

Internal Revenue bulletin

Bulletin No. 1997-42
October 20, 1997

HIGHLIGHTS OF THIS ISSUE

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

INCOME TAX

Rev. Rul. 97-43, page 00.

LIFO; price indexes; department stores. The August 1997 Bureau of Labor Statistics price indexes are accepted for use by department stores employing the retail inventory and last-in, first-out inventory methods for valuing inventories for tax years ended on, or with reference to, August 31, 1997.

T.D. 8731, page 00.

Final and temporary regulations under section 42 of the Code relate to the application of the low-income housing tax credit to certain federal rental assistance programs.

T.D. 8732, page 00.

Final regulations under section 42 of the Code provide rules for determining the treatment of low-income housing units.

EXEMPT ORGANIZATIONS

REG-246250-96, page 00.

This proposed regulation relates to the public disclosure requirements of section 6104(e) of the Code. A public hearing will be held on February 4, 1998.

Announcement 97-104, page 00.

A list is provided of organizations now classified as private foundations.

Announcement 97-105, page 00.

A list is provided of organizations that no longer qualify as organizations for which contributions are deductible under section 170 of the Code.

EXCISE TAX

Rev. Proc. 97-46, page 00.

Rural airports. This procedure contains a list of "rural airports," as defined in section 4261(e)(1)(B) of the Code, for purposes of computing the tax on air transportation. The procedure also provides guidance on how to calculate the tax where at least one segment of multiple segment domestic transportation does not begin or end at a rural airport.

ADMINISTRATIVE

Rev. Proc. 97-47, page 00.

This procedure sets forth the requirements of the Form 941 Electronic Filing (ELF) Program under which a taxpayer that is a Reporting Agent may electronically file Form 941, Employer's Quarterly Federal Tax Return.

Finding Lists begin on page 00.

Announcement of Disbarments and Suspensions begins on page 00.



Department of the Treasury
Internal Revenue Service

Mission of the Service

The purpose of the Internal Revenue Service is to collect the proper amount of tax revenue at the least cost; serve the public by continually improving the quality of our prod-

ucts and services; and perform in a manner warranting the highest degree of public confidence in our integrity, efficiency, and fairness.

Statement of Principles of Internal Revenue Tax Administration

The function of the Internal Revenue Service is to administer the Internal Revenue Code. Tax policy for raising revenue is determined by Congress.

With this in mind, it is the duty of the Service to carry out that policy by correctly applying the laws enacted by Congress; to determine the reasonable meaning of various Code provisions in light of the Congressional purpose in enacting them; and to perform this work in a fair and impartial manner, with neither a government nor a taxpayer point of view.

At the heart of administration is interpretation of the Code. It is the responsibility of each person in the Service, charged with the duty of interpreting the law, to try to find the true meaning of the statutory provision and not to adopt a strained construction in the belief that he or she is "protecting the revenue." The revenue is properly protected only when we ascertain and apply the true meaning of the statute.

The Service also has the responsibility of applying and administering the law in a reasonable, practical manner. Issues should only be raised by examining officers when they have merit, never arbitrarily or for trading purposes. At the same time, the examining officer should never hesitate to raise a meritorious issue. It is also important that care be exercised not to raise an issue or to ask a court to adopt a position inconsistent with an established Service position.

Administration should be both reasonable and vigorous. It should be conducted with as little delay as possible and with great courtesy and considerateness. It should never try to overreach, and should be reasonable within the bounds of law and sound administration. It should, however, be vigorous in requiring compliance with law and it should be relentless in its attack on unreal tax devices and fraud.

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 and may be obtained from the Superintendent of Documents on a subscription basis. Bulletin contents of a permanent nature are consolidated semiannually into Cumulative Bulletins, which are sold on a single-copy basis.

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 proce-

dures 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 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.

With the exception of the Notice of Proposed Rulemaking and the disbarment and suspension list included in this part, none of these announcements are consolidated in the Cumulative Bulletins.

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

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

For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

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

Section 42.—Low-Income Housing Credit

26 CFR 1.42–15: Available unit rule.

T.D. 8732

DEPARTMENT OF THE TREASURY
Internal Revenue Service
26 CFR Part 1

Available Unit Rule

A G E N C Y: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

S U M M A R Y: This document contains final regulations concerning the treatment of low-income housing units in a building that are occupied by individuals whose incomes increase above 140 percent of the income limitation applicable under section 42(g)(1). These regulations affect owners of those buildings who claim the low-income housing tax credit.

D A T E S: These regulations are effective September 26, 1997.

For dates of applicability of these regulations, see § 1.42–15(i).

FOR FURTHER INFORMATION CONTACT: David Selig, (202) 622-3040 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On May 30, 1996, the IRS published a notice of proposed rulemaking in the **Federal Register** (PS–29–95 at 61 FR 27036 [1997–1 C.B. 862]) proposing amendments to the Income Tax Regulations (26 CFR part 1) under section 42(g)(2)(D) of the Internal Revenue Code. A public hearing was scheduled for September 17, 1996, pursuant to a notice of public hearing published simultaneously with the notice of proposed rulemaking. However, the IRS received no requests to speak at the public hearing, and no public hearing was held. Written comments responding to the notice were received. After consideration of all the comments, the proposed regulations are adopted as revised by this Treasury decision.

Explanation of Revisions and Summary of Comments

The general rule in section 42(g)(2)(D)(i) provides that if the income of an occupant of a low-income unit increases above the income limitation applicable under section 42(g)(1), the unit continues to be treated as a low-income unit. This general rule only applies if the occupant's income initially met the income limitation and the unit continues to be rent-restricted. Section 42(g)(2)(D)(ii), however, provides an exception to the general rule in section 42(g)(2)(D)(i). Under this exception, the unit ceases being treated as a low-income unit when two conditions occur. The first condition is that the occupant's income increases above 140 percent of the income limitation applicable under section 42(g)(1), or above 170 percent for a deep rent skewed project described in section 142(d)(4)(B) (applicable income limitation). When this occurs, the unit becomes an over-income unit. The second condition is that a new occupant, whose income exceeds the applicable income limitation (nonqualified resident), occupies any residential unit in the building of a comparable or smaller size (comparable unit).

Rules and Definitions

One commentator suggested that the available unit rule under the proposed regulations did not clearly indicate whether the aggregate income of all occupants of a unit is taken into account. Accordingly, the final regulations clarify that an over-income unit means a low-income unit in which the aggregate income of the occupants of the unit increases above 140 percent of the applicable income limitation under section 42(g)(1), or above 170 percent of the applicable income limitation for deep rent skewed projects described in section 142(d)(4)(B).

Commentators requested that the final regulations specify whether a comparable unit is measured by floor space or number of bedrooms. The final regulations provide that a comparable unit must be measured by the same method the taxpayer used to determine qualified basis for the credit year in which the comparable unit became available.

Some commentators stated that the provision in the proposed regulations that all available comparable units (not just the “next available” unit) must be rented to qualified residents to continue treating an over-income unit as a low-income unit is inconsistent with the title of section 42(g)(2)(D)(ii). Although the title of that provision uses the term next available unit, the text of the rule provides that if any available comparable unit is occupied by a nonqualified resident, the over-income unit ceases to be treated as a low-income unit. This means that if a building has more than one over-income unit, renting any available comparable unit (a comparably sized or smaller unit) to a qualified resident preserves the status of all over-income units as low-income units. Similarly, if any available comparable unit is rented to a nonqualified resident, all over-income units for which the available unit was a comparable unit lose their status as low-income units; thus, comparably sized or larger over-income units would lose their status as low-income units. In operation, this means that the owner must continue to rent any available comparable unit to a qualified resident until the percentage of low-income units in a building (excluding the over-income units) is equal to the percentage of low-income units on which the credit is based. At that point, failure to maintain the over-income units as low-income units has no immediate significance. (However, the failure to maintain an over-income unit as a low-income unit may affect the owner's decision of whether or not to rent a particular available unit at market rate at a later time.) Consequently, the final regulations provide that all available comparable units in the building, not only the next available comparable unit, must be rented to qualified residents to retain the low-income status of the over-income units.

Application of Rules on a Building by Building Basis

The proposed regulations provide that in a project containing more than one low-income building, the available unit rule applies separately to each building. Some commentators suggested that the regulations should permit residents of over-income units to move to available

units in different buildings within the same low-income housing project without violating the available unit rule. However, because the requirements under section 42 must be satisfied on a building by building basis, the final regulations provide that the available unit rule only permits a current resident to move to another unit within the same building of a low-income housing project.

In addition, in response to requests from several commentators, the final regulations make clear that when a current resident moves to a different unit within the same low-income building, the units exchange status. (See example 2 of §1.42-15(g) of the proposed regulations and §1.42-15(h) of the final regulations.) Thus, the newly occupied unit adopts the status of the vacated unit, and the vacated unit assumes the status the newly occupied unit had immediately prior to its occupancy by the qualifying residents.

Timing Issues

The methods of committing rental units to tenants varies in different jurisdictions. However, it is a common rental practice to have some form of preliminary reservation for a unit prior to the date on which a lease is signed or the unit is occupied. Thus, several commentators have requested clarification that once a unit is reserved for a prospective tenant, it is no longer treated as available for purposes of the available unit rule. Accordingly, the final regulations provide that a unit is not available for purposes of the available unit rule when the unit is no longer available for rent due to a reservation that is binding under local law.

Finally, financing arrangements using obligations that purport to be exempt facility bonds under section 142 must meet the requirements of sections 103 and 141 through 150 for interest on the obligations to be excluded from gross income under section 103(a). The requirements under section 142(d) may differ from those under section 42. Accordingly, the final regulations provide that the rules under the final regulations are not intended as an interpretation of the applicable rules under section 142.

Special Analyses

It has been determined that this Treasury decision is not a significant regula-

tory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and, because these regulations do not impose on small entities a collection of information requirement, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking preceding these regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Drafting Information

The principal author of these regulations is David Selig, Office of the Assistant Chief Counsel (Passthroughs and Special Industries), IRS. However, other personnel from the IRS and Treasury Department participated in their development.

* * * * *

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 is amended by adding an entry in numerical order to read as follows:

Authority: 26 U.S.C. 7805 * * *
Section 1.42-15 is also issued under 26 U.S.C. 42(n); * * *

Par. 2. Section 1.42-15 is added to read as follows:

§1.42-15 Available unit rule.

(a) *Definitions.* The following definitions apply to this section:

Applicable income limitation means the limitation applicable under section 42(g)(1) or, for deep rent skewed projects described in section 142(d)(4)(B), 40 percent of area median gross income.

Available unit rule means the rule in section 42(g)(2)(D)(ii).

Comparable unit means a residential unit in a low-income building that is comparably sized or smaller than an over-

come unit or, for deep rent skewed projects described in section 142(d)(4)(B), any low-income unit. For purposes of determining whether a residential unit is comparably sized, a comparable unit must be measured by the same method used to determine qualified basis for the credit year in which the comparable unit became available.

Current resident means a person who is living in the low-income building.

Low-income unit is defined by section 42(i)(3)(A).

Nonqualified resident means a new occupant or occupants whose aggregate income exceeds the applicable income limitation.

Over-income unit means a low-income unit in which the aggregate income of the occupants of the unit increases above 140 percent of the applicable income limitation under section 42(g)(1), or above 170 percent of the applicable income limitation for deep rent skewed projects described in section 142(d)(4)(B).

Qualified resident means an occupant either whose aggregate income (combined with the income of all other occupants of the unit) does not exceed the applicable income limitation and who is otherwise a low-income resident under section 42, or who is a current resident.

(b) *General section 42(g)(2)(D)(i) rule.* Except as provided in paragraph (c) of this section, notwithstanding an increase in the income of the occupants of a low-income unit above the applicable income limitation, if the income of the occupants initially met the applicable income limitation, and the unit continues to be rent-restricted—

(1) The unit continues to be treated as a low-income unit; and

(2) The unit continues to be included in the numerator and the denominator of the ratio used to determine whether a project satisfies the applicable minimum set-aside requirement of section 42(g)(1).

(c) *Exception.* A unit ceases to be treated as a low-income unit if it becomes an over-income unit and a nonqualified resident occupies any comparable unit that is available or that subsequently becomes available in the same low-income building. In other words, the owner of a low-income building must rent to qualified residents all comparable units that are available or that subsequently become

available in the same building to continue treating the over-income unit as a low-income unit. Once the percentage of low-income units in a building (excluding the over-income units) equals the percentage of low-income units on which the credit is based, failure to maintain the over-income units as low-income units has no immediate significance. The failure to maintain the over-income units as low-income units, however, may affect the decision of whether or not to rent a particular available unit at market rate at a later time. A unit is not available for purposes of the available unit rule when the unit is no longer available for rent due to contractual arrangements that are binding under local law (for example, a unit is not available if it is subject to a preliminary reservation that is binding on the owner under local law prior to the date a lease is signed or the unit is occupied).

(d) *Effect of current resident moving within building.* When a current resident moves to a different unit within the building, the newly occupied unit adopts the status of the vacated unit. Thus, if a current resident, whose income exceeds the applicable income limitation, moves from an over-income unit to a vacant unit in the same building, the newly occupied unit is treated as an over-income unit. The vacated unit assumes the status the newly occupied unit had immediately before it was occupied by the current resident.

(e) *Available unit rule applies separately to each building in a project.* In a project containing more than one low-income building, the available unit rule applies separately to each building.

(f) *Result of noncompliance with available unit rule.* If any comparable unit that is available or that subsequently becomes available is rented to a nonqualified resident, all over-income units for which the available unit was a comparable unit within the same building lose their status as low-income units; thus, comparably sized or larger over-income units would lose their status as low-income units.

(g) *Relationship to tax-exempt bond provisions.* Financing arrangements that purport to be exempt-facility bonds under section 142 must meet the requirements of sections 103 and 141 through 150 for interest on the obligations to be excluded from gross income under section 103(a). This section is not intended as an interpretation under section 142.

(h) *Examples.* The following examples illustrate this section:

Example 1. This example illustrates noncompliance with the available unit rule in a low-income building containing three over-income units. On January 1, 1998, a qualified low-income housing project, consisting of one building containing ten identically sized residential units, received a housing credit dollar amount allocation from a state housing credit agency for five low-income units. By the close of 1998, the first year of the credit period, the project satisfied the minimum set-aside requirement of section 42(g)(1)(B). Units 1, 2, 3, 4, and 5 were occupied by individuals whose incomes did not exceed the income limitation applicable under section 42(g)(1) and were otherwise low-income residents under section 42. Units 6, 7, 8, and 9 were occupied by market-rate tenants. Unit 10 was vacant. To avoid recapture of credit, the project owner must maintain five of the units as low-income units. On November 1, 1999, the certificates of annual income state that annual incomes of the individuals in Units 1, 2, and 3 increased above 140 percent of the income limitation applicable under section 42(g)(1), causing those units to become over-income units. On November 30, 1999, Units 8 and 9 became vacant. On December 1, 1999, the project owner rented Units 8 and 9 to qualified residents who were not current residents at rates meeting the rent restriction requirements of section 42(g)(2). On December 31, 1999, the project owner rented Unit 10 to a market-rate tenant. Because Unit 10, an available comparable unit, was leased to a market-rate tenant, Units 1, 2, and 3 ceased to be treated as low-income units. On that date, Units 4, 5, 8, and 9 were the only remaining low-income units. Because the project owner did not maintain five of the residential units as low-income units, the qualified basis in the building is reduced, and credit must be recaptured. If the project owner had rented Unit 10 to a qualified resident who was not a current resident, eight of the units would be low-income units. At that time, Units 1, 2, and 3, the over-income units, could be rented to market-rate tenants because the building would still contain five low-income units.

Example 2. This example illustrates the provisions of paragraph (d) of this section. A low-income project consists of one six-floor building. The residential units in the building are identically sized. The building contains two over-income units on the sixth floor and two vacant units on the first floor. The project owner, desiring to maintain the over-income units as low-income units, wants to rent the available units to qualified residents. J, a resident of one of the over-income units, wishes to occupy a unit on the first floor. J's income has recently increased above the applicable income limitation. The project owner permits J to move into one of the units on the first floor. Despite J's income exceeding the applicable income limitation, J is a qualified resident under the available unit rule because J is a current resident of the building. The unit newly occupied by J becomes an over-income unit under the available unit rule. The unit vacated by J assumes the status the newly occupied unit had immediately before J occupied the unit. The over-income units in the building continue to be treated as low-income units.

(i) *Effective date.* This section applies to leases entered into or renewed on and after September 26, 1997.

Michael P. Dolan,
Acting Commissioner of
Internal Revenue.

Approved August 28, 1997.

Donald C. Lubick,
Acting Assistant Secretary of
the Treasury.

(Filed by the Office of the Federal Register on September 25, 1997, 8:45 a.m., and published in the issue of the Federal Register for September 26, 1997, 62 F.R. 50503)

26 CFR 1.42-16: Eligible basis reduced by federal grants.

T.D. 8731

DEPARTMENT OF THE TREASURY
Internal Revenue Service
26 CFR Part 1

Section 42(d)(5) Federal Grants

A G E N C Y: Internal Revenue Service
(IRS), Treasury.

ACTION: Final and temporary regulations.

S U M M A R Y: This document contains final regulations with respect to the low-income housing tax credit relating to the application of section 42(d)(5) to certain rental assistance programs under section 42(g)(2)(B)(i). The regulations clarify that certain types of federal rental assistance payments do not result in a reduction in the eligible basis of a low-income housing building. DATES: These regulations are effective September 26, 1997.

For date of applicability for these regulations, see §1.42-16(d).

FOR FURTHER INFORMATION CONTACT: Christopher J. Wilson, (202) 622-3040 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

Temporary regulations (TD 8713 [1997-14 I.R.B. 4]) and a notice of proposed rulemaking cross-referencing the

temporary regulations were published in the **Federal Register** for January 27, 1997 (62 FR 3792, 3848 [REG-254394-96 I.R.B. 14]). Those regulations provide that certain federal rental assistance payments made to the owner of a building on behalf of low-income tenants are not federal grants with respect to a building or its operation that require a reduction in the building's eligible basis under section 42(d)(5) of the Internal Revenue Code (Code). These payments include rental assistance payments made under section 8 of the United States Housing Act of 1937 (Act) (42 U.S.C. 1437f), certain payments made under section 9 of the Act, and payments made under such other programs or methods of rental assistance as may be designated in the **Federal Register** or the Internal Revenue Bulletin. The notice of proposed rulemaking indicated that comments would be considered on those areas addressed in the temporary regulations. Written comments responding to the notice of proposed rulemaking were received. There was no request for a public hearing, and no public hearing was held. After consideration of all the written comments, the proposed regulations have been adopted, without change, by this Treasury decision.

Summary of Comments

One commenter suggested that the final regulations provide additional guidance for state agencies to use in determining whether similar programs beyond those described in the regulations should be considered grants that cause a reduction in a building's eligible basis under section 42(d)(5) of the Code. The final regulations do not adopt this suggestion. The scope of this regulation is limited to specified rental assistance payments that are not grants requiring a reduction in a building's eligible basis and any additional payments the Secretary may designate in the future.

Another commenter suggested that §1.42-16(c)(3) should be deleted if it is intended to impose conditions beyond the restrictions under section 9 of the Act, because the IRS is improperly infringing upon the Department of Housing and Urban Development's (HUD) authority to provide subsidies under section 9. The final regulations do not adopt this suggestion. Section 1.42-16 does not interpret

HUD's authority for paying subsidies under section 9; it describes the extent to which section 9 payments may be made without a reduction in a building's eligible basis under section 42(d)(5) of the Code. The conditions imposed on section 9 payments in §1.42-16(c)(3) serve to differentiate section 9 assistance for operating expenses that function in a manner similar to rental assistance payments under section 8 of the Act from section 9 assistance that is applied to uses more closely associated with operational expenses requiring a reduction in a building's eligible basis under section 42(d)(5).

This commenter also suggested that if §1.42-16(c)(3) were to be retained, it should be clarified to provide that actual operating costs be determined by HUD and/or the appropriate public housing agency. The commenter reasons that HUD is already making this determination in the context of deciding the proper amount of assistance to make under section 9 of the Act, and that precedent already exists for allowing HUD to make certain interpretations relating to the section 42 program. The final regulations do not adopt this suggestion. The IRS and Treasury believe they should retain the ability to determine what costs are appropriately characterized as operating costs that require a reduction in a building's eligible basis under section 42(d)(5) of the Code.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations and, because these regulations do not impose on small entities a collection of information requirement, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking preceding these regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Drafting Information

The principal author of these regulations is Christopher J. Wilson, Office of Assistant Chief Counsel (Passthroughs and Special Industries). However, other personnel from the IRS and Treasury Department participated in their development.

* * * * *

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 is amended by removing the entry for §1.42-16T and adding an entry in numerical order to read as follows:

Authority: 26 U.S.C. 7805 * * *
Section 1.42-16 also issued under 26 U.S.C. 42(n); * * *

Par. 2. Section 1.42-16 is added to read as follows:

§1.42-16 Eligible basis reduced by federal grants.

(a) *In general.* If, during any taxable year of the compliance period (described in section 42(i)(1)), a grant is made with respect to any building or the operation thereof and any portion of the grant is funded with federal funds (whether or not includible in gross income), the eligible basis of the building for the taxable year and all succeeding taxable years is reduced by the portion of the grant that is so funded.

(b) *Grants do not include certain rental assistance payments.* A federal rental assistance payment made to a building owner on behalf or in respect of a tenant is not a grant made with respect to a building or its operation if the payment is made pursuant to—

(1) Section 8 of the United States Housing Act of 1937;

(2) A qualifying program of rental assistance administered under section 9 of the United States Housing Act of 1937; or

(3) A program or method of rental assistance as the Secretary may designate by publication in the **Federal Register** or in the Internal Revenue Bulletin (see §601.601(d)(2) of this chapter).

(c) *Qualifying rental assistance pro-*

gram. For purposes of paragraph (b)(2) of this section, payments are made pursuant to a qualifying rental assistance program administered under section 9 of the United States Housing Act of 1937 to the extent that the payments—

(1) Are made to a building owner pursuant to a contract with a public housing authority with respect to units the owner has agreed to maintain as public housing units (PH-units) in the building;

(2) Are made with respect to units occupied by public housing tenants, provided that, for this purpose, units may be considered occupied during periods of short term vacancy (not to exceed 60 days); and

(3) Do not exceed the difference between the rents received from a building's PH-unit tenants and a pro rata portion of the building's actual operating costs that are reasonably allocable to the PH-units (based on square footage, number of bedrooms, or similar objective criteria), and provided that, for this purpose, operating costs do not include any development costs of a building (including developer's fees) or the principal or interest of any debt incurred with respect to any part of

the building.

(d) *Effective date.* This section is effective September 26, 1997.

§1.42-16T [Removed]

Par. 3. Section 1.42-16T is removed.

Michael P. Dolan,
*Acting Commissioner of
Internal Revenue.*

Approved August 26, 1997.

Donald C. Lubick,
*Acting Assistant Secretary of
the Treasury.*

(Filed by the Office of the Federal Register on September 25, 1997, 8:45 a.m., and published in the issue of the Federal Register for September 26, 1997, 62 F.R. 50502)

Section 472.—Last-in, First-out Inventories

26 CFR 1.472-1: Last-in, first-out inventories.

LIFO; price indexes; department stores. The August 1997 Bureau of Labor Statistics price indexes are accepted for use by department stores employing the

retail inventory and last-in, first-out inventory methods for valuing inventories for tax years ended on, or with reference to, August 31, 1997.

Rev. Rul. 97-43

The following Department Store Inventory Price Indexes for August 1997 were issued by the Bureau of Labor Statistics on September 16, 1997. The indexes are accepted by the Internal Revenue Service, under § 1.472-1(k) of the Income Tax Regulations and Rev. Proc. 86-46, 1986-2 C.B. 739, for appropriate application to inventories of department stores employing the retail inventory and last-in, first-out inventory methods for tax years ended on, or with reference to, August 31, 1997.

The Department Store Inventory Price Indexes are prepared on a national basis and include (a) 23 major groups of departments, (b) three special combinations of the major groups - soft goods, durable goods, and miscellaneous goods, and (c) a store total, which covers all departments, including some not listed separately, except for the following: candy, foods, liquor, tobacco, and contract departments.

BUREAU OF LABOR STATISTICS, DEPARTMENT STORE INVENTORY PRICE INDEXES BY DEPARTMENT GROUPS
(January 1941 = 100, unless otherwise noted)

Groups	Aug. 1996	Aug. 1997	Percent Change from Aug. 1996 to Aug. 1997 ¹
1. Piece Goods	524.3	509.3	-2.9
2. Domestics and Draperies	642.6	652.8	1.6
3. Women's and Children's Shoes	640.3	644.1	0.6
4. Men's Shoes	895.9	895.6	0.0
5. Infants' Wear	610.3	621.2	1.8
6. Women's Underwear	525.8	548.8	4.4
7. Women's Hosiery	287.5	301.6	4.9
8. Women's and Girls' Accessories	546.2	539.7	-1.2
9. Women's Outerwear and Girls' Wear	381.2	397.4	4.2
10. Men's Clothing	611.7	621.2	1.6
11. Men's Furnishings	567.9	584.8	3.0
12. Boys' Clothing and Furnishings	485.4	492.2	1.4
13. Jewelry	1023.8	1008.6	-1.5
14. Notions	770.0	793.8	3.1
15. Toilet Articles and Drugs	885.1	904.7	2.2
16. Furniture and Bedding	669.2	661.0	-1.2
17. Floor Coverings	588.7	598.8	1.7
18. Housewares	810.6	806.1	-0.6
19. Major Appliances	244.8	242.8	-0.8
20. Radio and Television	78.8	75.4	-4.3

BUREAU OF LABOR STATISTICS, DEPARTMENT STORE
 INVENTORY PRICE INDEXES BY DEPARTMENT GROUPS—Continued
 (January 1941 = 100, unless otherwise noted)

Groups	Aug. 1996	Aug. 1997	Percent Change from Aug. 1996 to Aug. 1997 ¹
21. Recreation and Education ²	112.1	110.1	-1.822.
Home Improvements ²	125.9	132.3	5.1
23. Auto Accessories ²	107.2	108.4	1.1
Groups 1 – 15: Soft Goods-	582.9	594.5	2.0
Groups 16 – 20: Durable Goods	469.2	463.1	-1.3
Groups 21 – 23: Misc. Goods ²	113.1	112.6	-0.4
Store Total ³	544.0	549.3	1.0

¹Absence of a minus sign before percentage change in this column signifies price increase.

²Indexes on a January 1986=100 base.

³The store total index covers all departments, including some not listed separately, except for the following: candy, foods, liquor, tobacco, and contract departments.

DRAFTING INFORMATION

The principal author of this revenue ruling is Stan Michaels of the Office of Assistant Chief Counsel (Income Tax and Accounting). For further information regarding this revenue ruling, contact Mr. Michaels on (202) 622-4970 (not a toll-free call).

Section 3504.—Acts To Be Performed by Agents

26 CFR 31.3504-1: Acts to be performed by agents.

Requirements of the Form 941 Electronic Filing (ELF) Program are provided. See Rev. Proc. 97-47, page 00.

Section 4261.—Imposition of Tax

26 CFR 49.4261-1: Imposition of Tax; in general.

This revenue procedure provides a list of “rural airports” as that term is defined in § 4261(e)(1)(B) of the Internal Revenue Code, for purposes of computing the tax on air transportation. The revenue procedure also provides guidance on how to calculate the tax where at least one segment of multiple segment domestic transportation does not begin or end at a rural airport. See Rev. Proc. 97-46, page 00.

Section 6011.—General Requirements of Return, Statement, or List

26 CFR 31.6011(a)-7: Execution of returns.

Requirements of the Form 941 Electronic Filing (ELF) Program are provided. See Rev. Proc. 97-47, page 00.

Section 6061.—Signing of Returns and Other Documents

26 CFR 31.6061-1: Signing of returns.

Requirements of the Form 941 Electronic Filing

(ELF) Program are provided. See Rev. Proc. 97-47, page 00.

26 CFR 301.6061-1: Signing of returns and other documents.

Requirements of the Form 941 Electronic Filing (ELF) Program are provided. See Rev. Proc. 97-47, page 00.

Section 6071.—Time for Filing Returns and Other Documents

26 CFR 31.6071(a)(1): Time for filing returns and other documents.

Requirements of the Form 941 Electronic Filing (ELF) Program are provided. See Rev. Proc. 97-47, page 00.

Part III. Administrative, Procedural, and Miscellaneous

26 CFR 601.102: Classification of taxes collected by the Internal Revenue Service. (Also Part I, §4261.)

Rev. Proc. 97-46

SECTION 1. PURPOSE

This revenue procedure provides a list of "rural airports" as that term is defined in § 4261(e)(1)(B) of the Internal Revenue Code, for purposes of computing the tax on air transportation. The revenue procedure also provides guidance on how to calculate the tax in certain circumstances.

SECTION 2. BACKGROUND

Section 1031 of the Taxpayer Relief Act of 1997, Pub. L. No. 105-34, (the Act) extends and modifies the tax imposed by § 4261 on amounts paid for the transportation of persons by air. The new rules relating to domestic air transportation apply to amounts paid after September 30, 1997, for transportation beginning after that date. The Act generally provides a tax rate of 7.5 percent of the amount paid for taxable transportation. However, the rate is 9 percent for transportation beginning after September 30,

1997, and before October 1, 1998, and 8 percent for transportation beginning after September 30, 1998, and before October 1, 1999. The 7.5 percent rate is effective for transportation beginning after September 30, 1999.

In addition, the Act subjects each domestic segment of taxable transportation to a segment tax. The initial tax rate is \$1.00 per domestic segment for segments beginning after September 30, 1997, and before October 1, 1998. The segment tax increases to a fully phased in rate of \$3.00 per domestic segment for segments beginning during calendar year 2002. After calendar year 2002, the \$3.00 segment tax will be indexed for inflation.

Transportation segments beginning or ending at a rural airport are not subject to the temporary 9 percent and 8 percent rates and are exempt from the segment tax. Thus, transportation segments beginning or ending at a rural airport are subject only to a 7.5 percent rate on the amount paid for the transportation segments.

An airport is a rural airport, as defined in § 4261(e)(1)(B), for a calendar year if -

(i) fewer than 100,000 commercial passengers departed by air during the second preceding calendar year from that airport,

and

(ii) the airport is either (A) not located within 75 miles of another airport from which 100,000 or more commercial passengers departed during the second preceding calendar year, or (B) receiving essential air service subsidies as of August 5, 1997.

SECTION 3. SCOPE

This revenue procedure lists, based on information supplied by the Office of Airline Information at the Department of Transportation, airports that will be treated as rural airports for calendar year 1997. A subsequent revenue procedure will provide a similar list of rural airports for calendar year 1998. For calendar year 1997, the list in this revenue procedure may be relied upon unless and until modified or superseded by a subsequent revenue procedure. In addition, any airport not listed in this revenue procedure is, nevertheless, a rural airport if it meets the requirements of § 4261(e)(1)(B) set forth above.

SECTION 4. PROCEDURE

.01 The following airports will be treated as rural airports for calendar year 1997:

CODE	LOCATION*	AIRPORT NAME	COUNTRY
YAC	CAT LAKE, ONTARIO	CATLAKE	CANADA
YAG	FORT FRANCES, ONTARIO	FORT FRANCES MUNI	CANADA
YAM	SAULTSTE. MARIE, ONTARIO	SAULTSTE MARIE	CANADA
YAZ	TOFINO, B.C.	TOFINO	CANADA
YBC	BAIE COMEAU, QUEBEC	BAIE COMEAU	CANADA
YBG	SAGUENAY, QUEBEC	BAGOTVILLE	CANADA
YBL	CAMPBELL RIVER, B.C.	CAMPBELL RIVER	CANADA
YBR	BRAN WN, MANITOBA	BRANDON	CANADA
YBV	BERENS RIVER MANITOBA	BERENS RIVER	CANADA
YCF	CORTES BAY, B.C.	CORTES BAY	CANADA
YCG	CASTLEGAR/NELSON/TRAIL, B.C.	CASTLEGAR	CANADA
YCL	CHARLO, NEW BRUNSWICK	CHARLO	CANADA
YDN	DAUPHIN, MANITOBA	DAUPHIN	CANADA
YDS	DESOLATION SOUND, B.C.	DESOLATION SOUND	CANADA
YEL	ELLIOT LAKE, ONTARIO	ELLIOT LAKE MUNI	CANADA
YFC	FREDERICTON, NEW BRUNSWICK	FREDERICTON	CANADA
YGE	GORGE HARBOR, B.C.	GORGE HARBOR	CANADA
YGK	KINGSTON, ONTARIO	KINGSTON	CANADA
YGN	GREENWAYSOUND, B.C.	GREENWAYSOUND	CANADA
YGP	GASPE, QUEBEC	GASPE	CANADA
YGQ	GERALDTON, ONTARIO	GERALDTON	CANADA
YHD	DRYDEN, ONTARIO	DRYDEN MUNICIPAL	CANADA
YHH	CAMPBELL RIVER, B.C.	HARBOR SPB	CANADA
YHN	HORNEPAYNE, ONTARIO	HORNEPAYNE	CANADA

YIB	ATIKOKAN, ONTARIO	ATIKOKAN MUNICIPAL	CANADA
YIG	BIG BAYMARINA, B.C.	BIG BAY MARINA	CANADA
YKX	KIRKLAND LAKE, ONTARIO	KIRKLAND LAKE	CANADA
YLD	CHAPLEAU, ONTARIO	CHAPLEAU	CANADA
YML	MURRAYBAY, QUEBEC	CHARLEVOIX	CANADA
YMP	PORT MCNEIL, B.C.	PORT MCNEIL	CANADA
YNK	NOOTKA SOUND, B.C.	NOOTKA SOUND	CANADA
YPL	PICKLE LAKE, ONTARIO	PICKLE LAKE	CANADA
YQI	YARMOUTH, NOVASCOTIA	YARMOUTH	CANADA
YQK	KENORA, ONTARIO	KENORA	CANADA
YQL	LETHBRIDGE, ALBERTA	LETHBRIDGE	CANADA
YQQ	COMOX, B.C.	COMOX	CANADA
YQV	YORKTON, SASK.	YORKTON	CANADA
YRL	RED LAKE, ONTARIO	RED LAKE	CANADA
YSB	SUDBURY, ONTARIO	SUDBURY	CANADA
YSC	SHERBROOKE, QUEBEC	SHERBROOKE	CANADA
YSJ	ST. JOHN, N.B.	SAINT JOHN	CANADA
YSP	MARATHON, ONTARIO	MARATHON	CANADA
YSZ	SQUIRREL COVE, B.C.	SQUIRREL COVE	CANADA
YTA	PEMBROKE ONTARIO	PEMBROKE	CANADA
YTJ	TERRACE BAY, ONTARIO	TERRACE BAY	CANADA
YTP	TOFINO, B.C.	TOFINO SPB	CANADA
YTS	TIMMINS, ONTARIO	TIMMINS	CANADA
YVB	BONAVENTURE, QUEBEC	BONAVENTURE	CANADA
YWL	WILLIAMS LAKE, B.C.	WILLIAMS LAKE	CANADA
YWR	WHITE RIVER, ONTARIO	WHITE RIVER	CANADA
YXC	CRANBROOK, B.C.	CRANBROOK	CANADA
YXH	MEDICINE HAT, ALBERTA	MEDICINE HAT	CANADA
YXL	SIOUX LOOKOUT, ONTARIO	SIOUX LOOKOUT	CANADA
YXR	EARLTON, ONTARIO	EARLTON	CANADA
YXZ	WAWA, ONTARIO	WAWA	CANADA
YYB	NORTH BAY, ONTARIO	NORTH BAY	CANADA
YYG	CHARLOTTETOWN, P.E.I.	CHARLOTTETOWN	CANADA
YYU	KAPUSKASING, ONTARIO	KAPUSKASING	CANADA
YYY	MONT JOLI, QUEBEC	MONT JOLI	CANADA
YZT	PORT HARDY, B.C.	PORT HARDY	CANADA
YZV	SEVEN ISLANDS, QUEBEC	SEPT-ILES	CANADA
BHL	BAHIA ANGELES		MEXICO
CVM	CIUDAD VICTORIA, TAMAULIPAS		MEXICO
PDS	PIEDRAS NEGRAS, COAHUILA		MEXICO
SFH	SAN FELIPE		MEXICO
SNQ	SAN QUINTIN		MEXICO
ABI	ABILENE, TEXAS	ABILENE MUNICIPAL	UNITED STATES
ABL	AMBLER, ALASKA	AMBLER RIVER	UNITED STATES
ABR	ABERDEEN, SOUTH DAKOTA	ABERDEEN REGIONAL	UNITED STATES
ABY	ALBANY, GEORGIA	DOUGHERTY COUNTY	UNITED STATES
ACT	WACO, TEXAS	WACO MUNICIPAL	UNITED STATES
ACV	EUREKA/ARCATA, CALIFORNIA	ARCATA	UNITED STATES
ADK	ADAK ISLAND, ALASKA	ADAK ISLAND NS	UNITED STATES
ADQ	KODIAK, ALASKA	METROPOLITAN AREA	UNITED STATES
AET	ALLAKAKET, ALASKA	ALLAKAKET	UNITED STATES
AEX	ALEXANDRIA, LOUISIANA	ENGLAND AFB	UNITED STATES
AFK	ANDREAFSKI, ALASKA	ANDREAFSKI	UNITED STATES
AIA	ALLIANCE, NEBRASKA	ALLIANCE MUNICIPAL	UNITED STATES
AIN	WAINWRIGHT, ALASKA	WAINWRIGHT	UNITED STATES
AKB	ATKA, ALASKA	ATKA	UNITED STATES
AKK	AKHIOK, ALASKA	AKHIOK SPB	UNITED STATES
AKN	KING SALMON, ALASKA	KING SALMON	UNITED STATES

AKO	AKRON, COLORADO	WASHINGTON COUNTY	UNITED STATES
AKP	ANAKTUVIK PASS, ALASKA	ANAKTUVUK PASS	UNITED STATES
ALE	ALPINE, TEXAS	ALPINE CASPARIS MUNI	UNITED STATES
ALM	ALAMOGORDO, NEW MEXICO	ALAMOGORDO MUNICIPAL	UNITED STATES
ALS	ALAMOSA, COLORADO	ALAMOSAMUNICIPAL	UNITED STATES
ALZ	ALITAK, ALASKA	ALITAK SPB	UNITED STATES
ANB	ANNISTON, ALABAMA	ANNISTON COUNTY	UNITED STATES
ANI	ANIAK, ALASKA	ANIAK	UNITED STATES
ANV	ANVIK, ALASKA	ANVIK	UNITED STATES
AOO	ALTOONA, PENNSYLVANIA	BLAIR COUNTY	UNITED STATES
AOS	AMOOK BAY, ALASKA	AMOOK	UNITED STATES
APN	ALPENA, MICHIGAN	ALPENACOUNTY REGL	UNITED STATES
ARC	ARCTIC VILLAGE, ALASKA	ARCTIC VILLAGE	UNITED STATES
ART	WATERTOWN, NEWYORK	WATERTOWN MUNICIPAL	UNITED STATES
ATK	ATQASUK, ALASKA	ATQASUK	UNITED STATES
ATY	WATERTOWN, SOUTH DAKOTA	WATERTOWN MUNICIPAL	UNITED STATES
AUG	AUGUSTA, MAINE	AUGUSTA STATE	UNITED STATES
AUK	ALAKANUK, ALASKA	ALAKANUK	UNITED STATES
BAR	BAKER ISLAND, ALASKA	BAKER AAF	UNITED STATES
BCE	BRYCE CANYON, UTAH	BRYCE CANYON	UNITED STATES
BFF	SCOTTSBLUFF, NEBRASKA	SCOTTS BLUFF COUNTY	UNITED STATES
BHB	BAR HARBOR, MAINE	BAR HARBOR	UNITED STATES
BIC	BIG CREEK, ALASKA	BIG CREEK	UNITED STATES
BIG	BIG DELTA, ALASKA	BIG DELTAINTERMED	UNITED STATES
BJI	BEMIDJI, MINNESOTA	BEMIDJI-BELTRAMI CO.	UNITED STATES
BKC	BUCKLAND, ALASKA	BUCKLAND	UNITED STATES
BKW	BECKLEY, WESTVIRGINIA	RALEIGH COUNTY MEML	UNITED STATES
BKX	BROOKINGS, SOUTH DAKOTA		UNITED STATES
BLF	PRINCETON/BLUEFIELD, WV	MERCER COUNTY	UNITED STATES
BNF	BARANOF, ALASKA	WARM SPRING BAYSPB	UNITED STATES
BRD	BRAINERD, MINNESOTA	CROW WING COUNTY	UNITED STATES
BRW	BARROW, ALASKA	BARROWWBAS	UNITED STATES
BSZ	BARTLETTS, ALASKA	BARTLETTS	UNITED STATES
BTI	BARTER ISLAND, ALASKA	BARTER ISLAND	UNITED STATES
BTT	BETTLES, ALASKA	BETTLES	UNITED STATES
BVD	BEAVER INLET, ALASKA	BEAVER INLET SEWPORT	UNITED STATES
BWD	BROWNWOOD, TEXAS	BROWNWOOD MUNICIPAL	UNITED STATES
BYA	BOUNDARY, ALASKA	BOUNDARY	UNITED STATES
CBE	CUMBERLAND, MARYLAND	WILEYFORD	UNITED STATES
CDB	COLD BAY, ALASKA	COLD BAY	UNITED STATES
CDC	CEDAR CITY, UTAH	CEDAR CITYMUNICIPAL	UNITED STATES
CDL	CANDLE, ALASKA	CANDLE	UNITED STATES
CDR	CHADRON, NEBRASKA	CHADRON MUNICIPAL	UNITED STATES
CDV	CORDOVA, ALASKA	MILE 13 FIELD	UNITED STATES
CEC	CRESCENT CITY, CALIFORNIA	JACK MC NAMARAFIELD	UNITED STATES
CEM	CENTRAL, ALASKA	CENTRAL	UNITED STATES
CEZ	CORTEZ, COLORADO	MONTEZUMACOUNTY	UNITED STATES
CFA	COFFEE POINT, ALASKA	COFFEE POINT	UNITED STATES
CGI	CAPE GIRARDEAU, MISSOURI	CAPE GIRARDEAU MUNI	UNITED STATES
CHP	CIRCLE HOT SPRINGS, ALASKA	CIRCLE HOT SPRINGS	UNITED STATES
CHU	CHUATHBALUK, ALASKA	CHUATHBALUK	UNITED STATES
CIC	CHICO, CALIFORNIA	CHICO MUNI	UNITED STATES
CIK	CHALKYITSIK, ALASKA	CHALKYITSIK	UNITED STATES
CIL	COUNCIL, ALASKA	MELSING CREEK	UNITED STATES
CIU	SAULTSTE MARIE, MICHIGAN	CHIPPEWA COUNTY	UNITED STATES
CJI	CRAFTON ISLAND, ALASKA	CRAFTON ISLAND SPB	UNITED STATES
CKB	CLARKSBURG, WEST VIRGINIA	BENEDUM	UNITED STATES
CKD	CROOKED CREEK, ALASKA	CROOKED CREEK	UNITED STATES

CKX	CHICKEN, ALASKA	CHICKEN	UNITED STATES
CLP	CLARKS POINT, ALASKA	CLARKS POINT	UNITED STATES
CMX	HANCOCK/HOUGHTON, MICHIGAN	HOUGHTON COUNTYMEML	UNITED STATES
CNM	CARLSBAD, NEW MEXICO	CAVERN CITYAIR TERM	UNITED STATES
CNY	MOAB, UTAH	CANYONLANDS FIELD	UNITED STATES
COD	LOVELL/CODY, WYOMING	YELLOWSTONE REGIONAL	UNITED STATES
COU	COLUMBIA, MISSOURI	COLUMBIAREGIONAL	UNITED STATES
CPR	CASPER, WYOMING	CASPER	UNITED STATES
CSG	COLUMBUS, GEORGIA	METROPOLITAN AREA	UNITED STATES
CVN	CLOVIS, NEW MEXICO	CLOVIS MUNICIPAL	UNITED STATES
CVS	CLOVIS, NEW MEXICO	CANNON AFB	UNITED STATES
CXC	CHITINA, ALASKA	CHITINA	UNITED STATES
CXF	COLDFOOT, ALASKA	COLDFOOT	UNITED STATES
CYF	CHEFORNAK, ALASKA	CRYSTALLAKE	UNITED STATES
CYM	CHATHAM, ALASKA		UNITED STATES
CYS	CHEYENNE, WYOMING	CHEYENNE MUNICIPAL	UNITED STATES
CYT	CAPE YAKATAGA, ALASKA	YAKATAGAINTERMEDIAT	UNITED STATES
CZF	CAPE ROMANZOF, ALASKA	CAPE ROMANZOF AFS	UNITED STATES
CZN	CHISANA, ALASKA	CHISANAFIELD	UNITED STATES
DDC	DODGE CITY, KANSAS	DODGE CITY MUNICIPAL	UNITED STATES
DGB	DANGER BAY, ALASKA	DANGER BAY	UNITED STATES
DHN	DOTHAN, ALABAMA	DOTHAN	UNITED STATES
DIK	DICKINSON, NORTH DAKOTA	DICKINSON	UNITED STATES
DIO	DIOMEDE ISLAND, ALASKA	LITTLE DIOMEDE	UNITED STATES
DLG	DILLINGHAM, ALASKA	DILLINGHAM MUNI	UNITED STATES
DRG	DEERING, ALASKA	DEERING	UNITED STATES
DRO	DURANGO, COLORADO	LAPLATA	UNITED STATES
DRT	DEL RIO, TEXAS	DELRIO INTL	UNITED STATES
DUJ	DU BOIS, PENNSYLVANIA	JEFFERSON COUNTY	UNITED STATES
DUT	DUTCH HARBOR, ALASKA	EMERGENCYFIELD	UNITED STATES
DVL	DEVILS LAKE, NORTH DAKOTA	DEVILS LAKE MUNI	UNITED STATES
DYS	ABILENE, TEXAS	DYESS AFB	UNITED STATES
EAA	EAGLE, ALASKA	EAGLE MUNICIPAL	UNITED STATES
EAR	KEARNEY, NEBRASKA	KEARNEY MUNI	UNITED STATES
EAT	WENATCHEE, WASHINGTON	PANGBORN FIELD	UNITED STATES
EDA	EDNABAY, ALASKA	EDNABAY	UNITED STATES
EEN	KEENE, NEWHAMPSHIRE		UNITED STATES
EGX	EGEGIK, ALASKA	EGEGIK	UNITED STATES
EHM	CAPE NEWENHAM, ALASKA	CAPE NEWENHAM AFS	UNITED STATES
ELD	ELDORADO/CAMDEN, ARKANSAS	GOODWIN FIELD	UNITED STATES
ELI	ELIM, ALASKA	ELIM	UNITED STATES
ELY	ELY, NEVADA	YELLAND	UNITED STATES
EMK	EMMONAK, ALASKA	EMMONAK	UNITED STATES
ENV	WENDOVER, UTAH	WENDOVER	UNITED STATES
ESC	ESCANABA, MICHIGAN	DELTACOUNTY	UNITED STATES
ESF	ALEXANDRIA, LOUISIANA	ESLER FIELD	UNITED STATES
FFM	FERGUS FALLS, MINNESOTA	FERGUS FALLS MUNI	UNITED STATES
FKL	OILCITY/FRANKLIN, PENNSYLVANIA		UNITED STATES
FLT	FLAT, ALASKA	FLAT	UNITED STATES
FMC	FIVE MILE CAMP, ALASKA	FIVE MILE	UNITED STATES
FMN	FARMINGTON, NEW MEXICO	FARMINGTON MUNICIPAL	UNITED STATES
FNR	FUNTER BAY, ALASKA		UNITED STATES
FOD	FT. DODGE, IOWA	FORT DODGE MUNICIPAL	UNITED STATES
FOE	TOPEKA, KANSAS	FORBES AFB	UNITED STATES
FRM	FAIRMONT, MINNESOTA	FAIRMONT MUNICIPAL	UNITED STATES
FYU	FT. YUKON, ALASKA	FORT YUKON MUNICIPAL	UNITED STATES
GAL	GALENA, ALASKA	GALENA	UNITED STATES
GAM	GAMBELL, ALASKA	GAMBELL MUNICIPAL	UNITED STATES

GBD	GREAT BEND, KANSAS	GREAT BEND MUNICIPAL	UNITED STATES
GBH	GALBRAITH LAKE, ALASKA	GALBRAITH LAKE	UNITED STATES
GCC	GILLETTE, WYOMING	CAMPBELL COUNTY	UNITED STATES
GCK	GARDEN CITY, KANSAS	GARDEN CITYMUNI	UNITED STATES
GDV	GLENDIVE, MONTANA	DAWSON COMMUNITY	UNITED STATES
GFB	TOGIAK FISH, ALASKA	TOGIAK FISH	UNITED STATES
GGW	GLASGOW, MONTANA	GLASGOW INTL	UNITED STATES
GKN	GULKANA, ALASKA	GULKANA	UNITED STATES
GLD	GOODLAND, KANSAS	RENNER FIELD	UNITED STATES
GLH	GREENVILLE, MISSISSIPPI	GREENVILLE MUNICIPAL	UNITED STATES
GLV	GOLOVIN, ALASKA	GOLOVIN	UNITED STATES
GMT	GRANITE MOUNTAIN, ALASKA	GRANITE MOUNTAIN	UNITED STATES
GNU	GOODNEWS BAY, ALASKA	GOODNEWS BAY	UNITED STATES
GRI	GRAND ISLAND, NEBRASKA	GRAND ISLAND AIR PK	UNITED STATES
GST	GUSTAVUS, ALASKA	GUSTAVUS	UNITED STATES
GTR	COLUMBUS, MISSISSIPPI	GOLDEN TRIANGLE REGL	UNITED STATES
GUP	GALLUP, NEW MEXICO	SENATOR CLARKE FIELD	UNITED STATES
HAY	HAYCOCK, ALASKA	HAYCOCK	UNITED STATES
HBH	HOBART BAY, ALASKA	HOBART BAY	UNITED STATES
HCR	HOLY CROSS, ALASKA	HOLY CROSS	UNITED STATES
HDN	STEAMBOAT SPRINGS, COLORADO	YAMPAVALLEY	UNITED STATES
HGZ	HOGATZA, ALASKA	HOGATZA	UNITED STATES
HII	LAKE HAVASU CITY, ARIZONA	LAKE HAVASU CTYMUNI	UNITED STATES
HKB	HEALYLAKE, ALASKA	HEALYLAKE	UNITED STATES
HOB	HOBBS, NEW MEXICO	LEACOUNTY	UNITED STATES
HON	HURON, SOUTH DAKOTA	W W HOWES MUNICIPAL	UNITED STATES
HOT	HOT SPRINGS, ARKANSAS		UNITED STATES
HPB	HOOPER BAY, ALASKA	HOOPER BAY	UNITED STATES
HRO	HARRISON, ARKANSAS	BOONE COUNTY	UNITED STATES
HSI	HASTINGS, NEBRASKA	HASTINGS MUNICIPAL	UNITED STATES
HSL	HUSLIA, ALASKA	HUSLIA	UNITED STATES
HUS	HUGHES, ALASKA	HUGHES MUNICIPAL	UNITED STATES
HVR	HAVRE, MONTANA	HAVRE CITY-COUNTY	UNITED STATES
HYS	HAYS, KANSAS	HAYS MUNICIPAL	UNITED STATES
IAN	KIANA, ALASKA	BOB BARKER MEMORIAL	UNITED STATES
ICY	ICYBAY, ALASKA	ICYBAY	UNITED STATES
IGG	IGIUGIG, ALASKA	IGIUGIG	UNITED STATES
IGM	KINGMAN, ARIZONA	KINGMAN MUNICIPAL	UNITED STATES
IKO	NIKOLSKI, ALASKA	NIKOLSKI AFS	UNITED STATES
ILI	ILIAMNA, ALASKA	ILIAMNA	UNITED STATES
IMT	IRON MOUNTAIN/KINGSFD, MICHIGAN	FORD	UNITED STATES
INL	INTERNATIONALFALLS, MINNESOTA	FALLS INTERNATIONAL	UNITED STATES
IPL	ELCENTRO, CALIFORNIA	IMPERIALCOUNTY	UNITED STATES
IRC	CIRCLE, ALASKA	CIRCLE CITY	UNITED STATES
IRK	KIRKSVILLE, MISSOURI	KIRKSVILLE MUNICIPAL	UNITED STATES
ISL	ISABELPASS, ALASKA	ISABELPASS	UNITED STATES
ISN	WILLISTON, NORTH DAKOTA	SLOULIN FIELD INTL	UNITED STATES
IWD	IRONWOOD, MICHIGAN	GOGEBIC COUNTY	UNITED STATES
JBR	JONESBORO, ARKANSAS		UNITED STATES
JMS	JAMESTOWN, NORTH DAKOTA	JAMESTOWN MUNICIPAL	UNITED STATES
KAE	KAKE, ALASKA	KAKE	UNITED STATES
KAL	KALTAG, ALASKA	KALTAG	UNITED STATES
KBC	BIRCH CREEK, ALASKA	BIRCH CREEK	UNITED STATES
KCG	CHIGNIK FISHERIES, ALASKA	CHIGNIK FISHERIES	UNITED STATES
KCL	CHIGNIK LAGOON, ALASKA	CHIGNIK LAGOON	UNITED STATES
KCN	CHERNOFSKI, ALASKA	CHERNOFSKI HARBOR	UNITED STATES
KCQ	CHIGNIK, ALASKA	CHIGNIK	UNITED STATES
KEK	EKWOK, ALASKA	EKWOK	UNITED STATES

KFP	FALSE PASS, ALASKA	FALSE PASS	UNITED STATES
KGK	KOLIGANEK, ALASKA	NEW KOLIGANEK	UNITED STATES
KGX	GRAYLING, ALASKA	GRAYLING	UNITED STATES
KIB	IVANOFF BAY, ALASKA	IVANOF BAYSPB	UNITED STATES
KKA	KOYUK, ALASKA	KOYUK	UNITED STATES
KKB	KITOI BAY, ALASKA	KITOI BAYSPB	UNITED STATES
KKU	EKUK, ALASKA	EKUK	UNITED STATES
KLL	LEVELOCK, ALASKA	LEVELOCK	UNITED STATES
KLN	LARSEN BAY, ALASKA	LARSEN BAY SPB	UNITED STATES
KMO	MANOKOTAK, ALASKA	MANOKOTAK SPB	UNITED STATES
KMY	MOSER BAY, ALASKA	MOSER BAY	UNITED STATES
KNK	KAKHONAK, ALASKA	KAKHONAK	UNITED STATES
KNW	NEWSTUYAHOK, ALASKA	NEW STUYAHOK	UNITED STATES
KOT	KOTLIK, ALASKA	KOTLIK	UNITED STATES
KOY	OLGABAY, ALASKA	OLGABAYSPB	UNITED STATES
KOZ	OUZINKIE, ALASKA	OUZINKIE SPB	UNITED STATES
KPB	POINT BAKER, ALASKA	POINT BAKER SPB	UNITED STATES
KPC	PORT CLARENCE, ALASKA	PORT CLARENCE CGS	UNITED STATES
KPK	PARKS, ALASKA	PARKS SPB	UNITED STATES
KPN	KIPNUK, ALASKA	KIPNUK SPB	UNITED STATES
KPR	PORT WILLIAMS, ALASKA	PORTWILLIAMS SPB	UNITED STATES
KPV	PERRYVILLE, ALASKA	PERRYVILLE SPB	UNITED STATES
KPY	PORT BAILEY, ALASKA	PORT BAILEY SPB	UNITED STATES
KQA	AKUTAN, ALASKA	AKUTAN	UNITED STATES
KSM	ST. MARY'S, ALASKA	SAINT MARYS	UNITED STATES
KTS	BREVIK MISSION, ALASKA	BREVIK MISSION	UNITED STATES
KVC	KING COVE, ALASKA	KING COVE	UNITED STATES
KVL	KIVALINA, ALASKA	KIVALINA	UNITED STATES
KWK	KWIGILLINGOK, ALASKA	KWIGILLINGOK	UNITED STATES
KWP	WEST POINT, ALASKA	WEST POINT VILLAGE	UNITED STATES
KYK	KARLUK, ALASKA	KARLUK	UNITED STATES
KYU	KOYUKUK, ALASKA	KOYUKUK	UNITED STATES
KZB	ZACHAR BAY, ALASKA	ZACHAR BAY SPB	UNITED STATES
LAA	LAMAR, COLORADO	LAMAR FIELD	UNITED STATES
LAR	LARAMIE, WYOMING	GENERALBREES FIELD	UNITED STATES
LBF	NORTH PLATTE, NEBRASKA	LEE BIRD FIELD	UNITED STATES
LBL	LIBERAL, KANSAS	LIBERALMUNICIPAL	UNITED STATES
LMA	MINCHUMINA, ALASKA	MINCHUMINA	UNITED STATES
LPW	LITTLE PORT WALTER, ALASKA	LITTLE PORTWALTER	UNITED STATES
LRD	LAREDO, TEXAS	LAREDO INTL	UNITED STATES
LUR	CAPE LISBURNE, ALASKA	CAPE LISBURNE AFS	UNITED STATES
LVD	LIME VILLAGE, ALASKA	LIME VILLAGE	UNITED STATES
LWS	LEWISTON, IDAHO	NEZ PERCE COUNTY	UNITED STATES
LWT	LEWISTOWN, MONTANA	LEWISTOWN MUNICIPAL	UNITED STATES
MBL	MANISTEE, MICHIGAN		UNITED STATES
MCE	MERCED, CALIFORNIA	MERCED MUNICIPAL	UNITED STATES
MCG	MCGRATH, ALASKA	MCGRATH	UNITED STATES
MCK	MC COOK, NEBRASKA	MC COOK MUNICIPAL	UNITED STATES
MCN	MACON, GEORGIA	LEWIS B WILSON	UNITED STATES
MDH	CARBONDALE, ILLINOIS	SOUTHERN ILLINOIS	UNITED STATES
MEI	MERIDIAN, MISSISSIPPI	KEY FIELD	UNITED STATES
MHK	MANHATTAN/JCT.CTY/FT.RILEY, KANSAS	MANHATTAN MUNICIPAL	UNITED STATES
MHM	MINCHUMINA, ALASKA	MINCHUMINA	UNITED STATES
MKT	MANKATO, MINNESOTA		UNITED STATES
MLC	MC ALESTER, OKLAHOMA	MC ALESTER MUNICIPAL	UNITED STATES
MLS	MILES CITY, MONTANA	MILES CITYMUNICIPAL	UNITED STATES
MLY	MANLEY HOTSPRINGS, ALASKA	MANLEY HOTSPRINGS	UNITED STATES
MMH	MAMMOTH LAKES, CALIFORNIA	MAMMOTH LAKES	UNITED STATES

MOT	MINOT, NORTH DAKOTA	MINOT INTERNATIONAL	UNITED STATES
MOU	MOUNTAIN VILLAGE, ALASKA	MOUNTAIN VILLAGE	UNITED STATES
MQT	MARQUETTE, MICHIGAN	MARQUETTE COUNTY	UNITED STATES
MSS	MASSENA, NEWYORK	RICHARDS FIELD	UNITED STATES
MTO	MATTOON, ILLINOIS		UNITED STATES
MUE	KAMUELA, HAWAII		UNITED STATES
MVM	KAYENTA, ARIZONA	MONUMENTVALLEY	UNITED STATES
MVN	MT. VERNON, ILLINOIS		UNITED STATES
MWA	MARION, ILLINOIS	WILLIAMSON COUNTY	UNITED STATES
MWH	EPHRATA/MOSES LAKE, WASHINGTON		UNITED STATES
MXY	MCCARTHY, ALASKA	MCCARTHY	UNITED STATES
MYK	MAYCREEK, ALASKA		UNITED STATES
MYU	MEKORYUK, ALASKA	ELLIS FIELD	UNITED STATES
NIB	NIKOLAI, ALASKA	NIKOLAI	UNITED STATES
NLG	NELSON LAGOON, ALASKA	NELSON LAGOON	UNITED STATES
NME	NIGHTMUTE, ALASKA	NIGHTMUTE	UNITED STATES
NNK	NAKNEK, ALASKA	NAKNEK	UNITED STATES
NNL	NONDALTON, ALASKA	NONDALTON	UNITED STATES
NUI	NUIQSUT, ALASKA	NUIQSUT	UNITED STATES
NUL	NULATO, ALASKA	NULATO	UNITED STATES
OBU	KOBUK, ALASKA	KOBUK	UNITED STATES
OFK	NORFOLK, NEBRASKA		UNITED STATES
OGS	OGDENSBURG, NEWYORK	OGDENSBURG MUNICIPAL	UNITED STATES
OLF	WOLF POINT, MONTANA	WOLF POINT INTL	UNITED STATES
OLH	OLD HARBOR, ALASKA	OLD HARBOR SPB	UNITED STATES
OME	NOME, ALASKA	NOME	UNITED STATES
OOK	TOKSOOK, ALASKA	TOKSOOK BAY	UNITED STATES
ORH	WORCESTER, MASSACHUSETTS	WORCESTER MUNICIPAL	UNITED STATES
ORI	PORT LIONS, ALASKA	PORT LIONS SPB	UNITED STATES
ORT	NORTHWAY, ALASKA	NORTHWAY	UNITED STATES
ORV	NOORVIK, ALASKA	ROBERT CURTIS MEML	UNITED STATES
OTM	OTTUMWA, IOWA		UNITED STATES
OTZ	KOTZEBUE, ALASKA	RALPH WIEN MEMORIAL	UNITED STATES
PAH	PADUCAH, KENTUCKY	BARKLEYREGIONAL	UNITED STATES
PCA	PORTAGE CREEK, ALASKA	PORTAGE CREEK	UNITED STATES
PCE	PAINTER CREEK, ALASKA	PAINTER CREEK	UNITED STATES
PDB	PEDRO BAY, ALASKA	PEDRO BAY	UNITED STATES
PFA	PAF WARREN, ALASKA	PAF WARREN	UNITED STATES
PGA	PAGE, ARIZONA	PAGE	UNITED STATES
PGV	GREENVILLE, NORTH CAROLINA	PITT-GREENVILLE	UNITED STATES
PHO	POINT HOPE, ALASKA	POINT HOPE MUNICIPAL	UNITED STATES
PIP	PILOT POINT, ALASKA	PILOT POINT	UNITED STATES
PIR	PIERRE, SOUTH DAKOTA	PIERRE MUNICIPAL	UNITED STATES
PIZ	POINT LAY, ALASKA	POINT LA YDEW STN	UNITED STATES
PML	PORT MOLLER, ALASKA	PORT MOLLER AFS	UNITED STATES
PNC	PONCACITY, OKLAHOMA	PONCACITY MUNICIPAL	UNITED STATES
PNF	PETERSON'S POINT, ALASKA	PETERSON'S POINT	UNITED STATES
PPC	PROSPECT CREEK, ALASKA	PROSPECT CREEK	UNITED STATES
PPV	PORT PROTECTION, ALASKA	PORT PROTECTION	UNITED STATES
PQI	PRESQUE ISLE, MAINE	PRESQUE ISLE MUNI	UNITED STATES
PQS	PILOT STATION, ALASKA	PILOT STATION	UNITED STATES
PRC	PRESCOTT, ARIZONA	PRESCOTT MUN	UNITED STATES
PSG	PETERSBURG, ALASKA	PETERSBURG MUNICIPAL	UNITED STATES
PTA	PORTALSWORTH, ALASKA	PORTALSWORTH	UNITED STATES
PTD	PORTALEXANDER, ALASKA	PORTALEXANDER	UNITED STATES
PTH	PORT HEIDEN, ALASKA	PORT HEIDEN	UNITED STATES
PTL	PORTARMSTRONG, ALASKA	PORTARMSTRONG	UNITED STATES
PTU	PLATINUM, ALASKA	PLATINUM	UNITED STATES

RBH	BROOKS LODGE, ALASKA	BROOKS LODGE	UNITED STATES
RBY	RUBY, ALASKA	RUBY	UNITED STATES
RDB	RED DOG, ALASKA	RED DOG MINE	UNITED STATES
RDD	REDDING, CALIFORNIA	REDDING MUNICIPAL	UNITED STATES
RDM	REDMOND, OREGON	ROBERTS FIELD	UNITED STATES
RDV	RED DEVIL, ALASKA	RED DEVIL	UNITED STATES
RIW	RIVERTON, WYOMING	RIVERTON MUNICIPAL	UNITED STATES
RKD	ROCKLAND, MAINE	KNOX COUNTYREGIONAL	UNITED STATES
RKS	ROCK SPRINGS, WYOMING	SWEETWATER COUNTY	UNITED STATES
RMP	RAMPART, ALASKA	RAMPART	UNITED STATES
ROW	ROSWELL, NEW MEXICO	ROSWELLINDUSTRIAL	UNITED STATES
RQI	NIXON FORK MINE, ALASKA	NIXON FORK MINE	UNITED STATES
RTN	RATON, NEW MEXICO	CREWS FIELD	UNITED STATES
RUI	RUIDOSO, NEW MEXICO	RUIDOSO MUNICIPAL	UNITED STATES
RUT	RUTLAND, VERMONT	RUTLAND STATE	UNITED STATES
RWB	ROWAN BAY, ALASKA	ROWAN BAY	UNITED STATES
SBY	SALISBURY, MARYLAND	WICOMICO COUNTY	UNITED STATES
SCC	DEADHORSE, ALASKA	DEADHORSE	UNITED STATES
SCM	SCAMMON BAY, ALASKA	SCAMMON BAYSPB	UNITED STATES
SDP	SAND POINT, ALASKA	SAND POINT MUNICIPAL	UNITED STATES
SDX	SEDONA, ARIZONA	SEDONA	UNITED STATES
SDY	SIDNEY, MONTANA	RICHARD MUNICIPAL	UNITED STATES
SGU	ST. GEORGE, UTAH	ST. GEORGE MUNICIPAL	UNITED STATES
SGY	SKAGWAY, ALASKA	SKAGWAY MUNICIPAL	UNITED STATES
SHD	STAUNTON, VIRGINIA	SHENANDOAH VALLEY	UNITED STATES
SHG	SHUNGNAK, ALASKA	SHUNGNAK	UNITED STATES
SHH	SHISHMAREF, ALASKA	SHISHMAREF	UNITED STATES
SHR	SHERIDAN, WYOMING	SHERIDAN COUNTY	UNITED STATES
SHX	SHAGELUK, ALASKA	SHAGELUK	UNITED STATES
SIT	SITKA, ALASKA	SITKA	UNITED STATES
SJT	SAN ANGELO, TEXAS	MATHIS FIELD	UNITED STATES
SKK	SHAKTOOLIK, ALASKA	SHAKTOOLIK	UNITED STATES
SLN	SALINA, KANSAS	SALINAMUNICIPAL	UNITED STATES
SLQ	SLEETMUTE, ALASKA	SLEETMUTE	UNITED STATES
SMK	ST. MICHAEL, ALASKA	ST. MICHAEL	UNITED STATES
SMU	SHEEPMOUNTAIN, ALASKA	SHEEP MOUNTAIN	UNITED STATES
SNP	ST. PAULISLAND, ALASKA	SAINT PAULISLAND	UNITED STATES
SOW	SHOW LOW, ARIZONA	SHOW LOW	UNITED STATES
SPS	WICHITAFALLS, TEXAS	SHEPPARD AFB	UNITED STATES
SPW	SPENCER, IOWA	SPENCER MUNICIPAL	UNITED STATES
SQI	STERLING/ROCK FALLS, ILLINOIS		UNITED STATES
SRV	STONYRIVER, ALASKA	STONY RIVER SKYPARK	UNITED STATES
STG	ST. GEORGE, ALASKA	ST. GEORGE ISLAND	UNITED STATES
SUN	SUN VALLEY, IDAHO	FRIEDMAN MEMORIAL	UNITED STATES
SVA	SAVOONGA, ALASKA	SAVOONGA	UNITED STATES
SVC	SILVER CITY, NEW MEXICO	GRANT COUNTY	UNITED STATES
SVS	STEVENS VILLAGE, ALASKA	STEVENS VILLAGE	UNITED STATES
SVW	SPARREVOHN, ALASKA	SPARREVOHN AFS	UNITED STATES
SWD	SEWARD, ALASKA		UNITED STATES
SXP	SHELDON POINT, ALASKA	SHELDON POINT SPB	UNITED STATES
SYA	SHEMYAISLAND, ALASKA	SHEMYA AFB	UNITED STATES
SYB	SEAL BAY, ALASKA	SEAL BAY	UNITED STATES
SYD	SIDNEY, MONTANA		UNITED STATES
TAL	TANANA, ALASKA	RALPH M CALHOUN MEML	UNITED STATES
TBN	FT. LEONARD WOOD, MISSOURI	FORNEYAAF	UNITED STATES
TCL	TUSCALOOSA, ALABAMA	VAN DE GRAAF	UNITED STATES
TCT	TAKOTNA, ALASKA	TAKOTNA	UNITED STATES
TEH	TETLIN, ALASKA	TETLIN	UNITED STATES

TEX	TELLURIDE, COLORADO	TELLURIDE REGIONAL	UNITED STATES
TKI	TOKEEN, ALASKA	TOKEEN	UNITED STATES
TKJ	TOK, ALASKA	TOK	UNITED STATES
TLA	TELLER, ALASKA	TELLER	UNITED STATES
TLF	TELIDA, ALASKA	TELIDA	UNITED STATES
TLJ	TATALINE, ALASKA	TATALINAAFS	UNITED STATES
TNC	TIN CITY, ALASKA	TIN CITYAFS	UNITED STATES
TNK	TUNUNAK, ALASKA	TUNUNAK	UNITED STATES
TOG	TOGIAK, ALASKA	TOGIAK VILLAGE	UNITED STATES
TUP	TUPELO, MISSISSIPPI	C D LEMONS MUNICIPAL	UNITED STATES
TVF	THIEF RIVER FALLS, MINNESOTA	THIEF RIVER FALLS	UNITED STATES
TWA	TWIN HILLS, ALASKA	TWIN HILLS	UNITED STATES
TWF	TWIN FALLS, IDAHO	CITY COUNTY	UNITED STATES
TYR	TYLER, TEXAS	POUNDS FIELD	UNITED STATES
UGB	PILOT POINT, ALASKA	UGASHIK BAY	UNITED STATES
UGI	UGANIK, ALASKA	UGANIK	UNITED STATES
UIN	QUINCY, ILLINOIS	BALDWIN FIELD	UNITED STATES
UMT	UMIAT, ALASKA	UMIAT	UNITED STATES
UNK	UNALAKLEET, ALASKA	UNALAKLEET	UNITED STATES
UTO	UTOPIA, ALASKA	INDIAN MOUNTAIN AFS	UNITED STATES
UUK	KUPARUK, ALASKA	KUPARUK	UNITED STATES
UXR	MONUMENTVALLEY, UTAH	MONUMENT VALLEY	UNITED STATES
VAK	CHEVAK, ALASKA	CHEVAK	UNITED STATES
VCT	VICTORIA, TEXAS	COUNTY-FOSTER	UNITED STATES
VDZ	VALDEZ, ALASKA	VALDEZ MUNICIPAL	UNITED STATES
VEE	VENETIE, ALASKA	VENETIE	UNITED STATES
VEL	VERNAL, UTAH	VERNAL	UNITED STATES
VIS	VISALIA, CALIFORNIA	VISALIA MUNICIPAL	UNITED STATES
VZM	JENSSENS STRIP, ALASKA	JENSSENS STRIP	UNITED STATES
VZN	WILDMAN CREEK, ALASKA	WILDMAN CREEK	UNITED STATES
VZR	KATMAI BAY, ALASKA	KATMAI BAY	UNITED STATES
VZY	KATMAI LODGE, ALASKA	KATMAI LODGE	UNITED STATES
WAA	WALES, ALASKA	WALES	UNITED STATES
WBB	STEBBINS, ALASKA	STEBBINS	UNITED STATES
WBQ	BEAVER, ALASKA	BEAVER	UNITED STATES
WCR	CHANDALAR, ALASKA	CHANDALAR LAKE	UNITED STATES
WDG	ENID, OKLAHOMA	ENID WOODRING MUNI	UNITED STATES
WFK	FRENCHVILLE, MAINE	FRENCHVILLE	UNITED STATES
WKK	ALEKNAGIK, ALASKA	ALEKNAGIK	UNITED STATES
WLB	LABOUCHERE BAY, ALASKA	LABOUCHERE BAY	UNITED STATES
WLK	SELAWIK, ALASKA	SELAWIK	UNITED STATES
WMH	MOUNTAIN HOME, ARKANSAS	MOUNTAIN HOME MUNI	UNITED STATES
WMO	WHITE MOUNTAIN, ALASKA	WHITE MOUNTAIN	UNITED STATES
WRG	WRANGELL, ALASKA	WRANGELL SPB	UNITED STATES
WRL	WORLAND, WYOMING	WORLAND MUNICIPAL	UNITED STATES
WSN	SOUTH NAKNEK, ALASKA	SOUTH NAKNEK	UNITED STATES
WTK	NOATAK, ALASKA	NOATAK	UNITED STATES
WWP	WHALE PASS, ALASKA	WHALE PASS	UNITED STATES
WWT	NEWTOK, ALASKA	NEWTOK	UNITED STATES
WYS	WESTYELLOWSTONE, MONTANA	YELLOWSTONE	UNITED STATES
YAK	YAKUTAT, ALASKA	YAKUTAT	UNITED STATES
YKN	YANKTON, SOUTH DAKOTA	CHAN GURNEYMUNI	UNITED STATES
YUM	YUMA, ARIZONA	YUMAINTERNATIONAL	UNITED STATES
ZXF	ILLINOIS CREEK, ALASKA	ILLINOIS CREEK	UNITED STATES
ZXO	ELCAPITAN, ALASKA	ELCAPITAN PEAK	UNITED STATES

*Rev. Proc. 97-46, which was "dropped" on September 30, 1997, includes *Mitchell, South Dakota*, as one of the listed rural airports for calendar year 1997. That revenue procedure is **incorrect**. *Mitchell, South Dakota* **has been deleted** from the corrected version of rev. Proc. 97-46 that appears in this Bulletin.

.02 Where transportation involves two or more segments, at least one of which begins or ends at a rural airport and at least one of which does not, the 7.5 percent rate is applied to the rural portion of the transportation and the nonrural rate is applied to the nonrural portion. The rural portion is determined by calculating the number of great circle miles in those segments beginning or ending at rural airports and the total number of great circle miles in all segments of the transportation. The fraction formed by using the great circle miles of the rural portion as the numerator and the total great circle miles as the denominator is multiplied by the amount paid for the transportation. The result is the portion of the total amount paid that is subject to the 7.5 percent rate. The remaining portion of the total amount paid is subject to the nonrural rate. In addition, all segments not beginning or ending at rural airports are subject to the segment tax.

SECTION 5. EFFECTIVE DATE

This revenue procedure is effective for amounts paid after September 30, 1997, for transportation beginning after September 30, 1997.

DRAFTING INFORMATION

The principal author of this revenue procedure is Patrick S. Kirwan of the Office of Assistant Chief Counsel (Pass-throughs and Special Industries). For further information regarding this revenue procedure contact Mr. Kirwan at 202-622-3130 (not a toll-free call).

26 C.F.R. 601.602: Tax forms and instructions. (Also Part I, Sections 3504, 6011, 6061, 6071; 31.3504-1, 31.6011(a)-7, 31.6061-, 301.6061-1, 31.6071(a)-1.)

Rev. Proc. 97-47

Table of Contents

SECTION 1.	PURPOSE
SECTION 2.	BACKGROUND AND CHANGES
SECTION 3.	SCOPE
SECTION 4.	DEFINITIONS
SECTION 5.	APPLICATION FOR THE FORM 941 ELF PROGRAM
SECTION 6.	ACCEPTANCE IN THE FORM 941 ELF PROGRAM

SECTION 7.	ADDING AND DELETING TAXPAYERS ON THE REPORTING AGENT'S LIST
SECTION 8.	ELECTRONIC FILING OF FORM 941
SECTION 9.	ADJUSTMENTS TO FORM 941
SECTION 10.	RESPONSIBILITIES OF AN ELECTRONIC FILER
SECTION 11.	ALTERNATIVE FILING PROCEDURES
SECTION 12.	REVISION OF COMPUTER SPECIFICATIONS BY THE SERVICE
SECTION 13.	ADVERTISING STANDARDS
SECTION 14.	REASONS FOR SUSPENSION
SECTION 15.	ADMINISTRATIVE REVIEW PROCESS FOR PROPOSED SUSPENSION
SECTION 16.	EFFECT OF SUSPENSION
SECTION 17.	APPEAL OF SUSPENSION
SECTION 18.	PENALTY FOR FAILURE TO TIMELY FILE A RETURN
SECTION 19.	FILING FORMS W-4 WITH THE INTERNAL REVENUE SERVICE
SECTION 20.	FILING FORMS W-2 (COPY A) WITH THE SOCIAL SECURITY ADMINISTRATION
SECTION 21.	INTERNAL REVENUE SERVICE CONTACT
SECTION 22.	EFFECT ON OTHER DOCUMENTS
SECTION 23.	EFFECTIVE DATE
SECTION 24.	PAPERWORK REDUCTION ACT

SECTION 1. PURPOSE

This revenue procedure sets forth the requirements of the Form 941 ELF Program under which a taxpayer that is a Reporting Agent ("Agent" as defined in section 4.07 of this revenue procedure) may electronically file Form 941, Employer's Quarterly Federal Tax Return. The technical specifications for filing Form 941 electronically are published separately in Publication 1855, Technical Specifications Guide for the Electronic Filing Sys-

tem of Form 941, Employer's Quarterly Federal Tax Return. For further information, see Publication 1264, File Specifications, Process Criteria, and Record Layouts for Magnetic Tape Filing of Form 941, Employer's Quarterly Federal Tax Return. This revenue procedure amplifies, clarifies, modifies, and supersedes Rev. Proc. 96-19, 1996-1 C.B. 644.

SECTION 2. BACKGROUND

.01 Section 6011(a) of the Internal Revenue Code provides that any person liable for any tax imposed by this title, or for the collection thereof, must make a return or statement according to the forms and regulations prescribed by the Secretary. Every person required to make a return or statement must include therein the information required by such forms or regulations.

.02 Section 31.6011(a)-4 of the Employment Tax Regulations provides in general that every person required to make a return of income tax withheld from wages pursuant to § 3402 must make a return for the first calendar quarter in which the person is required to deduct and withhold such tax and for each subsequent calendar quarter until the person has filed a final return. Except as otherwise provided, Form 941 is the form prescribed for making the return.

.03 Section 31.6011(a)-7 provides that each return, together with any prescribed copies or supporting data, must be filled in and disposed of in accordance with the forms, instructions, and regulations applicable thereto. The return may be made by an agent in the name of the person required to make the return if an acceptable power of attorney is filed with the Internal Revenue Service office with which such person is required to file returns and if such a return includes all taxes required to be reported by such person on such return. Form 8655, Reporting Agent Authorization for Magnetic Tape/Electronic Filers, is an acceptable power of attorney, if prepared in accordance with the requirements set forth in Rev. Proc. 96-17, 1996-1 C.B. 633, as modified by section 22.02 of this revenue procedure.

.04 Section 31.6061-1 provides that the return may be signed for the taxpayer by an agent that is fully authorized in accordance with § 31.6011(a)-7 to make such return. An Agent may sign the Form 941 on behalf of a taxpayer that has a valid Form 8655 on file with the Service.

.05 Section 301.6061-1 of the Regulations on Procedure and Administration provides that the Secretary may prescribe in forms, instructions, or other appropriate guidance the method for signing any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations. The Service has prescribed in the electronic filing instructions to Form 941 that an electronically filed Form 941 is signed by the entry of the Electronic Filer's Personal Identification Number ("PIN").

.06 Section 31.6071(a)-1 generally provides that each return required to be made under § 31.6011(a)-1 for taxes imposed by the Federal Insurance Contributions Act, or required to be made under § 31.6011(a)-4 for withheld income taxes, must be filed on or before the last day of the first calendar month following the period for which it is made. However, under § 31.6071(a)-1 a return may be filed on or before the 10th day of the second calendar month following such period if timely deposits under § 6302(c) and the regulations thereunder have been made in full payment of such taxes due for the period.

.07 Procedures for the magnetic filing of Form 941 are in Rev. Proc. 96-18, 1996-1 C.B. 637, and the specifications are in Publication 1264.

.08 The submission of federal tax deposit ("FTD") information on magnetic tape is addressed in Rev. Proc. 89-48, 1989-2 C.B. 599. For taxpayers that are required to make FTDs by electronic funds transfer pursuant to § 6302(h), the submission of the FTD information along with the transfer of funds is addressed in Rev. Proc. 97-33, 1997-30 I.R.B. 10.

.09 This revenue procedure updates Rev. Proc. 96-19. The updates include changes in the 941 ELF Program, clarifications of prior Form 941 ELF Program statements, and additional guidance derived from other Service documents that relate to the Form 941 ELF Program. Some of the updates are:

(1) the signature provisions for an electronically filed Form 941 have been modified, amplified, and clarified to require use of a PIN instead of filing a Form 4996, Electronic/Magnetic Media Filing Transmittal for Wage and Withholding Tax Returns (sections 2.05, 4.05, 5.02, 6.06, 8.02, 10.02, 10.03, and 10.04);

(2) the definition of an Electronic Filer:

(a) is prospectively limited to Reporting Agents whose applications (received after the effective date of this revenue procedure) include an Agent's List containing 10 or more taxpayers (sections 4.02, 5.03, and 23.02); and

(b) has been expanded to include Software Developers (sections 4.02, 5.02, 5.04, 6.04, 6.05, and 10.05); and

(3) a Reporting Agent is not required to replace a previously submitted Authorization under certain circumstances (section 5.05).

SECTION 3. SCOPE

.01 The Form 941 ELF Program accepts electronically filed Forms 941 in Electronic Data Interchange ("EDI") format developed by the American National Standards Institute that meets the requirements of this revenue procedure and Publication 1855.

.02 An Electronic Filer in the Form 941 ELF Program must use asynchronous communications protocols to transmit electronic returns. See Publication 1855 for further information regarding communications and formatting requirements.

.03 The Form 941 ELF Program accepts timely current returns that are zero balance, refund, or limited balance due returns. For the current limitations on balance due returns, refer to Publication 1855. For the due dates of returns under the Form 941 ELF Program, see section 8.01 of this revenue procedure. The Form 941 ELF Program will not accept the electronic filing of the following returns:

- (1) amended returns;
 - (2) corrected returns;
 - (3) returns containing attachments;
- or
- (4) untimely returns.

A violation of any of these restrictions will cause a Processing Interruption (as defined in section 4.06 of this revenue procedure).

SECTION 4. DEFINITIONS

.01 *Authorized Signatory.* The "Authorized Signatory" is the person who is authorized to use the PIN for returns filed by an Electronic Filer under the Form 941 ELF Program or during software development testing.

.02 *Electronic Filer.* After acceptance

in the Form 941 ELF Program, as described in section 6 of this revenue procedure, a participant is referred to as an "Electronic Filer." An Electronic Filer may be:

(1) an Agent that files Forms 941 electronically; or

(2) a "Software Developer" that develops software for the purposes of (a) formatting returns according to the Service's electronic return specifications in Publication 1855; and/or (b) transmitting electronic returns directly to the Service. A Software Developer may also sell its software.

.03 *Electronic Filing Help Desk.* The Electronic Filing Help Desk ("ELF Help Desk") is responsible for the administration of the Form 941 ELF Program. See section 21 of this revenue procedure for the address and telephone number of the ELF Help Desk.

.04 *Error Rate.* The "Error Rate" is the percentage of the total volume of tax data records that are identified by the Service's computer program as containing errors (as defined in Publication 1855).

.05 *Personal Identification Number.* A Personal Identification Number ("PIN") is a number assigned by the Service to the Authorized Signatory of an Electronic Filer for purposes of signing an electronically filed Form 941.

.06 *Processing Interruption.* A "Processing Interruption" is an abnormal termination of a program run caused by the electronic data submitted by an Electronic Filer.

.07 *Reporting Agent.* A Reporting Agent ("Agent") is an accounting service, franchiser, bank, or other person that complies with Rev. Proc. 96-17, as modified by section 22.02 of this revenue procedure, and is authorized to prepare and electronically file a Form 941 for a taxpayer.

.08 *Reporting Agent Authorization.* A Reporting Agent Authorization ("Authorization") allows a taxpayer to designate an Agent. The Authorization may be submitted on Form 8655, or any other instrument that complies with Rev. Proc. 96-17, as modified by section 22.02 of this revenue procedure. An Authorization must be submitted for each taxpayer on the Reporting Agent's List.

.09 *Reporting Agent's List.* For purposes of the Form 941 ELF Program, a

Reporting Agent's List ("Agent's List") identifies all taxpayers for whom an Agent will file Forms 941 electronically. As separate Authorization must be submitted for each taxpayer on the Agent's List. The Agent's List must contain each taxpayer's employer identification number ("EIN").

.10 *User identification/password.* The user identification/password ("userid/password") consists of an identification number (userid) issued by the Service and a confidential set of characters (password) that, when used in conjunction with each other, permit an Electronic Filer access to the Form 941 ELF Program.

.11 *Validated Reporting Agent's List.* A Validated Reporting Agent's List ("Validated Agent's List") is the source of the EIN and name control to be used as an identification of each taxpayer by an Electronic Filer that is an Agent. A Validated Agent's List is a list of taxpayers and their EINs prepared by an Agent that is confirmed and assigned name controls by the Service. Once the Service returns a Validated Agent's List, the Agent must use it to fill in certain required fields (for example, the name control field) of the electronic transmission. See Publication 1855.

SECTION 5. APPLICATION FOR THE FORM 941 ELF PROGRAM

.01 A prospective Electronic Filer ("Applicant") must first submit a Letter of Application ("Application") to participate in the Form 941 ELF Program.

.02 All Applications must contain the following:

- (1) the name, address, and EIN of the Applicant;
- (2) the name, title, and telephone number of the person to contact regarding the Application;
- (3) the first tax period for which the Applicant plans to file Forms 941 electronically or to have Form 941 software available to the public;
- (4) a representation that the Applicant will comply with section 10 of this revenue procedure regarding responsibilities of an Electronic Filer;
- (5) a listing of any suspension from any of the Service's magnetic tape or electronic filing programs;
- (6) the name and title of the Authorized Signatory; and
- (7) the signature of the Applicant's Authorized Signatory for electronically

filing Forms 941 or for software development testing.

.03 An Application of an Agent must also contain the following:

- (1) the estimated volume of returns the Applicant plans to file under the Form 941 ELF Program;
 - (2) the brand name of the software translation package and the EDI version to be used;
 - (3) a statement that the Applicant will keep a copy of all the Authorizations on file at the Applicant's principal place of business for examination by the Service upon request;
 - (4) a representation that the Applicant will comply with section 3.03 of this revenue procedure regarding the types of returns accepted under the Form 941 ELF Program;
 - (5) an Agent's List containing the names of 10 or more taxpayers (except as provided in the grandfather rule in section 23.02 of this revenue procedure); and
 - (6) except as provided in section 5.05 of this revenue procedure, an Authorization made on Form 8655 with a revision date of October 1995 or later (or its equivalent) for each taxpayer included on the Agent's List. See Rev. Proc. 96-17, as modified by section 22.02 of this revenue procedure, for general instructions on preparing Form 8655. See Exhibit 1 in the APPENDIX of this revenue procedure for a sample Application to Participate in the Form 941 ELF Program as an Agent.
- .04 An Application of a Software Developer must also contain the following:
- (1) the brand name of the software translation package, or the development name if no brand name exists, and the EDI version to be used; and
 - (2) whether the software is stand-alone or interfaces with a named payroll package.
- See Exhibit 2 in the APPENDIX of this revenue procedure for a sample Application to Participate in the Form 941 ELF Program as a Software Developer.
- .05 A revised Authorization is not required to replace an Authorization made on Form 8655 with a revision date before October 1995 (or its equivalent) that was previously submitted to the Service by an Agent, provided that Authorization places no restriction on the medium for filing Form 941, and the Agent:

(1) advises its client that its Forms 941 may be filed electronically, and provides the client with the option of rejecting electronic filing as the medium for filing its Forms 941. An Agent may use the most efficient and timely method of clearly providing this notification to a client. A client's rejection of electronic filing for its Forms 941 must be submitted in writing to the Agent; and

(2) immediately removes any client from its electronic filing client base that rejects having its Forms 941 filed electronically.

.06 To allow sufficient time for the approval process, the Applicant should submit its Application by the Application due dates preceding the quarter ending dates, as follows:

<i>Application Due Date</i>	<i>For Quarter Ending</i>
December 15 (prior year)	March 31
March 15	June 30
June 15	September 30
September 15	December 31

.07 The Application must be submitted to the Service at the address provided in section 21 of this revenue procedure.

.08 An Application *may not* include a request to file Forms 941, 940, and 945 on magnetic tape or make FTD payments and submit FTD information to the Service on magnetic tape or electronically. An Applicant interested in participating in these programs should submit an Application in accordance with the following revenue procedures: Rev. Proc. 96-18 (magnetic tape filing of Forms 941, 940, and 945); Rev. Proc. 97-33 (electronic transmission of FTDs); and Rev. Proc. 89-48 (magnetic tape filing of FTD information).

SECTION 6. ACCEPTANCE IN THE FORM 941 ELF PROGRAM

.01 In the case of an Applicant that is an Agent, the Applicant will receive a Validated Agent's List within 45 days of the Service receiving the Agent's Application. Failure to use the names and EINs provided on the Validated Agent's List may delay processing.

.02 An Applicant must contact the ELF Help Desk, at the number listed in section 21 of this revenue procedure (unless instructed to use a different number), to notify the Service that the Applicant is ready

to begin the testing process. In the case of an Applicant that is an Agent, the Agent must contact the ELF Help Desk after receiving the Validated Agent's List.

.03 An Applicant must transmit an initial test electronic transmission of Form 941 ("test file") by the test file due dates preceding the corresponding quarter due dates, as follows:

<i>Initial Test File Due Date</i>	<i>For Quarter Ending</i>
April 10	March 31
July 10	June 30
October 10	September 30
January 10	December 31

To transmit subsequent test files, contact the ELF Help Desk. Transmission of a test file does not constitute the filing of a tax return. See Publication 1855 for specific testing procedures.

.04 After evaluating the test file, the Service will notify an Applicant in writing of approval or denial of electronic filing privileges. An approval remains in effect unless the Electronic Filer:

(1) that is an Agent fails to comply with the Authorization requirements of sections 5.03(6) and 5.05 of this revenue procedure;

(2) that is a Software Developer fails to comply with the requirements of section 10.05 of this revenue procedure; or

(3) is suspended from the Form 941 ELF Program. See section 16 of this revenue procedure for the effect of a suspension.

.05 The acceptance by the Service of a Software Developer as an Electronic Filer:

(1) establishes only that the test electronic transmission(s) are formatted properly and may be processed by the Service;

(2) is not an endorsement by the Service of the software or the quality of services provided by the Software Developer; and

(3) does not entitle the Software Developer to electronically file Forms 941 unless the Software Developer is also accepted in the Form 941 ELF Program as an Agent.

.06 If an Application is approved, the Service will send the Electronic Filer the following two documents:

(1) a notification of approval that will contain the userid/password, and information and procedures regarding sign-

ing onto the system for filing electronic Forms 941; and

(2) a PIN that may be used only by the Electronic Filer's Authorized Signatory named in the Application.

.07 Upon receipt of each document referenced in section 6.06 of this revenue procedure, the Electronic Filer must return the following documents to the Service:

(1) an acknowledgement signed by each employee recipient of the userid/password indicating possession of, and responsibility for, the userid/password; and

(2) an acknowledgement signed by the Electronic Filer's Authorized Signatory indicating possession of, and responsibility for, the proper use of the PIN for signing tax returns (pursuant to § 301.6061-1) filed in the Form 941 ELF Program.

See Exhibit 3 in the APPENDIX of this revenue procedure for a sample userid/password and PIN receipt.

.08 The Service will activate the userid/password and the PIN upon receiving the Electronic Filer's acknowledgements of the receipt of the two documents referenced in section 6.06 of this revenue procedure.

.09 If an Applicant's test file fails to meet the evaluation criteria, the Applicant must, within 15 days of the Service's notification of the failure, transmit a new test file or contact the ELF Help Desk to make other arrangements.

.10 If an Applicant that is an Agent is denied, or does not receive, approval for participating in the Form 941 ELF Program before the end of the tax quarter for which the Forms 941 will be filed, the Applicant should file the returns on paper Forms 941 (or on magnetic tape if the Applicant meets the requirements of Rev. Proc. 96-18).

.11 If an Applicant is denied acceptance into the Form 941 ELF Program, the Applicant may reapply for a subsequent tax quarter by resubmitting an Application and test file in accordance with sections 5 and 6 of this revenue procedure.

SECTION 7. ADDING AND DELETING TAXPAYERS BY A REPORTING AGENT

.01 After an Electronic Filer that is an Agent is notified that the application for electronic filing of Forms 941 has been

approved, the Agent may want to add and delete taxpayers from the Form 941 ELF Program.

.02 To add taxpayers, the Agent must submit the added names and EINs (Add List) and an Authorization, in accordance with sections 5.03(6) and 5.05 of this revenue procedure, for each taxpayer added to the Form 941 ELF Program. The Service must validate the Add List and return it to the Agent before the Agent can electronically file returns for these taxpayers. The Service will generally validate and mail the Add List to the Agent within 10 business days of receiving the Add List.

.03 To delete taxpayers, the Agent must submit a list of those taxpayers to be deleted (Delete List) and, if known, a short statement indicating which taxpayers will not remain in business.

SECTION 8. ELECTRONIC FILING OF FORM 941

.01 An Electronic Filer that is an Agent must ensure that an electronic Form 941 is filed on or before the due date of the return. The due dates prescribed for filing paper Forms 941 with the Service also apply to returns filed under the Form 941 ELF Program. Forms 941 are due on or before the last day of the first calendar month following the period for which the return is made. However, a return for which all tax deposits were made when due for the quarter may be filed by the 10th day of the month following the due date. In no case may one electronic transmission include returns with more than one due date.

.02 An electronically filed Form 941 is not considered filed until it has been acknowledged as accepted for processing by the Service. If an electronically filed Form 941 is transmitted on or before the due date, the return will be deemed timely filed. If an electronically filed Form 941 is initially transmitted on or shortly before the return due date and is ultimately rejected, but the Electronic Filer complies with section 8.03 of this revenue procedure, the return will be deemed timely filed.

.03 An electronic transmission that causes a Processing Interruption or that has an Error Rate exceeding 5 percent may not be accepted, and the Electronic Filer will be asked to resubmit the return(s). If the electronic transmission is

acknowledged as rejected by the Service, the Electronic Filer should correct the error(s) and retransmit the return(s) on the same calendar day. If the Electronic Filer chooses not to have the previously rejected return retransmitted, or if the return still cannot be accepted for processing, a paper Form 941 (or a Form 941 on magnetic tape if the Electronic Filer meets the requirements of Rev. Proc. 96-18) must be filed by the later of: (1) the due date of the return; or (2) within five calendar days of the rejection or notice that the return cannot be retransmitted, with an explanation of why the return is being filed after the due date. For the penalty for failure to file a timely return, see section 18 of this revenue procedure.

SECTION 9. ADJUSTMENTS TO FORM 941

Forms 941 filed under the Form 941 ELF Program must not contain adjustments other than adjustments resulting from rounding fractions of cents or from third-party sick pay for which an employer is not responsible. Returns with other adjustments must be filed on magnetic tape or on paper.

SECTION 10. RESPONSIBILITIES OF AN ELECTRONIC FILER

.01 To ensure that complete returns are accurately and efficiently filed, an Electronic Filer must comply with Publication 1855.

.02 The Electronic Filer that is an Agent must retain the following material for 4 years after the due date of the return, unless otherwise notified by the Service:

- (1) a complete copy of the electronically filed Form 941;
- (2) a copy of the Service's acknowledgement of receipt of the return; and
- (3) a copy of each Authorization.

.03 An Electronic Filer that is an Agent must:

- (1) provide the taxpayer with a copy of the taxpayer's electronically filed Form 941. This information may be provided on a replica of an official form or on an unofficial form. However, data entries on an unofficial form must refer to the line numbers on an official form;
- (2) advise the taxpayer to retain a copy of the return and any supporting material;
- (3) inform the taxpayer of the service

center that processes the taxpayer's returns;

(4) advise the taxpayer that an amended return, if needed, must be filed as a paper return and mailed to the service center identified in accordance with section 10.03(3) of this revenue procedure. See section 9 of this revenue procedure for adjustments to Forms 941; and

(5) provide the taxpayer, upon request, with the date the return was transmitted to the Service and the date the Service acknowledged receipt of the taxpayer's return.

.04 An Electronic Filer must comply with the following userid/password and PIN requirements:

(1) each authorized employee of the Electronic Filer must submit a signed receipt acknowledging receipt of the userid/password, and accepting the associated responsibilities. See Exhibit 3 in the APPENDIX of this revenue procedure for a sample userid/password receipt;

(2) the Authorized Signatory for the Electronic Filer must submit a signed receipt acknowledging possession, and accepting responsibility for proper use, of the PIN for signing and filing tax returns (or for software development testing) in the Form 941 ELF Program. See Exhibit 3 in the APPENDIX of this revenue procedure for a sample PIN receipt;

(3) the Electronic Filer is responsible for ensuring that the PIN remains the confidential information of the Electronic Filer's Authorized Signatory. If the Electronic Filer suspects that the confidentiality of the PIN and/or userid/password has been compromised, the Electronic Filer must contact the ELF Help Desk within 24 hours for instructions on how to proceed. See section 21 of this revenue procedure for Service contact information;

(4) if the Authorized Signatory for an Electronic Filer changes, the Electronic Filer must notify the Service of the name and title of the new Authorized Signatory for the electronically filed Form 941 and apply for a new PIN no later than 15 days before the filing of another return. After this notification, the Service will deactivate the current PIN and issue a new PIN to the new Authorized Signatory. The new Authorized Signatory must submit a PIN receipt as specified in section 10.04(2) of this revenue procedure in order to activate the PIN; and

(5) the Authorized Signatory for the Electronic Filer must manually enter the PIN signature for each transmission of electronically filed Forms 941.

.05 An Electronic Filer that is a Software Developer must:

(1) promptly correct any software error that may cause, or causes, an electronic return to be rejected;

(2) promptly distribute any such software correction;

(3) ensure that any software package that will be used to transmit returns from multiple Electronic Filers that are Agents has the capability of combining these returns into one Service transmission file; and

(4) not incorporate into its software a Service assigned PIN.

SECTION 11. ALTERNATIVE FILING PROCEDURES

.01 Procedures for the filing of Form 941 on magnetic tape are in Rev. Proc. 96-18 and the specifications are in Publication 1264.

.02 An Electronic Filer that is an Agent may use a Form 941 ELF Program Authorization to file a paper Form 941 under the Form 941 ELF Program under the following circumstances:

(1) the late receipt of payroll information from a taxpayer that would jeopardize the timely submission of the taxpayer's return;

(2) the amendment of returns filed under the Form 941 ELF Program;

(3) the rejection of an electronic transmission that would jeopardize the timely submission of the taxpayer's return;

(4) an authorization by the Service for an Electronic Filer to file paper Forms 941 instead of electronically filed Forms 941; or

(5) the suspension of an Agent from the Form 941 ELF Program as provided in section 16.02(3) of this revenue procedure.

.03 An Agent may prepare a paper Form 941 for the taxpayer's signature. A taxpayer's authorized representative that is not an Agent participating in the Form 941 ELF Program (including a suspended Agent) must have a valid power of attorney (usually a Form 2848, Power of Attorney and Declaration of Representative) that authorizes the representative to sign

and file a paper Form 941 on behalf of a taxpayer.

.04 Each paper Form 941 must be signed by the taxpayer, the taxpayer's authorized representative, or a participating Agent to the extent permitted under section 11.02 of this revenue procedure.

SECTION 12. REVISION OF COMPUTER SPECIFICATIONS BY THE SERVICE

.01 If Publication 1855 is revised, the Service, if necessary, will advise all current Electronic Filers to submit test files prior to filing under the new specifications. Failure to submit a test file may later result in a Processing Interruption or an Error Rate exceeding 5 percent on returns filed electronically for which an Electronic Filer may receive a notice of suspension. See section 14 of this revenue procedure concerning the reasons for suspension of electronic filing privileges.

.02 If an Electronic Filer is unable to comply with the changes in specifications, the Electronic Filer must contact the ELF Help Desk for further instructions. See section 21 of this revenue procedure.

SECTION 13. ADVERTISING STANDARDS

.01 An Electronic Filer must:

(1) comply with the advertising and solicitation provisions of 31 C.F.R. Part 10 (Treasury Department Circular No. 230). This circular prohibits the use or participation in the use of any form of public communication containing a false, fraudulent, misleading, deceptive, unduly influencing, coercive, or unfair statement or claim. In addition, advertising must not imply a special relationship with the Service, Financial Management Service ("FMS"), or the Treasury Department;

(2) adhere to all relevant federal, state, and local consumer protection laws;

(3) not use the Service's name, "Internal Revenue Service" or "IRS", within a firm's name;

(4) not use improper or misleading advertising in relation to the Form 941 ELF Program;

(5) not carry the Service, FMS, or other Treasury Seals on its advertising material;

(6) clearly state the names of all cooperating parties if advertising for a coop-

erative electronic return filing project (public/private sector);

(7) pre-record any radio or television advertisement and keep a copy of this advertisement for a period of at least 36 months from the date of the last transmission or use; and

(8) retain a copy of any actual direct mailing or fax communications, along with a list or other description of persons to whom the communication was mailed, faxed, or otherwise distributed for a period of at least 36 months from the date of the last mailing, fax, or distribution.

.02 Acceptance to participate in the Form 941 ELF Program does not imply endorsement by the Service, FMS, or the Treasury Department of the software or quality of services provided.

SECTION 14. REASONS FOR SUSPENSION

.01 The Service reserves the right to suspend an Electronic Filer from the Form 941 ELF Program for the following reasons (this list is not all-inclusive):

(1) submitting tax returns for which the Service did not receive A u t h o r i z a t i o n s ;

(2) repeatedly submitting tax returns that have an Error Rate exceeding 5 percent or that cause a Processing Interruption;

(3) submitting tax returns that have an Error Rate exceeding 5 percent or that cause a Processing Interruption after failing to submit the test file required by section 12 of this revenue procedure;

(4) failing to comply with the responsibilities of an Electronic Filer set forth in section 10 of this revenue procedure;

(5) failing to abide by the advertising standards in section 13 of this revenue procedure; or

(6) significant complaints about an Electronic Filer's performance in the Form 941 ELF Program.

.02 If the Electronic Filing Coordinator ("ELF Coordinator") informs an Electronic Filer that a certain action is a reason for suspension and the action continues, the service center director may send the Electronic Filer a notice proposing suspension of the Electronic Filer. However, a notice proposing suspension may be sent without a warning if the Electronic Filer's action indicates an inten-

tional disregard of rules. A notice proposing suspension will describe the reason(s) for the proposed suspension, and indicate the length of the suspension and the conditions that need to be met before the suspension will terminate.

.03 An Electronic Filer that is an Agent has an obligation to notify taxpayers filing through the Agent if and when that Agent is suspended from filing under the Form 941 ELF Program as provided in section 16.02(4) of this revenue procedure. The Service reserves the right to extend the period of suspension of any Agent that fails to comply with this requirement.

SECTION 15. ADMINISTRATIVE REVIEW PROCESS FOR PROPOSED SUSPENSION

.01 An Electronic Filer that receives a notice proposing suspension may request an administrative review prior to the proposed suspension taking effect.

.02 The request for an administrative review must be in writing and contain detailed reasons, with supporting documentation, for withdrawal of the proposed suspension.

.03 The written request for an administrative review and a copy of the notice proposing suspension must be delivered to the ELF Coordinator within 30 calendar days of the date on the notice proposing suspension. The ELF Coordinator will forward the written request to the National Program Analyst for Electronic Filing of Business Returns ("National Coordinator") if the service center director continues to believe that suspension is warranted.

.04 After consideration of the written request for an administrative review, the National Coordinator will either issue a suspension letter or notify the Electronic Filer in writing that the proposed suspension is withdrawn.

.05 If an Electronic Filer receives a suspension letter, the ELF Coordinator's subsequent determination of whether a reason for suspension has been corrected is not subject to review or appeal.

.06 If an Electronic Filer does not timely submit a written request for an administrative review, the service center director will issue a suspension letter.

.07 Failure to submit a written request for an administrative review within the

30-day period described in section 15.03 of this revenue procedure irrevocably terminates the Electronic Filer's right to an administrative review of the proposed suspension.

SECTION 16. EFFECT OF SUSPENSION

.01 An Electronic Filer's suspension will continue for the length of time specified in the suspension letter, or until the conditions for terminating the suspension have been met, whichever is later.

.02 In the case of an Electronic Filer that is an Agent, the following additional rules apply:

(1) if a Form 941 is due (without regard to extensions) within 60 days from the date on the suspension letter, the Agent may file the Form 941 under the Form 941 ELF Program;

(2) if a Form 941 is due (without regard to extensions) more than 60 days from the date on the suspension letter, the Agent may not file the Form 941 under the Form 941 ELF Program;

(3) if a suspended Agent has a power of attorney from a taxpayer that authorizes the Agent to sign and file Form 941, the suspended Agent will be able to sign and file a paper Form 941 for the taxpayer. See section 11.03 of this revenue procedure. Form 8655 does not authorize the filing of paper Forms 941 outside of the Form 941 ELF Program; and

(4) an Agent must provide written notification of a suspension to a taxpayer at least 45 days before the due date of the taxpayer's first return affected by the suspension. This notification must be provided even though the Agent may believe that the Agent will be able to meet the conditions for terminating the suspension before the due date.

.03 An Electronic Filer will be able to participate in the Form 941 ELF Program from which the Electronic Filer was suspended, without reapplying to the Form 941 ELF Program, after:

(1) the stated suspension period expires; and

(2) the reason(s) for suspension are corrected.

SECTION 17. APPEAL OF SUSPENSION

.01 If an Electronic Filer receives a suspension letter from the National Coordinator,

the Electronic Filer is entitled to appeal, by written protest, to the National Director of Appeals. The written protest must be sent to the National Coordinator, who will forward it to the National Director of Appeals. During the appeals process, the suspension remains in effect.

.02 The written protest must be received by the National Coordinator within 30 calendar days of the date of the suspension letter. The written protest must contain detailed reasons, with supporting documentation, for termination of the suspension.

.03 Within 15 calendar days of receipt of a written protest, the National Coordinator will forward the file on the Electronic Filer and the material described in section 17.02 of this revenue procedure to the National Director of Appeals.

.04 Failure to appeal within the 30-day period described in section 17.02 of this revenue procedure irrevocably terminates the Electronic Filer's right to appeal the suspension.

SECTION 18. PENALTY FOR A FAILURE TO TIMELY FILE A RETURN

Section 6651(a)(1) provides that for each month (or part thereof) a return is not filed when required (determined with regard to any extensions of time for filing), there is a penalty of 5 percent of the unpaid tax not to exceed 25 percent, absent reasonable cause. A taxpayer does not establish reasonable cause simply by engaging a competent Agent to file the taxpayer's return. However, if the Agent has reasonable cause under § 6651(a) for failing to timely file the taxpayer's return, the taxpayer will also have reasonable cause for that failure, and the failure-to-file penalty will be abated.

SECTION 19. FILING FORMS W-4 WITH THE INTERNAL REVENUE SERVICE

.01 An employer is required to send to the Service by the due date of the quarterly return copies of all Forms W-4, Employee's Withholding Allowance Certificates, received during the quarter from any employee still employed at the end of the quarter who claims:

(1) more than 10 withholding exemptions; or

(2) exemption from withholding and

is expected to earn more than \$200 per week.

Employers should not send other Forms W-4 unless notified by the Service in writing to do so.

.02 If an employer's Form 941 is filed under the Form 941 ELF Program, copies of required paper Forms W-4 along with a cover letter providing the employer's name, address, EIN, and the number of Forms W-4 included must be sent to the service center that would have received the employer's paper Form 941. See Publication 15, Circular E, Employer's Tax Guide, for more information on sending Forms W-4 to the Service.

.03 Required Forms W-4 information may also be filed on magnetic media (5 1/4 inch diskettes, 3 1/2 inch diskettes, or magnetic tape). See Publication 1245, Specifications for Filing Form W-4, Employee's Withholding Allowance Certificate, on Magnetic Tape, and 5 1/4- and 3 1/2-Inch Magnetic Diskettes, for more information concerning magnetic media filing of Forms W-4.

SECTION 20. FILING FORMS W-2 (COPYA) WITH THE SOCIAL SECURITY ADMINISTRATION

Forms W-2, Wage and Tax Statements, must be filed directly with the Social Security Administration on magnetic media or paper. For information on magnetic media reporting of Form W-2, contact the Social Security Administration's Regional Magnetic Media Coordinators.

SECTION 21. INTERNAL REVENUE SERVICE CONTACT

Unless otherwise instructed, all questions regarding this revenue procedure should be directed to the following address and telephone number:

Internal Revenue Service
Memphis Service Center
Electronic Filing Help Desk
P.O. Box 30309 AMF
Memphis, TN 38130
Attention: ELF Unit Stop 26

The telephone number of this office is (901) 546-2690 (not a toll-free number).

SECTION 22. EFFECT ON OTHER DOCUMENTS

.01 Rev. Proc. 96-9 is amplified, clarified, modified, and superseded.

.02 Section 6.05 of Rev. Proc. 96-17, 1996-1 C.B. 633, is modified to provide the same relief as set forth in section 5.05 of this revenue procedure (regarding an Agent not having to replace a previously submitted Authorization under certain circumstances).

SECTION 23. EFFECTIVE DATE

.01 *In general.* This revenue procedure is effective for returns due after October 20, 1997 (without regard to extensions).

.02 *Grandfather rule.* Ataxpayer or an Agent that has filed an application for acceptance in the Form 941 ELF Program on or before the effective date of this revenue procedure, may be treated as an Electronic Filer that is an Agent for purposes of this revenue procedure. The taxpayer or Agent must have been eligible to apply for acceptance in the Form 941 ELF Program under Rev. Proc. 96-19, and must comply with all the applicable provisions of this revenue procedure other than the section 5.03(5) requirement of an Agent's List containing the names of 10 or more taxpayers.

SECTION 24. PAPERWORK REDUCTION ACT

The collections of information contained in this revenue procedure have been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act (44 U.S.C. 3507) under control number 1545-1557.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

The collections of information in this revenue procedure are in sections 5, 6, 7, 8, 10, 12, and 13. This information is required by the Service to implement the Form 941 ELF Program and to enable taxpayers to file their Forms 941 electronically. The information will be used to ensure that taxpayers receive accurate and essential information regarding the filing of their electronic returns and to identify persons involved in the filing of electronic returns. The collections of information are required to retain the benefit of

participating in the Form 941 ELF Program. The likely respondents are business or other for-profit institutions, federal, state or local governments, nonprofit institutions, and small businesses or organizations.

The estimated total annual reporting and recordkeeping burden is 9,305 hours.

The estimated annual burden per respondent/recordkeeper varies from 9 hours to 47 hours, depending on individual circumstances, with an estimated average of 46.53 hours. The estimated number of respondents and recordkeepers is 200.

The estimated annual frequency of responses is on occasion.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

APPENDIX

Exhibit 1

Letter of Application to Participate in the Form 941 ELF Program as an Agent

AAAPayroll, Inc.
111 Main St.
Columbus, NY 11111
EIN XX-XXXXXXX

[Date]

Internal Revenue Service
Memphis Service Center
Electronic Filing Help Desk
P.O. Box 30309 AMF
Memphis, TN 38130
Attention: ELF Unit Stop 26

To whom it may concern:

This letter is an application to participate in the electronic filing program for Forms 941 ("Form 941 ELF Program").

I understand and agree to the following which are prerequisites for participation in the Form 941 ELF Program:

1. I will keep copies of the Form 8655, Reporting Agent Authorization for Magnetic Tape/Electronic Filers (or its equivalent) on file at my principal place of business for a period no less than required under the period of limitation for assessment for the last return filed under its authority. I will provide these Authorizations for examination by the Service upon request.
2. I will abide by the recordkeeping requirements set forth in section 10.02 of Rev. Proc. 97-47.

3. I will provide my clients documentation of filed returns as set forth in section 10.03 of Rev. Proc. 97-47.
4. I will comply with all electronic security restrictions set forth in section 10.04 of Rev. Proc. 97-47 and Publication 1855, Technical Specifications Guide for the Electronic Filing System of Form 941, Employer's Quarterly Federal Tax Return.
5. I agree to submit returns that meet the eligibility requirements set forth in section 3.03 of Rev. Proc. 97-47.

[Name, title] of [firm name] is the individual to contact concerning the userid/password. [Name] can be reached at [telephone number]. [Name] has read and understands the rules that apply to the use of the userid/password.

[Name, title] of [firm name and address] is the designated recipient of the Personal Identification Number (PIN). [Name] is authorized to administer and use the PIN as the signature of [firm name] to sign and file tax returns in the Form 941 ELF Program.

I will begin submitting returns using the Form 941 ELF Program for returns due XX quarter 19XX. I estimate that I will be submitting XXX number of returns (no fewer than 10 returns).

I expect to use [software brand name] translation software and EDI release version [number] for electronic transmissions.

I have included with this application a Reporting Agent's List and an Authorization for each taxpayer on my Reporting Agent's List.

Please contact [name, title & telephone number] to discuss this letter of application.

[Signature of Electronic
Filer's Authorized Signatory]

Attachments:

- (1) Agent's List
- (2) Authorizations for taxpayers on the Agent's List

Exhibit 2

Letter of Application to Participate in the Form 941 ELF Program as a Software Developer

AAAPay Developers
111 Main St.
Columbus, NY 11111
EIN XX-XXXXXXX

[Date]

Internal Revenue Service
Memphis Service Center
Electronic Filing Help Desk
P.O. Box 30309 AMF
Memphis, TN 38130
Attention: ELF Unit Stop 26

To whom it may concern:

This letter is an application to participate in the electronic filing program for Forms 941 ("Form 941 ELF Program").

I understand and agree to the following which is a prerequisite for participation in the Form 941 ELF Program as a software developer:

I will comply with all electronic security restrictions set forth in section 10.04 of Rev. Proc. 97-47 and

Publication 1855, Technical Specifications Guide for the Electronic Filing System of Form 941, Employer's Quarterly Federal Tax Return.

[Name, title] of [firm name] is the individual to contact concerning the userid/password. [Name] can be reached at [telephone number]. [Name] has read and understands the rules that apply to the use of the userid/password.

[Name, title] of [firm name and address] is the designated recipient of the Personal Identification Number (PIN). [Name] is authorized to administer and use the PIN as the signature of [firm name] to test software for use in filing tax returns in the Form 941 ELF Program.

I will provide software to begin submitting returns using the Form 941 ELF Program for returns due XX quarter 19XX.

I will use [name of software brand or development name] translation software and EDI release version [number] for electronic transmissions. The software package will be marketed to [reporting agents filing more than XXX returns (no fewer than 10 returns)]. The software is a [standalone or payroll package interface].

Please contact [name, title & telephone number] to discuss this letter of application.

[Signature of Software
Developer's Authorized Signatory]

Exhibit 3

PIN/UserId/Password Receipt

I, [*insert "name of Authorized Signatory, title, Electronic Filer's name and address"*] acknowledge receipt of the [*insert "userid/password" or "PIN" as appropriate*] for the Form 941 ELF Program.

I understand that I am bound by the requirements and responsibilities regarding [*insert userid/password, or "PIN" as appropriate*] as set forth in Rev. Proc. 97-47, and Publication 1855.

[Note: the following paragraph only applies to the PIN receipt] I accept and adopt the PIN as my signature for signing tax returns filed for [*insert "Electronic Filer's name"*] in the Form 941 ELF Program. I also understand that by entering the PIN, I will be declaring, under penalties of perjury, that to the best of my knowledge and belief, the tax returns being submitted electronically are true, correct, and complete.

For userid/password: [Signature of employee recipient]

For PIN: [Signature of Electronic Filer's Authorized Signatory]

NOTE: Separate receipts are required for a user identification/password and a PIN.

Part IV. Items of General Interest

Notice of Proposed Rulemaking and Notice of Public Hearing

Public Disclosure of Material Relating to Tax-Exempt Organizations

REG-246250-96

A G E N C Y: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

S U M M A R Y: This document contains proposed regulations relating to the public disclosure requirements of section 6104(e) of the Internal Revenue Code. The proposed regulations provide guidance for a tax-exempt organization required to make its application for tax exemption and annual information return available for public inspection. The proposed regulations also provide guidance for a tax-exempt organization required to comply with requests made in writing or in person from individuals who seek a copy of those documents. The proposed regulations describe how a tax-exempt organization can make those documents widely available and, therefore, not be required to provide copies in response to individual requests. The proposed regulations address the standards that apply in determining whether a tax-exempt organization is the subject of a harassment campaign and guidance on the applicable procedures to obtain relief. This document also provides notice of a public hearing.

DATES: Written comments and requests to speak (with outlines of oral comments) at the public hearing scheduled for February 4, 1998, beginning at 10 a.m. must be submitted by December 26, 1997.

ADDRESSES: Send submissions to: CC:DOM:CORP:R (REG-246250-96), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington DC 20044. Submissions may be hand-delivered between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:R (REG-246250-96), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington DC. Alternatively, taxpayers may submit comments

electronically via the Internet by selecting the "Tax Regs" option on the IRS Home Page, or by submitting comments directly to the IRS Internet site at http://www.irs.ustreas.gov/prod/tax_regs/comments.html. The public hearing will be held in the IRS Auditorium, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Michael B. Blumenfeld, (202) 622-6070; concerning submissions and the hearing, Michael Slaughter, (202) 622-7190 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collections of information contained in this notice of proposed rulemaking have been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). Comments on the collections of information should be sent to the **Office of Management and Budget**, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the **Internal Revenue Service**, Attn: IRS Reports Clearance Officer, T:FP, Washington, DC 20224. Comments on the collections of information should be received by November 25, 1997. Comments are specifically requested concerning:

Whether the proposed collections of information are necessary for the proper performance of the functions of the **Internal Revenue Service**, including whether the information will have practical utility;

The accuracy of the estimated burden associated with the proposed collections of information;

How the quality, utility, and clarity of the information to be collected may be enhanced;

How the burden of complying with the proposed collections of information may be minimized, including through the application of automated collection techniques or other forms of information technology; and

Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

The collections of information in these proposed regulations are in §§301.6104(e)-1, 301.6104(e)-2, and 301.6104(e)-3. This information is required to enable a tax-exempt organization to comply with section 6104(e) of the Internal Revenue Code. Under section 6104(e), a tax-exempt organization is required to make its application for tax exemption and its annual information returns available for public inspection. In addition, a tax-exempt organization is required to comply with requests made in writing or in person from individuals who seek a copy of those documents or, in the alternative, to make its documents widely available. The requirement that a tax-exempt organization make its application for tax exemption and annual information returns available for public inspection and comply with requests made in writing or in person from individuals who seek a copy of those documents or, in the alternative, make the documents widely available, will enable the public to obtain information about the tax-exempt organization. Under section 6104(e), a tax-exempt organization is permitted to file an application for relief from the requirement to provide copies if the organization reasonably believes it is the subject of a harassment campaign. The information a tax-exempt organization provides when filing an application for a determination that it is subject to a harassment campaign will be used by the IRS to make such determination. The collection of information is required to obtain relief from the requirement to comply with requests for copies if such requests are part of the harassment campaign. The likely respondents and/or recordkeepers are tax-exempt organizations. The burden for recordkeeping and for reporting is reflected below.

Estimated total annual recordkeeping burden: 551,000 hours.

Estimated average annual burden per recordkeeper: 30 minutes.

Estimated number of recordkeepers: 1,100,000.

Estimated total annual reporting burden: 500 hours.

Estimated average annual reporting burden per respondent: 29 minutes.

Estimated number of respondents: 1050.

Estimated annual frequency of responses: on occasion.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR part 301) relating to the section 6104(e) disclosure requirements affecting tax-exempt organizations (organizations described in sections 501(c) or (d) and exempt from taxation under section 501(a)). Section 10702 of the Omnibus Budget Reconciliation Act of 1987 (OBRA '87) added subsection (e) to section 6104 of the Internal Revenue Code (Code). Section 6104(e) requires each tax-exempt organization, including one that is a private foundation, to allow public inspection of the organization's application for recognition of tax exemption. Section 6104(e) also requires each tax-exempt organization, other than one that is a private foundation, to allow public inspection at the organization's principal office (and certain regional or district offices) of its three most recent annual information returns. Each return must be made available for a 3-year period beginning on the date the return is required to be filed or is actually filed, whichever is later. Notice 88-20 (1988-2 C.B. 454), provided tax-exempt organizations with guidance for complying with the section 6104(e) public inspection requirements.

The Taxpayer Bill of Rights 2 (TBOR2), enacted on July 30, 1996, amended section 6104(e) by adding additional requirements. As amended, section 6104(e) requires each tax-exempt organization, including one that is a private foundation, to comply with requests, made either in writing or in person, for

copies of the organization's application for recognition of tax-exempt status. Section 6104(e) also requires each tax-exempt organization, other than one that is a private foundation, to comply with requests, made either in writing or in person, for copies of the organization's three most recent annual information returns. The organization must fulfill these requests without charge, other than a reasonable fee for reproduction and mailing costs. If the request for copies is made in person, the organization must provide the requested copies immediately. If the request for copies is made in writing, the organization must provide the copies within 30 days. Section 6104(e) also provides that an organization is relieved of its obligation to provide copies upon request if, in accordance with regulations to be promulgated by the Secretary of the Treasury, (1) the organization has made the requested documents widely available or (2) the Secretary of the Treasury determines, upon application by the organization, that the organization is subject to a harassment campaign such that a waiver of the obligation to provide copies would be in the public interest.

In Notice 96-48 (1996-39 I.R.B. 8), the IRS invited comments on the changes made by TBOR2. Twenty-two comments were received and considered in the drafting of this notice of proposed rulemaking. The comments addressed a range of issues, although they made several suggestions in common. Several commentators requested that the guidance on the new disclosure requirements follow the existing guidance on the public inspection requirements provided in Notice 88-120. Several commentators also recommended that the fee charged by the IRS for copies of organization documents be used to establish a reasonable fee for an organization to charge when fulfilling requests for copies of the documents. A number of comments were received concerning the Internet. Most, but not all, of these comments urged that posting an organization's documents on the Internet be treated as making those documents widely available. Finally, several commentators asked for guidance in determining when an organization is subject to a harassment campaign, how to apply for a harassment determination, what kind of relief is available while such an applica-

tion is pending and the effect of a determination that the organization is the subject of a harassment campaign.

Explanation of Provisions

Overview

The proposed regulations provide guidance concerning the application and returns a tax-exempt organization must make available for public inspection and must supply in response to requests for copies. The proposed regulations also provide guidance on (1) the place and time for making these documents available for public inspection, (2) conditions that may be placed on requests for copies of documents, and (3) the amount, form and time of payment of any fees that may be charged. The regulations also prescribe how an organization can make its application for tax exemption and annual information returns widely available. Finally, the proposed regulations provide guidance on the standards that apply in determining whether an organization is the subject of a harassment campaign and on the applicable procedures for obtaining relief.

Material Required to be Made Available for Public Inspection and Supplied in Response to a Request for Copies

The proposed regulations specify the documents that a tax-exempt organization must make available for public inspection or supply in response to a request for copies. A tax-exempt organization, including one that is a private foundation, must make its application for tax exemption available. An application for tax exemption includes the application form (such as Form 1023 or Form 1024) and any supporting documents filed by the organization in support of its application. It also includes any letter or document issued by the IRS in connection with the application. Consistent with the guidance provided in Notice 88-120, if an organization filed its application before July 15, 1987, the proposed regulations provide that the organization is required to make available a copy of its application only if it had a copy of the application on July 15, 1987.

A tax-exempt organization, other than one that is a private foundation, must make its three most recent annual infor-

mation returns available. Generally, an annual information return includes Forms 990, 990-EZ, 990-BL, and Form 1065. It also includes all schedules and attachments filed with the IRS. An organization is not required, however, to disclose the parts of the return that identify names and addresses of contributors to the organization, nor is it required to disclose Form 990-T. The proposed regulations provide rules concerning the documents that must be made available by an organization that is recognized as tax-exempt under a group exemption letter or that files a group return pursuant to §1.6033-2(d) and Rev. Proc. 80-27, 1980-1 C.B. 677 (or any successor provision). Finally, the proposed regulations provide guidance to an individual denied inspection, or a copy, of an application or a return. In such a case, the individual may provide the IRS with a statement that describes the reason why the individual believes the denial was in violation of legal requirements.

Place and Time Documents Must Be Available for Public Inspection

The proposed regulations provide that a tax-exempt organization must make the specified documents available for public inspection at its principal, regional and district offices. The specified documents generally must be available for inspection on the day of the request during the office's normal business hours. Consistent with section 6104(e) and Notice 88-120, the proposed regulations provide that an office of an organization will be considered a regional or district office only if it has three or more paid full-time employees (or paid employees, whether part-time or full-time, whose aggregate number of paid hours per week is at least 120). The rules exclude certain sites where the organization's employees perform solely exempt function activities from being treated as a regional or district office. In addition, the proposed regulations prescribe how an organization that does not maintain a permanent office or whose office has very limited hours during certain times of the year can comply with the public inspection requirements. The proposed regulations also provide rules concerning the conditions the organization may impose on public inspections that are consistent with Notice 88-120.

Requirement to Furnish Copy to a Requester

The proposed regulations require that a tax-exempt organization accept requests for copies made in person at the same place and time that the information must be available for public inspection. They also generally require an organization to provide the copies on the day of the request. In unusual circumstances, an organization will be permitted to provide the requested copies on the next business day.

When a request is made in writing, the proposed regulations require that a tax-exempt organization furnish the copies within 30 days from the date it receives the request. If an organization, however, requires advance payment of a reasonable fee for copying and mailing, it may provide the copies within 30 days from the date it receives payment, rather than from the date of the initial request.

The proposed regulations provide guidance as to what constitutes a request, when a request is considered received, and when copies are considered provided. The proposed regulations provide that, instead of requesting a copy of an entire application for tax exemption or annual information return, individuals may request a specific part of either document. Finally, the proposed regulations permit a principal, regional, or district office of an organization to use an agent to process requests for copies.

Reasonable Fee for Providing Copies

The proposed regulations provide that the reasonable fee a tax-exempt organization is permitted to charge for copies may be no more than the fees charged by the IRS for copies of tax-exempt organization tax returns and related documents (currently \$1.00 for the first page and \$.15 for each subsequent page), plus actual postage costs. The proposed regulations permit an organization to collect payment in advance of providing the requested copies. If an organization receives a written request for copies with no payment enclosed, and the organization requires payment in advance, the organization must request payment within 7 days from the date it receives the request. Payment will be deemed to occur on the day an organization receives the cash, check (provided the check subsequently clears) or

money order. The proposed regulations require an organization to accept payment made by cash or money order, and when the request is made in writing, also accept payment made by personal check. An organization is permitted, though not required, to accept other forms of payment. To protect requesters from unexpected fees where a tax-exempt organization does not require prepayment and where a requester does not enclose prepayment with a request, an organization must receive consent from a requester before providing copies for which the fee charged for copying and postage is in excess of \$20.

Making Applications and Information Returns Widely Available

The proposed regulations provide that a tax-exempt organization is not required to comply with requests for copies if the organization has made the requested documents widely available. The proposed regulations specify that an organization can make its application for tax exemption and/or an annual information return widely available by posting the applicable document on the organization's World Wide Web page on the Internet or by having the applicable document posted on another organization's page as part of a database of similar materials. In addition, the proposed regulations provide that the Commissioner may prescribe, by revenue procedure or other guidance, other methods that an organization can use to make its application and/or its return widely available. An organization that makes its application and/or its return widely available must inform individuals who request copies how and where to obtain the requested document. The Treasury and the IRS are interested in comments on additional methods by which applications and returns could be made widely available, including the use of a clearinghouse that maintains a large inventory of documents from many organizations.

Harassment Campaigns

The proposed regulations provide guidance in determining whether a tax-exempt organization is the subject of a harassment campaign. Generally, a harassment campaign exists where an organization receives a group of requests, and the relevant facts and circumstances show that

the purpose of the group of requests was to disrupt the operations of the tax-exempt organization rather than to obtain information. The proposed regulations also contain examples that evaluate whether particular situations constitute a harassment campaign and whether an organization has a reasonable basis for believing that a request is part of the harassment campaign. For example, the IRS will not allow organizations to suspend compliance with a request for copies from a representative of the news media even though the organization believes that request is part of a harassment campaign. The proposed regulations also permit an organization to disregard requests in excess of two per month or four per year made by a single individual or sent from a single address. Finally, the proposed regulations provide procedures for requesting a determination that an organization is subject to a harassment campaign, the treatment of requests for copies while a request for a determination is pending, and the effect of such a determination.

Proposed Effective Date

These regulations are proposed to be effective beginning 60 days after publication of these regulations as final regulations.

Special Analyses

Pursuant to sections 603(a) and 605(b) of the Regulatory Flexibility Act, it is certified that the collection of information referenced in this notice of proposed rulemaking will not have a significant economic impact on a substantial number of small entities. Although a substantial number of small entities will be subject to the collection of information requirements in these regulations, the requirements will not have a significant economic impact on these entities. The average time required to maintain and disclose the information required under these regulations is estimated to be 30 minutes for each tax-exempt organization. This estimate is based on the assumption that, on average, a tax-exempt organization will receive one request per year to inspect or provide copies of its application for tax exemption and its annual information returns. Less than 0.001 percent of the tax-exempt organizations affected by these regulations will be subject to the re-

porting requirements contained in the regulations. It is estimated that annually, approximately 1,000 tax-exempt organizations will make its documents widely available by posting them on the Internet. In addition, it is estimated that annually, approximately 50 tax-exempt organizations will file an application for a determination that they are the subject of a harassment campaign such that a waiver of the obligation to provide copies of their applications for tax exemption and their annual information returns is in the public interest. The average time required to complete, assemble and file an application describing a harassment campaign is expected to be 5 hours. Because applications for a harassment campaign determination will be filed so infrequently, they will have no effect on the average time needed to comply with the requirements in these regulations. In addition, a tax-exempt organization is allowed in these regulations to charge a reasonable fee for providing copies to requesters. Therefore, it is estimated that on average it will cost tax-exempt organizations less than \$10 per year to comply with these regulations, which is not a significant economic impact.

Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (a signed original and eight (8) copies) that are submitted timely to the IRS. All comments will be available for public inspection and copying.

A public hearing has been scheduled for February 4, 1998, beginning at 10 a.m. in the IRS Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Because of access restrictions, visitors will not be admitted beyond the Internal Revenue Service Building lobby more than 15 minutes before the hearing starts.

The rules of 26 CFR 601.601(a)(3) apply to the hearing.

Persons that wish to present oral comments at the hearing must submit written

comments and an outline of the topics to be discussed and the time devoted to each topic (signed original and eight (8) copies) by December 26, 1997.

A period of 10 minutes will be allotted to each person for making comments.

An agenda showing the schedule of speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal author of these regulations is Michael B. Blumenfeld, Office of Associate Chief Counsel (Employee Benefits and Exempt Organizations), IRS. Other personnel from the IRS and Treasury Department also participated in their development.

* * * * *

Proposed Amendments to the Regulations

Accordingly, 26 CFR Part 301 is proposed to be amended as follows:

PART 301—PROCEDURE AND ADMINISTRATION

Paragraph 1. The authority citation for 26 CFR part 301 is amended by adding entries in numerical order to read as follows:

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

Section 301.6104(e)-2 also issued under 26 U.S.C. 6104(e)(3);

Section 301.6104(e)-3 also issued under 26 U.S.C. 6104(e)(3); * * *

Par. 2. Sections 301.6104(e)-0, 301.6104(e)-1, 301.6104(e)-2, and 301.6104(e)-3 are added to read as follows:

§301.6104(e)-0 Table of contents.

This section lists captions contained in §§301.6104(e)-1, 301.6104(e)-2, and 301.6104(e)-3.

§301.6104(e)-1 Public inspection and distribution of annual information returns of tax-exempt organizations (other than private foundations) and applications for tax exemption.

- (a) In general.
- (b) Definitions.
 - (1) Tax-exempt organization.
 - (2) Private foundation.
 - (3) Application for tax exemption.
- (i) In general.

- (ii) No prescribed application form.
- (iii) Exceptions.
- (4) Annual information return.
 - (i) In general.
 - (ii) Returns more than 3 years old.
- (5) Regional or district offices.
 - (i) In general.
 - (ii) Site not considered a regional or district office.
- (c) Special rules relating to public inspection.
 - (1) Permissible conditions on public inspection.
 - (2) Organizations that do not maintain permanent offices.
 - (d) Special rules relating to copies.
 - (1) Time and place for providing copies in response to requests made in person.
 - (i) In general.
 - (ii) Unusual circumstances.
 - (2) Request for copies in writing.
 - (i) In general.
 - (ii) Time and manner of fulfilling written requests.
 - (A) In general.
 - (B) Agents for providing copies.
 - (3) Request for a copy of parts of document.
 - (4) Fees for copies.
 - (i) In general.
 - (ii) Form of payment.
 - (A) Request made in person.
 - (B) Request made in writing.
 - (iii) Avoidance of unexpected fees.
 - (iv) Responding to inquiries of fees charged.
 - (e) Rules relating to documents to be provided by regional and district offices, and local and subordinate organizations.
 - (1) Documents to be provided by regional and district offices.
 - (2) Documents to be provided by local and subordinate organizations.
 - (f) Failure to comply with public inspection or copying requirements.
 - (g) Effective date.

§301.6104(e)-2 Making applications and returns widely available.

- (a) In general.
- (b) Widely available.
 - (1) In general.
 - (2) Internet posting.
 - (3) Notice requirement.
- (c) Effective date.

§301.6104(e)-3 Tax-exempt organization subject to harassment campaign.

- (a) In general.
- (b) Harassment.
- (c) Special rule for multiple requests from a single individual or address.
- (d) Harassment determination procedure.
- (e) Effect of a harassment determination.
- (f) Examples.
- (g) Effective date.

§301.6104(e)-1 Public inspection and distribution of annual information returns of tax-exempt organizations (other than private foundations) and applications for tax exemption.

(a) *In general.* Except as otherwise provided in this section, a tax-exempt organization, including one that is a private foundation, shall make its application for tax exemption (as defined in paragraph (b)(3) of this section) available for public inspection without charge at its principal, regional and district offices during regular business hours. A tax-exempt organization, other than a private foundation, shall make its annual information returns (as defined in paragraph (b)(4) of this section) available for public inspection without charge in the same offices during regular business hours. Each annual information return shall be made available for a period of three years beginning on the date the return is required to be filed (determined with regard to any extension of time for filing) or is actually filed, whichever is later. In addition, except as provided in §301.6104(e)-2 and §301.6104(e)-3, an organization shall provide a copy without charge, other than a reasonable fee for reproduction and actual postage costs, of all or any part of any application or return required to be made available for public inspection under this paragraph to any individual who makes a request for such copy in person or in writing. See paragraph (d)(4) of this section for rules relating to fees for copies.

(b) *Definitions.* For purposes of section 6104(e) and the regulations thereunder, the following definitions apply:

- (1) *Tax-exempt organization.* The term *tax-exempt organization* means any organization that is described in section 501(c) or section 501(d) and is exempt from taxation under section 501(a).
- (2) *Private foundation.* The term *private*

foundation means a private foundation as defined in section 509(a).

(3) *Application for tax exemption—(i) In general.* The term *application for tax exemption* includes any prescribed application form (such as Form 1023 or Form 1024), all documents and statements the Internal Revenue Service requires an applicant to file with the form, any statement or other supporting document submitted by an organization in support of its application, and any letter or other document issued by the Internal Revenue Service concerning the application (such as a favorable determination letter or a list of questions from the Internal Revenue Service about the application). For example, a legal brief supporting an application, or a response to questions from the Internal Revenue Service during the application process, is a supporting document.

(ii) *No prescribed application form.* If no form is prescribed for an organization's application for tax exemption, the application for tax exemption includes—

- (A) The application letter and copy of the articles of incorporation, declaration of trust, or other similar instrument that sets forth the permitted powers or activities of the organization;
- (B) The organization's bylaws or other code of regulations;
- (C) The organization's latest financial statements, as of the date the application is submitted, showing assets, liabilities, receipts and disbursements;
- (D) Statements describing the character of the organization, the purpose for which it was organized, and its actual activities;
- (E) Statements showing the sources of the organization's income and receipts and their disposition; and
- (F) Any other statements or documents the Internal Revenue Service required the organization to file with, or that the organization submitted in support of, the application letter.

(iii) *Exceptions.* The term *application for tax exemption* does not include—

- (A) Any application for tax exemption filed by an organization that has not yet been recognized, on the basis of the application, by the Internal Revenue Service as exempt from taxation for any taxable year;
- (B) Any application for tax exemption filed before July 15, 1987 unless the organization filing the application had a copy of the application on July 15, 1987; or

(C) Any material, including the material listed in §301.6104(a)–1(i) and information that the Secretary would be required to withhold from public inspection, that is not available for public inspection under section 6104.

(4) *Annual information return*—(i) *In general.* The term *annual information return* includes an exact copy of any return filed by a tax-exempt organization pursuant to section 6033. It also includes any amended return filed with the Internal Revenue Service after the date the original return is filed. The copy must include all information furnished to the Internal Revenue Service on Form 990, Return of Organization Exempt From Income Tax, or any version of Form 990 (such as Forms 990–EZ or 990–BL except Form 990–T) and Form 1065, as well as all schedules, attachments and supporting documents, except for the name or address of any contributor to the organization. For example, the annual information return includes Schedule A of Form 990 containing supplementary information on section 501(c)(3) organizations, and those parts of the return that show compensation paid to specific persons (Part VI of Form 990 and Parts I and II of Schedule A of Form 990). The term *annual information return* does not include Schedule A of Form 990–BL, Form 990–T, Exempt Organization Business Income Tax Return or Form 1120–POL, U.S. Income Tax Return For Certain Political Organizations. For purposes of this section and the regulations thereunder, an annual information return does not include the return of a private foundation. See §301.6104(d)–1 for requirements relating to public disclosure of private foundation annual returns.

(ii) *Returns more than 3 years old.* The term *annual information return* does not include any return after the expiration of 3 years from the date the return is required to be filed (including any extension of time that has been granted for filing such return) or is actually filed, whichever is later. If an organization has filed an amended return, however, the amended return must be made available for a period of 3 years beginning on the date it is filed with the Internal Revenue Service.

(5) *Regional or district offices*—(i) *In general.* A regional or district office is any office of a tax-exempt organization, other than its principal office, that has—

(A) 3 or more paid full-time employees; or

(B) Paid employees, whether part-time or full-time, whose aggregate number of paid hours a week are normally at least 120.

(ii) *Site not considered a regional or district office.* A site is not considered a regional or district office, however, if—

(A) The only services provided at the site further exempt purposes (such as day care, health care or scientific or medical research); and

(B) The site does not serve as an office for management staff, other than managers involved solely in managing the exempt function activities at the site.

(c) *Special rules relating to public inspection*—(1) *Permissible conditions on public inspection.* A tax-exempt organization may have an employee present in the room during an inspection. The organization, however, must allow the individual conducting the inspection to take notes freely during the inspection, and to photocopy the document at no charge, if the individual provides the photocopying equipment at the place of inspection.

(2) *Organizations that do not maintain permanent offices.* If a tax-exempt organization does not maintain a permanent office, the organization shall comply with the public inspection requirements of paragraph (a) of this section by making its application for tax exemption and its annual information returns, as applicable, available for inspection at a reasonable location of its choice. Such an organization shall permit public inspection within a reasonable amount of time after receiving a request for inspection (normally not more than 2 weeks) and at a reasonable time of day. At the organization's option, it may mail, within 2 weeks of receiving the request, a copy of its application for tax exemption and annual information returns to the requester in lieu of allowing an inspection. The organization may charge the requester for copying and actual postage costs only if the requester consents to the charge. An organization that has a permanent office, but has no office hours or has very limited hours during certain times of the year, shall make its documents available during those periods when office hours are limited or not available as though it were an organization without a permanent office.

(d) *Special rules relating to copies*—(1) *Time and place for providing copies in response to requests made in-person*—(i) *In general.* A tax-exempt organization shall provide copies of the documents it is required to provide under section 6104(e) in response to a request made in person at the time and place that it makes its documents available for inspection under paragraph (a) of this section. Except as provided in paragraph (d)(1)(ii) of this section, an organization shall provide such copies to a requester on the day the request is made.

(ii) *Unusual circumstances.* Where unusual circumstances exist such that fulfilling a request on the same business day places an unreasonable burden on the tax-exempt organization, the organization may provide the copies in response to a request made in person on the next business day following the day of the request. Unusual circumstances may include, but are not limited to, receipt of a volume of requests that exceeds the organization's daily capacity to make copies; requests received shortly before the end of regular business hours that require an extensive amount of copying; or requests received on a day when the organization's managerial staff is conducting special duties, such as student registration, rather than its regular administrative duties.

(iii) *Agents for providing copies.* A principal, regional or district office of a tax-exempt organization subject to the requirements of this section may retain a local agent, within reasonable proximity of the applicable office, to process in person requests for copies of its documents. An agent that receives a request for copies must provide the copies within the time and under the conditions that apply to the organization itself. For example, an agent must provide a copy to a requester on the day the agent receives the request. However, an office using such an agent that receives an in-person request for a copy must immediately provide the name, address and telephone number of the local agent to the requester. An organization that notifies an in-person requester of such an agent is not required to respond further to the requester. However, the penalty provisions of sections 6652(c)(1)–(C), 6652(c)(1)(D), and 6685 continue to apply to the tax-exempt organization if the organization's agent fails to provide

the documents as required under section 6104(e).

(2) *Request for copies in writing*—(i) *In general.* A tax-exempt organization must honor a written request for a copy of documents that the organization is required to provide under section 6104(e) if the request—

(A) Is addressed to, and delivered by mail, electronic mail, facsimile, a private delivery service as defined in section 7502(f), or in person, to the principal, regional or district office of the organization; and

(B) Sets forth the address to which the copy of the documents should be sent.

(ii) *Time and manner of fulfilling written requests*—(A) *In general.* A tax-exempt organization receiving a written request for a copy shall mail the copy of the requested documents (or the requested parts of documents) within 30 days from the date it receives the request. If a tax-exempt organization requires payment in advance, it shall provide the copies within 30 days from the date it receives payment. If an organization requiring payment in advance receives a written request without payment or an insufficient payment, the organization must, within 7 days from the date it receives the request, notify the requester of its prepayment policy and the amount due. A request or payment that is mailed shall be deemed (in the absence of evidence to the contrary) to be received by an organization 7 days after the date of the postmark. Requests transmitted to the organization by electronic mail or facsimile shall be deemed received the day the request is transmitted successfully. Copies are deemed provided on the date of the postmark or private delivery mark (or if sent by certified or registered mail, the date of registration or the date of the postmark on the sender's receipt). If an individual making a request consents, a tax-exempt organization may provide a copy of the requested document exclusively by electronic mail. In such case, the material is provided on the date the organization successfully transmits the electronic mail.

(B) *Agents for providing copies.* A tax-exempt organization subject to the requirements of this section may retain an agent to process written requests for copies of its documents. The agent shall provide the copies within the time and

under the conditions that apply to the organization itself. For example, if the organization received the request first (e.g. before the agent), the deadline for providing a copy in response to a request shall be determined in reference to when the organization received the request, not when the agent received the request. An organization that transfers a request for a copy to such an agent is not required to respond further to the request. However, if the organization's agent fails to provide the documents as required under section 6104(e), the penalty provisions of sections 6652(c)(1)(C), 6652(c)(1)(D), and 6685 continue to apply to the tax-exempt organization.

(3) *Request for a copy of parts of document.* A tax-exempt organization must fulfill a request for a copy of the organization's entire application for tax exemption or annual information return or any identifiable part, attachment or supporting paper of its application or return. A request for a copy of less than its entire application or less than its entire return must describe the information desired in sufficient detail to enable the organization to identify the desired part of the applicable document without placing an unreasonable burden upon the organization. For example, a request may be limited to those parts of an organization's annual information return that relates to the compensation of the organization's officers and managers.

(4) *Fees for copies*—(i) *In general.* A tax-exempt organization charges a reasonable fee for providing copies only if it charges no more than the per-page copying charge stated in §601.702(f)(5)(iv)(B) of this chapter (fee charged by the Internal Revenue Service for providing copies to a requester), plus no more than the actual postage costs incurred by the organization to provide the copies. An organization may require that an individual requesting copies of documents pay the fee before the documents are provided. If the organization has provided an individual making a request with notice of the fee, and the individual has not paid the fee within 30 days, or if the individual pays the fee by check and the check does not clear when deposited, the organization may disregard the request.

(ii) *Form of payment*—(A) *Request made in person.* If a tax-exempt organi-

zation charges a fee for copying as permitted under paragraph (d)(4)(i) of this section, it shall accept payment by cash and money order for requests made in person. The organization may accept other forms of payment, such as personal checks or credit cards.

(B) *Request made in writing.* If a tax-exempt organization charges a fee for copying and postage as permitted under paragraph (d)(4)(i) of this section, it shall accept payment by certified check, personal check and money order for requests made in writing. The organization may accept other forms of payment, such as credit cards.

(iii) *Avoidance of unexpected fees.* Where a tax-exempt organization does not require prepayment and a requester does not enclose prepayment with a request, an organization must receive consent from a requester before providing copies for which the fee charged for copying and postage under paragraph (d)(4)(i) of this section is in excess of \$20.

(iv) *Responding to inquiries of fees charged.* In order to facilitate a requester's ability to receive copies promptly, a tax-exempt organization shall respond to any questions from potential requesters concerning its fees for copying and postage. For example, the organization shall inform the requester of its charge for copying and mailing its application for exemption and each annual information return, with and without attachments, so that a requester may include payment with the request for copies.

(e) *Rules relating to documents to be provided by regional and district offices, and local and subordinate organizations*—(1) *Documents to be provided by regional and district offices.* A regional or district office of a tax-exempt organization must satisfy the same rules as the principal office with respect to public inspection and providing copies of its application for tax exemption and annual information returns. However, a regional or district office is not required to make its annual information return available for inspection or for providing copies until 30 days after the date the return is required to be filed (including any extension of time that is granted for filing such return) or is actually filed, whichever is later.

(2) *Documents to be provided by local and subordinate organizations.* A local

organization that does not file its own annual information return (because it is affiliated with a central organization that files a group return pursuant to §1.6033-2(d)) must make available the applicable annual information returns filed by the central organization. However, a local organization is not required to make its annual information return available for inspection or for providing copies until 30 days after the date the return is required to be filed (including any extension of time that is granted for filing such return) or is actually filed by the central organization, whichever is later. If a subordinate organization is covered by a group exemption letter, the application for tax exemption the subordinate organization must make available for public inspection and furnish in response to requests for copies is the application submitted to the Internal Revenue Service by its parent or supervisory organization to obtain the group exemption letter, as well as any additional documents submitted in order to cover the subordinate organization under the group exemption letter.

(f) *Failure to comply with public inspection or copying requirements.* If a tax-exempt organization denies an individual's request for inspection or a copy of an application for tax exemption or an annual information return as required under section 6104(e) and this section, and the individual wants to alert the Internal Revenue Service to the possible need for enforcement action, the individual may provide a statement to the Director, Exempt Organizations Division, CP:E:EO, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 that describes the reason why the individual believes the denial was in violation of the requirements of section 6104(e).

(g) *Effective date.* This section is effective beginning 60 days after its publication as a final regulation in the **Federal Register**.

§301.6104(e)-2 Making applications and returns widely available.

(a) *In general.* A tax-exempt organization is not required to comply with a request for a copy of its application for tax exemption or an annual information return pursuant to §301.6104(e)-1(a) if the organization has made the requested ap-

plication or return widely available in accordance with paragraph (b) of this section. An organization that makes its application or return widely available must nevertheless make the application or return available for public inspection as required under §301.6104(d)-1 or §301.6104(e)-1, as applicable.

(b) *Widely available*—(1) *In general.* A tax-exempt organization makes its application for tax exemption and/or an annual information return widely available if the organization uses a method specified in paragraph (b)(2) of this section or in a revenue procedure or other form of guidance issued by the Commissioner, and if the organization satisfies the requirements of paragraph (b)(3) of this section.

(2) *Internet posting.* A tax-exempt organization can make its application for tax exemption and/or an annual information return widely available by posting the application or return on a World Wide Web page that the tax-exempt organization establishes and maintains or by having the application or return posted, as part of a database of similar documents of other tax-exempt organizations, on a World Wide Web page established and maintained by another entity. In order for the application or return to be widely available through an Internet posting, the entity maintaining the World Wide Web page must have procedures for ensuring the reliability and accuracy of the application or return that it posts on the page and must take reasonable precautions to prevent alteration, destruction or accidental loss of the application or return posted on its page. Furthermore, the application or return will be considered widely available only if—

(i) it is posted in the same format used by the Internal Revenue Service to post forms and publications on the Internal Revenue Service World Wide Web page;

(ii) the World Wide Web page through which it is available clearly informs readers that the document is available and provides instructions for downloading it;

(iii) when downloaded and printed in hard copy, the application or return is in substantially the same form as the original application or return, and contains the same information provided in the original application or return filed with the Internal Revenue Service (except information

withheld pursuant to §301.6104(e)-1(b)(4)(i)(the names and addresses of contributors listed on the annual information), Schedule A of Form 990-BL and information on the application for tax exemption required to be withheld under section 6104(a)(1)(D) and §301.6104(e)-1(b)(3)(trade secrets and similar information)); and

(iv) a person can access and download the application or return without payment of a fee to the organization maintaining the World Wide Web page.

(3) *Notice requirement.* If a tax-exempt organization has made its application for tax exemption and/or an annual information return otherwise widely available it must tell any individual requesting a copy where the documents are available (including the address on the World Wide Web, if applicable). If the request is made in person, the organization shall provide such notice to the individual immediately. If the request is made in writing, the notice shall be provided within 7 days of receiving the request.

(c) *Effective date.* This section is effective beginning 60 days after its publication as a final regulation in the **Federal Register**.

§301.6104(e)-3 Tax-exempt organization subject to harassment campaign.

(a) *In general.* If the key district director for the district where the organization's principal office is located determines that the organization is the subject of a harassment campaign and compliance with the requests that are part of the harassment campaign would not be in the public interest, a tax-exempt organization is not required to fulfill a request (as otherwise required by §301.6104(e)-1(a)) for a copy that it reasonably believes is part of the campaign.

(b) *Harassment.* A group of requests for an organization's application for tax exemption or annual information returns is indicative of a harassment campaign if the requests are part of a single coordinated effort to disrupt the operations of a tax-exempt organization rather than to collect information about the organization. Whether a group of requests constitutes a harassment campaign depends on the relevant facts and circumstances. Facts and circumstances that indicate the organization is the subject of a harass-

ment campaign include: a sudden increase in the number of requests; an extraordinary number of requests made through form letters or similarly worded correspondence; evidence of a purpose to deter significantly the organization's employees or volunteers from pursuing the organization's exempt purpose; requests that contain language hostile to the organization; direct evidence of bad faith by organizers of the purported harassment campaign; evidence that the organization has already provided the requested documents to a member of the purported harassing group; and a demonstration by the tax-exempt organization that it routinely provides copies of its documents upon request.

(c) *Special rule for multiple requests from a single individual or address.* A tax-exempt organization may disregard any request for copies of all or part of any document beyond the first two received within any 30-day-period or the first four received within any one-year-period from the same individual or the same address, regardless of whether the key district director has determined that the organization is subject to a harassment campaign.

(d) *Harassment determination procedure.* A tax-exempt organization may apply for a determination that it is the subject of a harassment campaign by submitting a signed application to the key district director for the key district where the organization's principal office is located. The application shall consist of a written statement giving the organization's name, address, employer identification number, and the name, address and telephone number of the person to contact regarding the application, and describing in detail the facts and circumstances that the organization believes support a determination that the organization is subject to a harassment campaign. The organization may suspend compliance with respect to any request for a copy of its documents based on its reasonable belief that such request is part of a harassment campaign, provided that the organization files an application for a determination within 5 days from the day the organization first suspends compliance with respect to a request that is part of the alleged campaign. In addition, the organization may suspend compliance with any request it reasonably believes to be part of a harassment cam-

paign until it receives a response to its application for a harassment campaign determination.

(e) *Effect of a harassment determination.* If the appropriate key district director determines that a tax-exempt organization is the subject of a harassment campaign, such organization is not required to comply with any request for copies that it reasonably believes is part of the campaign. This determination may be subject to other terms and conditions set forth by the key district director. A person (as defined in section 6652(c)-4(C)) shall not be liable for any penalty under sections 6652(c)(1)(C), (D) or 6685 for failing to timely provide a copy of documents in response to a request covered in a request for a harassment determination if the organization fulfills the request within 30 days of receiving a determination from the key district director that the organization is not subject to a harassment campaign. Notwithstanding the preceding sentence, if the key district director further determines that the organization did not have a reasonable basis for requesting a determination that it was subject to a harassment campaign or reasonable belief that a request was part of the campaign, the person (as defined in section 6652(c)(4)(C)) remains liable for any penalties that result from not providing the copies in a timely fashion.

(f) *Examples.* The provisions of this section may be further illustrated by the following examples.

Example 1. V, a tax-exempt organization, receives an average of 25 requests per month for copies of its three most recent information returns. In the last week of May, V is mentioned in a national news magazine story that discusses information contained in V's 1996 information return. From June 1 through June 30, 1997 V receives 200 requests for a copy of its documents. Other than the sudden increase in the number of requests for copies, there is no other evidence to suggest that the requests are part of an organized campaign to disrupt V's operations. Although fulfilling the requests will place a burden on V, the facts and circumstances do not show that V is subject to a harassment campaign. Therefore, V must respond timely to each of the 200 requests it receives in June.

Example 2. Y is a tax-exempt organization that receives an average of 10 requests a month for copies of its annual information returns. From March 1, 1997 to March 31, 1997, Y receives 25 requests for copies of its documents. Fifteen of the requests come from individuals Y knows to be active members of the board of organization X. In the past X has opposed most of the positions and policies that Y advocates. None of the requesters have asked

for copies of documents from Y during the past year. Y has no other information about the requesters. Although the facts and circumstances show that some of the individuals making requests are hostile to Y, they do not show that the individuals have organized a campaign that will place enough of a burden on Y to disrupt its activities. Therefore, Y must respond to each of the 25 requests it receives in March.

Example 3. The facts are the same as in *Example 2*, except that during March 1997, Y receives 100 requests. In addition to the fifteen requests from members of organization X's board, 75 of the requests are similarly worded form letters. Y discovers that several individuals associated with X have urged the X's members and supporters, via the Internet, to submit as many requests for a copy of Y's annual information returns as they can. The message circulated on the Internet provides a form letter that can be used to make the request. Both the appeal via the Internet and the requests for copies received by Y contain hostile language. During the same year but before the 100 requests were received, Y provided copies of its annual information returns to the headquarters of X. The facts and circumstances show that the 75 form letter requests are coordinated for the purpose of disrupting Y's operations, and not to collect information that has already been provided to an association representing the requesters' interests. Thus, the fact and circumstances show that Y is the subject of an organized harassment campaign. To confirm that it may disregard the 90 requests that constitute the harassment campaign, Y must apply to the district director for a determination. Y may disregard the 90 requests while the application is pending and after the determination is received. However, it must respond within the applicable time limits to the 10 requests it received in March that were not part of the harassment campaign.

Example 4. The facts are the same as in *Example 3*, except that Y receives 5 additional requests from representatives of the news media. In the past, some of these representatives have published articles criticizing Y. Some of these articles were hostile to Y. Normally, the Internal Revenue Service will not consider a tax-exempt organization to be reasonable under paragraph (d) of this section if it disregards requests from members of the news media. There are no additional facts that demonstrate that Y could reasonably believe the requests from the news media to be part of X's harassment campaign. Thus, although Y is the subject of a harassment campaign, it must respond within the applicable time limits to the 5 requests that it received from representatives of the news media.

(g) *Effective date.* This section is effective beginning 60 days after its publication as a final regulation in the Federal Register.

Michael P. Dolan,
Acting Commissioner of
Internal Revenue.

(Filed by the Office of the Federal Register on September 25, 1997, 8:45 a.m., and published in the issue of the Federal Register for September 26, 1997, 62 F.R. 50533)

Foundations Status of Certain Organizations

Announcement 97-104

The following organizations have failed to establish or have been unable to maintain their status as public charities or as operating foundations. Accordingly, grantors and contributors may not, after this date, rely on previous rulings or designations in the Cumulative List of Organizations (Publication 78), or on the presumption arising from the filing of notices under section 508(b) of the Code. This listing does *not* indicate that the organizations have lost their status as organizations described in section 501(c)(3), eligible to receive deductible contributions.

Former Public Charities. The following organizations (which have been treated as organizations that are not private foundations described in section 509(a) of the Code) are now classified as private foundations:

Casella Houses Housing Development Fund Corporation, Bronx, NY
Center for Community Harmony, Inc., North Ferrisburg, VT
Center for Cultural Diversity, Inc., New York, NY
Center for Minority Professional Development, Inc., New York, NY
Children First, Inc., Bristol, VT
Children's Development Services, Inc., Leonia, NJ
Children's Friends for Life Foundation, Inc., Great Neck, NY
Children's Museum of the Berkshires, Inc., Pittsfield, MA
Childs Chance, Inc., East Freetown, MA
Friends of Hem Sheela Model School Corporation, Springfield, MO
Medical Education Institute Inc., Madison, WI
Pacific Basin Research Institute, Rockville, MD
Paul Hall Contemporary Dance Theatre, Inc., New Haven, CT
Pearl M. Goodwin Charitable Trust, Westbury, NY
Penfield Community Drug & Alcohol Awareness Committee, Penfield, NY
The Penobscot Center for Marine Studies, Inc., Rockland, ME
Penobscot Compact, Inc., Rockport, ME
People for People, Greenport, NY
Peruvian American Cultural Association of Connecticut, Inc., East Hartford, CT

PHDF Corp Community Management Program, Bronx, NY
Pious House of the Oratory of St. Philip Neri, Inc., Plainville, CT
Planning and Visual Education Partnership, Inc., New York, NY
Pragati, Cambridge, MA
Pride on the Hill Foundation, Inc., Medford, MA
Prime Community Development Corp., Springfield, MA
Professional Nursing Network, Kingston, NY
Project for Global Harmony, Manchester, NH
Project 40, Brooklyn, NY
Protestant Free Burial Society, Inc., Brooklyn, NY
Public Access to Sports Foundation, Inc., New York, NY
Puerto Rican Empowerment Partnership, Inc., New York, NY
P.U.M.A., Pawtucket, RI
Putnam Childrens Discovery Center, Inc., Carmel, NY
Rachel's Tears Community Improvement and Service Corp., Bronx, NY
Rainbow Recycling, Inc., Brookline, MA
Rainforest Eagle Protection Project, Incorporated, Goshen, NY
Ravena-Coeymans Youth Club, Inc., Ravena, NY
Recovering Child Foundation, Inc., Buffalo, NY
Reform Kibbutz Fund, Great Neck, NY
Refuah Health Center, Inc., Spring Valley, NY
Reveneh Cultural and Educational Fund, Inc., New York, NY
Revict Foundation for Lipid Biomedical Research, Inc., Forest Hills, NY
RGATeam Fund, Inc., Reading, MA
Rhode Island Lesbian and Gay Pride Committee, Inc., Providence, RI
Ride to Freedom, Inc., New York, NY
Rochester Friends for Fun, Inc., Rochester, MA
Ronald W. Dion Memorial Foundation, Inc., Agawam, MA
Roosevelt Island Coalition, Inc., New York, NY
The Route to Roots Corporation, New York, NY
Rozmarin, New York, NY
Russian-American Performing Arts Center, Inc., Boston, MA
Salem Lutheran Child Development Center, Inc., Bridgeport, CT

Science & Technology Advisory Council NYFoundation, Inc., New York, NY
Science Technology and Teaching, Inc., New York, NY
Seacoast Networking Support Group, Inc., Portsmouth, NH
Shakespeare Hartford, Inc., Glastonbury, CT
Shining Light Health Center, Inc., Providence, RI
Shorinji Kempo Association, Inc., New York, NY
Sikh Volunteers of North America, Pittsford, NY
Sindhi Association of North America, Inc., Floral Park, NY
Sisters of Color, Inc., Albany, NY
Solid Ground Inc., Clinton Twp, MI
Solutions to Overpopulation of Pets, Inc., Concord, NH
Sports in Schools Foundation, Inc., Long Island City, NY
Staten Island Debs AA, Staten Island, NY
Sterling Charties, Worcester, MA
Stillwater Players Among Others, Inc., Stillwater, NY
Summer Youth Festival, Inc., Cos Cob, CT
Summit Music Festival, Inc., Mount Vernon, NY
Supporting Health Services, Inc., Lawrence, MA
Supporting People in Need, New York, NY
Talented Seniors and Youth on the Move, Inc., New York, NY
Theatricows, Inc., Hinesburg, VT
Thurman Thomas Foundation, Cheektown, NY
The Training Trust, Inc., Coventry, England
Tri-Community Widowed Persons Services, Inc., Southbridge, MA
Trumbull United Soccer Club, Inc., Trumbull, CT
Turkish Broadcasting Organization, Inc., White Plains, NY
Tuttle House, Inc., Dorchester, MA
Union Bridge Films, Inc., New York, NY
United Parents of Buffalo, Buffalo, NY
Urban Logic, Inc., New York, NY
U.S. Brownsville II HDFC, Brooklyn, NY
Vatican Museums Foundation, New York, NY
Veterans Park Restoration Committee, Inc., South Boston, MA
Victory Lake Nursing Center, Inc., Hyde

Park, NY
 Voices, Inc., Plainville, MA
 Walworth Food Pantry, Walworth, NY
 Warriors, Inc., New York, NY
 Washington Library Association,
 Washington, ME
 Waterbury Community Access
 Television, Inc., Waterbury, CT
 Watermark Theater, Inc., Broomall, PA
 Weare Youth Organization, Weare, NH
 West Broadway Homeowners
 Association, Providence, RI
 Westerly Youth Soccer Association, Inc.,
 Westerly, RI
 Western New York Consortium, Buffalo,
 NY
 Weston Community Center Foundation,
 Inc., Weston, CT
 Where Do I Go From Here, Orange, MA
 Williamstown Public Library Foundation,
 Inc., Williamstown, MA
 Woodchuck Theatre Company, Inc.,
 Waterbury, VT
 Woodstock Actors Theater, Inc.,
 Kingston, NY
 World Joint Federation Cadet Corps of
 America, Inc., Bronx, NY
 Zane Foundation, Inc., Branford, CT
 Zichron Yehuda Foundation, Inc.,
 Brooklyn, NY
 If an organization listed above submits
 information that warrants the renewal of its
 classification as a public charity or as a pri-

vate operating foundation, the Internal
 Revenue Service will issue a ruling or de-
 termination letter with the revised classifi-
 cation as to foundation status. Grantors and
 contributors may thereafter rely upon such
 ruling or determination letter as provided
 in section 1.509(a)-7 of the Income Tax
 Regulations. It is not the practice of the
 Service to announce such revised classifi-
 cation of foundation status in the Internal
 Revenue Bulletin.

Deletions From Cumulative List
 of Organizations Contributions
 to Which Are Deductible Under
 Section 170 of the Code
 Announcement 97-105

The names of organizations that no
 longer qualify as organizations described
 in section 170(c)(2) of the Internal Rev-
 enue Code of 1986 are listed below.

Generally, the Service will not disallow
 deductions for contributions made to a
 listed organization on or before the date
 of announcement in the Internal Revenue
 Bulletin that an organization no longer
 qualifies. However, the Service is not
 precluded from disallowing a deduction
 for any contributions made after an orga-
 nization ceases to qualify under section
 170(c)(2) if the organization has not

timely filed a suit for declaratory judg-
 ment under section 7428 and if the con-
 tributor (1) had knowledge of the revoca-
 tion of the ruling or determination letter,
 (2) was aware that such revocation was
 imminent, or (3) was in part responsible
 for or was aware of the activities or omis-
 sions of the organization that brought
 about this revocation.

If on the other hand a suit for declara-
 tory judgment has been timely filed, con-
 tributions from individuals and organiza-
 tions described in section 170(c)(2) that
 are otherwise allowable will continue to
 be deductible. Protection under section
 7428(c) would begin on October 20,
 1997, and would end on the date the court
 first determines that the organization is
 not described in section 170(c)(2) as more
 particularly set forth in section 7428(c)-
 (1). For individual contributors, the maxi-
 mum deduction protected is \$1,000, with
 a husband and wife treated as one contrib-
 utor. This benefit is not extended to any
 individual who was responsible, in whole
 or in part, for the acts or omissions of the
 organization that were the basis for revo-
 cation.

Tri-City American Legion Post 513
 New Brighton, MN

Wesleyan Foundation of South Dakota
 Rapid City, SD

Announcement of the Expedited Suspension of Attorneys, Certified Public Accountants, Enrolled Agents, and Enrolled Actuaries From Practice Before the Internal Revenue Service

Under title 31 of the Code of Federal Regulations, section 10.76, the Director of Practice is authorized to immediately suspend from practice before the Internal Revenue Service any practitioner who, within five years, from the date the expedited proceeding is instituted, (1) has had a license to practice as an attorney, certified public accountant, or actuary suspended or revoked for cause; or (2) has been convicted of any crime under title 26 of the United States Code or, of a felony under title 18 of the United States Code involving dishonesty or breach of trust.

Attorneys, certified public accountants, enrolled agents, and enrolled actuaries are

prohibited in any Internal Revenue Service matter from directly or indirectly employing, accepting assistance from, being employed by, or sharing fees with, any practitioner disbarred or suspended from practice before the Internal Revenue Service.

To enable attorneys, certified public accountants, enrolled agents, and enrolled actuaries to identify practitioners under expedited suspension from practice before the Internal Revenue Service, the Director of Practice will announce in the Internal Revenue Bulletin the names and addresses of practitioners who have been suspended from such practice, their designation as attorney, certified public accountant, en-

rolled agent, or enrolled actuary, and date or period of suspension. This announcement will appear in the weekly Bulletin at the earliest practicable date after such action and will continue to appear in the weekly Bulletins for five successive weeks or for as many weeks as is practicable for each attorney, certified public accountant, enrolled agent, or enrolled actuary so suspended and will be consolidated and published in the Cumulative Bulletin.

The following individuals have been placed under suspension from practice before the Internal Revenue Service by virtue of the expedited proceeding provisions of the applicable regulations:

Name	Address	Designation	Date of Suspension
Booker, William G.	Winston-Salem, NC	CPA	Indefinite from June 12, 1997
Acevado, Gustavo	Laredo, TX	Attorney	Indefinite from July 23, 1997
Piotti, Wayne H.	Homer, NY	CPA	Indefinite from July 23, 1997
Burley, Franklin R.	Monroe, LA	CPA	Indefinite from July 23, 1997
Kent, William F.	Winston-Salem, NC	CPA	Indefinite from July 23, 1997
Levine, Jack	Phoenix, AZ	Attorney	Indefinite from July 23, 1997
Kapral, Stephen M.	Richmond, VA	Attorney	Indefinite from July 23, 1997
Bell, Abraham E.	St. Louis, MO	CPA	Indefinite from July 30, 1997
Jackson, Paul	Burley, ID	CPA	Indefinite from September 11, 1997
Clay, Henry	New York, NY	Attorney	Indefinite from September 11, 1997
Cooley, Donald	Springfield, MO	Attorney	Indefinite from September 11, 1997
Duke, Charla R.	Oakland, CA	Attorney	Indefinite from September 11, 1997
Devins, George	Munsey Park, NY	CPA	Indefinite from September 11, 1997
Williams, Ronald A.	Doylestown, PA	Enrolled Agent	Indefinite from September 11, 1997

Announcement of the Consent Voluntary Suspension of Attorneys, Certified Public Accountants, Enrolled Agents, and Enrolled Actuaries From Practice Before the Internal Revenue Service

Under 31 Code of Federal Regulations, Part 10, an attorney, certified public accountant, enrolled agent, or enrolled actuary, in order to avoid the institution or conclusion of a proceeding for his disbarment or suspension from practice before the Internal Revenue Service, may offer his consent to suspension from such practice. The Director of Practice, in his discretion, may suspend an attorney, certi-

fied public accountant, enrolled agent, or enrolled actuary in accordance with the consent offered.

Attorneys, certified public accountants, enrolled agents, and enrolled actuaries are prohibited in any Internal Revenue Service matter from directly or indirectly employing, accepting assistance from, being employed by, or sharing fees with, any practitioner disbarred or suspended from

practice before the Internal Revenue Service.

To enable attorneys, certified public accountants, enrolled agents, and enrolled actuaries to identify practitioners under consent suspension from practice before the Internal Revenue Service, the Director of Practice will announce in the Internal Revenue Bulletin the names and addresses of practitioners who have been

suspended from such practice, their designation as attorney, certified public accountant, enrolled agent, or enrolled actuary, and date or period of suspension. This announcement will appear in the weekly Bulletin at the earliest practicable date

after such action and will continue to appear in the weekly Bulletins for five successive weeks or for as many weeks as is practicable for each attorney, certified public accountant, enrolled agent, or enrolled actuary so suspended and will be

consolidated and published in the Cumulative Bulletin.

The following individuals have been placed under consent suspension from practice before the Internal Revenue Service:

Name	Address	Designation	Date of Suspension
Weksler, Mark R.	Arlington Heights, IL	CPA	June 16, 1997 to June 15, 2000
Womble, Bill R.	Dallas, TX	Attorney	Indefinite from June 19, 1997
Robinson II, Vaughn	Midland, TX	CPA	Indefinite from June 19, 1997
Kim, Kwang W.	Schaumburg, IL	CPA	June 30, 1997 to December 29, 1997
Tymas, George M.	Russellton, PA	CPA	July 1, 1997 to February 28, 1999
Rattet, Robert L.	New Rochelle, NY	Attorney	July 26, 1997 to June 25, 1998
Noles, R. Leon	N. Little Rock, AR	CPA	July 30, 1997 to October 29, 1997
Harbin, Glenn E.	Bakersfield, CA	CPA	July 31, 1997 to December 30, 1998
Harms, John G.	Lemont, PA	CPA	August 1, 1997 to November 30, 1997
Lewis, Craig S.	Savannah, GA	CPA	August 1, 1997 to July 31, 1998
Terranova, Michael P.	Lake Charles, LA	CPA	August 7, 1997 to May 6, 1998
Frantz, Barbara A.	Pontiac, IL	Attorney	August 8, 1997 to July 31, 1999
Smith, Glen L.	Edina, MN	Attorney	August 9, 1997 to November 8, 1997
Bayus Sr., Gerald A.	Hubbard, OH	CPA	August 11, 1997 to July 10, 1998
Winton, D. Michael	Clovis, NM	Enrolled Agent	August 15, 1997 to November 14, 1997
McNabb, Gerald	White Bear, MN	Attorney	August 22, 1997 to January 21, 2000
Ness, Stanley L.	Minneapolis, MN	CPA	August 25, 1997 to February 24, 1998
Culmer, Thomas A.	Devils Lake, ND	CPA	September 1, 1997 to November 30, 1997
Ziskind, Sherman	Dunlevy, PA	CPA	September 1, 1997 to February 28, 1999
Huston, James L.	Kingman, AZ	CPA	September 1, 1997 to December 31, 1997
Fulthorpe, Douglas R.	St. Petersburg, FL	CPA	September 1, 1997 to August 30, 1998
Suszko, Richard J.	La Mesa, CA	Enrolled Agent	September 1, 1997 to August 31, 1999
Bromagen, Kent E.	Dayton, OH	CPA	September 1, 1997 to February 28, 2000
Shawhan, David W.	Xenia, OH	CPA	September 1, 1997 to August 31, 1999
Kennedy Jr., Joseph	Santa Barbara, CA	Enrolled Agent	September 1, 1997 to May 31, 1998
Brummet, Richard E.	Hinsdale, IL	CPA	September 3, 1997 to January 2, 1998
Pollard, E. Dwain	Idabell, OK	CPA	September 4, 1997 to August 3, 1999
Tamminga, Roland R.	Belmont, NH	Attorney	September 5, 1997 to December 4, 1997
Ayala, Simon	Oxnard, CA	Enrolled Agent	Indefinite from September 19, 1997
Balmer, Alan J.	Fairfield, IA	CPA	September 30, 1997 to August 29, 1999
Fox, Eugene	Rockville Centre, NY	CPA	October 1, 1997 to March 31, 1998
Sanford, Paul L.	Avon, CT	CPA	November 1, 1997 to July 31, 1997
Glemann, Richard P.	Jacksonville Beach, FL	CPA	November 1, 1997 to October 31, 1999
Rubey, Patrick J.	Chicago, IL	CPA	November 1, 1997 to January 31, 1999
Coverdale Jr., Alphonso	Philadelphia, PA	Enrolled Agent	December 1, 1997 to November 30, 2000

Announcement of the Suspension of Attorneys, Certified Public Accountants, Enrolled Agents, and Enrolled Actuaries From Practice Before the Internal Revenue Service

Under Section 330, Title 31 of the United States Code, the Secretary of the Treasury, after due notice and opportunity for hearing, is authorized to suspend or disbar from practice before the Internal Revenue Service any person who has violated the rules and regulations governing the recognition of attorneys, certified public accountants, enrolled agents, or enrolled actuaries to practice before the Internal Revenue Service.

Attorneys, certified public accountants, enrolled agents, and enrolled actuaries are prohibited in any Internal Revenue Service matter from directly or indirectly employ-

ing, accepting assistance from, being employed by, or sharing fees with, any practitioner disbarred or under suspension from practice before the Internal Revenue Service.

To enable attorneys, certified public accountants, enrolled agents, and enrolled actuaries to identify such disbarred or suspended practitioners, the Director of Practice will announce in the Internal Revenue Bulletin the names and addresses of practitioners who have been disbarred or suspended from such practice, their designation as attorney, certified public account-

ant, enrolled agent, or enrolled actuary, and date of disbarment or period of suspension. This announcement will appear in the weekly Bulletin for five successive weeks or for as many weeks as is practicable for each attorney, certified public accountant, enrolled agent, or enrolled actuary so suspended and will be consolidated and published in the Cumulative Bulletin.

After due notice and opportunity for hearing before an administrative law judge, the following individuals have been suspended from further practice before the Internal Revenue Service:

Name	Address	Designation	Date of Suspension
Makos, Deborah	Green Bay, WI	Enrolled Agent	June 20, 1997 to May 19, 2000
Friberg, John P.	Milwaukee, WI	CPA	July 20, 1997 to June 19, 2001

Announcement of the Disbarment of Attorneys, Certified Public Accountants, Enrolled Agents, and Enrolled Actuaries From Practice Before the Internal Revenue Service

Under Section 330, Title 31 of the United States Code, the Secretary of the Treasury, after due notice and opportunity for hearing, is authorized to suspend or disbar from practice before the Internal Revenue Service any person who has violated the rules and regulations governing the recognition of attorneys, certified public accountants, enrolled agents, or enrolled actuaries to practice before the Internal Revenue Service.

Attorneys, certified public accountants, enrolled agents, and enrolled actuaries are prohibited in any Internal Revenue Service matter from directly or indirectly employ-

ing, accepting assistance from, being employed by, or sharing fees with, any practitioner disbarred or under suspension from practice before the Internal Revenue Service.

To enable attorneys, certified public accountants, enrolled agents, and enrolled actuaries to identify such disbarred or suspended practitioners, the Director of Practice will announce in the Internal Revenue Bulletin the names and addresses of practitioners who have been disbarred or suspended from such practice, their designation as attorney, certified public account-

ant, enrolled agent, or enrolled actuary, and the date of disbarment or period of suspension. This announcement will appear in the weekly Bulletin for five successive weeks or for as many weeks as is practicable for each attorney, certified public accountant, enrolled agent, or enrolled actuary so suspended and will be consolidated and published in the Cumulative Bulletin.

After due notice and opportunity for hearing before an administrative law judge, the following individuals have been disbarred from further practice before the Internal Revenue Service:

Name	Address	Designation	Effective Date
Hoyt III, Walter J.	Burns, OR	Enrolled Agent	July 13, 1997
Lu, John S.	New York, NY	Enrolled Agent	July 21, 1997
McCue, William T.	Glen Rock, NJ	Attorney	July 21, 1997
Foster, Dennis S.	Pittsburgh, PA	CPA	September 8, 1997

Definition of Terms

Revenue rulings and revenue procedure (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 ap-

plies 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 law 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 the 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 Contribution 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.—Statements 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 1997–27 through 1997–41

Announcements:

97–61, 1997–29 I.R.B. 13
97–67, 1997–27 I.R.B. 37
97–68, 1997–28 I.R.B. 13
97–69, 1997–28 I.R.B. 13
97–70, 1997–29 I.R.B. 14
97–71, 1997–29 I.R.B. 15
97–72, 1997–29 I.R.B. 15
97–73, 1997–30 I.R.B. 86
97–74, 1997–31 I.R.B. 16
97–75, 1997–32 I.R.B. 28
97–76, 1997–32 I.R.B. 28
97–77, 1997–33 I.R.B. 58
97–78, 1997–34 I.R.B. 11
97–79, 1997–35 I.R.B. 8
97–80, 1997–34 I.R.B. 12
97–81, 1997–34 I.R.B. 12
97–82, 1997–34 I.R.B. 12
97–83, 1997–34 I.R.B. 13
97–84, 1997–34 I.R.B. 13
97–85, 1997–35 I.R.B. 8
97–86, 1997–35 I.R.B. 9
97–87, 1997–35 I.R.B. 9
97–88, 1997–35 I.R.B. 9
97–89, 1997–36 I.R.B. 10
97–90, 1997–36 I.R.B. 10
97–91, 1997–37 I.R.B. 25
97–92, 1997–37 I.R.B. 26
97–93, 1997–36 I.R.B. 11
97–94, 1997–36 I.R.B. 12
97–95, 1997–36 I.R.B. 12
97–96, 1997–39 I.R.B. 15
97–97, 1997–38 I.R.B. 22
97–98, 1997–39 I.R.B. 15
97–99, 1997–40 I.R.B. 7
97–100, 1997–40 I.R.B. 8
97–101, 1997–41 I.R.B. 13
97–102, 1997–41 I.R.B. 15
97–103, 1997–41 I.R.B. 16

Court Decisions:

2061, 1997–31 I.R.B. 5
2062, 1997–32 I.R.B. 8

Delegation Orders:

97 (Rev. 34), 1997–41 I.R.B. 14
172 (Rev. 5), 1997–28 I.R.B. 6

Notices:

97–37, 1997–27 I.R.B. 4
97–38, 1997–27 I.R.B. 8
97–39, 1997–27 I.R.B. 8
97–40, 1997–28 I.R.B. 6
97–41, 1997–28 I.R.B. 6
97–42, 1997–29 I.R.B. 12
97–43, 1997–30 I.R.B. 9
97–44, 1997–31 I.R.B. 15
97–45, 1997–33 I.R.B. 7
97–46, 1997–34 I.R.B. 10
97–47, 1997–35 I.R.B. 5
97–48, 1997–35 I.R.B. 5
97–49, 1997–36 I.R.B. 8
97–50, 1997–37 I.R.B. 21
97–51, 1997–38 I.R.B. 20
97–52, 1997–38 I.R.B. 20
97–53, 1997–40 I.R.B. 6

Notices—Continued

97–54, 1997–41 I.R.B. 7
97–55, 1997–40 I.R.B. 6

Railroad Retirement Quarterly Rate:

1997–28 I.R.B. 5

Proposed Regulations:

REG–104893–97, 1997–29 I.R.B. 13
REG–105160–97, 1997–37 I.R.B. 22
REG–106043–97, 1997–37 I.R.B. 24
REG–107644–97, 1997–32 I.R.B. 24
REG–208151–91, 1997–38 I.R.B. 21

Revenue Procedures:

97–32, 1997–27 I.R.B. 9
97–32A, 1997–34 I.R.B. 10
97–33, 1997–30 I.R.B. 10
97–34, 1997–30 I.R.B. 14
97–35, 1997–33 I.R.B. 11
97–36, 1997–33 I.R.B. 14
97–37, 1997–33 I.R.B. 18
97–38, 1997–33 I.R.B. 43
97–39, 1997–33 I.R.B. 48
97–40, 1997–33 I.R.B. 50
97–41, 1997–33 I.R.B. 5
97–42, 1997–33 I.R.B. 57
97–43, 1997–39 I.R.B. 12
97–44, 1997–41 I.R.B. 8
97–45, 1997–41 I.R.B. 10

Revenue Rulings:

97–27, 1997–27 I.R.B. 4
97–28, 1997–28 I.R.B. 4
97–29, 1997–28 I.R.B. 4
97–30, 1997–31 I.R.B. 12
97–31, 1997–32 I.R.B. 4
97–32, 1997–33 I.R.B. 4
97–33, 1997–34 I.R.B. 4
97–34, 1997–34 I.R.B. 14
97–35, 1997–35 I.R.B. 4
97–36, 1997–36 I.R.B. 5
97–37, 1997–37 I.R.B. 15
97–38, 1997–38 I.R.B. 14
97–39, 1997–39 I.R.B. 4
97–40, 1997–39 I.R.B. 8
97–41, 1997–40 I.R.B. 4
97–42, 1997–41 I.R.B. 4

Treasury Decisions:

8722, 1997–29 I.R.B. 4
8723, 1997–30 I.R.B. 4
8724, 1997–36 I.R.B. 4
8725, 1997–37 I.R.B. 16
8726, 1997–34 I.R.B. 7
8727, 1997–34 I.R.B. 5
8728, 1997–37 I.R.B. 4
8729, 1997–38 I.R.B. 4
8730, 1997–38 I.R.B. 16

¹ A cumulative list of all revenue rulings, revenue procedures, Treasury decisions, etc., published in Internal Revenue Bulletins 1997–1 through 1997–26 will be found in Internal Revenue Bulletin 1997–27, dated July 7, 1997.

Finding List of Current Action on Previously Published Items¹

Bulletins 1997-27 through 1997-41

*Denotes entry since last publication

Revenue Procedures:

96-36

Superseded by
97-34, 1997-30 I.R.B. 14

96-42

Superseded by
97-27, 1997-27 I.R.B. 9

97-32

Modified and amplified by
97-32A, 1997-34 I.R.B. 10

Revenue Rulings:

89-42

Supplemented by
97-31, 1997-32 I.R.B. 4

93-76

Clarified, modified, partially
obsoleted, and superceded by
97-39, 1997-39 I.R.B. 4

94-7

Clarified, modified, partially
obsoleted, and superceded by
97-39, 1997-39 I.R.B. 4

¹ A cumulative finding list for previously published items mentioned in Internal Revenue Bulletins 1997-1 through 1997-26 will be found in Internal Revenue Bulletin 1997-27, dated July 7, 1997.

Superintendent of Documents Publications and Subscriptions Order Form

New Deposit Account?

Order processing code: ***3119**

Check here

NOTE: All prices include regular domestic postage and handling. Subscription prices are subject to change at any time. International customers, please add 25%. To fax your orders (202) 512-2250.

Publications

Qty.	Stock Number	Title	Price Each	Total Price
	021-066-00909-2	Subject Bibliography listing Cum. Bulletins prior to 1988 SB-066	FREE	FREE
	048-004-02277-0	Cum. Bulletin 1988-1 (Jan-June)	\$42	
	048-004-02279-6	Cum. Bulletin 1988-2 (July-Dec)	\$41	
	048-004-02291-5	Cum. Bulletin 1988-3	\$40	
	048-004-02286-9	Cum. Bulletin 1989-1 (Jan-June)	\$44	
	048-004-02292-3	Cum. Bulletin 1989-2 (July-Dec)	\$40	
	048-004-02295-8	Cum. Bulletin 1990-1 (Jan-June)	\$38	
	048-004-02300-8	Cum. Bulletin 1990-2 (July-Dec)	\$41	
	048-004-02305-9	Cum. Bulletin 1991-1 (Jan-June)	\$44	
	048-004-02309-1	Cum. Bulletin 1991-2 (July-Dec)	\$45	
	048-004-02310-5	Cum. Bulletin 1992-1 (Jan-June)	\$51	
	048-004-02317-2	Cum. Bulletin 1992-2 (July-Dec)	\$47	
Total for Publications				

FUTURE EDITIONS of Internal Revenue Cumulative Bulletins are available through "STANDING ORDER SERVICE." Get these future editions—automatically—without having to initiate a purchase order.

AUTHORIZATION FOR STANDING ORDER SERVICE

I hereby authorize the Superintendent of Documents to charge my:

VISA, MasterCard, or Superintendent of Documents Deposit Account for the Standing Order item below selected and shipped to me.

Authorizing signature (Standing Orders not valid unless signed.)

Please print or type your name.

Office Phone Number ()

Qty.	Standing Order	Title
	ZIRSC	Internal Revenue Cumulative Bulletins

GPO DEPOSIT ACCOUNT

A Deposit Account will enable you to use Standing Order Service to receive subsequent volumes quickly and automatically. For an initial deposit of \$50 you can establish your GPO Deposit Account.

YES! Open a Deposit Account for me so I can order future publications quickly and easily. I'm enclosing the \$50.00 initial deposit.

Standing Order Service

Just sign the authorization above to charge selected items to your existing Deposit Account, VISA, or MasterCard account. Or open a Deposit Account with an initial deposit of \$50 or more. Your account will be charged only as each volume is issued and mailed. Sufficient money must be kept in your account to insure that items are shipped.

Subscriptions

Qty.	List ID	Title	Price Each	Total Price
	N-914	Priority Announcements for Accountants	FREE	FREE
	IRB	Internal Revenue Bulletin	\$123	
		Optional—Add \$50 to open new Deposit Account and please check box in upper right corner		
Total Cost of Order				

FREE Priority Announcement Service

You can find out about new publications for tax practitioners and accountants—as they are released—through our FREE Priority Announcement Service. See above.

For privacy protection, check the box below:

Do not make my name available to other mailers

Check method of payment:

Check payable to Superintendent of Documents

GPO Deposit Account -

VISA or MasterCard Account

(Credit card expiration date)

Thank you for your order!

(Authorizing Signature)

4/93

Purchase Order No.

(If purchase order included.)

Please type or print

(Company or Personal Name)

(Additional address/attention line)

(Street address)

(City, State, ZIP Code)

(Daytime phone including area code)

Mail To: Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

Standing Orders remain in effect until canceled in writing (telephone cancellations are accepted but must be followed up with a written cancellation within 10 days) or canceled by the Superintendent of Documents.

Service begins with the next issue released of each item selected. An acknowledgment card is sent for each Standing Order item selected.

INTERNAL REVENUE BULLETIN

The Introduction on page 3 describes the purpose and content of this publication. The weekly Internal Revenue Bulletin is sold on a yearly subscription basis by the Superintendent of Documents. Current subscribers are notified by the Superintendent of Documents when their subscriptions must be renewed.

CUMULATIVE BULLETINS

The contents of this weekly Bulletin are consolidated semiannually into a permanent, indexed, Cumulative Bulletin. These are sold on a single copy basis and *are not* included as part of the subscription to the Internal Revenue Bulletin. Subscribers to the weekly Bulletin are notified when copies of the Cumulative Bulletin are available. Certain issues of Cumulative Bulletins are out of print and are not available. Persons desiring available Cumulative Bulletins, which are listed on the reverse, may purchase them from the Superintendent of Documents.

HOW TO ORDER

Check the publications and/or subscription(s) desired on the reverse, complete the order blank, enclose the proper remittance, detach entire page, and mail to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Please allow two to six weeks, plus mailing time, for delivery.

WE WELCOME COMMENTS ABOUT THE INTERNAL REVENUE BULLETIN

If you have comments concerning the format or production of the Internal Revenue Bulletin or suggestions for improving it, we would be pleased to hear from you. You can e-mail us your suggestions or comments through the IRS Internet Home Page (www.irs.ustreas.gov) or write to the IRS Bulletin Unit, T:FP:F:CD, Room 5560, 1111 Constitution Avenue NW, Washington, DC 20224. You can also leave a recorded message 24 hours a day, 7 days a week at 1-800-829-9043.

Superintendent of Documents
U.S. Government Printing Office
Washington, DC 20402

First Class Mail Postage and Fees Paid GPO Permit No. G-26

Official Business
Penalty for Private Use, \$300

INTERNAL REVENUE BULLETIN

The Introduction on page 3 describes the purpose and content of this publication. The weekly Internal Revenue Bulletin is sold on a yearly subscription basis by the Superintendent of Documents. Current subscribers are notified by the Superintendent of Documents when their subscriptions must be renewed.

CUMULATIVE BULLETINS

The contents of this weekly Bulletin are consolidated semiannually into a permanent, indexed, Cumulative Bulletin. These are sold on a single copy basis and *are not* included as part of the subscription to the Internal Revenue Bulletin. Subscribers to the weekly Bulletin are notified when copies of the Cumulative Bulletin are available. Certain issues of Cumulative Bulletins are out of print and are not available. Persons desiring available Cumulative Bulletins, which are listed on the reverse, may purchase them from the Superintendent of Documents.

HOW TO ORDER

Check the publications and/or subscription(s) desired on the reverse, complete the order blank, enclose the proper remittance, detach entire page, and mail to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Please allow two to six weeks, plus mailing time, for delivery.

WE WELCOME COMMENTS ABOUT THE INTERNAL REVENUE BULLETIN

If you have comments concerning the format or production of the Internal Revenue Bulletin or suggestions for improving it, we would be pleased to hear from you. You can e-mail us your suggestions or comments through the IRS Internet Home Page (www.irs.ustreas.gov) or write to the IRS Bulletin Unit, T:FP:F:CD, Room 5560, 1111 Constitution Avenue NW, Washington, DC 20224. You can also leave a recorded message 24 hours a day, 7 days a week at 1-800-829-9043.

Internal Revenue Service
Washington, DC 20224

Official Business
Penalty for Private Use, \$300

First Class Mail Postage and Fees Paid IRS Permit No. G-48
