

# INTERNAL REVENUE BULLETIN



## 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.

### ADMINISTRATIVE

#### **REG-123376-22, page 952.**

This document contains proposed amendments to the regulations relating to the disclosure of specified return information to the Bureau of the Census (Bureau). The proposed amendments would ensure the efficient and appropriate transfer of return information to the Bureau and would permit the disclosure of additional return information pursuant to a request from the Secretary of Commerce.

**Bulletin No. 2024-17**  
**April 22, 2024**

### INCOME TAX

#### **Announcement 2024-19, page 950.**

This announcement addresses the Federal income tax treatment of amounts paid for the purchase of energy efficient property and improvements as part of the Department of Energy's "Home Energy Rebate Programs" under §§ 50121 and 50122 of the Inflation Reduction Act. The announcement also provides coordination rules for taxpayers who receive such amounts and wish to claim a Federal tax credit under § 25C of the Internal Revenue Code.

# 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

## Federal Tax Treatment of Amounts Paid toward the Purchase of Energy Efficient Property and Improvements under Department of Energy Home Energy Rebate Programs Pursuant to Sections 50121 and 50122 of the Inflation Reduction Act of 2022

### Announcement 2024-19

This announcement addresses the Federal income tax treatment under the Internal Revenue Code (Code)<sup>1</sup> of amounts paid toward the purchase of energy efficient property and improvements under Department of Energy Home Energy Rebate Programs pursuant to §§ 50121 and 50122 of Public Law 117-169, 136 Stat. 1818 (August 16, 2022), commonly known as the Inflation Reduction Act of 2022 (IRA). Such amounts are referred to as “rebates” in this announcement.

#### BACKGROUND

Sections 50121 and 50122 of the IRA appropriate funds to and authorize the U.S. Department of Energy (DOE) to carry out two DOE-administered programs for whole-house energy saving retrofits and high-efficiency home electrification projects (DOE Home Energy Rebate Programs). First, § 50121 of the IRA directs DOE to distribute funds to State energy offices, as defined in § 124(a) of the Energy Policy Act of 2005, Public Law 109-58, 119 Stat. 594 (August 8, 2005), to establish rebate programs for owners of residential property for whole-house energy-saving retrofits. Second, § 50122 of

the IRA directs DOE to distribute funds to State energy offices and Indian Tribes, as defined in § 4 of the Indian Self-Determination and Education Assistance Act, Public Law 93-638, 88 Stat. 2203 (January 4, 1975), to establish rebate programs for owners and occupants of residential property for qualified electrification projects.

Section 1.5 of the DOE Home Energy Rebates Program Requirements & Application Instructions<sup>2</sup> issued on July 27, 2023, and updated on October 13, 2023 (DOE program guidance), states that the “overarching goal of the Home Energy Rebates Programs is to accelerate the transition to more affordable, efficient, resilient, and low carbon homes through the following long-term outcomes”:

- (1) “Well-established exemplary and innovative efficiency and electrification programs”,
- (2) “Lower energy burden for low-income households and disadvantaged communities”,
- (3) “Proven value streams and roles for sustained investments to continue market transformation”, and
- (4) “Reduced pollution from buildings and support for the clean energy economy.”

Section 1.5 of the DOE program guidance further states that “States are encouraged to develop their own additional goals, outcomes, and objectives for their programs based on each State’s priorities, climate zone, utility costs, etc.”<sup>3</sup> Pursuant to the DOE program guidance, States, the District of Columbia, and U.S. Territories are submitting applications to DOE for an allocation of funding to participate in one or both of the DOE Home Energy Rebate Programs. Indian Tribes will be submitting applications to DOE for an allocation of funding pursuant to only § 50122 of the IRA. Participating States, the District of Columbia, any political subdivisions or agencies or instrumentalities of any one or more of the foregoing (State Organiza-

tions), Indian Tribes, and U.S. Territories will implement programs (Programs) to provide rebates for the ultimate benefit of property owners and occupants at the time of sale or shortly thereafter to reduce the out-of-pocket cost for goods and services constituting a whole-home energy saving retrofit or qualified electrification project of the residential property owner or end consumer of the goods or services provided (purchaser).

#### TREATMENT OF DOE HOME ENERGY REBATES TO PURCHASERS

##### *Rebates Excluded from Purchasers’ Gross Income*

A rebate paid to or on behalf of a purchaser pursuant to either of the DOE Home Energy Rebate Programs will be treated as a purchase price adjustment for the purchaser for Federal income tax purposes. Any such rebate is, therefore, not includible in the purchaser’s gross income under § 61. *See* Rev. Rul. 91-36, 1991-2 C.B. 17 (utility rate reductions and credits related to customers’ purchase of subsidized products and equipment held to constitute adjustments to the purchase price of electricity that are therefore not includable in the consumers’ gross income); Rev. Rul. 76-96, 1976-1 C.B. 23 (cash payments from a manufacturer to qualified retail customers following their purchase of automobiles from a car dealership held to constitute adjustments to the purchase price of the automobiles that are therefore not includable in the customers’ gross income). Similar to Rev. Rul. 91-36 and Rev. Rul. 76-96, subsidies pursuant to the IRA home energy efficiency programs induce transactions by reducing the price that purchasing taxpayers must pay to purchase goods, including costs of installation as needed. These situations are comparable to the third-party inducements in *Freedom Newspapers, Inc. v. Commis-*

<sup>1</sup> Unless otherwise specified, all “section” or “§” references are to sections of the Code.

<sup>2</sup> U.S. Department of Energy, Office of State and Community Energy Programs, *Inflation Reduction Act Home Energy Rebates, Home Efficiency Rebates Program (Sec. 50121), Home Electrification and Appliance Rebates Program (Sec. 50122), Program Requirements & Application Instructions, Version 1.1*, available at [Home Energy Rebates Programs Guidance | Department of Energy](https://www.energy.gov/scep/home-energy-rebates-programs-guidance) (<https://www.energy.gov/scep/home-energy-rebates-programs-guidance>).

<sup>3</sup> Section 1.0 of the DOE program guidance provides that references to “States” means “States and U.S. territories” unless otherwise indicated in the DOE program guidance.

sioner, T.C. Memo 1977-429 (broker payment to newspaper buyer), and *Brown v. Commissioner*, 10 B.T.A. 1036 (1928), acq. VII-2 C.B. 5 (1928) (majority shareholder payment to minority investor), and distinguishable from those in which the funds have no proximate relationship to assets with basis.

#### *Required Adjustments to Purchasers' Basis in Property*

To the extent a rebate is provided at the time of sale, the amount of the rebate provided in connection with the DOE Home Energy Rebate Programs is not included in a purchaser's cost basis under § 1012. For example, if a \$500 rebate is provided at the time of sale of eligible property with a sales price (before the rebate) of \$600, then the purchaser's cost basis in the property is only \$100 (not \$600).

To the extent a rebate is provided at a later time, the amount of the rebate constitutes an adjustment to basis under § 1016. See section 1016(a)(1) (proper adjustment in respect of property shall in all cases be made for expenditures, receipts, losses, or other items, properly chargeable to capital account). For example, if a purchaser spends \$600 to purchase eligible property in 2023 but later receives a \$500 rebate, then the purchaser's cost basis in the property is reduced from \$600 to \$100 when the rebate is provided to the purchaser.

#### *No Information Reporting Required for Rebates Paid to Purchasers*

Payments of rebate amounts to the purchaser that are treated as a purchase price adjustment are not subject to information reporting under § 6041, which generally requires payors of amounts of \$600 or more paid to a person to file information returns with the IRS and furnish statements to the person paid. Accordingly, the payor of the rebate is not required to file an information return with the IRS or fur-

nish a statement to the purchaser to report the payments of rebate amounts to the purchaser.

#### TREATMENT OF DOE HOME ENERGY REBATES TO CERTAIN BUSINESS TAXPAYERS

Payments of rebate amounts made directly to a business taxpayer, such as a contractor as defined in the DOE program guidance, pursuant to either of the DOE Home Energy Rebate Programs in connection with the business taxpayer's sale of goods or provision of services to a purchaser are not excluded from such business taxpayer's gross income under § 61. Accordingly, payments of rebate amounts that are includable in a business taxpayer's gross income must be taken into account in computing such business taxpayer's taxable income under § 63 and other applicable rules under the Code.

Payments of rebate amounts made directly to a business taxpayer of \$600 or more that are includable in the business taxpayer's gross income and are not solely attributable to gross receipts from the sale of goods may be subject to information reporting under § 6041 by the State Organization or Indian Tribe making the rebate payment unless the business taxpayer to whom the rebate payment is made is a taxable corporation or if another exception applies. This reporting requirement applies to State Organizations, Indian Tribes, and third party administrators that facilitate payments to business taxpayers on behalf of any such State Organization or Indian Tribe.<sup>4</sup> If information reporting is required under § 6041, information returns for payments made by any State Organization subject to the reporting requirement must be made by the officer or employee having control of such payments or by the officer or employee appropriately designated to make such returns to the IRS, and furnished to the business taxpayer, on Forms 1099 and W-2, as applicable.<sup>5</sup>

#### COORDINATION OF REBATES PURSUANT TO DOE HOME ENERGY REBATE PROGRAMS WITH § 25C CREDIT

As a result of the IRA's amendment of § 25C, taxpayers have access to an expanded Federal income tax credit for energy efficiency improvements, including certain onsite installation costs. Starting in 2023, taxpayers can receive a Federal tax credit under § 25C of up to 30 percent of certain qualified expenditures for making energy efficiency improvements to their home (§ 25C credit). The § 25C credit is generally limited to an annual cap of \$1,200, with an additional \$2,000 annual cap for improvements that include electric or natural gas heat pumps, electric or natural gas heat pump water heaters, or biomass stoves and boilers. Taxpayers who receive rebates under the DOE Home Energy Rebate Programs who are also eligible for the § 25C credit must reduce the amount of qualified expenditures used to calculate the § 25C credit by the amount of the rebate from the DOE Home Energy Rebate Program. For example, if a taxpayer purchases an eligible product for \$400 and receives a \$100 rebate for this purchase through a DOE Home Energy Rebate Program, the taxpayer may claim a 30 percent credit with respect to the remaining \$300 of qualifying expenditures, resulting in a § 25C credit equal to \$90 (not \$120). A taxpayer must not include the amount of any rebate received or provided at a later time in calculating their § 25C credit.<sup>6</sup>

In addition, if a taxpayer purchases item(s) eligible for both rebates under § 50121 of the IRA and the § 25C credit, the taxpayer may make a pro rata allocation of amounts received as rebates to individually itemized expenditures as a share of total project cost in determining the amounts paid or incurred for such items under § 25C. For example, if a \$2,000 rebate for a whole-house energy-saving retrofit is proportionately allocated 60 percent to \$3,000 in qualifying expenditures

<sup>4</sup>This announcement does not address whether payments of rebate amounts made directly to a business taxpayer in a U.S. Territory by a U.S. Territory or agency thereof are includable in gross income or subject to information reporting. Any questions on payments of rebate amounts made directly to a business taxpayer in a U.S. Territory by a U.S. Territory or agency thereof should be directed to the local territorial tax department.

<sup>5</sup>See §§ 1.6041-1(b)(1), 1.6041-1(i), and 1.6041-3(p).

<sup>6</sup>Taxpayers who qualify for a rebate under the Section 50121 measured savings pathway for which the value of the rebate is still uncertain when they would otherwise file their federal income tax return for the year of purchase may wish to file for an extension.

for a heat pump (\$1,200 of the \$2,000 rebate) and 40 percent to \$2,000 in qualifying expenditures for insulation (\$800 of the \$2,000 rebate), the taxpayer may treat the amount paid or incurred for the heat pump and the insulation as \$1,800 (\$3,000 less the \$1,200 allocated portion of the rebate) and \$1,200 (\$2,000 less the \$800 allocated portion of the rebate), respectively, for purposes of the § 25C credit.

#### DRAFTING INFORMATION

The principal author of this announcement is the Office of the Associate Chief Counsel (Income Tax and Accounting). For further information regarding this announcement, contact the Office of the Associate Chief Counsel (Income Tax and Accounting) at (202) 317-7009 (not a toll-free number).

## Notice of Proposed Rulemaking

### Disclosures of Return Information Reflected on Returns to Officers and Employees of the Department of Commerce, including the Bureau of the Census, for Certain Statistical Purposes and Related Activities

#### REG-123376-22

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document contains proposed amendments to the regulations relating to the disclosure of specified return information to the Bureau of the Census (Bureau). The proposed amendments would ensure the efficient and appropriate transfer of return information to the Bureau and would permit the dis-

closure of additional return information pursuant to a request from the Secretary of Commerce. These proposed regulations would require no action by taxpayers and would have no effect on their tax liabilities.

**DATES:** Electronic or written comments and request for a public hearing must be received by April 29, 2024.

**ADDRESSES:** Commenters are strongly encouraged to submit public comments electronically. Submit electronic submissions via the Federal eRulemaking Portal at <https://www.regulations.gov> (indicate IRS and REG-123376-22) by following the online instructions for submitting comments. Requests for a public hearing must be submitted as prescribed in the “Comments and Requests for a Public Hearing” section. Once submitted to the Federal eRulemaking Portal, comments cannot be edited or withdrawn. The Department of the Treasury (Treasury Department) and the IRS will publish for public availability any comments submitted electronically or on paper to the IRS’s public docket. Send paper submissions to CC:PA:01:PR (REG-123376-22), Room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044.

#### FOR FURTHER INFORMATION CONTACT:

Concerning the proposed regulations, Elizabeth Erickson of the Office of the Associate Chief Counsel (Procedure and Administration), at (202) 317-6834; concerning submissions of comments and requests for a public hearing, Vivian Hayes, at (202) 317-6901 (not toll-free numbers) or by sending an email to [publichearings@irs.gov](mailto:publichearings@irs.gov) (preferred).

#### SUPPLEMENTARY INFORMATION:

##### Background

This document contains proposed amendments to the Procedure and Administration Regulations, 26 CFR part 301, relating to section 6103(j)(1)(A) of the Internal Revenue Code (Code). Section 6103(j)(1)(A) of the Code authorizes the Secretary of the Treasury or her delegate (Secretary) to furnish, upon written request by the Secretary of Commerce,

such returns or return information as the Secretary may prescribe by regulation to officers and employees of the Bureau for the purpose of, but only to the extent necessary in, the structuring of censuses and national economic accounts and conducting related statistical activities authorized by law.

There is a long history of providing return information to the Bureau under section 6103(j)(1)(A), and the regulations promulgated under this section have been amended periodically to increase the amount of return information provided to facilitate the statistical activities of the Bureau. *See e.g.*, TD 9037, 68 FR 2693, January 21, 2003; TD 9188, 70 FR 12141, March 11, 2005; TD 9267, 71 FR 38263, July 6, 2006; TD 9372, 72 FR 73262, December 27, 2007; TD 9439, 73 FR 79361, December 29, 2008; TD 9500, 75 FR 52459, August 26, 2010; TD 9631, 78 FR 52857, August 27, 2013; TD 9754, 81 FR 9767, February 26, 2016; TD 9856, 84 FR 14011, April 9, 2019.

The existing regulations under section 6103(j)(1)(A) are set forth in 26 CFR 301.6103(j)(1)-1 (existing §301.6103(j)(1)-1). They authorize the Bureau to receive return information that supports many different Bureau projects and programs, including the Economic Census, the Longitudinal Employer-Household Dynamics program, and the Small Area Income and Poverty Estimates program, among others.

Pursuant to section 6103(p)(4), the IRS sets stringent privacy and security requirements for agencies receiving return information, including the Bureau. These requirements are currently detailed in IRS Publication 1075, *Tax Information Security Guidelines For Federal, State and Local Agencies*. *See also*, §301.6103(p)(4)-1.

##### Explanation of Provisions

By letter dated February 29, 2024, the Secretary of Commerce requested amendments to existing §301.6103(j)(1)-1 to allow disclosure of additional items of return information to the Bureau to enable the Bureau to perform mission critical statistical functions. The Secretary of Commerce further stated that the additional items would allow the Bureau to conduct

its economic, demographic, decennial, and research statistics programs, censuses, and related program evaluations. The amendments to the existing regulations would permit the Bureau to publish statistical information, enhance the use of administrative records, improve the quality of program estimates, and support the reduction of burden. The Secretary of Commerce's letter lists the additional items of return information requested based on the Bureau's specific need for each item of information.

The Secretary of Commerce asserted that good cause exists to amend existing §301.6103(j)(1)-1 to add the requested items to the list of items of return information that may be disclosed to the Bureau. The Treasury Department and the IRS agree that amending existing §301.6103(j)(1)-1 to permit disclosure of these items to the Bureau is appropriate to meet the needs of the Bureau.

Accordingly, the proposed regulations would amend the existing regulations to authorize disclosure of additional return information and reorganize the list of items that may be disclosed to the Bureau to allow the IRS more administrative flexibility when providing the authorized return information.

The proposed regulations would also permit the disclosure of return information if an item of return information currently listed in the regulations is subsequently reported in a substantially similar format or on a substantially similar document. Complications can occur when a data element in the regulations is described as located on a particular document and that document is later updated or superseded. For example, the regulations under section 6103(j) allow the Bureau to have access to data pertaining to pensions and annuities for individual taxpayers, but not individual retirement arrangements (IRAs). See existing §301.6103(j)(1)-1(b)(1)(ix)(F). In 2018, the Form 1040, *U.S. Individual Tax Return*, combined the pension and annuity income line item with the IRA income line item. Because the IRS was only authorized to provide the Bureau with data pertaining to pensions and annuities, and not IRAs, the IRS could not provide the Bureau with the return information from the combined pension-annuities-IRA line item to the Bureau. Thus,

for 2018, the Bureau was unable to receive return information pertaining to annuities and pensions. These proposed regulations would seek to address this type of discrepancy and other similar situations. The IRS seeks comments on how to address these types of situations to balance the need to properly disclose return information with the need to ensure only return information authorized by the regulations is transmitted to the Bureau.

The proposed regulations would further include amendments to existing §301.6103(j)(1)-1(d) (proposed §301.6103(j)(1)-1(d)) to require that all projects that use return information disclosed under these regulations be approved by the IRS Director of Statistics of Income, the Director's successor, or the Director's delegate. This includes both projects authorized under title 13, U.S.C., chapter 5 and projects under title 13, U.S.C., chapter 3. These amendments would formalize existing practice.

Finally, proposed §301.6103(j)(1)-1(d) would include language related to the IRS's and the Bureau's disclosure review obligations. First, proposed §301.6103(j)(1)-1(d) would permit the IRS to authorize the use of the Bureau's disclosure review processes prior to any public disclosure by the Bureau of a project using return information disclosed pursuant to these regulations so long as the Bureau's processes ensure that all releases meet or exceed all requirements set by the IRS for protecting the confidentiality of returns and return information. Second, proposed §301.6103(j)(1)-1(d) would permit review by the IRS Statistics of Income Disclosure Review Board of any Bureau project that used return information disclosed under these regulations prior to disclosure of that information to the public. The IRS seeks comments on each of these proposed additions. These proposed amendments would also formalize existing practice.

#### **Proposed Applicability Date**

The amendments to existing §301.6103(j)(1)-1 are proposed to apply to disclosures of return information under section 6103(j)(1)(A) made on or after [date of publication of final regulations in the *Federal Register*].

## **Special Analyses**

### **I. Regulatory Planning and Review**

Pursuant to the Memorandum of Agreement, Review of Treasury Regulations under Executive Order 12866 (June 9, 2023), tax regulatory actions issued by the IRS are not subject to the requirements of section 6 of Executive Order 12866, as amended. Therefore, a regulatory impact assessment is not required.

### **II. Regulatory Flexibility Act**

Because these proposed regulations would not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

### **III. Unfunded Mandates Reform Act**

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires that agencies assess anticipated costs and benefits and take certain other actions before issuing a final rule that includes any Federal mandate that may result in expenditures in any one year by a State, local, or Tribal government, in the aggregate, or by the private sector, of \$100 million in 1995 dollars, updated annually for inflation. In 2023, that threshold was approximately \$200 million. This rule does not include any Federal mandate that may result in expenditures by State, local, or Tribal governments, or by the private sector in excess of that threshold.

### **IV. Executive Order 13132: Federalism**

Executive Order 13132 (Federalism) prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on State and local governments, and is not required by statute, or preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. These proposed regulations do

not have federalism implications and do not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive order.

### Comments and Requests for a Public Hearing

Before these proposed amendments to the regulations are adopted as final regulations, consideration will be given to any comments that are submitted timely to the Treasury Department and the IRS as prescribed in this preamble under the **ADDRESSES** heading. The Treasury Department and the IRS request comments on all aspects of the proposed regulations including, but not limited to: (1) the scope of permitted disclosures and taxpayer privacy concerns, if any; (2) the addition of “substantially similar” information or document language; (3) the approval requirements by the IRS Director of Statistics of Income; and (4) the use of the Bureau’s review processes and review by the IRS Statistics of Income Disclosure Review Board prior to public disclosure of a Bureau project using information released under these proposed regulations.

Any electronic and paper comments submitted will be available at <https://www.regulations.gov> or upon request.

A public hearing will be scheduled if requested in writing by any person that timely submits electronic or written comments. Requests for a public hearing are also encouraged to be made electronically. If a public hearing is scheduled, notice of the date, time, and place for the public hearing will be published in the *Federal Register*.

Announcement 2023–16, 2023–20 I.R.B. 854 (May 15, 2023), provides that public hearings will be conducted in person, although the IRS will continue to provide a telephonic option for individuals who wish to attend or testify at a hearing by telephone. Any telephonic hearing will be made accessible to people with disabilities.

### Drafting Information

The principal author of these regulations is Elizabeth Erickson of the Office

of the Associate Chief Counsel (Procedure and Administration). However, other personnel from the Treasury Department and the IRS also participated in their development.

### List of Subjects in 26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

### Proposed Amendments to the Regulations

Accordingly, the Treasury Department and the IRS propose to amend 26 CFR part 301 as follows:

#### PART 301—PROCEDURE AND ADMINISTRATION

**Paragraph 1.** The authority citation for part 301 continues to read in part as follows:

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

\* \* \* \* \*

**Par 2.** Section 301.6103(j)(1)-1 is amended by adding a sentence to the end of paragraph (a) and revising paragraphs (b), (d), and (e) to read as follows:

#### **§301.6103(j)(1)-1 Disclosures of return information reflected on returns to officers and employees of the Department of Commerce for certain statistical purposes and related activities.**

(a) \* \* \* To the extent a particular form, schedule, or other document filed with the Internal Revenue Service is referenced in this section, such information shall continue to be disclosable pursuant to this section even if subsequently reported in a substantially similar format or on a substantially similar document filed with the Internal Revenue Service.

(b) *Disclosure of return information reflected on returns to officers and employees of the Bureau of the Census.*

(1) Officers or employees of the Internal Revenue Service will disclose the following return information reflected on returns to officers and employees of the Bureau of the Census for purposes of, but only to

the extent necessary in, the structuring of censuses and national economic accounts and conducting related statistical activities authorized by law.

(i) With respect to returns filed by individual taxpayers:

(A) Taxpayer identity information (as defined in section 6103(b)(6) of the Internal Revenue Code (Code)), validity code with respect to the taxpayer identifying number (as described in section 6109 of the Code), and taxpayer identity information of spouse and dependents, if reported.

(B) Filing status.

(C) Number and classification of reported exemptions.

(D) Wage and salary income.

(E) Dividend income.

(F) Interest income.

(G) Gross rent and royalty income.

(H) Total of—

(1) Wages, salaries, tips, etc.;

(2) Interest income;

(3) Dividend income;

(4) Alimony received;

(5) Business income;

(6) Pensions and annuities;

(7) Income from rents, royalties, partnerships, estates, trusts, etc.;

(8) Farm income;

(9) Unemployment compensation; and

(10) Total Social Security benefits.

(I) Adjusted gross income.

(J) Type of tax return filed.

(K) Entity code.

(L) Code indicators for Form 1040, Form 1040 (Schedules A, C, D, E, F, and SE), and Form 8814.

(M) Posting cycle date relative to filing.

(N) Social Security benefits.

(O) Earned income (as defined in section 32(c)(2) of the Code).

(P) Number of Earned Income Tax Credit-eligible qualifying children.

(Q) Electronic filing system indicator.

(R) Return processing indicator.

(S) Paid preparer code.

(T) Dependent Social Security numbers.

(U) Total income.

(V) Ordinary dividends.

(W) Taxable refunds, credits, or offsets of State and local income taxes.

(X) Business income or (loss).

(Y) Capital gain or (loss).

(Z) Other gains or (losses).

- (AA) Individual Retirement Arrangement (IRA) distributions.
- (BB) Taxable amount of IRA distributions.
- (CC) Pensions and annuities.
- (DD) Taxable amount of pensions and annuities.
- (EE) Rental real estate, royalties, partnerships, S corporations, trusts, etc.
- (FF) Farm income or (loss).
- (GG) Earned income credit.
- (HH) Taxable amount of Social Security benefits.
- (II) Other income.
- (JJ) Itemized deductions.
- (KK) Taxable income.
- (LL) Tax.
- (MM) Credit for child and dependent care expenses.
- (NN) Education credits.
- (OO) Retirement savings contributions credit.
- (PP) Child tax credit.
- (QQ) Nontaxable combat pay election.
- (RR) Additional Child Tax Credit.
- (SS) American Opportunity Tax Credit.
- (TT) Medical and dental expenses.
- (UU) State and local income taxes.
- (VV) State and local general sales taxes.
- (WW) State and local personal property taxes.
- (XX) State and local real estate taxes.
- (YY) Other taxes (amount).
- (ZZ) Home mortgage interest and points.
- (AAA) Mortgage interest not on a Form 1098.
- (BBB) Points not on a Form 1098.
- (CCC) Investment interest.
- (DDD) Total gifts to charity, including carryover from prior year.
- (EEE) Casualty and theft losses.
- (FFF) Total itemized deductions.
- (GGG) Ordinary dividends.
- (HHH) Qualified dividends.
- (III) Tax-exempt interest.
- (JJJ) Unemployment compensation.
- (KKK) From Form 1098–
- (1) Borrower taxpayer identification number;
- (2) Mortgage interest;
- (3) Outstanding mortgage principal;
- (4) Refund of overpaid interest;
- (5) Mortgage insurance premiums;
- (6) Points paid on purchase of principal residence;
- (7) Payee/payer/employee taxpayer identification number;
- (8) Payee/payer/employee name (first, middle, last, suffix);
- (9) Street address;
- (10) City;
- (11) State;
- (12) Zip code (9 digit);
- (13) Posting cycle week;
- (14) Posting cycle year; and
- (15) Document code.
- (LLL) From Form 1098-E, Student loan interest.
- (MMM) From Form 1098-T–
- (1) Payments received for qualified tuition and related expenses;
- (2) Scholarships or grants;
- (3) Check box indicating that the amount in box 1 or 2 includes amounts for an academic period beginning in the following year;
- (4) Check box indicating that student is at least a half-time student; and
- (5) Check box indicating that student is a graduate student.
- (NNN) From Form 5498–
- (1) IRA contributions (other than amounts in certain boxes);
- (2) Rollover contributions;
- (3) Roth IRA conversion amount;
- (4) Fair market value of account;
- (5) Checkboxes: IRA, Simplified Employee Pension (SEP), Savings Incentive Match Plan for Employees of Small Employers (SIMPLE), Roth IRA;
- (6) SEP contributions; and
- (7) SIMPLE contributions.
- (OOO) From Form SSA-1099/RRB-1099–
- (1) Net benefits;
- (2) Address; and
- (3) Trust fund description.
- (PPP) From Form 1099-G, Unemployment compensation.
- (QQQ) From Form 1099-K–
- (1) Filer name;
- (2) Filer address;
- (3) Filer taxpayer identification number;
- (4) Payee taxpayer identification number;
- (5) Payee name;
- (6) Payee address;
- (7) Gross payments;
- (8) Card not present transactions;
- (9) Merchant category code;
- (10) Number of payment transactions; and
- (11) Payments by month.
- (RRR) From Form 1099-MISC, Non-employee compensation.
- (SSS) From Form 1099-NEC, Nonemployee compensation.
- (TTT) From Form 1099-Q–
- (1) Gross distribution; and
- (2) Plan type checkboxes.
- (UUU) From Form 1099-R/RRB-1099-R–
- (1) Gross distribution;
- (2) Distribution code(s); and
- (3) Plan type checkboxes.
- (VVV) From Form W-2–
- (1) Employee’s Social Security number;
- (2) Employer identification number;
- (3) Employer’s name, address, and Zip code;
- (4) Employee’s name and address;
- (5) Social Security tips;
- (6) Medicare wages and tips;
- (7) Box 12 codes and values; and
- (8) Statutory employee, retirement plan, and third-party sick pay checkboxes.
- (WWW) From Form 1040, Schedule D–
- (1) Net short-term capital gain/loss; and
- (2) Net long-term capital gain/loss.
- (XXX) From Form 1040, Schedule E–
- (1) Total rental real estate and royalty income or (loss); and
- (2) Total estate and trust income or (loss).
- (YYY) From Form 1040, Schedule F–
- (1) Gross income;
- (2) Total expenses;
- (3) Net farm profit (or loss); and
- (4) Gross income (accrual).
- (ii) With respect to taxpayers filing a return on behalf of a trade or business–
- (A) The taxpayer name directory and entity records consisting of taxpayer identity information with respect to taxpayers engaged in a trade or business.
- (B) The principal industrial activity code.
- (C) The filing requirement code.
- (D) The employment code.
- (E) The physical location.
- (F) Monthly corrections of, and additions to, the information described in paragraphs (b)(1)(ii)(A) through (E) of this section.
- (G) From Form SS-4, all information reflected on such form.



(H) From an employment tax return—  
(1) Taxpayer identifying number of the employer;

(2) Total compensation reported;

(3) Master file tax account code (MFT);

(4) Taxable period covered by such return;

(5) Employer code;

(6) Document locator number;

(7) Record code;

(8) Total number of individuals employed in the taxable period covered by the return;

(9) Total taxable wages paid for purposes of chapter 21 of the Code;

(10) Total taxable tip income reported for purposes of chapter 21 of the Code;

(11) If a business has closed or stopped paying wages;

(12) Final date a business paid wages; and

(13) If a business is a seasonal employer and does not have to file a return for every quarter of the year.

(I) From Form 1040, Schedule C—

(1) Purchases less cost of items withdrawn for personal use;

(2) Materials and supplies;

(3) Gross income;

(4) Total expenses; and

(5) Net profit or loss.

(J) From Form 1040 (Schedule SE)—

(1) Taxpayer identifying number of self-employed individual;

(2) Business activities subject to the tax imposed by chapter 21 of the Code;

(3) Net earnings from farming;

(4) Net earnings from nonfarming activities;

(5) Total net earnings from self-employment;

(6) Taxable self-employment income for purposes of chapter 2 of the Code;

(7) Net profit and loss; and

(8) Church employee income.

(K) Total Social Security taxable earnings.

(L) Quarters of Social Security coverage.

(M) From Form 940—

(1) State of state unemployment tax; and

(2) Total payments to all employees.

(N) From Form 941—

(1) Number of employees who received wages, tips, or other compensation for the pay period including: March 12 (Quarter

1), June 12 (Quarter 2), September 12 (Quarter 3), or December 12 (Quarter 4); and

(2) Wages, tips, and other compensation.

(O) From Form 943—

(1) Agricultural employees; and

(2) Total wages subject to Social Security tax.

(P) Taxpayer identity information including parent corporation, shareholder, partner, and employer identity information.

(Q) Gross income, profits, or receipts.

(R) Returns and allowances.

(S) Cost of labor, salaries, and wages.

(T) Total expenses or deductions, including totals of the following components thereof:

(1) Repairs (and maintenance) expense;

(2) Rents (or lease) expense;

(3) Taxes and licenses expense;

(4) Interest expense, including mortgage or other interest;

(5) Depreciation expense;

(6) Depletion expense;

(7) Advertising expense;

(8) Pension and profit-sharing plans (retirement plans) expense;

(9) Employee benefit programs expense;

(10) Utilities expense;

(11) Supplies expense;

(12) Contract labor expense; and

(13) Management (and investment advisory) fees.

(U) Total assets.

(V) Beginning- and end-of-year inventory.

(W) Royalty income.

(X) Interest income, including portfolio interest.

(Y) Rental income, including gross rents.

(Z) Tax-exempt interest income.

(AA) Net gain from sales of business property.

(BB) Other income.

(CC) Total income.

(DD) Percentage of stock owned by each shareholder.

(EE) Percentage of capital ownership of each partner.

(FF) Principal industrial activity code, including the business description.

(GG) Consolidated return indicator.

(HH) Wages, tips, and other compensation.

(II) Social Security wages.

(JJ) Deferred wages.

(KK) Social Security tip income.

(LL) Total Social Security taxable earnings.

(MM) Gross distributions from employer-sponsored and individual retirement plans from Form 1099-R.

(NN) From Form 3921—

(1) Date option granted;

(2) Date option exercised;

(3) Exercise price paid per share;

(4) Fair market value per share on exercise date; and

(5) Number of shares transferred.

(OO) From Form 6765 (when filed with corporation income tax returns)—

(1) Indicator that total qualified research expenses is greater than zero, but less than \$1 million; greater than or equal to \$1 million, but less than \$3 million; or, greater than or equal to \$3 million;

(2) Cycle posted; and

(3) Research tax credit amount to be carried over to a business return, schedule, or form.

(PP) Total number of documents reported on Form 1096 transmitting Forms 1099-MISC.

(QQ) Total amount reported on Form 1096 transmitting Forms 1099-MISC.

(RR) From Form 1125-A, purchases.

(SS) From Form 1041—

(1) Interest income;

(2) Total ordinary dividends;

(3) Total income;

(4) Charitable deduction; and

(5) Taxable income.

(TT) From Form 1041, Schedule K-1—

(1) Beneficiary identifying number;

(2) Beneficiary name;

(3) Interest income;

(4) Total ordinary dividends;

(5) Net short-term capital gain;

(6) Net long-term capital gain;

(7) Other portfolio and non-business income;

(8) Ordinary business income;

(9) Net rental and real estate income; and

and

(10) Other rental income.

(UU) From Form 1120—

(1) Cost of goods sold;

(2) Compensation of officers; and

(3) Salaries and wages (less employment credits).

(VV) From Form 1120-REIT—

(1) Compensation of officers;  
 (2) Salaries and wages (less employment credits);  
 (3) Total assets;  
 (4) Principal Business Activity (PBA) code; and  
 (5) Type of real estate investment trust (REIT).  
 (WW) From Form 1120-S—  
 (1) Cost of goods sold; and  
 (2) Salaries and wages (less employment credits).  
 (XX) From Form 1120-S, Schedule K-1—  
 (1) Ordinary business income (loss);  
 (2) Net rental real estate income;  
 (3) Other net rental income;  
 (4) Interest income;  
 (5) Total ordinary dividends;  
 (6) Royalties;  
 (7) Net short-term capital gain;  
 (8) Net long-term capital gain;  
 (9) Other income (loss); and  
 (10) Current year allocation percentage.  
 (YY) From Form 1065—  
 (1) Gross receipts or sales less returns and allowances;  
 (2) Cost of goods sold; and  
 (3) Ordinary dividends.  
 (ZZ) From Form 1065, Schedule K-1—  
 (1) Publicly-traded partnership indicator;  
 (2) Partner's share of nonrecourse, qualified nonrecourse, and recourse liabilities;  
 (3) Ordinary business income;  
 (4) Net rental real estate income;  
 (5) Other net rental income;  
 (6) Total guaranteed payments;  
 (7) Interest income;  
 (8) Total ordinary dividends;  
 (9) Dividend equivalents;  
 (10) Royalties;  
 (11) Net short-term capital gain;  
 (12) Net long-term capital gain; and  
 (13) Other income.  
 (AAA) From Form 3800 Part II (Current Year General Business Credit from Form 6765).  
 (BBB) From Form 3800, Part III, Increasing research activities (Form 6765).  
 (CCC) Dividends, including ordinary or qualified.  
 (iii) With respect to returns filed on behalf of a tax-exempt organization—

(A) Taxpayer identity information.  
 (B) Activity codes.  
 (C) Filing requirement code.  
 (D) Monthly corrections of, and additions to, the information described in paragraphs (b)(1)(iii)(A) through (C) of this section.  
 (E) From Form 990, Salaries, other compensation, employee benefits.  
 (F) From Form 990-PF—  
 (1) Compensation of officers, directors, trustees, etc.; and  
 (2) Pension plans, employee benefits.  
 (G) From Form 990-EZ, Salaries, other compensation, employee benefits.  
 (iv) With respect to taxpayers filing information returns relating to health insurance:  
 (A) From Form 1095-A—  
 (1) Marketplace information;  
 (2) Policy issuer's name;  
 (3) Recipient's name;  
 (4) Recipient's Social Security number;  
 (5) Recipient's spouse's name;  
 (6) Recipient's spouse's Social Security number;  
 (7) Policy start date;  
 (8) Policy termination date;  
 (9) Covered individual Social Security number;  
 (10) Coverage start date;  
 (11) Coverage termination date;  
 (12) Monthly enrollment premium;  
 (13) Monthly second lowest cost silver plan premium;  
 (14) Monthly advance payment of premium tax credit;  
 (15) Annual premium;  
 (16) Annual second lowest cost silver plan premium; and  
 (17) Annual advance payment of premium tax credit.  
 (B) From Form 1095-B—  
 (1) Name;  
 (2) Social Security number;  
 (3) Date of birth;  
 (4) Origin of health coverage;  
 (5) Employer name;  
 (6) Employer identification number of issuer or other coverage provider;  
 (7) Employer address;  
 (8) Employer identification number;  
 (9) Name control validation;  
 (10) Social Security number of covered individuals;  
 (11) Date of birth of covered individuals; and

(12) Coverage by month of covered individuals.  
 (C) From Form 1095-C—  
 (1) Name of employee;  
 (2) Social Security number or other taxpayer identification number of employee;  
 (3) Address of employee;  
 (4) Name of employer;  
 (5) Employer identification number;  
 (6) Employer address;  
 (7) Offer of coverage code;  
 (8) Checkbox for employer provided self-insured coverage;  
 (9) Employee required contribution, all 12 months;  
 (10) Name control validation;  
 (11) Social Security number or other taxpayer identification number of covered individuals; and  
 (12) Coverage by month of covered individuals.  
 (v) With respect to taxpayers filing information returns related to health savings accounts, from Form 5498-SA—  
 (A) Taxpayer identification number;  
 (B) Total contributions;  
 (C) Fair market value of accounts; and  
 (D) Account type checkboxes.  
 (2) Subject to the requirements of paragraph (d) of this section and §301.6103(p)(2)(B)-1, officers or employees of the Social Security Administration to whom the following return information reflected on returns has been disclosed as provided by section 6103(l)(1)(A) or (l)(5) may disclose such information to officers and employees of the Bureau of the Census for necessary purposes described in paragraph (b)(1) of this section:  
 (i) From Form SS-4, all information reflected on such form.  
 (ii) From Form 1040 (Schedule SE)—  
 (A) Taxpayer identifying number of self-employed individual;  
 (B) Business activities subject to the tax imposed by chapter 21 of the Code;  
 (C) Net earnings from farming;  
 (D) Net earnings from nonfarming activities;  
 (E) Total net earnings from self-employment; and  
 (F) Taxable self-employment income for purposes of chapter 2 of the Code.  
 (iii) From Form W-2, and related forms and schedules—  
 (A) Social Security number;  
 (B) Employer identification number;

(C) Wages, tips, and other compensation;

(D) Social Security wages; and

(E) Deferred wages.

(iv) Total Social Security taxable earnings.

(v) Quarters of Social Security coverage.

(3)(i) Officers or employees of the Internal Revenue Service will disclose the following return information (but not including return information described in section 6103(o)(2)) reflected on returns of corporations with respect to the tax imposed by chapter 1 of the Code to officers and employees of the Bureau of the Census for purposes of, but only to the extent necessary in, developing and preparing, as authorized by law, the Quarterly Financial Report:

(A) From the business master files of the Internal Revenue Service—

(1) Taxpayer identity information, including parent corporation identity information;

(2) Document code;

(3) Consolidated return and final return indicators;

(4) Principal industrial activity code;

(5) Partial year indicator;

(6) Annual accounting period;

(7) Gross receipts less returns and allowances; and

(8) Total assets.

(B) From Form SS-4—

(1) Month and year in which such form was executed;

(2) Taxpayer identity information; and

(3) Principal industrial activity, geographic, firm size, and reason for application codes.

(C) From Form 1120-REIT—

(1) Type of REIT; and

(2) Gross rents from real property.

(D) From Form 1120F, corporation's method of accounting.

(E) From Form 1096, total amount reported.

(ii) Subject to the requirements of paragraph (d) of this section and §301.6103(p)(2)(B)-1, officers or employees of the Social Security Administration to whom return information reflected on returns of corporations described in paragraph (b)(3)(i)(B) of this section has been disclosed as provided by section 6103(l)(1)(A) or (l)

(5) may disclose such information to officers and employees of the Bureau of the Census for a purpose described in paragraph (b)(3)(i) of this section.

(iii) Return information reflected on employment tax returns disclosed pursuant to paragraph (b)(1)(ii)(H)(1), (2), (4), (9), or (10) of this section may be used by officers and employees of the Bureau of the Census for the purpose described in and subject to the limitations of paragraph (b)(3)(i) of this section.

\* \* \* \* \*

(d) *Procedures and restrictions.* (1) Disclosure of return information reflected on returns by officers or employees of the Internal Revenue Service or the Social Security Administration as provided by paragraphs (b) and (c) of this section will be made only upon written request to the Commissioner of Internal Revenue by the Secretary of Commerce describing—

(i) The particular return information reflected on returns to be disclosed;

(ii) The taxable period or date to which such return information reflected on returns relates; and

(iii) The particular purpose for which the return information reflected on returns is to be used, and designating by name and title the officers and employees of the Bureau of the Census or the Bureau of Economic Analysis to whom such disclosure is authorized.

(2) No officer or employee of the Bureau of the Census or the Bureau of Economic Analysis to whom return information reflected on returns is disclosed pursuant to the provisions of paragraph (b) or (c) of this section may disclose such information to any person, other than, pursuant to section 6103(e)(1), the taxpayer to whom such return information reflected on returns relates or other officers or employees of such bureau whose duties or responsibilities require such disclosure for a purpose described in paragraph (b) or (c) of this section, except in a form that cannot be associated with, or otherwise identify, directly or indirectly, a particular taxpayer. If the Internal Revenue Service determines that the Bureau of the Census or the Bureau of Economic Analysis, or any officer or employee thereof, has failed to, or does not, satisfy the requirements of section 6103(p)(4) of the Code or regula-

tions in this part or published procedures (see §601.601(d)(2) of this chapter), the Internal Revenue Service may take such actions as are deemed necessary to ensure that such requirements are or will be satisfied, including suspension of disclosures of return information reflected on returns otherwise authorized by section 6103(j)(1) and paragraph (b) or (c) of this section, until the Internal Revenue Service determines that such requirements have been or will be satisfied.

(3) All projects using returns or return information disclosed to the Bureau of Census under this section must be approved by the Internal Revenue Service Director of Statistics of Income, the Director's successor, or the Director's delegate, prior to the release of such information.

(4) In its sole discretion, the Internal Revenue Service may authorize the use of the Bureau of Census's disclosure review processes prior to any public disclosure by the Bureau of Census of a project using information provided pursuant to this section. Any Bureau of Census disclosure review process authorized under this paragraph (d)(4) must ensure that all releases meet or exceed all requirements set by the Internal Revenue Service for protecting the confidentiality of returns and return information. Additionally, in its sole discretion, the Internal Revenue Service Statistics of Income Disclosure Review Board may review a Bureau of Census project using information provided pursuant to this section prior to disclosure of that project to the public to ensure that any proposed releases meet or exceed all requirements set by the Internal Revenue Service for protecting the confidentiality of returns and return information. This review requirement may be imposed at any stage of the project.

(e) *Applicability date.* This section applies to disclosures of return information made on or after [date of publication of final regulations in the *Federal Register*].

Heather C. Maloy,  
*Acting Deputy Commissioner for  
Services and Enforcement.*

(Filed by the Office of the Federal Register March 28, 2024, 11:15 a.m., and published in the issue of the Federal Register for March 29, 2024, 89 FR 22101)

# 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.  
FR.—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.

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<sup>1</sup> A cumulative list of all revenue rulings, revenue procedures, Treasury decisions, etc., published in Internal Revenue Bulletins 2023–27 through 2023–52 is in Internal Revenue Bulletin 2023–52, dated December 26, 2023.

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<sup>1</sup> A cumulative list of all revenue rulings, revenue procedures, Treasury decisions, etc., published in Internal Revenue Bulletins 2023–27 through 2023–52 is in Internal Revenue Bulletin 2023–52, dated December 26, 2023.

# **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/).

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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 Internal Revenue Service, Publishing Division, IRB Publishing Program Desk, 1111 Constitution Ave. NW, IR-6230 Washington, DC 20224.