) 18, 1001

Final FFI agreement for participating FFI and reporting Model 2 FFI (RP 13) 3, 419

Foreign Earned Income Exclusion (RP 25) 15, 927

Further guidance on FATCA implementation and related withholding provisions (Notice 33) 21, 1033

2014 – 2015 Guidance Priority List- Solicitation Notice (Notice 18) 15, 926

Guidance regarding reinstatement following auto revocation of tax-exempt status under section 6033(j) (RP 11) 3, 411

Income tax treatment of per capita payments made from funds held in trust by the Secretary of the Interior (Notice 17) 13, 881

2015 Inflation adjusted amounts for Health Savings Accounts (HSAs) (RP 30) 20, 1009

Inflation Adjustment Factors (Notice 36) 22, 1058

Information reporting by foreign financial institutions and withholding on payments to foreign financial institutions and other foreign entities (REG-130967-13) 13, 884

Information reporting by foreign financial institutions and withholding on payments to foreign financial institutions and other foreign entities (TD 9657) 13, 687

INCOME TAX—Cont.

Interest:

Investment:

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

January 2014 (RR 1) 2, 263
February 2014 (RR 6) 7, 510
March 2014 (RR 8) 11, 624
April 2014 (RR 12) 15, 923
May 2014 (RR 13) 19, 1003
June 2014 (RR 16) 24, 1097

Intra-group gross receipts (REG-159420-04) 2, 374

Insurance tax, insurance companies, interest rate tables (RR 4) 5, 449

Letter rulings or determination letters (RP 1) 1, 1

Low-Income Housing Credit (Notice 15) 12, 661

Maximum Vehicle Values for which the special valuation rules of regulations section 1.61-21(d) and (e) may be used (Notice 11) 13, 880

Method change procedures for dispositions of tangible depreciable property (RP 17) 12, 661

Minimum essential coverage, information reporting (TD 9660) 13, 842

Net investment income tax; TD 9644 Correction (Ann 2014-18) 17, 983

Net investment income tax; TD 9644 Correction (Ann 2014-19) 17, 984

Postponement of deadline for § 165(i) election for losses attributable to September 2013 major flooding in Colorado (Notice 20) 16, 937

Premium tax credit (TD 9663) 22, 1038

Principal residence, treatment of National Mortgage Settlement payments (RR 2) 2, 255

Qualified census tracts (RP 14) 2, 295

Real Estate Investment Trust (REG-150760-13) 23, 1078

Refundable Credit For Coverage Under a Qualified Health Plan, Definition and Rules Relating to Applicable Taxpayer (Notice 23) 16, 942

Regarding disguised sales, generally (REG-119305-11) 8, 524

Removal of the Qualified Payment Card Agent Program (REG-163195-05) 15, 930

Retiree Health Benefits Provided Through Employer's Wholly-Owned Subsidiary (RR-15) 24, 1095

26 CFR 1.6045-1T: Returns of information of brokers and barter exchanges (temporary), correction to TD 9658 (Ann 21) 20, 1030

Revocations, exempt organization (Ann 11) 6, 508

Sales-bases royalties and vendor allowances (TD 9652) 12, 655

2013 Section 45K Inflation Adjustment Factor – Nonconventional Fuel source Credit (Notice 25) 17, 981

Section 67 Limitations on Estates or Trusts (REG-128224-06) 22, 1046

Shared responsibility for employers regarding health coverage (TD 9655) 9, 541

Shared responsibility payment for not maintaining minimum essential coverage (REG-141036-13) 7, 541

Standard Industry Fare Level (SIFL) (RR 10) 14, 906

Tangible property regulations method change guidance (RP 16) 9, 606

INCOME TAX—Cont.

- Tax Treatment of Qualified Retirement Plan Payment of Accident or Health Insurance Premiums (TD 9665) 22, 1050
- Technical Advice Memorandum (TAM) (RP 2) 1, 90
- Transition relief for the tax credit for employee health insurance expenses of certain small employers (Notice 6) 2, 279
- Transition relief under section 5000A for certain individuals without minimum essential coverage (Notice 10) 9, 605
- Treatment of Income from certain government bonds held by certain active banks for purposes of the passive foreign investment company (PFIC) rules (Notice 31) 20, 1006
- Treatment of Property Used To Acquire Parent Stock or Securities in Certain Triangular Reorganizations Involving Foreign Corporations (Notice 32) 20, 1006
- Treatment of U.S. persons that own stock of passive foreign investment companies through certain organizations and accounts that are tax exempt (Notice 28) 18, 990
- Underpayment and overpayments, quarter beginning: April 1, 2014 (RR 11) 14, 906
- Virtual Currency (Notice 21) 16, 938
- Withholding of tax on certain U.S. source income paid to foreign persons and revision of information reporting and backup withholding regulations (REG-134361-12) 13, 895
- Withholding of tax on certain U.S. source income paid to foreign persons and revision of information reporting and backup withholding regulations (TD 9658) 13, 748
- Proposed Regulations:
- 26 CFR 1.856-10 added; 1.856-3 modified: definition of real estate investment trust real property (REG-150760-13) 23, 1078
 - 26 CFR 301.6724-1(c)(6), amended; 26 CFR 31.3406(g)-1(f), 26 CFR 301.6724-1(e)(1)(vi)(H), and 26 CFR 301.6724-1(f)(5)(vii), removed; removal of the qualified payment and agent program (REG-163195-05) 15, 930
 - 26 CFR 1.1471-0, amended; 26 CFR 1.1471-1, amended; 26 CFR 1.147-2, amended; 26 CFR 1.1471-3, amended; 26 CFR 1.1471-4, amended; 26 CFR 1.1471-5, amended; 26 CFR 1.1471-6, amended; 26 CFR 1.1472-1, amended; 26 CFR 1.1473-1, amended; 26 CFR 1474-1, amended; 26 CFR 1.1474-6, amended. (Reg-130967-13) 13, 930
 - 26 CFR 1.871-14, amended; 26 CFR 1.1441-1, amended; 26 CFR 1.1441-3, amended; 26 CFR 1.1441-5, amended; 26 CFR 1.441-6, amended; 26 CFR 1.1441.7, amended; 26 CFR 1.1461-1, amended; 26 CFR 1.1461-2, amended; 26 CFR 1.6041-1, amended; 26 CFR 1.6041-4, amended; 26 CFR 1.6042-2, amended; 26 CFR 1.6042-3, amended; 26 CFR 1.6045-1, amended; 26 CFR 1.6049-4, amended; 26 CFR 1.6049-5, amended; 26 CFR 31.3406(g)-1, amended; 26 CFR 31.3406(h)-2, amended; 26 CFR 301.6402-3, amended; Withholding of tax on certain U.S. source income paid to foreign persons and revision of information reporting and backup withholding regulations (REG-134361-12) 13, 895

INCOME TAX—Cont.

Regulations:

- 26 CFR 1.67-4, added; 1.67-4T, removed (TD 9664) 22, 1045
- 26 CFR 1.83-3 is revised; definition of a substantial risk of forfeiture (TD 9659) 12, 653
- 26 CFR 1.263A-0, thru-3, amended; 1.471-3 amended; sales-base royalties and vendor allowances (TD 9652) 12, 655
- 26 CFR 1.36B-0 amended (TD 9663) 22, 1022
- 26 CFR 1.36B-5 amended (TD 9663) 22, 1022
- 26 CFR 1.6055-1 added. 26 CFR 1.6055-2 added. 26 CFR 1.6081-8 amended. 26 CFR 301.6011-2 amended. 26 CFR 301.6721-1 amended. 26 CFR 1.6011-8 amended. 26 CFR 301.6722-1 amended. (TD 9660) 13, 842
- 26 CFR 1.72-15, amended, 26 CFR 1.105-4, removed, 26 CFR 1.105-6, removed, 26 CFR 1.106-1, amended, 26 CFR 1.401-1, amended, 26 CFR 1.402(c)-2, amended; Tax Treatment of Qualified Retirement Plan Payment of Accident or Health Insurance Premiums (TD 9665) 22, 1050
- 26 CFR 1.1471-0, amended; 26 CFR 1.1471-1, amended; 26 CFR 1.147-2, amended; 26 CFR 1.1471-3, amended; 26 CFR 1.1471-4, amended; 26 CFR 1.1471-5, amended; 26 CFR 1.1471-6, amended; 26 CFR 1.1472-1, amended; 26 CFR 1.1473-1, amended; 26 CFR 1474-1, amended; 26 CFR 1.1474-6, amended. (TD 9657) 13, 687
- 26 CFR 1.871-14, amended; 26 CFR 1.1441-1, amended; 26 CFR 1.1441-3, amended; 26 CFR 1.1441-5, amended; 26 CFR 1.441-6, amended; 26 CFR 1.1441.7, amended; 26 CFR 1.1461-1, amended; 26 CFR 1.1461-2, amended; 26 CFR 1.6041-1, amended; 26 CFR 1.6041-4, amended; 26 CFR 1.6042-2, amended; 26 CFR 1.6042-3, amended; 26 CFR 1.6045-1, amended; 26 CFR 1.6049-4, amended; 26 CFR 1.6049-5, amended; 26 CFR 31.3406(g)-1, amended; 26 CFR 31.3406(h)-2, amended; 26 CFR 301.6402-3, amended; Withholding of tax on certain U.S. source income paid to foreign persons and revision of information reporting and backup withholding regulations, correction to (TD 9658) 20, 103013, 748

SELF-EMPLOYMENT TAX

Virtual Currency (Notice 21) 16, 938

SPECIAL ANNOUNCEMENT

Advance Pricing and Mutual Agreement Program (Ann 14) 16, 948

TAX CONVENTIONS

Kuwait Reciprocal Exemption for income from the international operation of aircraft (Ann 24) 23, 1086

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